



General Assembly

February Session, 2006

***Raised Bill No. 159***

LCO No. 1130

\*01130\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING PERMANENCY PLANS FOR CHILDREN.***

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

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 Section 17a-91 of the general statutes is repealed and the  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

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

13 Sec. 2. Section 17a-110 of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective October 1, 2006*):

15 (a) As used in this section, "child" means a person under the age of

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

35 [(b) At a hearing held in accordance with subsection (k) of section  
36 46b-129 and section 17a-111b, the court shall determine the  
37 appropriateness of continuing efforts to reunify a child with the child's  
38 family. If the court finds that such efforts are not appropriate, the  
39 Department of Children and Families shall within sixty days of such  
40 finding either (1) file a petition for the termination of parental rights,  
41 (2) file a motion to revoke the commitment and vest the custody and  
42 guardianship of the child on a permanent or long-term basis in an  
43 appropriate individual or couple, or (3) file a written permanency plan  
44 with the court for permanent or long-term foster care, which plan shall  
45 include an explanation of the reason that neither termination of  
46 parental rights nor custody and guardianship is appropriate for the  
47 child. The court shall promptly convene a hearing for the purpose of  
48 reviewing such written plan. When the court finds that the efforts to  
49 reunify a child with the child's family are not appropriate, the

50 department shall use its best efforts to maintain such child in the initial  
51 out-of-home placement, provided the department determines that such  
52 placement is in the best interests of the child, until such time as a  
53 permanent home for the child is found or the child is placed for  
54 adoption. If the permanency plan calls for placing the child for  
55 adoption or in some other permanent home, good faith efforts shall be  
56 made to place the child for adoption or in some other alternative  
57 home.]

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

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

72 [(e)] (d) Whenever the Commissioner of Children and Families  
73 deems it necessary or advisable in order to carry out the purposes of  
74 this section, the commissioner may contract with any private  
75 child-placing agency, as defined in section 45a-707, for a term of not  
76 less than three years and not more than five years, to provide any one  
77 or more permanency placement services on behalf of the Department  
78 of Children and Families. Whenever any contract is entered into under  
79 this section [which] that requires private agencies to perform casework  
80 services, such as the preparation of applications and petitions for  
81 termination of parental rights, guardianship or other custodial matters,

82 or [which] that requires court appearances, the Attorney General shall  
83 provide legal services for the Commissioner of Children and Families  
84 notwithstanding that some of the services have been performed by  
85 caseworkers of private agencies, except that no such legal services shall  
86 be provided unless the Commissioner of Children and Families is a  
87 legal party to any court action [hereunder] under this section.

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

90 Sec. 3. Section 17a-111b of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2006*):

92 (a) The Commissioner of Children and Families shall make  
93 reasonable efforts to reunify a parent with a child unless the court (1)  
94 determines that such efforts are not required pursuant to subsection  
95 (b) of this section or subsection (j) of section 17a-112, as amended by  
96 this act, or (2) has approved a permanency plan other than  
97 reunification pursuant to subsection (k) of section 46b-129, as amended  
98 by this act.

99 [(a)] (b) The Commissioner of Children and Families or any other  
100 party may, at any time, [petition] file a motion with the court for a  
101 determination [on whether] that reasonable efforts to reunify the  
102 parent with the child are [appropriate] not required. The court shall  
103 hold an evidentiary hearing on the [petition within thirty days of]  
104 motion not later than thirty days after the filing of the [petition]  
105 motion or may consolidate the hearing with a trial on a petition to  
106 terminate parental rights pursuant to section 17a-112, as amended by  
107 this act. The court may determine that such efforts are not  
108 [appropriate] required if the court finds upon clear and convincing  
109 evidence that: (1) The parent has subjected the child to the following  
110 aggravated circumstances: (A) The child has been abandoned, as  
111 defined in subsection (j) of section 17a-112, as amended by this act; or  
112 (B) the parent has inflicted or knowingly permitted another person to  
113 inflict sexual molestation or exploitation or severe physical abuse on

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

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

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

158 Sec. 4. Subsection (j) of section 17a-112 of the general statutes is  
159 repealed and the following is substituted in lieu thereof (*Effective*  
160 *October 1, 2006*):

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

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

215 violation of section 53a-71 or 53a-73a, provided the court may  
216 terminate such parent's parental rights to such child at any time after  
217 such conviction.

