



General Assembly

February Session, 2006

Raised Bill No. 5

LCO No. 546

00546_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT RETAINING JURISDICTION OF ADOPTION MATTERS IN SUPERIOR COURT AFTER PARENTAL RIGHTS ARE TERMINATED.

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

1 Section 1. Section 45a-725 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 A minor child shall be considered free for adoption and the Court of
4 Probate, in any adoption matter, or the superior court with respect to
5 an adoption proceeding instituted pursuant to section 45a-727, as
6 amended by this act, if the superior court entered an order terminating
7 parental rights pursuant to a petition filed under section 17a-112, may
8 grant an application for the appointment of a statutory parent if any of
9 the following have occurred: [(a)] (1) The child has no living parents;
10 [(b)] (2) all parental rights have been terminated under Connecticut
11 law; [(c) (1)] (3) (A) in the case of any child from outside the United
12 States, its territories or the Commonwealth of Puerto Rico placed for
13 adoption by the Commissioner of Children and Families or by any
14 child-placing agency, the petitioner has filed an affidavit that the child
15 has no living parents or that the child is free for adoption and that the
16 rights of all parties in connection with the child have been properly

17 terminated under the laws of the jurisdiction in which the child was
18 domiciled before being removed to the state of Connecticut; or [(2)] (B)
19 in the case of any child from any of the United States, its territories or
20 the Commonwealth of Puerto Rico placed by the Commissioner of
21 Children and Families or a child-placing agency, the petitioner has
22 filed an affidavit that the child has no living parents or has filed in
23 court a certified copy of the court decree in which the rights of all
24 parties in connection with the child have been terminated under the
25 laws of the jurisdiction in which the child was domiciled before being
26 removed to the state of Connecticut, and the child-placing agency
27 obtained guardianship or other court authority to place the child for
28 adoption. If no such affidavit or certified decree has been filed, then
29 termination of parental rights proceedings shall be required.

30 Sec. 2. Section 45a-727 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective July 1, 2006*):

32 (a) (1) Each adoption matter shall be instituted by filing an
33 application in a Court of Probate, together with the written agreement
34 of adoption, in duplicate, except that an adoption matter may be
35 instituted by filing an application, together with the written agreement
36 of adoption, in duplicate, in the superior court that entered the order to
37 terminate parental rights with respect to the child pursuant to section
38 17a-112. One of the duplicates shall be sent immediately to the
39 Commissioner of Children and Families.

40 (2) The application shall incorporate a declaration that to the best of
41 the knowledge and belief of the declarant there is no other proceeding
42 pending or contemplated in any other court affecting the custody of
43 the child to be adopted, or if there is such a proceeding, a statement in
44 detail of the nature of the proceeding and affirming that the proposed
45 adoption would not conflict with or interfere with the other
46 proceeding. The court shall not proceed on any application which does
47 not contain such a declaration. The application shall be signed by one
48 or more of the parties to the agreement, who may waive notice of any

49 hearing on it. For the purposes of this declaration, visitation rights
50 granted by any court shall not be considered as affecting the custody of
51 the child.

52 (3) An application for the adoption of a minor child not related to
53 the adopting parents shall not be accepted by the [Court of Probate]
54 court unless (A) the child sought to be adopted has been placed for
55 adoption by the Commissioner of Children and Families or a
56 child-placing agency, and the placement for adoption has been
57 approved by the commissioner or a child-placing agency; (B) the
58 placement requirements of this section have been waived by the
59 Adoption Review Board as provided in section 45a-764; (C) the
60 application is for adoption of a minor child by a stepparent as
61 provided in section 45a-733, as amended by this act; or (D) the
62 application is for adoption of a child by another person who shares
63 parental responsibility for the child with the parent as provided in
64 subdivision (3) of subsection (a) of section 45a-724, as amended by this
65 act. The commissioner or a child-placing agency may place a child in
66 adoption who has been identified or located by a prospective parent,
67 provided any such placement shall be made in accordance with
68 regulations [promulgated] adopted by the commissioner pursuant to
69 section 45a-728. If any such placement is not made in accordance with
70 such regulations, the adoption application shall not be approved by
71 the [Court of Probate] court.

72 (4) The application and the agreement of adoption shall be filed in
73 the (A) Court of Probate for the district where the adopting parent
74 resides or in the district where the main office or any local office of the
75 statutory parent is located, or (B) superior court that terminated
76 parental rights, if applicable, provided the applicant may file such
77 application pursuant to subparagraph (A) of this subdivision at the
78 discretion of the applicant.

