



General Assembly

February Session, 2006

Raised Bill No. 397

LCO No. 2151

02151_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING LICENSURE OF DEPARTMENT OF CHILDREN AND FAMILIES FACILITIES.

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

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) Notwithstanding any
2 provision of the general statutes, on and after July 1, 2006, no
3 residential facility, child-caring facility or other facility or agency may
4 be licensed by the Department of Children and Families. Licenses
5 issued by the Department of Children and Families before July 1, 2006,
6 shall be renewed with the Department of Public Health.

7 (b) Any regulation or order of the Commissioner of Children and
8 Families regarding such licensure that is in effect on July 1, 2006, shall
9 continue in force and effect as a regulation or order of the
10 Commissioner of Public Health until superseded by law.

11 Sec. 2. Section 17a-20 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2006*):

13 (a) For the purpose of this section, a psychiatric clinic means an
14 organization licensed by the Department of [Children and Families]

15 Public Health and staffed by psychiatrists, psychologists, social
16 workers and such other professional, paraprofessional and clerical
17 personnel as local circumstances may require, working in collaboration
18 with other social service agencies, to provide mental health services
19 that are designed to (1) effectively decrease the prevalence and
20 incidence of mental illness, emotional disturbance and social
21 disfunctioning, and (2) promote mental health in individuals, groups
22 and institutions, and includes a general hospital with such clinic
23 services. The Department of Children and Families shall develop and
24 maintain a program of outpatient psychiatric clinics for children and
25 youth and their families, provided such clinics are licensed by the
26 Department of Public Health.

27 (b) For purposes of this section, a child guidance clinic means a
28 subset of psychiatric clinics for children designated by the Department
29 of Children and Families pursuant to this section to receive grant
30 funds for the purpose of assisting the department to provide
31 community-based psychiatric services for children, youth and families.
32 In order to meet such mandate, the department shall designate a
33 subset of outpatient psychiatric clinics for children to be known as
34 child guidance clinics. The department shall provide grants to such
35 child guidance clinics in accordance with the provisions of this section.
36 Any town having a population of not less than forty thousand, as most
37 recently determined by the Secretary of the Office of Policy and
38 Management, or any combination of towns with a combined
39 population of not less than forty thousand as similarly determined, or
40 any nonprofit corporation organized or existing for the purpose of
41 establishing or maintaining a psychiatric clinic for children and youth
42 or for children and youth and their families, or any clinic designated
43 by the Department of Children and Families as of January 1, 1995, may
44 apply to the Department of Children and Families for funds to be used
45 to assist in establishing, maintaining or expanding a psychiatric clinic.
46 The applications, and any grant of funds pursuant thereto, shall not be
47 subject to the provisions of section 17a-476, except to the extent
48 required by federal law. The department shall base any grant of funds

49 on the services provided to children and youth under eighteen years of
50 age and on the effectiveness of the services. No grant shall exceed two-
51 thirds of the ordinary recurring operating expenses of the clinic, nor
52 shall any grant be made to pay for any portion of capital expenditures
53 for the clinic. No clinic in existence as of October 1, 1995, shall be
54 eligible for grants of any funds under this section unless it [has]
55 obtained a license [within] not later than six months [of] after the
56 adoption of regulations under subsection (c) of this section. No clinic
57 receiving funds under this section shall refuse services to any resident
58 of this state solely because of his place of residence.

59 (c) The Department of [Children and Families] Public Health shall
60 adopt regulations, in accordance with [the provisions of] chapter 54,
61 defining the minimum requirements for outpatient psychiatric clinics
62 for children to be eligible for licensure under this section [in] with
63 regard to (1) qualification and number of staff members, (2) clinic
64 operation including but not limited to physical plant, governing body
65 and recordkeeping, (3) effectiveness of services, and (4) populations
66 targeted for priority access. The regulations shall also govern the
67 granting of the funds to assist in establishing, maintaining and
68 expanding psychiatric clinics. The department shall, upon payment of
69 a fee of three hundred dollars, issue to any qualifying clinic a license
70 that shall be in force for twenty-four months from the date of issue and
71 shall be renewable for additional twenty-four-month periods, upon
72 payment of a fee of three hundred dollars for each such period,
73 provided the clinic continues to meet conditions satisfactory to the
74 department. Any regulation or order of the Commissioner of Children
75 and Families issued pursuant to this subsection that is in effect on July
76 1, 2006, shall continue in force and effect as a regulation or order of the
77 Commissioner of Public Health until superseded by law.

78 (d) The [department] Department of Children and Families shall
79 make available to child guidance clinics forms to be used in making
80 application for available funds. Upon receipt of proper application, the
81 department shall grant the funds, provided the plans for financing, the

82 standards of operation and the effectiveness of services of the clinics
83 are approved by the department in accordance with the provisions of
84 this section. The grants shall be made on an annual basis.

85 Sec. 3. Section 17a-22g of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective July 1, 2006*):

87 (a) The judicial branch and each state agency, community-based
88 program, organization or individual that provides behavioral health or
89 substance abuse prevention and treatment programs that are operated
90 [] or funded [or licensed] by the Department of Children and Families,
91 or licensed by the Department of Public Health pursuant to sections
92 17a-20, as amended by this act, 17a-114, as amended by this act, 17a-
93 145, as amended by this act, 17a-147, as amended by this act, 17a-149,
94 as amended by this act, 17a-151, as amended by this act, 17a-152, as
95 amended by this act, and 17a-154, as amended by this act, shall
96 provide case specific information to the [department] Department of
97 Children and Families for purposes directly connected with the
98 administration of Connecticut Community KidCare in such form and
99 manner as the [department] Department of Children and Families
100 requests. The provisions of this section shall be subject to the
101 confidentiality requirements as set forth in applicable federal law.

102 (b) No person shall solicit, disclose, receive or make use of, or
103 authorize, knowingly permit, participate in or acquiesce in the use of,
104 any list of the names of, or any information concerning, persons
105 applying for or receiving assistance under the Connecticut Community
106 KidCare program, directly or indirectly derived from the records,
107 papers, files or communications of the state or its subdivisions or
108 agencies, or acquired in the course of the performance of official
109 duties. The Commissioner of Children and Families shall disclose case-
110 specific information to any authorized representative of the
111 Commissioner of Social Services for purposes directly connected with
112 the administration of Connecticut Community KidCare. No such
113 representative shall disclose any information obtained pursuant to this

114 section, except as specified in this section.

115 Sec. 4. Subsection (e) of section 17a-28 of the 2006 supplement to the
116 general statutes is repealed and the following is substituted in lieu
117 thereof (*Effective July 1, 2006*):

118 (e) The [commissioner] Commissioner of Children and Families, or
119 the Commissioner of Public Health, as the case may be, shall, upon
120 written request, disclose the following information concerning
121 agencies licensed by the Department of [Children and Families] Public
122 Health, except foster care parents, relatives of the child who are
123 certified to provide foster care or prospective adoptive families: (1) The
124 name of the licensee; (2) the date the original license was issued; (3) the
125 current status of the license; (4) whether an agency investigation or
126 review is pending or has been completed; and (5) any licensing action
127 taken by the department at any time during the period such license
128 was issued and the reason for such action, provided disclosure of such
129 information will not jeopardize a pending investigation.