218 Sec. 5. Subsection (o) of section 17a-112 of the general statutes is  
219 repealed and the following is substituted in lieu thereof (*Effective*  
220 *October 1, 2006*):

221 (o) In the case where termination of parental rights is granted, the  
222 guardian of the person or statutory parent shall report to the court  
223 [within] not later than thirty days [of] after the date judgment is  
224 entered on a case plan, as defined by the federal Adoption Assistance  
225 and Child Welfare Act of 1980, for the child which shall include  
226 measurable objectives and time schedules. At least every three months  
227 thereafter, such guardian or statutory parent shall make a report to the  
228 court on the progress made on implementation of the plan. The court  
229 may convene a hearing upon the filing of a report and shall convene [a  
230 hearing] and conduct a permanency hearing pursuant to subsection (k)  
231 of section 46b-129, as amended by this act, for the purpose of  
232 reviewing the permanency plan for the child no more than twelve  
233 months from the date judgment is entered or from the date of the last  
234 permanency hearing held pursuant to subsection (k) of section 46b-  
235 129, as amended by this act, whichever is earlier, and at least once a  
236 year thereafter [until the court determines that the adoption plan has  
237 become finalized] while the child remains in the custody of the  
238 Commissioner of Children and Families. For children where the  
239 commissioner has determined that adoption is appropriate, the report  
240 on the implementation of the plan shall include a description of the  
241 reasonable efforts the department is taking to promote and expedite  
242 the adoptive placement and to finalize the adoption of the child,  
243 including documentation of child specific recruitment efforts. At such  
244 hearing, the court shall determine whether the department has made  
245 reasonable efforts to achieve the permanency plan. If the court  
246 determines that the department has not made reasonable efforts to  
247 place a child in an adoptive placement or that reasonable efforts have

248 not resulted in the placement of the child, the court may order the  
249 Department of Children and Families, within available appropriations,  
250 to contract with a child-placing agency to arrange for the adoption of  
251 the child. The department, as statutory parent, shall continue to  
252 provide care and services for the child while a child-placing agency is  
253 arranging for the adoption of the child.

254 Sec. 6. Section 46b-129 of the general statutes is repealed and the  
255 following is substituted in lieu thereof (*Effective October 1, 2006*):

256 (a) Any selectman, town manager, or town, city [,] or borough  
257 welfare department, any probation officer, or the Commissioner of  
258 Social Services, the Commissioner of Children and Families or any  
259 child-caring institution or agency approved by the Commissioner of  
260 Children and Families, a child or such child's representative or  
261 attorney or a foster parent of a child, having information that a child or  
262 youth is neglected, uncared-for or dependent, may file with the  
263 Superior Court [which] that has venue over such matter a verified  
264 petition plainly stating such facts as bring the child or youth within the  
265 jurisdiction of the court as neglected, uncared-for [,] or dependent,  
266 within the meaning of section 46b-120, as amended, the name, date of  
267 birth, sex [,] and residence of the child or youth, the name and  
268 residence of such child's parents or guardian, and praying for  
269 appropriate action by the court in conformity with the provisions of  
270 this chapter. Upon the filing of such a petition, except as otherwise  
271 provided in subsection (k) of section 17a-112, the court shall cause a  
272 summons to be issued requiring the parent or parents or the guardian  
273 of the child or youth to appear in court at the time and place named,  
274 which summons shall be served not less than fourteen days before the  
275 date of the hearing in the manner prescribed by section 46b-128, and  
276 [said] the court shall further give notice to the petitioner and to the  
277 Commissioner of Children and Families of the time and place when  
278 the petition is to be heard not less than fourteen days prior to the  
279 hearing in question.