79 (5) The provisions of section 17a-152, regarding placement of a child
80 from another state, and section 17a-175, regarding the interstate

81 compact on the placement of children, shall apply to adoption
82 placements.

83 (b) (1) The [Court of Probate] court shall request the commissioner
84 or a child-placing agency to make an investigation and written report
85 to it, in duplicate, [within] not later than sixty days [from] after the
86 receipt of such request. A duplicate of the report shall be sent
87 immediately to the Commissioner of Children and Families.

88 (2) The report shall be filed with the [Court of Probate] court within
89 the sixty-day period. The report shall indicate the physical and mental
90 status of the child and shall also contain such facts as may be relevant
91 to determine whether the proposed adoption will be in the best
92 interests of the child, including the physical, mental, genetic and
93 educational history of the child and the physical, mental, social and
94 financial condition of the parties to the agreement and the biological
95 parents of the child, if known, and whether the best interests of the
96 child would be served in accordance with the criteria set forth in
97 section 45a-727a. The report shall include a history of physical, sexual
98 or emotional abuse suffered by the child, if any. The report may set
99 forth conclusions as to whether or not the proposed adoption will be in
100 the best interests of the child.

101 (3) The physical, mental and genetic history of the child shall
102 include information about: (A) The child's health status at the time of
103 placement; (B) the child's birth, neonatal, and other medical,
104 psychological, psychiatric [,] and dental history information; (C) a
105 record of immunizations for the child; and (D) the available results of
106 medical, psychological, psychiatric and dental examinations of the
107 child. The report shall include information, to the extent known, about
108 past and existing relationships between the child and the child's
109 siblings, biological parents, extended family, and other persons who
110 have had physical possession of or legal access to the child. The
111 educational history of the child shall include, to the extent known,
112 information about the enrollment and performance of the child in

113 educational institutions, results of educational testing and
114 standardized tests for the child, and special educational needs, if any,
115 of the child.

116 (4) The adoptive parents are entitled to receive copies of the records
117 and other information relating to the history of the child maintained by
118 the commissioner or child-placing agency. The adoptive parents are
119 entitled to receive copies of the records, provided if required by law,
120 the copies have been edited to protect the identity of the biological
121 parents and any other person whose identity is confidential and other
122 identifying information relating to the history of the child. It is the
123 duty of the person placing the child for adoption to edit, to the extent
124 required by law, the records and information to protect the identity of
125 the biological parents and any other person whose identity is
126 confidential.

127 (5) The report shall be admissible in evidence subject to the right of
128 any interested party to require that the person making it appear as a
129 witness, if available, and such person shall be subject to examination.

130 (6) For any report under this section the [Court of Probate] court
131 may assess against the adopting parent or parents a reasonable fee
132 covering the cost and expenses of making the investigation. The fee
133 shall be paid to the state or to the child-placing agency making the
134 investigation and report, provided the report shall be made within the
135 sixty-day period or other time set by the court. The fee shall be waived
136 for adoption proceedings involving special needs children in superior
137 court to the same extent as provided in section 45a-111. The judges of
138 the superior court may adopt any rules they deem necessary to
139 implement such waiver.

140 (c) (1) Upon the expiration of the sixty-day period or upon the
141 receipt of such report, whichever is first, the [Court of Probate] court
142 shall set a day for a hearing upon the agreement and shall give
143 reasonable notice of the hearing to the parties to the agreement, the
144 child-placing agency if such agency is involved in the adoption, the

145 Commissioner of Children and Families and the child, if over twelve
146 years of age.

147 (2) At the hearing the court may deny the application, enter a final
148 decree approving the adoption if it is satisfied that the adoption is in
149 the best interests of the child or order a further investigation and
150 written report to be filed, in duplicate, within whatever period of time
151 it directs. A duplicate of such report shall be sent to the commissioner.
152 The court may adjourn the hearing to a [day] date after that fixed for
153 filing the report. If such report has not been filed with the court within
154 the specified time, the court may thereupon deny the application or
155 enter a final decree in the manner provided in this section.

156 (3) The [Court of Probate] court shall not disapprove any adoption
157 under this section solely because of an adopting parent's marital status
158 or because of a difference in race, color or religion between a
159 prospective adopting parent and the child to be adopted or because the
160 adoption may be subsidized in accordance with [the provisions of]
161 section 17a-117, as amended by this act.

162 (4) The [Court of Probate] court shall ascertain as far as possible the
163 date and the place of birth of the child and shall incorporate such facts
164 in the final decree, a copy of which shall be sent to the Commissioner
165 of Children and Families.