130 Sec. 5. Section 17a-38 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective July 1, 2006*):

132 The Department of Children and Families shall develop or contract
133 for home-based treatment programs designed to provide time-limited,
134 home-based services to families where a child is in imminent danger of
135 being removed from the home and placed in foster care, residential
136 treatment or a psychiatric hospital setting. Such programs shall be
137 designed to prevent the unnecessary separation of children by
138 providing intensive in-home services when an acute crisis threatens
139 the ability of the family to remain together. Intervention may include,
140 but shall not be limited to, intensive family, individual and marriage
141 counseling, training in communication and negotiation skills, training
142 in home maintenance skills, behavioral management training, parent
143 training, child development training, job readiness training, client
144 advocacy and arrangement for other services. On and after July 1,
145 2006, each home-based treatment program developed or contracted for

146 pursuant to this section shall be licensed by the Department of Public
147 Health.

148 Sec. 6. Subsections (g) and (h) of section 17a-93 of the 2006
149 supplement to the general statutes are repealed and the following is
150 substituted in lieu thereof (*Effective July 1, 2006*):

151 (g) "Child-placing agency" means any agency within or without the
152 state of Connecticut licensed or approved by the Commissioner of
153 [Children and Families] Public Health in accordance with sections 17a-
154 149, as amended by this act, and 17a-151, as amended by this act, and
155 in accordance with such standards which shall be established by
156 regulations of the Department of [Children and Families] Public
157 Health;

158 (h) "Child care facility" means a congregate residential setting
159 licensed by the Department of [Children and Families] Public Health
160 for the out-of-home placement of children or youth under eighteen
161 years of age, or any person under twenty-one years of age who is in
162 full-time attendance in a secondary school, a technical school, a college
163 or state accredited job training program and was placed in a
164 congregate residential setting prior to such person's eighteenth
165 birthday.

166 Sec. 7. Section 17a-113 of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective July 1, 2006*):

168 When application has been made for the removal of one or both
169 parents as guardians or of any other guardian of the person of such
170 child, or when an application has been made for the termination of the
171 parental rights of any parties who may have parental rights with
172 regard to any minor child, the superior court in which such proceeding
173 is pending may, if it deems it necessary based on the best interests of
174 the child, order the custody of such child to be given to the
175 Commissioner of Children and Families or some proper person or to
176 the board of managers of any child-caring institution or organization,

177 or any children's home or similar institution licensed or approved by
178 the Commissioner of [Children and Families] Public Health, pending
179 the determination of the matter, and may enforce such order by a
180 warrant directed to a proper officer commanding the officer to take
181 possession of the child and to deliver such child into the custody of the
182 person, board, home or institution designated by such order; and said
183 court may, if either or both parents are removed as guardians or if any
184 other guardian of the person is removed, or if said parental rights are
185 terminated, enforce its decree, awarding the custody of the child to the
186 person or persons entitled thereto, by a warrant directed to the proper
187 officer commanding the officer to take possession of the child and to
188 deliver such child into the care and custody of the person entitled
189 thereto. Such officer shall make returns to such court of such officer's
190 doings under either warrant. Upon the issuance of such order giving
191 custody of the child to the Commissioner of Children and Families, or
192 not later than sixty days after the issuance of such order, the court shall
193 make a determination whether the Department of Children and
194 Families made reasonable efforts to keep the child with his or her
195 parents or guardian prior to the issuance of such order and, if such
196 efforts were not made, whether such reasonable efforts were not
197 possible, taking into consideration the child's best interests, including
198 the child's health and safety.

199 Sec. 8. Section 17a-114 of the 2006 supplement to the general statutes
200 is repealed and the following is substituted in lieu thereof (*Effective July*
201 *1, 2006*):

202 (a) As used in this section, "licensed" means a person holds a license
203 issued by the Department of [Children and Families] Public Health to
204 provide foster care, including foster care of a specific child, and
205 "special study foster parent" means a person who is twenty-one years
206 of age or older and who does not hold a license [issued by the
207 Department of Children and Families] to provide foster care.

208 (b) (1) No child in the custody of the Commissioner of Children and

209 Families shall be placed with any person, unless such person is
210 licensed for that purpose by the [department] Department of Public
211 Health or the Department of Mental Retardation pursuant to the
212 provisions of section 17a-227, or such person's home is approved by a
213 child placing agency licensed [by the commissioner] pursuant to
214 section 17a-149, as amended by this act. Any licensed person [licensed
215 by the department] may be a prospective adoptive parent. The
216 [commissioner] Commissioner of Public Health shall adopt
217 regulations, in accordance with the provisions of chapter 54, to
218 establish the licensing procedures and standards.

219 (2) The [commissioner] Commissioner of Public Health shall require
220 each applicant for licensure pursuant to this section and any person
221 sixteen years of age or older living in the household of such applicant
222 to submit to state and national criminal history records checks prior to
223 issuing a license to such applicant to accept placement of a child. Such
224 criminal history records checks shall be conducted in accordance with
225 section 29-17a, as amended. The [commissioner] Commissioner of
226 Public Health shall also check the state child abuse registry established
227 pursuant to section 17a-101k, as amended, for the name of such
228 applicant and for the name of any person sixteen years of age or older
229 living in the household of such applicant.

230 (c) Notwithstanding the requirements of subsection (b) of this
231 section, the [commissioner] Commissioner of Children and Families
232 may place a child with a relative who is not licensed or, if the child is
233 fourteen years of age or older, with a special study foster parent for a
234 period of up to ninety days when such placement is in the best
235 interests of the child, provided a satisfactory home visit is conducted, a
236 basic assessment of the family is completed and such relative or special
237 study foster parent attests that such relative or special study foster
238 parent and any adult living within the household has not been
239 convicted of a crime or arrested for a felony against a person, for injury
240 or risk of injury to or impairing the morals of a child, or for the
241 possession, use or sale of a controlled substance. Any such relative or

242 special study foster parent who accepts placement of a child in excess
243 of such ninety-day period shall be subject to licensure by the
244 [commissioner] Commissioner of Public Health, except that any such
245 relative who, prior to July 1, 2001, had been certified by the
246 [commissioner] Commissioner of Children and Families to provide
247 care for a related child may continue to maintain such certification,
248 subject to revocation by the Commissioner of Public Health, if such
249 relative continues to meet the regulatory requirements and the child
250 remains in such relative's care. The [commissioner] Commissioner of
251 Public Health may grant a waiver from such procedure or standard,
252 except any safety standard, for a child placed with a relative, on a case-
253 by-case basis, from such procedure or standard, except any safety
254 standard, based on the home of the relative and the needs and best
255 interests of such child. The reason for any waiver granted shall be
256 documented in writing. The [commissioner] Commissioner of Public
257 Health shall adopt regulations, in accordance with the provisions of
258 chapter 54, to establish certification procedures and standards for a
259 caretaker who is a relative of such child.

260 (d) Any regulation or order of the Commissioner of Children and
261 Families issued pursuant to this section that is in effect on July 1, 2006,
262 shall continue in force and effect as a regulation or order of the
263 Commissioner of Public Health until superseded by law.