280 (b) If it appears from the specific allegations of the petition and  
281 other verified affirmations of fact accompanying the petition and  
282 application, or subsequent thereto, that there is reasonable cause to  
283 believe that (1) the child or youth is suffering from serious physical  
284 illness or serious physical injury or is in immediate physical danger  
285 from the child's or youth's surroundings, and (2) that as a result of said  
286 conditions, the child's or youth's safety is endangered and immediate  
287 removal from such surroundings is necessary to ensure the child's or  
288 youth's safety, the court shall either (A) issue an order to the parents or  
289 other person having responsibility for the care of the child or youth to  
290 appear at such time as the court may designate to determine whether  
291 the court should vest in some suitable agency or person the child's or  
292 youth's temporary care and custody pending disposition of the  
293 petition, or (B) issue an order ex parte vesting in some suitable agency  
294 or person the child's or youth's temporary care and custody. A  
295 preliminary hearing on any ex parte custody order or order to appear  
296 issued by the court shall be held [within] not later than ten days [from]  
297 after the issuance of such order. The service of such orders may be  
298 made by any officer authorized by law to serve process, or by any  
299 probation officer appointed in accordance with section 46b-123,  
300 investigator from the Department of Administrative Services, state or  
301 local police officer or indifferent person. Such orders shall include a  
302 conspicuous notice to the respondent written in clear and simple  
303 language containing at least the following information: (i) That the  
304 order contains allegations that conditions in the home have  
305 endangered the safety and welfare of the child or youth; (ii) that a  
306 hearing will be held on the date on the form; (iii) that the hearing is the  
307 opportunity to present the parents' position concerning the alleged  
308 facts; (iv) that an attorney will be appointed for parents who cannot  
309 afford an attorney; (v) that such parents may apply for a court-  
310 appointed attorney by going in person to the court address on the form  
311 and are advised to go as soon as possible in order for the attorney to  
312 prepare for the hearing; and (vi) if such parents have any questions  
313 concerning the case or appointment of counsel, any such parent is

314 advised to go to the court or call the clerk's office at the court as soon  
315 as possible. Upon application for appointed counsel, the court shall  
316 promptly determine eligibility and, if the respondent is eligible,  
317 promptly appoint counsel. The expense for any temporary care and  
318 custody shall be paid by the town in which such child or youth is at  
319 the time residing, and such town shall be reimbursed [therefor] for  
320 such expense by the town found liable for the child's or youth's  
321 support, except that where a state agency has filed a petition pursuant  
322 to the provisions of subsection (a) of this section, the agency shall pay  
323 such expense. The agency shall give primary consideration to placing  
324 the child or youth in the town where such child or youth resides. The  
325 agency shall file in writing with the clerk of the court the reasons for  
326 placing the child or youth in a particular placement outside the town  
327 where the child or youth resides. Upon issuance of an ex parte order,  
328 the court shall provide to the commissioner and the parent or guardian  
329 specific steps necessary for each to take to address the ex parte order  
330 for the parent or guardian to retain or regain custody of the child or  
331 youth. Upon the issuance of such order, or not later than sixty days  
332 after the issuance of such order, the court shall make a determination  
333 whether the Department of Children and Families made reasonable  
334 efforts to keep the child or youth with his or her parents or guardian  
335 prior to the issuance of such order and, if such efforts were not made,  
336 whether such reasonable efforts were not possible, taking into  
337 consideration the child's or youth's best interests, including the child's  
338 or youth's health and safety.

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

343 (d) The preliminary hearing on the order of temporary custody or  
344 order to appear or the first hearing on a petition filed pursuant to  
345 subsection (a) of this section shall be held in order for the court to: (1)  
346 Advise the parent or guardian of the allegations contained in all

347 petitions and applications that are the subject of the hearing; (2) assure  
348 that an attorney, and where appropriate, a separate guardian ad litem  
349 has been appointed to represent the child or youth in accordance with  
350 [section] sections 46b-129a and [section] 46b-136; (3) upon request,  
351 appoint an attorney to represent the respondent when the respondent  
352 is unable to afford representation, as determined by the court; (4)  
353 advise the parent or guardian of the right to a hearing on the petitions  
354 and applications, to be held [within] not later than ten days [from]  
355 after the date of the preliminary hearing if the hearing is pursuant to  
356 an order of temporary custody or an order to show cause; (5) accept a  
357 plea regarding the truth of such allegations; (6) make any interim  
358 orders, including visitation, that the court determines are in the best  
359 interests of the child or youth. The court, after a hearing pursuant to  
360 this subsection, shall order specific steps the commissioner and the  
361 parent or guardian shall take for the parent or guardian to regain or to  
362 retain custody of the child or youth; (7) take steps to determine the  
363 identity of the father of the child or youth, including ordering genetic  
364 testing, if necessary, and order service of the petition and notice of the  
365 hearing date, if any, to be made upon him; (8) if the person named as  
366 the father appears, and admits that he is the father, provide him and  
367 the mother with the notices [which] that comply with section 17b-27  
368 and provide them with the opportunity to sign a paternity  
369 acknowledgment and affirmation on forms [which] that comply with  
370 section 17b-27. [These] Such documents shall be executed and filed in  
371 accordance with chapter 815y and a copy delivered to the clerk of the  
372 superior court for juvenile matters; and (9) in the event that the person  
373 named as a father appears and denies that he is the father of the child  
374 or youth, advise him that he may have no further standing in any  
375 proceeding concerning the child, and either order genetic testing to  
376 determine paternity or direct him to execute a written denial of  
377 paternity on a form promulgated by the Office of the Chief Court  
378 Administrator. Upon execution of such a form by the putative father,  
379 the court may remove him from the case and afford him no further  
380 standing in the case or in any subsequent proceeding regarding the