166 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) The judges of the Superior
167 Court shall establish rules to (1) maintain the records of adoption
168 matters in the same manner as provided in section 45a-754 of the
169 general statutes for probate courts; (2) assess the same fees and waive
170 such fees for parties to adoption matters in superior court to the same
171 extent as is provided to parties in the probate court; and (3) provide
172 the same rights and duties to parties to adoption matters as are
173 provided in the probate court.

174 (b) The judges of the Superior Court may adopt any rules they deem
175 necessary concerning adoption matters instituted pursuant to section

176 45a-727 of the general statutes, as amended by this act, and the Office
177 of the Chief Court Administrator shall prescribe any forms required
178 regarding such matters.

179 (c) Any person who discloses information contained in superior
180 court records with respect to an adoption matter where such disclosure
181 would be punishable under subsection (e) of section 45a-754 of the
182 general statutes with respect to probate court records shall be subject
183 to the penalties set forth in said subsection (e) of section 45a-754.

184 Sec. 4. Section 7-53 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective July 1, 2006*):

186 (a) Upon receipt of the record of adoption referred to in subsection
187 (e) of section 45a-745, as amended by this act, or of other evidence
188 satisfactory to the department that a person born in this state has been
189 adopted, the department shall prepare a new birth certificate of such
190 adopted person, except that no new certificate of birth shall be
191 prepared if the court decreeing the adoption, the adoptive parents or
192 the adopted person, if over fourteen years of age, so requests. Such
193 new birth certificate shall include all the information required to be set
194 forth in a certificate of birth of this state as of the date of birth, except
195 that the adopting parents shall be named as the parents instead of the
196 genetic parents and, when a certified copy of the birth of such person
197 is requested by an authorized person, a copy of the new certificate of
198 birth as prepared by the department shall be provided.

199 (b) Any person seeking to examine or obtain a copy of the original
200 record or certificate of birth shall first obtain a written order signed by
201 the judge of the superior court or the probate court for the district in
202 which the adopted person was adopted or born in accordance with
203 section 45a-753, as amended by this act, or a written order of the
204 Probate Court in accordance with the provisions of section 45a-752,
205 stating that the court is of the opinion that the examination of the birth
206 record of the adopted person by the adopting parents or the adopted
207 person, if over eighteen years of age, or by the person wishing to

208 examine the same or that the issuance of a copy of such birth certificate
209 to the adopting parents or the adopted person, if over eighteen years of
210 age, or to the person applying therefor will not be detrimental to the
211 public interest or to the welfare of the adopted person or to the welfare
212 of the genetic or adoptive parent or parents.

213 (c) Upon receipt of such court order, the registrar of vital statistics of
214 any town in which the birth of such person was recorded, or the
215 department, may issue the certified copy of the original certificate of
216 birth on file, marked with a notation by the issuer that such original
217 certificate of birth has been superseded by a replacement certificate of
218 birth as on file, or may permit the examination of such record.

219 (d) Immediately after a new certificate of birth has been prepared,
220 an exact copy of such certificate, together with a written notice of the
221 evidence of adoption, shall be transmitted by the department to the
222 registrar of vital statistics of each town in this state in which the birth
223 of the adopted person is recorded. The new birth certificate, the
224 original certificate of birth on file and the evidence of adoption shall be
225 filed and indexed, under such regulations as the commissioner adopts,
226 in accordance with chapter 54, to carry out the provisions of this
227 section and to prevent access to the records of birth and adoption and
228 the information therein contained without due cause, except as
229 provided in this section.

230 (e) Any person, except such parents or adopted person, who
231 discloses any information contained in such records, except as
232 provided in this section, shall be fined not more than five hundred
233 dollars or imprisoned not more than six months, or both.

234 (f) Whenever a certified copy of an adoption decree from a court of
235 a foreign country, having jurisdiction of the adopted person, is filed
236 with the department under the provisions of this section, such decree,
237 when written in a language other than English, shall be accompanied
238 by an English translation, which shall be subscribed and sworn to as a
239 true translation by an American consulate officer stationed in such

240 foreign country.