264 Sec. 9. Section 17a-145 of the 2006 supplement to the general statutes
265 is repealed and the following is substituted in lieu thereof (*Effective July*
266 *1, 2006*):

267 No person or entity shall care for or board a child without a license
268 obtained from the Commissioner of [Children and Families] Public
269 Health, except: (1) When a child has been placed by a person or entity
270 holding a license from the commissioner; (2) any residential
271 educational institution exempted by the state Board of Education
272 under the provisions of section 17a-152, as amended by this act; or (3)
273 residential facilities licensed by the Department of Mental Retardation

274 pursuant to section 17a-227. [; or (4) facilities providing child day care
275 services, as defined in section 19a-77.] The person or entity seeking a
276 child-care facility license shall file with the commissioner an
277 application for a license, in such form as the commissioner furnishes,
278 stating the location where it is proposed to care for such child, the
279 number of children to be cared for, in the case of a corporation, the
280 purpose of the corporation and the names of its chief officers and of
281 the actual person responsible for the child. The Commissioner of
282 [Children and Families] Public Health is authorized to fix the
283 maximum number of children to be boarded and cared for in any such
284 home or institution or by any person or entity licensed by the
285 commissioner. Each person or entity holding a license under the
286 provisions of this section shall file annually, with the commissioner, a
287 report stating the number of children received and removed during
288 the year, the number of deaths and the causes of death, the average
289 cost of support per capita and such other data as the commissioner
290 may prescribe. If the population served at any facility, institution or
291 home operated by any person or entity licensed under this section
292 changes after such license is issued, such person or entity shall file a
293 new license application with the commissioner, and the commissioner
294 shall notify the chief executive officer of the municipality in which the
295 facility is located of such new license application, except that no
296 confidential client information may be disclosed. The provisions of this
297 section shall not apply to facilities providing child day care services, as
298 defined in section 19a-77, as amended.

299 Sec. 10. Section 17a-147 of the general statutes is repealed and the
300 following is substituted in lieu thereof (*Effective July 1, 2006*):

301 (a) For the purposes of this section and section 17a-22, "extended
302 day treatment" means a supplementary care community-based
303 program providing a comprehensive multidisciplinary approach to
304 treatment and rehabilitation of emotionally disturbed, mentally ill,
305 behaviorally disordered or multiply handicapped children and youth
306 during the hours immediately before and after school while they

307 reside with their parents or surrogate family. Extended day treatment
308 programs, except any such program provided by a regional
309 educational service center established in accordance with section 10-
310 66a, shall be licensed by the Department of [Children and Families]
311 Public Health.

312 (b) The goal of extended day treatment is to improve the
313 functioning of the child or youth as an individual and the family as a
314 unit with the least possible interruption of beneficial relationships with
315 the family and the community. An extended day treatment program
316 (1) shall offer the broadest range of therapeutic services consistent with
317 the needs of the children and youths it serves including, but not
318 limited to, (A) a therapeutic setting, (B) the integration of the family
319 into the treatment and the treatment planning process, (C) support and
320 emergency services to families designed to allow continued residence
321 of the children and youth in their homes, (D) professional clinical
322 services, (E) access to educational services, and (F) the coordination of
323 community services in support of the treatment effort, or (2) if
324 provided for children requiring special education by a regional
325 educational service center, shall offer such services as are specified in
326 the prescribed educational program for each such child in accordance
327 with section 10-76d, as amended.

328 (c) The Commissioner of [Children and Families] Public Health shall
329 adopt such regulations, in accordance with chapter 54, as are necessary
330 to establish procedures and requirements for the licensure of extended
331 day treatment programs, except any such program provided by a
332 regional educational service center. Any regulation or order of the
333 Commissioner of Children and Families issued pursuant to this section
334 that is in effect on July 1, 2006, shall continue in force and effect as a
335 regulation or order of the Commissioner of Public Health until
336 superseded by law.

337 Sec. 11. Section 17a-149 of the general statutes is repealed and the
338 following is substituted in lieu thereof (*Effective July 1, 2006*):

339 No person or entity except the Department of Children and
340 Families, a parent, an adult relative as specified by section 17b-75 or
341 guardian of any child shall place a child without a license obtained
342 from the Commissioner of [Children and Families] Public Health.
343 Application for a child-placing license shall be in a form furnished by
344 the commissioner, and shall state the location of the principal place of
345 business of the applicant, its organization or corporate name, its
346 purposes and the name, title and degree of professional training of
347 each of its staff members engaged in carrying out its stated purposes.
348 Any such applicant shall consent to such inspection, review and
349 supervision of all acts in relation to child placing as are reasonably
350 necessary to enable the commissioner to perform his duties under
351 section 17a-151, as amended by this act. The provisions of this section
352 with regard to the commissioner's authority to inspect, review and
353 supervise all acts in relation to child placing under section 17a-151, as
354 amended by this act, shall be limited to inspection, review and
355 supervision of the applicant under this section and shall not include
356 inspection, review or supervision of the homes in which a child is
357 placed.

358 Sec. 12. Section 17a-150 of the general statutes is repealed and the
359 following is substituted in lieu thereof (*Effective July 1, 2006*):

360 (a) The Commissioner of [Children and Families] Public Health
361 shall adopt regulations in accordance with chapter 54 setting forth
362 standards for licensing of persons or entities which place children. The
363 regulations shall require a person or entity licensed on or after March
364 9, 1984, to have a minimum of two staff persons who are qualified by a
365 combination of education and work experience, and be a nonprofit
366 organization qualified as a tax-exempt organization under Section
367 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent
368 corresponding internal revenue code of the United States, as from time
369 to time amended.

370 (b) Said commissioner shall adopt regulations prescribing the

371 minimum standards for homes in which children may be placed.

372 (c) Any regulation or order of the Commissioner of Children and
373 Families issued pursuant to this section that is in effect on July 1, 2006,
374 shall continue in force and effect as a regulation or order of the
375 Commissioner of Public Health until superseded by law.

376 Sec. 13. Section 17a-151 of the general statutes is repealed and the
377 following is substituted in lieu thereof (*Effective July 1, 2006*):

378 (a) The Commissioner of [Children and Families] Public Health
379 shall investigate the conditions stated in each application made under
380 the provisions of sections 17a-145, as amended by this act, and 17a-149,
381 as amended by this act, and shall require any person identified on the
382 application under said sections to submit to state and national criminal
383 history records checks. The commissioner shall investigate the
384 conditions in each application under the provisions of sections 17a-145,
385 as amended by this act, and 17a-149, as amended by this act, and, if the
386 commissioner finds such conditions suitable for the proper care of
387 children, or for the placing out of children, under such standards for
388 the promotion of the health, safety, morality and well-being of such
389 children as the commissioner prescribes, shall issue such license as is
390 required as promptly as possible, without expense to the licensee. If,
391 after such investigation, the commissioner finds that the applicant,
392 notwithstanding good faith efforts, is not able to fully comply with all
393 the requirements the commissioner prescribes, but compliance can be
394 achieved with minimal efforts, the commissioner may issue a
395 provisional license for a period not to exceed sixty days. The
396 provisional license may be renewed for additional sixty-day periods,
397 but in no event shall the total of such periods be for longer than one
398 year. Before issuing any license, the commissioner shall give to the
399 selectmen of the town wherein such licensee proposes to carry on the
400 licensed activity ten days' notice in writing that the issuance of such
401 license is proposed, but such notice shall not be required in case of
402 intention to issue such license to any corporation incorporated for the

403 purpose of caring for or placing such children. Each license so issued
404 shall specify whether it is granted for child-caring or child-placing
405 purposes, shall state the number of children who may be cared for,
406 shall be in force twenty-four months from date of issue, and shall be
407 renewed for the ensuing twenty-four months, if conditions continue to
408 be satisfactory to the commissioner. The commissioner shall also
409 provide such periodical inspections and review as shall safeguard the
410 well-being, health and morality of all children cared for or placed
411 under a license issued by the commissioner under this section and
412 shall visit and consult with each such child and with the licensee as
413 often as the commissioner deems necessary but at intervals of not more
414 than ninety days. Each licensee under the provisions of this section
415 shall file annually with the commissioner a report containing such
416 information concerning its functions, services and operation, including
417 financial data, as the commissioner requires. Any license issued under
418 this section may be revoked, suspended or limited by the
419 commissioner for cause, after notice given to the person or entity
420 concerned and after opportunity for a hearing thereon. Any party
421 whose application is denied or whose license is revoked, suspended or
422 limited by the commissioner may appeal from such adverse decision in
423 accordance with the provisions of section 4-183. Appeals under this
424 section shall be privileged in respect to the order of trial assignment.