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

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

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

392 (g) At a contested hearing on the order for temporary custody or  
393 order to appear, credible hearsay evidence regarding statements of the  
394 child or youth made to a mandated reporter or to a parent may be  
395 offered by the parties and admitted by the court upon a finding that  
396 the statement is reliable and trustworthy and that admission of such  
397 statement is reasonably necessary. A signed statement executed by a  
398 mandated reporter under oath may be admitted by the court without  
399 the need for the mandated reporter to appear and testify unless called  
400 by a respondent or the child, provided the statement: (1) Was provided  
401 at the preliminary hearing and promptly upon request to any counsel  
402 appearing after the preliminary hearing; (2) reasonably describes the  
403 qualifications of the reporter and the nature of his contact with the  
404 child; and (3) contains only the direct observations of the reporter, and  
405 statements made to the reporter that would be admissible if the  
406 reporter were to testify to them in court and any opinions reasonably  
407 based thereupon. If a respondent or the child gives notice at the  
408 preliminary hearing that he intends to cross-examine the reporter, the  
409 person filing the petition shall make the reporter available for such  
410 examination at the contested hearing.

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

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

416 (i) When a petition is filed in said court for the commitment of a  
417 child or youth, the Commissioner of Children and Families shall make  
418 a thorough investigation of the case and shall cause to be made a  
419 thorough physical and mental examination of the child or youth if  
420 requested by the court. The court after hearing may also order a  
421 thorough physical or mental examination, or both, of a parent or  
422 guardian whose competency or ability to care for a child or youth  
423 before the court is at issue. The expenses incurred in making such  
424 physical and mental examinations shall be paid as costs of  
425 commitment are paid.

426 (j) Upon finding and adjudging that any child or youth is uncared-  
427 for, neglected or dependent, the court may commit such child or youth  
428 to the Commissioner of Children and Families. Such commitment shall  
429 remain in effect until further order of the court, [pursuant to the  
430 provisions of subsection (k) of this section, provided] except that such  
431 commitment may be revoked or parental rights terminated at any time  
432 by the court, or the court may vest such child's or youth's care and  
433 personal custody in any private or public agency [which] that is  
434 permitted by law to care for neglected, uncared-for or dependent  
435 children or youth or with any person or persons found to be suitable  
436 and worthy of such responsibility by the court. The court shall order  
437 specific steps [which] that the parent must take to facilitate the return  
438 of the child or youth to the custody of such parent. The commissioner  
439 shall be the guardian of such child or youth for the duration of the  
440 commitment, provided the child or youth has not reached the age of  
441 eighteen years or, in the case of a child or youth in full-time attendance  
442 in a secondary school, a technical school, a college or a state-accredited  
443 job training program, provided such child or youth has not reached the  
444 age of twenty-one years, by consent of such youth, or until another  
445 guardian has been legally appointed, and in like manner, upon such