241 Sec. 5. Section 7-54 of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective July 1, 2006*):

243 The department shall prepare a certification of birth registration or a
244 certificate of foreign birth for any person born outside of the country
245 and adopted by residents of this state, provided an authenticated and
246 exemplified copy of the order of adoption of the court of the district in
247 which the adoption proceedings were had or such other evidence as is
248 considered satisfactory by the probate court of the district in which
249 such person resides shall be filed with such probate court, and such
250 probate court notifies the department that such copy or satisfactory
251 evidence has been so filed. Such certification of birth registration shall
252 contain only the adopted name, sex, date of birth, place of birth and
253 date of preparation of such certification of birth registration by the
254 department. Such certificate of foreign birth shall contain the adopted
255 name, sex, date of birth, place of birth, legal name of adoptive parent
256 or parents and date of preparation of such certificate of foreign birth.
257 No certification of birth registration or certificate of foreign birth shall
258 be prepared by the department unless upon specific written request of
259 the person to whom the certification of birth registration relates, if over
260 sixteen years of age, or of the adopting parents or the superior court or
261 the court of probate of the district in which the adoption proceedings
262 were had. When the department has prepared such certificate of birth
263 registration or certificate of foreign birth, copies thereof shall be issued
264 by the department in accordance with the provisions of subsection (a)
265 of section 7-52.

266 Sec. 6. Section 17a-117 of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective July 1, 2006*):

268 (a) The Department of Children and Families may, and is
269 encouraged to contract with child-placing agencies to arrange for the
270 adoption of children who are free for adoption. If (1) a child for whom
271 adoption is indicated, cannot, after all reasonable efforts consistent

272 with the best interests of the child, be placed in adoption through
273 existing sources because the child is a special needs child, and (2) the
274 adopting family meets the standards for adoption which any other
275 adopting family meets, the Commissioner of Children and Families
276 shall, before adoption of such child by such family, certify such child
277 as a special needs child and, after adoption, provide one or more of the
278 following subsidies for the adopting parents: (A) A special-need
279 subsidy, which is a lump sum payment paid directly to the person
280 providing the required service, to pay for an anticipated expense
281 resulting from the adoption when no other resource is available for
282 such payment; or (B) a periodic subsidy which is a payment to the
283 adopting family; and (C) in addition to the subsidies granted under
284 this subsection, any medical benefits which are being provided prior to
285 final approval of the adoption by the Court of Probate or superior
286 court in accordance with the fee schedule and payment procedures
287 under the state Medicaid program administered by the Department of
288 Social Services shall continue as long as the child qualifies as a
289 dependent of the adoptive parent under the provisions of the Internal
290 Revenue Code. Such medical subsidy may continue only until the
291 child reaches age twenty-one. A special-need subsidy may only be
292 granted until the child reaches age eighteen. A periodic subsidy may
293 continue only until the child reaches age eighteen and is subject to
294 biennial review as provided for in section 17a-118. The amount of a
295 periodic subsidy shall not exceed the current costs of foster
296 maintenance care.

297 (b) Requests for subsidies after a final approval of the adoption by
298 the Court of Probate or superior court may be considered at the
299 discretion of the commissioner for conditions resulting from or directly
300 related to the totality of circumstances surrounding the child prior to
301 placement in adoption. A written certification of the need for a subsidy
302 shall be made by the Commissioner of Children and Families in each
303 case and the type, amount and duration of the subsidy shall be
304 mutually agreed to by the commissioner and the adopting parents
305 prior to the entry of such decree. Any subsidy decision by the

306 Commissioner of Children and Families may be appealed by a licensed
307 child-placing agency or the adopting parent or parents to the Adoption
308 Subsidy Review Board established under subsection (c) of this section.
309 The commissioner shall adopt regulations, [establishing] in accordance
310 with chapter 54, to establish the procedures for determining the
311 amount and the need for a subsidy.

312 (c) There is established an Adoption Subsidy Review Board to hear
313 appeals under this section, section 17a-118 and section 17a-120. The
314 board shall consist of the Commissioner of Children and Families, or
315 the commissioner's designee, and a licensed representative of a
316 child-placing agency and an adoptive parent appointed by the
317 Governor. The Governor shall appoint an alternate licensed
318 representative of a child-placing agency and an alternate adoptive
319 parent. Such alternative members shall, when seated, have all the
320 powers and duties set forth in this section and sections 17a-118 and
321 17a-120. Whenever an alternate member serves in place of a member of
322 the board, such alternate member shall represent the same interest as
323 the member in whose place such alternative member serves. All
324 decisions of the board shall be based on the best interest of the child.
325 Appeals under this section shall be in accordance with the provisions
326 of chapter 54.

327 Sec. 7. Section 17a-148 of the general statutes is repealed and the
328 following is substituted in lieu thereof (*Effective July 1, 2006*):

329 The provisions of section 17a-145, as amended, shall not apply to
330 any person who is caring for a child without compensation and who
331 has executed a written agreement for the adoption of such child which
332 agreement has been filed with the Probate Court or superior court with
333 the application for adoption as provided in section 45a-727, as
334 amended by this act.