425 (b) The criminal history records checks required pursuant to
426 subsection (a) of this section shall be conducted in accordance with
427 section 29-17a, as amended.

428 (c) The commissioner shall adopt regulations, in accordance with
429 chapter 54, to establish a staggered schedule for the renewal of licenses
430 issued pursuant to sections 17a-145, as amended by this act, and 17a-
431 149, as amended by this act. Any regulation or order of the
432 Commissioner of Children and Families issued pursuant to this
433 subsection that is in effect on July 1, 2006, shall continue in force and
434 effect as a regulation or order of the Commissioner of Public Health
435 until superseded by law.

436 Sec. 14. Section 17a-152 of the general statutes is repealed and the
437 following is substituted in lieu thereof (*Effective July 1, 2006*):

438 Any person or entity, before bringing or sending any child into the
439 state for the purpose of placing or caring for him in any home or
440 institution, either free or for board, shall make application to the
441 Commissioner of Children and Families, giving the name, the age and
442 a personal description of such child, the name and address of the
443 person, home or institution with whom the child is to be placed, and
444 such other information as may be required by the commissioner. Such
445 person or institution shall be licensed [by said commissioner] under
446 the provisions of section 17a-145, as amended by this act, and section
447 17a-151, as amended by this act. When the permission of said
448 commissioner has been received for the placement of such child, the
449 person or entity, before placing the child, shall undertake: (1) That if,
450 prior to becoming eighteen years of age or being adopted, such child
451 becomes a public charge, such person or entity will, within thirty days
452 after notice requesting the child's removal has been given by the
453 commissioner, remove the child from the state; (2) that such person or
454 entity shall report annually, and more often if requested to do so by
455 the commissioner, as to the location and condition of the child so long
456 as the child remains in the state prior to his becoming eighteen years of
457 age or prior to his legal adoption, and shall, at the discretion of the
458 commissioner, execute and deliver to the commissioner a bond
459 payable to the state, and in the penal sum of one thousand dollars,
460 with surety or security acceptable to the Attorney General, conditioned
461 on the performance of such undertaking. The provisions of this section
462 shall not apply in the case of (A) the bringing of a child to the home of
463 any relative who is a resident of this state, (B) any summer camp
464 operating ninety days or less in any consecutive twelve months, or (C)
465 any educational institution as determined by the State Board of
466 Education.

467 Sec. 15. Section 17a-154 of the general statutes is repealed and the
468 following is substituted in lieu thereof (*Effective July 1, 2006*):

469 (a) For purposes of this section and section 17a-155, as amended by
470 this act, "permanent family residence" means a child care facility which
471 meets the requirements of subsection (b) of this section and subsection
472 (a) of section 17a-155, as amended by this act, and which is licensed as
473 a permanent family residence by the Department of [Children and
474 Families] Public Health, hereinafter referred to as the department.

475 (b) To be licensed as a permanent family residence, a child care
476 facility [must] shall meet the following requirements:

477 (1) The facility [must] shall be designed to provide permanent care
478 to handicapped children in a home environment and family setting;

479 (2) At the time the initial license is issued, the permanent family care
480 [must] shall be provided by two adult persons, hereinafter referred to
481 as the parents, or upon the commissioner's approval, one adult whose
482 principal residence is the permanent family residence, who may, but
483 need not, have children other than foster children living with them;

484 (3) The parent or parents [must] shall occupy, as their principal
485 residence, a building which is designed for residential use by one or
486 two families and which is: (A) Owned or leased by the parent or
487 parents or (B) owned or leased by a nonstock corporation, one of
488 whose purposes is to protect handicapped children by providing a
489 home environment and family setting for handicapped children;

490 (4) The principal occupation of at least one parent and, in
491 appropriate cases to be determined by the department, both parents,
492 [must] shall be to provide direct and regular care to the foster children
493 placed in their residence; and

494 (5) The parent or parents [must] shall have indicated their intent to
495 provide permanent foster care to handicapped children placed in their
496 home by the department or by other child-placing agencies.

497 (c) Permanent family residences licensed by the department
498 pursuant to the provisions of this section and section 17a-155, as

499 amended by this act, shall be deemed private dwellings occupied by
500 one family by the Commissioner of Public Health for purposes of
501 compliance with the State Public Health Code and by the
502 Commissioner of Public Safety for purposes of compliance with the
503 State Building and Fire Safety Codes.

504 Sec. 16. Section 17a-155 of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective July 1, 2006*):

506 (a) Within one year from May 23, 1980, the department shall
507 promulgate any necessary regulations establishing additional
508 requirements for the licensure of permanent family residences. These
509 regulations may limit the number of foster children which may be
510 placed in a permanent family residence. The commissioner may in an
511 appropriate case waive any requirements established in such
512 regulations.

513 (b) Notwithstanding the provisions of section 29-292, as amended,
514 the State Fire Marshal shall, within two years after May 23, 1980, adopt
515 amendments to the Fire Safety Code in accordance with the provisions
516 of chapter 54 concerning permanent family residences designed to care
517 for seven or more handicapped children. In developing the regulations
518 the State Fire Marshal shall consult with the Department of [Children
519 and Families] Public Health and any other interested persons. The
520 amendments to the Fire Safety Code may apply different standards to
521 newly constructed and existing one and two-family dwellings,
522 provided [, however,] the amendments shall not apply to permanent
523 family residences licensed by the Department of [Children and
524 Families] Public Health before the effective date of the amendments to
525 the Fire Safety Code.

526 (c) After the effective date of the amendments to the Fire Safety
527 Code as provided in subsection (b) of this section, the Department of
528 [Children and Families] Public Health may not, except on a temporary
529 or emergency basis, license any permanent family residence for seven
530 or more handicapped foster children which it has not previously

531 licensed unless the State Fire Marshal determines that such facility
532 complies with the applicable provisions of the Fire Safety Code.

533 (d) Any regulation or order of the Commissioner of Children and
534 Families issued pursuant to this subsection that is in effect on July 1,
535 2006, shall continue in force and effect as a regulation or order of the
536 Commissioner of Public Health until superseded by law.