446 vesting of the care of such child or youth, such other public or private  
447 agency or individual shall be the guardian of such child or youth until  
448 such child or youth has reached the age of eighteen years or, in the  
449 case of a child or youth in full-time attendance in a secondary school, a  
450 technical school, a college or a state-accredited job training program,  
451 until such child or youth has reached the age of twenty-one years or  
452 until another guardian has been legally appointed. [Said] The  
453 commissioner may place any child or youth so committed to the  
454 commissioner in a suitable foster home or in the home of a person  
455 related by blood to such child or youth or in a licensed child-caring  
456 institution or in the care and custody of any accredited, licensed or  
457 approved child-caring agency, within or without the state, provided a  
458 child shall not be placed outside the state except for good cause and  
459 unless the parents or guardian of such child are notified in advance of  
460 such placement and given an opportunity to be heard, or in a receiving  
461 home maintained and operated by the Commissioner of Children and  
462 Families. In placing such child or youth, [said] the commissioner shall,  
463 if possible, select a home, agency, institution or person of like religious  
464 faith to that of a parent of such child or youth, if such faith is known or  
465 may be ascertained by reasonable inquiry, provided such home  
466 conforms to the standards of said commissioner and the commissioner  
467 shall, when placing siblings, if possible, place such children together.  
468 As an alternative to commitment, the court may place the child or  
469 youth in the custody of the parent or guardian with protective  
470 supervision by the Commissioner of Children and Families subject to  
471 conditions established by the court. Upon the issuance of an order  
472 committing the child or youth to the Commissioner of Children and  
473 Families, or not later than sixty days after the issuance of such order,  
474 the court shall [make a determination] determine whether the  
475 Department of Children and Families made reasonable efforts to keep  
476 the child or youth with his or her parents or guardian prior to the  
477 issuance of such order and, if such efforts were not made, whether  
478 such reasonable efforts were not possible, taking into consideration the  
479 child's or youth's best interests, including the child's or youth's health

480 and safety.

481 (k) (1) Nine months after placement of the child or youth in the care  
 482 and custody of the commissioner pursuant to a voluntary placement  
 483 agreement, or removal of a child or youth pursuant to section 17a-  
 484 101g, as amended, or an order issued by a court of competent  
 485 jurisdiction, whichever is earlier, the commissioner shall file a motion  
 486 for review of a permanency plan, [and to maintain or revoke the  
 487 commitment.] Nine months after a permanency plan has been  
 488 approved by the court pursuant to this subsection, the commissioner  
 489 shall file a motion for review of the permanency plan, [and to maintain  
 490 or revoke the commitment.] Any party seeking to oppose the  
 491 commissioner's permanency plan [or the maintaining or revocation of  
 492 commitment] shall file a motion in opposition [within] not later than  
 493 thirty days after the filing of the commissioner's motion for review of  
 494 the permanency plan, [and to maintain or revoke commitment] which  
 495 motion shall include the reason therefor. A permanency hearing on  
 496 any motion for review of the permanency plan [and to maintain or  
 497 revoke commitment] shall be held [within] not later than ninety days  
 498 [of] after the filing of such motion. The court shall hold evidentiary  
 499 hearings in connection with any contested motion for review of the  
 500 permanency plan, [and to maintain or revoke commitment. The  
 501 burden of proof shall be upon the commissioner to establish that the  
 502 commitment should be maintained.] The commissioner shall have the  
 503 burden of proving that the proposed permanency plan is in the best  
 504 interests of the child or youth. After the initial permanency hearing,  
 505 subsequent permanency hearings shall be held not less frequently than  
 506 every twelve months while the child or youth remains in the custody  
 507 of the Commissioner of Children and Families. The court shall provide  
 508 notice to the child or youth, and the parent or guardian of such child or  
 509 youth of the time and place of the court hearing on any such motion  
 510 not less than fourteen days prior to such hearing.

511 [(2) At a permanency hearing held in accordance with the  
 512 provisions of subdivision (1) of this subsection, the court shall

513 determine whether it is appropriate to continue to make reasonable  
514 efforts to reunify the child or youth with the parent, unless the court  
515 has previously determined that such efforts are not appropriate  
516 pursuant to this subdivision or section 17a-111b. In making this  
517 determination, the court shall consider the best interests of the child,  
518 including the child's need for permanency. If the court finds upon clear  
519 and convincing evidence that further efforts are not appropriate, the  
520 commissioner has no duty to make further efforts to reunify the child  
521 or youth with the parent. If the court finds that further efforts are  
522 appropriate, such efforts shall ensure that the child or youth's health  
523 and safety are protected and such efforts shall be specified by the  
524 court, including the services to be provided to the parent, what steps  
525 the parent may take to address the problem that prevents the child or  
526 youth from safely reuniting with the parent and a time period, not  
527 longer than six months, for such steps to be accomplished.]