335 Sec. 8. Subsection (i) of section 45a-715 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective July*
337 *1, 2006*):

338 (i) If the Court of Probate, or the superior court that entered the
339 adoption decree, as the case may be, determines that the child's best
340 interests will be served by postadoption communication or contact
341 with either or both birth parents, the court shall so order, stating the
342 nature and frequency of the communication or contact. A court may
343 grant postadoption communication or contact privileges if: (1) Each
344 intended adoptive parent consents to the granting of communication
345 or contact privileges; (2) the intended adoptive parent and either or
346 both birth parents execute a cooperative agreement and file the
347 agreement with the court; (3) consent to postadoption communication
348 or contact is obtained from the child, if the child is at least twelve years
349 of age; and (4) the cooperative postadoption agreement is approved by
350 the court.

351 Sec. 9. Section 45a-724 of the general statutes is repealed and the
352 following is substituted in lieu thereof (*Effective July 1, 2006*):

353 (a) The following persons may give a child in adoption:

354 (1) A statutory parent appointed under the provisions of section
355 17a-112, section 45a-717 or section 45a-718 may, by written agreement,
356 subject to the approval of the Court of Probate or Superior Court as
357 provided in section 45a-727, as amended by this act, give in adoption
358 to any adult person any minor child of whom he or she is the statutory
359 parent, [; provided, if the child] except that the court shall not approve
360 such agreement in the case of any child who has attained the age of
361 twelve [, the child shall] without the child's consent. [to the
362 agreement.]

363 (2) Subject to the approval of the Court of Probate or superior court
364 as provided in section 45a-727, as amended by this act, any parent of a
365 minor child may agree in writing with his or her spouse that the
366 spouse shall adopt or join in the adoption of the child, [;] if that parent
367 is (A) the surviving parent if the other parent has died; (B) the mother
368 of a child born out of wedlock, provided that if there is a putative
369 father who has been notified under the provisions of section 45a-716,

370 the rights of the putative father have been terminated; (C) a former
371 single person who adopted a child and thereafter married; or (D) the
372 sole guardian of the person of the child, if the parental rights, if any, of
373 any person other than the parties to such agreement have been
374 terminated.

375 (3) Subject to the approval of the Court of Probate or Superior Court
376 as provided in section 45a-727, as amended by this act, any parent of a
377 minor child may agree in writing with one other person who shares
378 parental responsibility for the child with such parent that the other
379 person shall adopt or join in the adoption of the child [,] if the parental
380 rights, if any, of any other person other than the parties to such
381 agreement have been terminated.

382 (4) Subject to the approval of the Court of Probate or superior court
383 as provided in section 45a-727, as amended by this act, the guardian or
384 guardians of the person of any minor child who is free for adoption in
385 accordance with section 45a-725, as amended by this act, may agree in
386 writing with a relative that the relative shall adopt the child. For the
387 purposes of this subsection "relative" shall include, but not be limited
388 to, a person who has been adjudged by a court of competent
389 jurisdiction to be the father of a child born out of wedlock, or who has
390 acknowledged his paternity under the provisions of section 46b-172a,
391 with further relationship to the child determined through the father.

392 (b) If all parties consent to the adoption under subdivision (2), (3) or
393 (4) of subsection (a) of this section, then the application to be filed with
394 the probate court under section 45a-727, as amended by this act, shall
395 be combined with the consent to termination of parental rights to be
396 filed under section 45a-717. An application made under subdivision
397 (2), (3) or (4) of subsection (a) of this section shall not be granted in the
398 case of any child who has attained the age of twelve without the child's
399 consent.

400 Sec. 10. Section 45a-732 of the general statutes is repealed and the
401 following is substituted in lieu thereof (*Effective July 1, 2006*):

402 A married person shall not adopt a child unless both husband and
403 wife join in the adoption agreement, except that the Court of Probate,
404 or the superior court pursuant to section 45a-727, as amended by this
405 act, may approve an adoption agreement by either of them upon
406 finding that there is sufficient reason why the other should not join in
407 the agreement.

408 Sec. 11. Section 45a-733 of the general statutes is repealed and the
409 following is substituted in lieu thereof (*Effective July 1, 2006*):

410 (a) Notwithstanding the provisions of section 45a-727, as amended
411 by this act, in the case of a child sought to be adopted by a stepparent,
412 the Court of Probate or the superior court, as the case may be, may
413 waive all requirements of notice to the Commissioner of Children and
414 Families and shall waive, unless good cause is shown for an
415 investigation and report, all requirements for investigation and report
416 by the Commissioner of Children and Families or by a child-placing
417 agency. Upon receipt of the application and agreement, the Court of
418 Probate or superior court may set a day for a hearing upon the
419 agreement and shall give reasonable notice of the hearing to the parties
420 to the agreement and to the child, if over twelve years of age.