537 Sec. 17. Section 17a-277 of the general statutes is repealed and the
538 following is substituted in lieu thereof (*Effective July 1, 2006*):

539 The director of any state training school, regional facility or other
540 facility for the care and training of persons with mental retardation
541 may place any resident with mental retardation committed or
542 admitted to such training school, regional facility or other facility
543 provided for the care and training of persons with mental retardation,
544 under the provisions of sections 17a-210 to 17a-247, inclusive, as
545 amended, and 17a-273, in a private boarding home, group home or
546 other residential facility to be cared for in accordance with the
547 following conditions:

548 (1) Such resident shall, despite such transfer, remain subject to the
549 control of the director of such training school, regional facility or other
550 facility provided for the care and training of persons with mental
551 retardation and the director may, at any time, order and provide for
552 the return of any such resident to such training school, regional facility
553 or other facility provided for the care and training of persons with
554 mental retardation, subject to any limitations of the term of
555 commitment contained in the order of commitment under which such
556 resident was committed;

557 (2) When the transfer of any such resident has been authorized or
558 when, having been transferred to a private boarding home, group
559 home or other residential facility for persons with mental retardation,
560 such resident has been returned to the training school, regional facility
561 or other facility, the director of such training school, regional facility or

562 other facility shall forthwith so notify the Commissioner of Mental
563 Retardation;

564 (3) Such private boarding home, group home or other residential
565 facility shall be licensed by the Department of Mental Retardation [,
566 the Department of Children and Families] or the Department of Public
567 Health under such regulations as the departments adopt, in
568 accordance with chapter 54; and

569 (4) The Commissioner of Mental Retardation shall, upon request, be
570 given access to the complete record of any resident placed in a private
571 boarding home, group home or other residential facility pursuant to
572 this section.

573 Sec. 18. Section 8-3e of the 2006 supplement to the general statutes is
574 repealed and the following is substituted in lieu thereof (*Effective July*
575 *1, 2006*):

576 (a) No zoning regulation shall treat the following in a manner
577 different from any single family residence: (1) Any community
578 residence that houses six or fewer mentally retarded persons and
579 necessary staff persons and that is licensed under the provisions of
580 section 17a-227, (2) any child-care residential facility that houses six or
581 fewer children with mental or physical disabilities and necessary staff
582 persons and that is licensed under sections 17a-145 to 17a-151,
583 inclusive, as amended by this act, or (3) any community residence that
584 houses six or fewer persons receiving mental health or addiction
585 services and necessary staff persons paid for or provided by the
586 Department of Mental Health and Addiction Services and that has
587 been issued a license by the Department of Public Health under the
588 provisions of section 19a-491, as amended, if a license is required.

589 (b) Any resident of a municipality in which such a community
590 residence or child-care residential facility is located may, with the
591 approval of the legislative body of such municipality, petition (1) the
592 Commissioner of Mental Retardation to revoke the license of such

593 community residence on the grounds that such community residence
594 is not in compliance with the provisions of any statute or regulation
595 concerning the operation of such residences, (2) the Commissioner of
596 [Children and Families] Public Health to revoke the license of such
597 child-care residential facility on the grounds that such child-care
598 residential facility is not in compliance with the provision of any
599 general statute or regulation concerning the operation of such child-
600 care residential facility, or (3) the Commissioner of Mental Health and
601 Addiction Services to withdraw funding from such community
602 residence on the grounds that such community residence is not in
603 compliance with the provisions of any general statute or regulation
604 adopted thereunder concerning the operation of a community
605 residence.

606 Sec. 19. Section 10-253 of the 2006 supplement to the general statutes
607 is repealed and the following is substituted in lieu thereof (*Effective July*
608 *1, 2006*):

609 (a) Children placed out by the Commissioner of Children and
610 Families or by other agencies or persons, including offices of a
611 government of a federally recognized Native American tribe, private
612 child-caring or child-placing agencies licensed by the Department of
613 [Children and Families] Public Health, and eligible residents of
614 facilities operated by the Department of Mental Health and Addiction
615 Services or by the Department of Public Health who are eighteen to
616 twenty-one years of age, shall be entitled to all free school privileges of
617 the school district where they then reside as a result of such placement,
618 except as provided in subdivision (4) of subsection (e) of section 10-
619 76d, as amended. Except as provided in subsection (d) of this section
620 and subdivision (4) of subsection (e) of section 10-76d, as amended,
621 payment for such education shall be made by the board of education of
622 the school district under whose jurisdiction such child would
623 otherwise be attending school where such a school district is identified.

624 (b) The board of education of the school district under whose

625 jurisdiction a child would otherwise be attending school shall be
626 financially responsible for the reasonable costs of education for a child
627 placed out by the Commissioner of Children and Families or by other
628 agencies, including, but not limited to, offices of a government of a
629 federally recognized Native American tribe, in a private residential
630 facility when such child requires educational services other than
631 special education services. Such financial responsibility shall be the
632 lesser of one hundred per cent of the costs of such education or the
633 average per pupil educational costs of such board of education for the
634 prior fiscal year, determined in accordance with subsection (a) of
635 section 10-76f, as amended. Any costs in excess of the boards' basic
636 contribution shall be paid by the State Board of Education on a current
637 basis. The costs for services other than educational shall be paid by the
638 state agency which placed the child. Application for the grant to be
639 paid by the state for costs in excess of the local or regional board of
640 education's basic contribution shall be made in accordance with the
641 provisions of subdivision (5) of subsection (e) of section 10-76d, as
642 amended. Notwithstanding the provisions of this subsection, for the
643 fiscal years ending June 30, 2004, to June 30, 2007, inclusive, the
644 amount of the grants payable to local or regional boards of education
645 in accordance with this subsection shall be reduced proportionately if
646 the total of such grants in such year exceeds the amount appropriated
647 for the purposes of this subsection for such year.

648 (c) No board of education shall be required to provide school
649 accommodations for any child whose legal residence is in another state
650 unless the board has entered into an agreement concerning the
651 provision of educational services and programs with the state or local
652 educational agency of such state responsible for educating the child,
653 the facility where the child is placed or the parent or guardian placing
654 such child, and provided that a bond, in a sum equal to the tuition
655 payable for such child, issued by a surety company authorized to do
656 business in this state and conditioned upon the payment of tuition at
657 the rate established by the board, shall be filed with the treasurer of the
658 school district in which such child is attending school by the parent or

659 guardian or other person or organization in control of such child.

660 (d) Children residing with relatives or nonrelatives, when it is the
661 intention of such relatives or nonrelatives and of the children or their
662 parents or guardians that such residence is to be permanent, provided
663 without pay and not for the sole purpose of obtaining school
664 accommodations, and, for the fiscal year commencing July 1, 1981, and
665 each fiscal year thereafter, children not requiring special education
666 who are residing in any facility or home as a result of a placement by a
667 public agency, including, but not limited to, offices of a government of
668 a federally recognized Native American tribe, other than a local or
669 regional board of education, and except as provided by subsection (b)
670 of this section, shall be entitled to all free school privileges accorded to
671 resident children of the school district in which they then reside. A
672 local or regional board of education may require documentation from
673 the parent or guardian, the relative or nonrelative, emancipated minor
674 or pupil eighteen years of age or older that the residence is to be
675 permanent, provided without pay and not for the sole purpose of
676 obtaining school accommodations provided by the school district.
677 Such documentation may include affidavits, provided that prior to any
678 request for documentation of a child's residency from the child's
679 parent or guardian, relative or nonrelative, or emancipated minor or
680 pupil eighteen years of age or older, the board of education shall
681 provide the parent or guardian, relative or nonrelative, emancipated
682 minor or pupil eighteen years of age or older with a written statement
683 specifying the basis upon which the board has reason to believe that
684 such child, emancipated minor or pupil eighteen years of age or older
685 is not entitled to school accommodations.