528 [(3)] (2) At a permanency hearing held in accordance with the  
529 provisions of subdivision (1) of this subsection, the court shall approve  
530 a permanency plan that is in the best interests of the child or youth and  
531 takes into consideration the child's or youth's need for permanency.  
532 The child's or youth's health and safety shall be of paramount concern  
533 in formulating such plan. Such permanency plan may include the goal  
534 of (A) revocation of commitment and [placement] reunification of the  
535 child or youth with the parent or guardian, with or without protective  
536 supervision; (B) transfer of guardianship; (C) long-term foster care  
537 with a relative licensed as a foster parent or certified as a relative  
538 caregiver; (D) adoption and filing of termination of parental rights; or  
539 (E) such other planned permanent living arrangement ordered by the  
540 court, provided the Commissioner of Children and Families has  
541 documented a compelling reason why it would not be in the best  
542 interest of the child or youth for the permanency plan to include the  
543 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such  
544 other planned permanent living arrangement may include, but not be  
545 limited to, placement of a child or youth in an independent living  
546 program or long term foster care with an identified foster parent.

547        [(4)] (3) At a permanency hearing held in accordance with the  
548 provisions of subdivision (1) of this subsection, the court shall review  
549 the status of the child, the progress being made to implement the  
550 permanency plan, determine a timetable for attaining the permanency  
551 plan, determine the services to be provided to the parent if the court  
552 approves a permanency plan of reunification and the timetable for  
553 such services, and determine whether the commissioner has made  
554 reasonable efforts to achieve the permanency plan. [The court shall  
555 maintain commitment if it is in the best interests of the child or youth.]  
556 The court [shall] may revoke commitment if a cause for commitment  
557 no longer exists and it is in the best interests of the child or youth.

558        [(5)] (4) If the court approves the permanency plan of adoption: (A)  
559 The Commissioner of Children and Families shall file a petition for  
560 termination of parental rights not later than sixty days after such  
561 approval if such petition has not previously been filed; (B) the  
562 commissioner may conduct a thorough adoption assessment and  
563 child-specific recruitment; and [(B)] (C) the court may order that the  
564 child be photo-listed within thirty days if the court determines that  
565 such photo-listing is in the best interest of the child. As used in this  
566 subdivision, "thorough adoption assessment" means conducting and  
567 documenting face-to-face interviews with the child, foster care  
568 providers [,] and other significant parties and "child specific  
569 recruitment" means recruiting an adoptive placement targeted to meet  
570 the individual needs of the specific child, including, but not limited to,  
571 use of the media, use of photo-listing services and any other in-state or  
572 out-of-state resources that may be used to meet the specific needs of  
573 the child, unless there are extenuating circumstances that indicate that  
574 [these] such efforts are not in the best interest of the child.

575        (l) The Commissioner of Children and Families shall pay directly to  
576 the person or persons furnishing goods or services determined by said  
577 commissioner to be necessary for the care and maintenance of such  
578 child or youth the reasonable expense thereof, payment to be made at  
579 intervals determined by said commissioner; and the Comptroller shall

580 draw his order on the Treasurer, from time to time, for such part of the  
581 appropriation for care of committed children or youth as may be  
582 needed in order to enable the commissioner to make such payments.  
583 [Said] The commissioner shall include in [his] the department's annual  
584 budget a sum estimated to be sufficient to carry out the provisions of  
585 this section. Notwithstanding that any such child or youth has income  
586 or estate, the commissioner may pay the cost of care and maintenance  
587 of such child or youth. The commissioner may bill to and collect from  
588 the person in charge of the estate of any child or youth aided under  
589 this chapter, including his decedent estate, or the payee of such child's  
590 or youth's income, the total amount expended for care of such child or  
591 youth or such portion thereof as any such estate or payee is able to  
592 reimburse.

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

599 (n) Upon service on the parent, guardian or other person having  
600 control of the child or youth of any order issued by the court pursuant  
601 to the provisions of subsections (b) and (j) of this section, the child or  
602 youth concerned shall be surrendered to the person serving the order  
603 who shall forthwith deliver the child or youth to the person, agency,  
604 department or institution awarded custody in [such] the order. Upon  
605 refusal of the parent, guardian or other person having control of the  
606 child or youth to surrender the child or youth as provided in the order,  
607 the court may cause a warrant to be issued charging the parent,  
608 guardian or other person having control of the child or youth with  
609 contempt of court. If the person arrested is found in contempt of court,  
610 the court may order such person confined until [he purges himself of  
611 contempt] the person complies with the order, but for not more than  
612 six months, or may fine such person not more than five hundred

613 dollars, or both.