421 (b) At the hearing the court may deny the application, enter a final
422 decree approving the adoption if it is satisfied that the adoption is in
423 the best interests of the child, or, for good cause shown, order an
424 investigation by the Commissioner of Children and Families or a child-
425 placing agency.

426 Sec. 12. Section 45a-736 of the general statutes is repealed and the
427 following is substituted in lieu thereof (*Effective July 1, 2006*):

428 Any court of probate, or any superior court with jurisdiction over an
429 adoption matter pursuant to this chapter, as part of its approval of any
430 agreement of adoption or declaration of an intention to adopt, may
431 change the name of the person adopted, as requested by the adopting
432 parent or parents.

433 Sec. 13. Section 45a-737 of the general statutes is repealed and the
434 following is substituted in lieu thereof (*Effective July 1, 2006*):

435 Upon the request of an adopting parent of a child adopted under
436 the provisions of section 45a-727, as amended by this act, any public or
437 quasi-public institution, including, but not limited to, schools and
438 hospitals, shall obliterate the original family name of an adopted child
439 and substitute the new name of the child on its records, [;] except that
440 the person in charge of the records may apply to the court of probate
441 or superior court having jurisdiction over the adoption and show
442 cause why the name shall not be substituted. The court may grant or
443 deny the order for the substitution of names as it deems to be in the
444 best interests of the child.

445 Sec. 14. Section 45a-745 of the general statutes is repealed and the
446 following is substituted in lieu thereof (*Effective July 1, 2006*):

447 (a) For each final decree of adoption decreed by a court of probate
448 or a superior court, the clerk of the court of probate or superior court,
449 as the case may be, shall prepare a record on a form prescribed by the
450 Department of Public Health. The record shall include all facts
451 necessary to locate and identify the original birth certificate of the
452 adopted person and to establish the new birth certificate of the
453 adopted person, and shall include official notice from the court of the
454 adoption, including identification of the court action and proceedings.

455 (b) Each petitioner for adoption, the attorney for the petitioner and
456 each social or welfare agency or other person concerned with the
457 adoption shall supply the clerk of the court of probate or of the
458 superior court, as the case may be, with information which is necessary
459 to complete the adoption record. The supplying of the information
460 shall be a prerequisite to the issuance of a final adoption decree by the
461 court.

462 (c) Not later than the fifteenth day of each calendar month, the clerk
463 of the Court of Probate or of the superior court, as the case may be,

464 shall forward to the Department of Public Health the record provided
465 for in subsection (a) of this section for all final adoption decrees issued
466 during the preceding month.

467 (d) When the Department of Public Health receives a record of
468 adoption for a person born outside the state, the record shall be
469 forwarded to the proper registration authority of the place of birth.

470 (e) The Department of Public Health, upon receipt of a record of
471 adoption for a person born in this state, shall establish a new certificate
472 of birth in the manner prescribed in section 7-53, as amended by this
473 act, except that no new certificate of birth shall be established if the
474 court decreeing the adoption, the adoptive parents or the adopted
475 person, if over fourteen years of age, so requests.

476 Sec. 15. Section 45a-748 of the general statutes is repealed and the
477 following is substituted in lieu thereof (*Effective July 1, 2006*):

478 Each child-placing agency or the department shall be required to
479 make a reasonable effort to obtain the information provided for in
480 section 45a-746 for each child being placed for adoption or for whom
481 there is a probability of adoption, but the lack of such information shall
482 not be a bar to the granting of a decree of adoption, provided the child-
483 placing agency or department has made a reasonable effort to obtain
484 the information. If the judge of probate or of the superior court decides
485 that a reasonable effort has not been made to obtain the information or
486 that the information is being unreasonably withheld, the judge may
487 order the child-placing agency or department to make a reasonable
488 effort to obtain the information or to release the information. Any
489 child-placing agency or department aggrieved by the order of (1) the
490 probate court may appeal to the Superior Court, or (2) the Superior
491 Court may appeal to the Appellate Court.