686 (e) (1) For purposes of this subsection:

687 (A) "Temporary shelters" means facilities which provide emergency
688 shelter for a specified, limited period of time; [] and

689 (B) "Educational costs" means the reasonable costs of providing
690 regular or, except as otherwise provided, special education, but in no

691 event shall such costs exceed the average per pupil cost for regular
692 education students or the actual cost of providing special education for
693 special education students.

694 (2) Children in temporary shelters shall be entitled to free school
695 privileges from either the school district in which the shelter is located
696 or the school district in which the child would otherwise reside, if not
697 for the need for temporary shelter. Upon notification from the school
698 district in which the temporary shelter is located, the school district in
699 which the child would otherwise reside, if identified, shall either pay
700 tuition to the school district in which the temporary shelter is located
701 for the child to attend school in that district or shall continue to
702 provide educational services, including transportation, to such child. If
703 the school district where the child would otherwise reside cannot be
704 identified, the school district in which the temporary shelter is located
705 shall be financially responsible for the educational costs for such child,
706 except that in the case of a child who requires special education and
707 related services and is placed by the Department of Children and
708 Families in a temporary shelter on or after July 1, 1995, the school
709 district in which the child resided immediately prior to such placement
710 or the Department of Children and Families shall be responsible for the
711 cost of such special education and related services, to the extent such
712 board or department is responsible for such costs under subparagraph
713 (B) of subdivision (2) of subsection (e) of section 10-76d, as amended. If
714 the school district where the child would otherwise reside declines to
715 provide free school privileges, the school district where the temporary
716 shelter is located shall provide free school privileges and may recover
717 tuition from the school district where the child would otherwise reside.
718 In the case of children requiring special education who have been
719 placed in out-of-district programs by either a board of education or
720 state agency, the school district in which the child would otherwise
721 reside shall continue to be responsible for the child's education until
722 such time as a new residence is established, notwithstanding the fact
723 that the child or child's family resides in a temporary shelter.

724 (f) Notwithstanding any provision of the general statutes,
725 educational services shall be provided by each local and regional
726 board of education to homeless children and youths in accordance
727 with the provisions of 42 USC 11431, et seq., as amended from time to
728 time.

729 Sec. 20. Section 20-14i of the 2006 supplement to the general statutes
730 is repealed and the following is substituted in lieu thereof (*Effective July*
731 *1, 2006*):

732 Any provisions to the contrary notwithstanding, chapter 378 shall
733 not prohibit the administration of medication to persons attending day
734 programs, residing in residential facilities or receiving individual and
735 family support, under the jurisdiction of the Departments of Children
736 and Families, Correction, Mental Retardation and Mental Health and
737 Addiction Services, or being detained in juvenile detention centers or
738 residing in residential facilities [dually] licensed by the Department of
739 [Children and Families and the Department of] Public Health, when
740 such medication is administered by trained persons, pursuant to the
741 written order of a physician licensed under this chapter, a dentist
742 licensed under chapter 379, an advanced practice registered nurse
743 licensed to prescribe in accordance with section 20-94a or a physician
744 assistant licensed to prescribe in accordance with section 20-12d, as
745 amended, authorized to prescribe such medication. The provisions of
746 this section shall not apply to institutions, facilities or programs
747 licensed pursuant to chapter 368v.

748 Sec. 21. Subsection (g) of section 38a-488a of the general statutes is
749 repealed and the following is substituted in lieu thereof (*Effective July*
750 *1, 2006*):

751 (g) In the case of benefits payable for the service of a licensed
752 physician practicing as a psychiatrist or a licensed psychologist, under
753 subsection (d) of this section, such benefits shall be payable for
754 outpatient services rendered (1) in a nonprofit community mental
755 health center, as defined by the Department of Mental Health and

756 Addiction Services, in a nonprofit licensed adult psychiatric clinic
757 operated by an accredited hospital or in a residential treatment facility;
758 (2) under the supervision of a licensed physician practicing as a
759 psychiatrist, a licensed psychologist, a licensed marital and family
760 therapist, a licensed clinical social worker, a licensed or certified
761 alcohol and drug counselor or a licensed professional counselor who is
762 eligible for reimbursement under subdivisions (1) to (6), inclusive, of
763 subsection (d) of this section; and (3) within the scope of the license
764 issued to the center, [or] clinic or residential treatment facility by the
765 Department of Public Health, [or to the residential treatment facility by
766 the Department of Children and Families.]

767 Sec. 22. Subsection (g) of section 38a-514 of the general statutes is
768 repealed and the following is substituted in lieu thereof (*Effective July*
769 *1, 2006*):

770 (g) In the case of benefits payable for the service of a licensed
771 physician practicing as a psychiatrist or a licensed psychologist, under
772 subsection (d) of this section, such benefits shall be payable for
773 outpatient services rendered (1) in a nonprofit community mental
774 health center, as defined by the Department of Mental Health and
775 Addiction Services, in a nonprofit licensed adult psychiatric clinic
776 operated by an accredited hospital or in a residential treatment facility;
777 (2) under the supervision of a licensed physician practicing as a
778 psychiatrist, a licensed psychologist, a licensed marital and family
779 therapist, a licensed clinical social worker, a licensed or certified
780 alcohol and drug counselor, or a licensed professional counselor who
781 is eligible for reimbursement under subdivisions (1) to (6), inclusive, of
782 subsection (d) of this section; and (3) within the scope of the license
783 issued to the center, [or] clinic or residential treatment facility by the
784 Department of Public Health, [or to the residential treatment facility by
785 the Department of Children and Families.]

786 Sec. 23. Subsection (d) of section 45a-607 of the general statutes is
787 repealed and the following is substituted in lieu thereof (*Effective July*

788 1, 2006):

789 (d) If, after hearing, the court finds by a fair preponderance of the
 790 evidence (1) that the parent or other guardian has performed acts of
 791 omission or commission as set forth in section 45a-610, and (2) that,
 792 because of such acts, the minor child is suffering from serious physical
 793 illness or serious physical injury, or the immediate threat thereof, or is
 794 in immediate physical danger, so as to require that temporary custody
 795 be granted, the court may order the custody of the minor child to be
 796 given to one of the following, taking into consideration the standards
 797 set forth in section 45a-617: (A) The Commissioner of Children and
 798 Families; (B) the board of managers of any child-caring institution or
 799 organization; (C) any children's home or similar institution licensed or
 800 approved by the Commissioner of [Children and Families] Public
 801 Health; or (D) any other person. The fact that an order of temporary
 802 custody may have been issued ex parte under subsection (b) of this
 803 section shall be of no weight in a hearing held under this subsection.
 804 The burden of proof shall remain upon the applicant to establish the
 805 applicant's case. The court may issue the order without taking into
 806 consideration the standards set forth in this section and section 45a-610
 807 if the parent or other guardian consents to the temporary removal of
 808 the minor child, or the court finds that the minor child has no guardian
 809 of his or her person. Upon the issuance of an order giving custody of
 810 the minor child to the Commissioner of Children and Families, or not
 811 later than sixty days after the issuance of such order, the court shall
 812 make a determination whether the Department of Children and
 813 Families made reasonable efforts to keep the minor child with his or
 814 her parent, parents or guardian prior to the issuance of such order and,
 815 if such efforts were not made, whether such reasonable efforts were
 816 not possible, taking into consideration the minor child's best interests,
 817 including the minor child's health and safety.