614 (o) A foster parent shall have the right to be heard for the purposes  
615 of this section in Superior Court on a motion for review of a  
616 permanency plan and in matters concerning the placement or  
617 revocation of commitment of a foster child living with such parent. A  
618 foster parent shall receive notice of any motion for review of a  
619 permanency plan or a motion to revoke commitment or any hearing on  
620 such motion. [A foster parent who has cared for a child or youth for  
621 not less than six months shall have the right to be heard and comment  
622 on the best interests of such child or youth in any matter under this  
623 section which is brought not more than one year after the last day the  
624 foster parent provided such care.]

625 (p) Upon motion of any sibling of any child committed to the  
626 Department of Children and Families pursuant to this section, such  
627 sibling shall have the right to be heard concerning visitation with, and  
628 placement of, any such child. In awarding any visitation or modifying  
629 any placement, the court shall be guided by the best interests of all  
630 siblings affected by such determination.

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

635 Sec. 7. Section 17a-42 of the general statutes is repealed and the  
636 following is substituted in lieu thereof (*Effective October 1, 2006*):

637 (a) There is established within the Department of Children and  
638 Families a photo-listing service which shall include, but need not be  
639 limited to, a book and an electronic format containing a photograph  
640 and description of each child to be photo-listed. Such book and its  
641 electronic format shall be distributed to all child care and child-placing  
642 agencies, as such terms are defined in section 45a-707, and to other  
643 organizations concerned with adoption. Such photo-listing service

644 shall recruit adoptive families for children who are legally free for  
645 adoption under section 45a-725, and have remained in foster care or  
646 institutions for a period of thirty days or more, such thirty days to  
647 include any period of foster or institutional care immediately  
648 preceding the date on which such child was legally free for adoption.  
649 Such photo-listing service may recruit prospective adoptive families  
650 for children who are not yet legally free for adoption under section  
651 45a-725, provided the court has approved a permanency plan for  
652 adoption pursuant to subdivision [(3)] (4) of subsection (k) of section  
653 46b-129, as amended by this act. The Commissioner of Children and  
654 Families shall employ under the commissioner's direction and control  
655 such persons as the commissioner deems necessary for the effective  
656 performance of such photo-listing service.

657 (b) Under sections 17a-112 and 45a-717, the court may order that a  
658 child be photo-listed [within] not later than thirty days [of] after the  
659 termination of parental rights as a condition of granting an order of  
660 termination of parental rights if the court determines that it is in the  
661 best interests of the child. Under subdivision [(3)] (4) of subsection (k)  
662 of section 46b-129, as amended by this act, the court may order that a  
663 child be photo-listed [within] not later than thirty days [of] after the  
664 approval of a permanency plan for adoption if the court determines  
665 that it is in the best interest of the child. The court shall not order that a  
666 child twelve years of age or older be photo-listed unless [such] the  
667 child consents to such photo-listing.

668 (c) [Said] The commissioner shall adopt regulations, in accordance  
669 with [the provisions of] chapter 54, to implement and maintain [a] the  
670 photo-listing service established in this section. Such regulations shall  
671 include, but not be limited to, procedures for registration of children  
672 with the photo-listing service and format and media selection for  
673 presenting photo-listed children to the public. The commissioner shall,  
674 within available appropriations, (1) establish, maintain and distribute a  
675 photo-listing service book, [ . The commissioner, within available  
676 appropriations, shall] and (2) contract with a nonprofit agency to

677 establish and maintain the photo-listing service in its electronic format.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	17a-91
Sec. 2	<i>October 1, 2006</i>	17a-110
Sec. 3	<i>October 1, 2006</i>	17a-111b
Sec. 4	<i>October 1, 2006</i>	17a-112(j)
Sec. 5	<i>October 1, 2006</i>	17a-112(o)
Sec. 6	<i>October 1, 2006</i>	46b-129
Sec. 7	<i>October 1, 2006</i>	17a-42

**Statement of Purpose:**

To revise certain requirements and procedures concerning permanency plans for abused or neglected children who are in the custody of the Department of Children and Families.

*[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.]*