492 Sec. 16. Section 45a-753 of the general statutes is repealed and the
493 following is substituted in lieu thereof (*Effective July 1, 2006*):

494 (a) If a request is received pursuant to section 45a-751, the child-
495 placing agency or department which has agreed to attempt to locate
496 the person or persons whose identity is being requested or the child-
497 placing agency or department which furnished a report ordered by the
498 court following a petition made under subsection (f) of this section
499 shall not be required to expend more than ten hours time within sixty
500 days of receipt of the request unless the child-placing agency or
501 department notifies the authorized applicant of a delay and states the
502 reason for the delay. The child-placing agency or department may
503 charge the applicant reasonable compensation and be reimbursed for
504 expenses in locating any person whose identity is being requested. The
505 obtaining of such consent shall be accomplished in a manner which
506 will protect the confidentiality of the communication and shall be done
507 without disclosing the identity of the applicant. For the purposes of
508 this section any records at the Court of Probate or the Superior Court
509 shall be available to an authorized representative of the child-placing
510 agency or department to which the request has been made.

511 (b) If the child-placing agency or department is out-of-state and
512 unwilling to expend time for such purpose, the [court of probate]
513 Court of Probate or the Superior Court which finalized the adoption or
514 terminated parental rights [or the superior court which terminated
515 parental rights] shall upon petition appoint a licensed or approved
516 child-placing agency or the department to complete the requirements
517 of this section.

518 (c) If the relative whose identity is requested cannot be located or
519 appears to be incompetent but has not been legally so declared, the
520 Court of Probate or the Superior Court shall appoint a guardian ad
521 litem under the provisions of section 45a-132, at the expense of the
522 person making the request. The guardian ad litem shall decide
523 whether to give consent on behalf of the relative whose identity is
524 being requested.

525 (d) If the relative whose identity has been requested has been

526 declared legally incapable or incompetent by a court of competent
527 jurisdiction, then the legal representative of such person may consent
528 to the release of such information.

529 (e) Such guardian ad litem or legal representative shall give such
530 consent unless after investigation [he] the guardian ad litem or legal
531 representative concludes that it would not be in the best interest of the
532 adult person to be identified for such consent to be given. If release of
533 the information requires the consent of such guardian ad litem or legal
534 representative, or if the person whose identity is sought is deceased,
535 only the following information may be released: (1) All names by
536 which the person whose identity is being sought has been known, and
537 all known addresses; (2) the date and place of such person's birth; (3)
538 all places where such person was employed; (4) such person's Social
539 Security number; (5) the names of educational institutions such person
540 attended; and (6) any other information that may assist in the search of
541 a person who cannot be located.

542 (f) (1) If (A) the person whose identity is being sought cannot be
543 located or is incompetent or (B) the child-placing agency or
544 department has not located the person within sixty days, the
545 authorized applicant may petition for access to the information to the
546 [court of probate] Court of Probate or the [superior court] Superior
547 Court which terminated the parental rights or [to the court of probate]
548 which approved the adoption.

549 (2) [Within] Not later than fifteen days [of] after receipt of the
550 petition, the court shall order the child-placing agency or department
551 which has access to such information to present a report. The report by
552 the child-placing agency or department shall be completed [within]
553 not later than sixty days after receipt of the order from the court.

554 (3) If the child-placing agency or department is out-of-state and
555 unwilling to provide the report, the court shall refer the matter to a
556 child-placing agency in this state or to the department for a report.

557 (4) The report shall determine through an interview with the adult
558 adopted or adult adoptable person and through such other means as
559 may be necessary whether (A) release of the information would be
560 seriously disruptive to or endanger the physical or emotional health of
561 the authorized applicant, and (B) release of the information would be
562 seriously disruptive to or endanger the physical or emotional health of
563 the person whose identity is being requested.

564 (5) Upon receipt of the report, or upon expiration of sixty days,
565 whichever is sooner, the court shall set a time and place for hearing not
566 later than fifteen days after receipt of the report or expiration of such
567 sixty days, whichever is sooner. The court shall immediately give
568 notice of the hearing to the authorized applicant and to the child-
569 placing agency or the department.

570 (6) At the hearing, the authorized applicant may give such evidence
571 to support the petition as the authorized applicant deems appropriate.

572 (7) [Within] Not later than fifteen days after the conclusion of the
573 hearing, the court shall issue a decree as to whether the information
574 requested shall be given to the authorized applicant.

575 (8) The requested information shall be provided to the authorized
576 applicant unless the court determines that: (A) Consent has not been
577 granted by a guardian ad litem appointed by the court to represent the
578 person whose identity has been requested; (B) release of the
579 information would be seriously disruptive to or endanger the physical
580 or emotional health of the authorized applicant; or (C) release of the
581 information would be seriously disruptive to or endanger the physical
582 or emotional health of the person whose identity is being requested.