818 Sec. 24. Section 45a-619 of the general statutes is repealed and the
 819 following is substituted in lieu thereof (*Effective July 1, 2006*):

820 In any proceeding under sections 45a-603 to 45a-624, inclusive, in
821 which the applicant has alleged that the minor has been abused or
822 neglected, as those terms are defined in section 46b-120, as amended,
823 or in which the probate judge has reason to believe that the minor may
824 have been abused or neglected, the Court of Probate shall request the
825 Commissioner of Children and Families or any licensed or approved
826 organization, agency or individual licensed or approved by the
827 [commissioner,] Department of Public Health to make an investigation
828 and written report to it, [within] not later than ninety days [from] after
829 the receipt of such request, unless the request concerns an application
830 for immediate temporary custody or temporary custody, in which case
831 the commissioner shall render the report by such date as is reasonably
832 ordered by the court. The report shall indicate the physical, mental and
833 emotional status of the minor and shall contain such facts as may be
834 relevant to the court's determination of whether the proposed court
835 action will be in the best interests of the minor, including the physical,
836 social, mental, and financial condition of the parties, and such other
837 factors which the commissioner or agency finds relevant to the court's
838 determination of whether the proposed action will be in the best
839 interests of the minor. In any other proceeding under sections 45a-603
840 to 45a-624, inclusive, the court shall request an investigation and
841 report unless this requirement is waived for cause shown. The report
842 shall be admissible in evidence, subject to the right of any interested
843 party to require that the person making it appear as a witness, if
844 available, and subject to examination.

845 Sec. 25. Section 45a-707 of the general statutes is repealed and the
846 following is substituted in lieu thereof (*Effective July 1, 2006*):

847 As used in sections 45a-187, as amended, 45a-706 to 45a-709,
848 inclusive, 45a-715 to 45a-718, inclusive, as amended by this act, and
849 45a-724 to 45a-737, inclusive:

850 (1) "Adoption" means the establishment by court order of the legal
851 relationship of parent and child;

852 (2) "Child care facility" means a congregate residential setting for the
853 out-of-home placement of children or youth under eighteen years of
854 age, licensed by the Department of [Children and Families] Public
855 Health;

856 (3) "Child-placing agency" means any agency within or without the
857 state of Connecticut licensed or approved by the Commissioner of
858 [Children and Families] Public Health in accordance with sections
859 17a-149, as amended by this act, and 17a-151, as amended by this act,
860 and in accordance with standards established by regulations of the
861 Commissioner of [Children and Families] Public Health;

862 (4) "Guardianship" means guardianship, unless otherwise specified,
863 of the person of a minor and refers to the obligation of care and
864 control, the right to custody and the duty and authority to make major
865 decisions affecting the minor's welfare, including, but not limited to,
866 consent determinations regarding marriage, enlistment in the armed
867 forces and major medical, psychiatric or surgical treatment;

868 (5) "Parent" means a biological or adoptive parent;

869 (6) "Relative" means any person descended from a common
870 ancestor, whether by blood or adoption, not more than three
871 generations removed from the child;

872 (7) "Statutory parent" means the Commissioner of Children and
873 Families or the child-placing agency appointed by the court for the
874 purpose of the adoption of a minor child or minor children;

875 (8) "Termination of parental rights" means the complete severance
876 by court order of the legal relationship, with all its rights and
877 responsibilities, between the child and the child's parent or parents so
878 that the child is free for adoption except it shall not affect the right of
879 inheritance of the child or the religious affiliation of the child.

880 Sec. 26. Subsection (a) of section 45a-715 of the general statutes is
881 repealed and the following is substituted in lieu thereof (*Effective July*

882 1, 2006):

883 (a) Any of the following persons may petition the Court of Probate
884 to terminate parental rights of all persons who may have parental
885 rights regarding any minor child or for the termination of parental
886 rights of only one parent provided the application so states: (1) Either
887 or both parents, including a parent who is a minor; (2) the guardian of
888 the child; (3) the selectmen of any town having charge of any
889 foundling child; (4) a duly authorized officer of any child care facility
890 or child-placing agency or organization or any children's home or
891 similar institution approved by the Commissioner of [Children and
892 Families] Public Health; (5) a relative of the child if the parent or
893 parents have abandoned or deserted the child; (6) the Commissioner of
894 Children and Families, provided the custodial parent of such minor
895 child has consented to the termination of parental rights and the child
896 has not been committed to the commissioner, and no application for
897 commitment has been made; provided in any case hereunder where
898 the child with respect to whom the petition is brought has attained the
899 age of twelve, the child shall join in the petition.

900 Sec. 27. Subsection (e) of section 45a-717 of the general statutes is
901 repealed and the following is substituted in lieu thereof (*Effective July*
902 *1, 2006*):

903 (e) (1) The court may, and in any contested case shall, request the
904 Commissioner of Children and Families or any licensed child-placing
905 agency [licensed by the commissioner] to make an investigation and
906 written report to it, within ninety days from the receipt of such
907 request. The report shall indicate the physical, mental and emotional
908 status of the child and shall contain such facts as may be relevant to the
909 court's determination of whether the proposed termination of parental
910 rights will be in the best interests of the child, including the physical,
911 mental, social and financial condition of the biological parents, and any
912 other factors which the commissioner or such child-placing agency
913 finds relevant to the court's determination of whether the proposed

914 termination will be in the best interests of the child. (2) If such a report
915 has been requested, upon the expiration of such ninety-day period or
916 upon receipt of the report, whichever is earlier, the court shall set a day
917 for a hearing not more than thirty days thereafter. The court shall give
918 reasonable notice of such adjourned hearing to all parties to the first
919 hearing, including the child, if over fourteen years of age, and to such
920 other persons as the court shall deem appropriate. (3) The report shall
921 be admissible in evidence, subject to the right of any interested party to
922 require that the person making it appear as a witness, if available, and
923 subject himself to examination.

924 Sec. 28. Subsection (a) of section 45a-763 of the general statutes is
925 repealed and the following is substituted in lieu thereof (*Effective July*
926 *1, 2006*):

927 (a) An Adoption Review Board is established, to consist of the
928 Commissioner of Children and Families or his designee, the Probate
929 Court Administrator or his designee, and an officer of a child-placing
930 agency which is located in the state and licensed by the Commissioner
931 of [Children and Families] Public Health, who shall be appointed by
932 the Governor to serve for a term of four years from the date of his
933 appointment.

934 Sec. 29. Subsection (a) of section 46b-129 of the general statutes is
935 repealed and the following is substituted in lieu thereof (*Effective July*
936 *1, 2006*):

937 (a) Any selectman, town manager, or town, city, or borough welfare
938 department, any probation officer, or the Commissioner of Social
939 Services, the Commissioner of Children and Families or any child-
940 caring institution or agency approved by the Commissioner of
941 [Children and Families] Public Health, a child or such child's
942 representative or attorney or a foster parent of a child, having
943 information that a child or youth is neglected, uncared-for or
944 dependent, may file with the Superior Court which has venue over
945 such matter a verified petition plainly stating such facts as bring the

946 child or youth within the jurisdiction of the court as neglected,
947 uncared-for, or dependent, within the meaning of section 46b-120, as
948 amended, the name, date of birth, sex, and residence of the child or
949 youth, the name and residence of such child's parents or guardian, and
950 praying for appropriate action by the court in conformity with the
951 provisions of this chapter. Upon the filing of such a petition, except as
952 otherwise provided in subsection (k) of section 17a-112, the court shall
953 cause a summons to be issued requiring the parent or parents or the
954 guardian of the child or youth to appear in court at the time and place
955 named, which summons shall be served not less than fourteen days
956 before the date of the hearing in the manner prescribed by section 46b-
957 128, and said court shall further give notice to the petitioner and to the
958 Commissioner of Children and Families of the time and place when
959 the petition is to be heard not less than fourteen days prior to the
960 hearing in question.