583 (9) If the court denies the petition and determines that it would be in
584 the best interests of the person whose identity is being requested to be
585 notified that the authorized applicant has petitioned the court for
586 identifying information, the court shall request the child-placing
587 agency or department to so notify the person whose identity is being

588 requested. The notification shall be accomplished in a manner which
589 will protect the confidentiality of the communication and shall be done
590 without disclosing the identity of the authorized applicant. If the
591 person whose identity is being requested is so notified, the authorized
592 applicant who petitioned the court shall be informed that this
593 notification was given.

594 Sec. 17. Section 46b-1 of the general statutes is repealed and the
595 following is substituted in lieu thereof (*Effective July 1, 2006*):

596 Matters within the jurisdiction of the Superior Court deemed to be
597 family relations matters shall be matters affecting or involving: (1)
598 Dissolution of marriage, contested and uncontested, except dissolution
599 upon conviction of crime as provided in section 46b-47; (2) legal
600 separation; (3) annulment of marriage; (4) alimony, support, custody
601 and change of name incident to dissolution of marriage, legal
602 separation and annulment; (5) actions brought under section 46b-15, as
603 amended; (6) complaints for change of name; (7) civil support
604 obligations; (8) habeas corpus and other proceedings to determine the
605 custody and visitation of children; (9) habeas corpus brought by or on
606 behalf of any mentally ill person except a person charged with a
607 criminal offense; (10) appointment of a commission to inquire whether
608 a person is wrongfully confined as provided by section 17a-523; (11)
609 juvenile matters as provided in section 46b-121, as amended by this
610 act; (12) all rights and remedies provided for in chapter 815j; (13) the
611 establishing of paternity; (14) appeals from probate concerning: (A)
612 Adoption or termination of parental rights; (B) appointment and
613 removal of guardians; (C) custody of a minor child; (D) appointment
614 and removal of conservators; (E) orders for custody of any child; and
615 (F) orders of commitment of persons to public and private institutions
616 and to other appropriate facilities as provided by statute; (15) actions
617 related to prenuptial and separation agreements and to matrimonial
618 decrees of a foreign jurisdiction; (16) custody proceeding brought
619 under the provisions of chapter 815p; (17) adoption proceeding,
620 provided the superior court entered the order to terminate parental

621 rights with respect to the child pursuant to section 17a-112; and [(17)]
622 (18) all such other matters within the jurisdiction of the Superior Court
623 concerning children or family relations as may be determined by the
624 judges of said court.

625 Sec. 18. Subsection (a) of section 46b-121 of the general statutes is
626 repealed and the following is substituted in lieu thereof (*Effective July*
627 *1, 2006*):

628 (a) Juvenile matters in the civil session include all proceedings
629 concerning uncared-for, neglected or dependent children and youth
630 within this state, termination of parental rights of children committed
631 to a state agency and subsequent adoption proceedings pursuant to
632 section 45a-727, as amended by this act, matters concerning families
633 with service needs, contested matters involving termination of
634 parental rights or removal of guardian transferred from the Probate
635 Court, the emancipation of minors and youth in crisis, but does not
636 include matters of guardianship and adoption or matters affecting
637 property rights of any child, youth or youth in crisis over which the
638 Probate Court has jurisdiction, provided appeals from probate
639 concerning adoption, termination of parental rights and removal of a
640 parent as guardian shall be included. Juvenile matters in the criminal
641 session include all proceedings concerning delinquent children in the
642 state and persons sixteen years of age and older who are under the
643 supervision of a juvenile probation officer while on probation or a
644 suspended commitment to the Department of Children and Families,
645 for purposes of enforcing any court orders entered as part of such
646 probation or suspended commitment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	45a-725
Sec. 2	<i>July 1, 2006</i>	45a-727
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	7-53

Sec. 5	<i>July 1, 2006</i>	7-54
Sec. 6	<i>July 1, 2006</i>	17a-117
Sec. 7	<i>July 1, 2006</i>	17a-148
Sec. 8	<i>July 1, 2006</i>	45a-715(i)
Sec. 9	<i>July 1, 2006</i>	45a-724
Sec. 10	<i>July 1, 2006</i>	45a-732
Sec. 11	<i>July 1, 2006</i>	45a-733
Sec. 12	<i>July 1, 2006</i>	45a-736
Sec. 13	<i>July 1, 2006</i>	45a-737
Sec. 14	<i>July 1, 2006</i>	45a-745
Sec. 15	<i>July 1, 2006</i>	45a-748
Sec. 16	<i>July 1, 2006</i>	45a-753
Sec. 17	<i>July 1, 2006</i>	46b-1
Sec. 18	<i>July 1, 2006</i>	46b-121(a)

Statement of Purpose:

To provide the superior court with jurisdiction to enter an adoption order with respect to any child for whom the court entered an order to terminate parental rights.

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