961 Sec. 30. Section 46b-149 of the general statutes is repealed and the
962 following is substituted in lieu thereof (*Effective July 1, 2006*):

963 (a) Any selectman, town manager, police officer or welfare
964 department of any town, city or borough, probation officer,
965 superintendent of schools, the Commissioner of Children and Families,
966 any child-caring institution or agency approved or licensed by the
967 Commissioner of [Children and Families] Public Health, any youth
968 service bureau, a parent or foster parent of a child, or a child or his
969 representative or attorney, who believes that the acts or omissions of a
970 child are such that his family is a family with service needs, may file a
971 written complaint setting forth those facts with the superior court
972 which has venue over that matter.

973 Sec. 31. Section 46b-150f of the general statutes is repealed and the
974 following is substituted in lieu thereof (*Effective July 1, 2006*):

975 (a) Any selectman, town manager, police officer or welfare
976 department of any town, city or borough, any probation officer, any
977 superintendent of schools, any child-caring institution or agency

978 approved or licensed by the Commissioner of [Children and Families]
979 Public Health, any youth service bureau, a parent or foster parent of a
980 youth, or a representative of youth, who believes that the acts or
981 omissions of a youth are such that such youth is a youth in crisis may
982 file a written complaint setting forth those facts with the Superior
983 Court which has venue over the matter.

984 (b) A petition alleging that a youth is a youth in crisis shall be
985 verified and filed with the Superior Court which has venue over the
986 matter. The petition shall set forth plainly: (1) The facts which bring
987 the youth within the jurisdiction of the court; (2) the name, date of
988 birth, sex and residence of the youth; (3) the name and residence of the
989 parent or parents, guardian or other person having control of the
990 youth; and (4) a prayer for appropriate action by the court in
991 conformity with the provisions of this section.

992 (c) Upon determination that a youth is a youth in crisis in
993 accordance with policies established by the Chief Court Administrator,
994 the court may make and enforce orders, including, but not limited to,
995 orders: (1) Directing the Commissioner of Motor Vehicles to suspend
996 the motor vehicle operator's license of the youth in crisis for a period of
997 time, as directed by the court, but not to exceed one year; (2) requiring
998 work or specified community service; (3) mandating that the youth in
999 crisis attend an educational program in the local community approved
1000 by the court; (4) requiring mental health services; (5) referring the
1001 youth in crisis to a youth service bureau, provided one exists in the
1002 local community; and (6) reviewing the option of emancipation,
1003 pursuant to section 46b-150, of the youth in crisis or the parent or
1004 guardian of such youth in crisis. A youth in crisis found to be in
1005 violation of any order under this section shall not be considered to be
1006 delinquent and shall not be punished by the court by incarceration in
1007 any state-operated detention facility or correctional facility.

1008 (d) The Judicial Department may use any funds appropriated for
1009 purposes of this chapter for costs incurred by the department or the

1010 court pursuant to this section.

1011 Sec. 32. Section 17a-101j of the general statutes is repealed and the
1012 following is substituted in lieu thereof (*Effective July 1, 2006*):

1013 (a) After the investigation has been completed and the
1014 Commissioner of Children and Families has reasonable cause to
1015 believe that sexual abuse or serious physical abuse of a child has
1016 occurred, the commissioner shall notify the appropriate local law
1017 enforcement authority and the Chief State's Attorney or the Chief
1018 State's Attorney's designee or the state's attorney for the judicial
1019 district in which the child resides or in which the abuse or neglect
1020 occurred of such belief and shall provide a copy of the report required
1021 in sections 17a-101a to 17a-101c, inclusive, and 17a-103.

1022 (b) Whenever a report has been made pursuant to sections 17a-101a
1023 to 17a-101c, inclusive, and 17a-103, alleging that abuse or neglect has
1024 occurred at an institution or facility that provides care for children and
1025 is subject to licensure by the state for the caring of children, and the
1026 Commissioner of Children and Families, after investigation, has
1027 reasonable cause to believe abuse or neglect has occurred, the
1028 commissioner shall forthwith notify the state agency responsible for
1029 such licensure of such institution or facility and provide records,
1030 whether or not created by the department, concerning such
1031 investigation, except that if the facility is under the jurisdiction of the
1032 commissioner, the Department of Public Health shall conduct the
1033 investigation.

1034 (c) If, after the investigation is completed, the commissioner
1035 determines that a parent or guardian inflicting abuse or neglecting a
1036 child is in need of treatment for substance abuse, the commissioner
1037 shall refer such person to appropriate treatment services.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	17a-20
Sec. 3	<i>July 1, 2006</i>	17a-22g
Sec. 4	<i>July 1, 2006</i>	17a-28(e)
Sec. 5	<i>July 1, 2006</i>	17a-38
Sec. 6	<i>July 1, 2006</i>	17a-93(g) and (h)
Sec. 7	<i>July 1, 2006</i>	17a-113
Sec. 8	<i>July 1, 2006</i>	17a-114
Sec. 9	<i>July 1, 2006</i>	17a-145
Sec. 10	<i>July 1, 2006</i>	17a-147
Sec. 11	<i>July 1, 2006</i>	17a-149
Sec. 12	<i>July 1, 2006</i>	17a-150
Sec. 13	<i>July 1, 2006</i>	17a-151
Sec. 14	<i>July 1, 2006</i>	17a-152
Sec. 15	<i>July 1, 2006</i>	17a-154
Sec. 16	<i>July 1, 2006</i>	17a-155
Sec. 17	<i>July 1, 2006</i>	17a-277
Sec. 18	<i>July 1, 2006</i>	8-3e
Sec. 19	<i>July 1, 2006</i>	10-253
Sec. 20	<i>July 1, 2006</i>	20-14i
Sec. 21	<i>July 1, 2006</i>	38a-488a(g)
Sec. 22	<i>July 1, 2006</i>	38a-514(g)
Sec. 23	<i>July 1, 2006</i>	45a-607(d)
Sec. 24	<i>July 1, 2006</i>	45a-619
Sec. 25	<i>July 1, 2006</i>	45a-707
Sec. 26	<i>July 1, 2006</i>	45a-715(a)
Sec. 27	<i>July 1, 2006</i>	45a-717(e)
Sec. 28	<i>July 1, 2006</i>	45a-763(a)
Sec. 29	<i>July 1, 2006</i>	46b-129(a)
Sec. 30	<i>July 1, 2006</i>	46b-149
Sec. 31	<i>July 1, 2006</i>	46b-150f
Sec. 32	<i>July 1, 2006</i>	17a-101j

Statement of Purpose:

To remove all licensure powers and duties from the Department of Children and Families and transfer those powers and duties to the Department of Public Health.

[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.]