



General Assembly

Substitute Bill No. 397

February Session, 2006

* _____SB00397PH_____041706_____*

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 January 1, 2007*) (a) Notwithstanding any
2 provision of the general statutes, on and after January 1, 2007, 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 January 1,
6 2007, 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 January 1, 2007,
9 shall 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10 Commissioner of Public Health until superseded by law.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 Section 17a-20 of the general statutes is repealed and the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 January 1, 2007*):

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 six months of the adoption of regulations
56 under subsection (c) of this section. No clinic receiving funds under
57 this section shall refuse services to any resident of this state solely
58 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
76 January 1, 2007, shall continue in force and effect as a regulation or
77 order of the 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 January 1, 2007*):

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 January 1, 2007*):

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 January 1, 2007*):

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 January 1,
145 2007, 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 January 1, 2007*):

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 January 1, 2007*):

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*
201 *January 1, 2007*):

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 January 1,
262 2007, 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*
266 *January 1, 2007*):

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 of the 2006 supplement to the general
299 statutes.

300 Sec. 10. Section 17a-147 of the general statutes is repealed and the
301 following is substituted in lieu thereof (*Effective January 1, 2007*):

302 (a) For the purposes of this section and section 17a-22, "extended
303 day treatment" means a supplementary care community-based
304 program providing a comprehensive multidisciplinary approach to
305 treatment and rehabilitation of emotionally disturbed, mentally ill,
306 behaviorally disordered or multiply handicapped children and youth
307 during the hours immediately before and after school while they
308 reside with their parents or surrogate family. Extended day treatment
309 programs, except any such program provided by a regional
310 educational service center established in accordance with section 10-
311 66a, shall be licensed by the Department of [Children and Families]
312 Public Health.

313 (b) The goal of extended day treatment is to improve the
314 functioning of the child or youth as an individual and the family as a
315 unit with the least possible interruption of beneficial relationships with
316 the family and the community. An extended day treatment program

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

329 (c) The Commissioner of [Children and Families] Public Health shall
330 adopt such regulations, in accordance with chapter 54, as are necessary
331 to establish procedures and requirements for the licensure of extended
332 day treatment programs, except any such program provided by a
333 regional educational service center. Any regulation or order of the
334 Commissioner of Children and Families issued pursuant to this section
335 that is in effect on January 1, 2007, shall continue in force and effect as
336 a regulation or order of the Commissioner of Public Health until
337 superseded by law.

338 Sec. 11. Section 17a-149 of the general statutes is repealed and the
339 following is substituted in lieu thereof (*Effective January 1, 2007*):

340 No person or entity except the Department of Children and
341 Families, a parent, an adult relative as specified by section 17b-75 or
342 guardian of any child shall place a child without a license obtained
343 from the Commissioner of [Children and Families] Public Health.
344 Application for a child-placing license shall be in a form furnished by
345 the commissioner, and shall state the location of the principal place of
346 business of the applicant, its organization or corporate name, its
347 purposes and the name, title and degree of professional training of
348 each of its staff members engaged in carrying out its stated purposes.
349 Any such applicant shall consent to such inspection, review and

350 supervision of all acts in relation to child placing as are reasonably
351 necessary to enable the commissioner to perform his duties under
352 section 17a-151, as amended by this act. The provisions of this section
353 with regard to the commissioner's authority to inspect, review and
354 supervise all acts in relation to child placing under section 17a-151, as
355 amended by this act, shall be limited to inspection, review and
356 supervision of the applicant under this section and shall not include
357 inspection, review or supervision of the homes in which a child is
358 placed.

359 Sec. 12. Section 17a-150 of the general statutes is repealed and the
360 following is substituted in lieu thereof (*Effective January 1, 2007*):

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

371 (b) Said commissioner shall adopt regulations prescribing the
372 minimum standards for homes in which children may be placed.

373 (c) Any regulation or order of the Commissioner of Children and
374 Families issued pursuant to this section that is in effect on January 1,
375 2007, shall continue in force and effect as a regulation or order of the
376 Commissioner of Public Health until superseded by law.

377 Sec. 13. Section 17a-151 of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective January 1, 2007*):

379 (a) The Commissioner of [Children and Families] Public Health
380 shall investigate the conditions stated in each application made under

381 the provisions of sections 17a-145, as amended by this act, and 17a-149,
382 as amended by this act, and shall require any person identified on the
383 application under said sections to submit to state and national criminal
384 history records checks. The commissioner shall investigate the
385 conditions in each application under the provisions of sections 17a-145,
386 as amended by this act, and 17a-149, as amended by this act, and, if the
387 commissioner finds such conditions suitable for the proper care of
388 children, or for the placing out of children, under such standards for
389 the promotion of the health, safety, morality and well-being of such
390 children as the commissioner prescribes, shall issue such license as is
391 required as promptly as possible, without expense to the licensee. If,
392 after such investigation, the commissioner finds that the applicant,
393 notwithstanding good faith efforts, is not able to fully comply with all
394 the requirements the commissioner prescribes, but compliance can be
395 achieved with minimal efforts, the commissioner may issue a
396 provisional license for a period not to exceed sixty days. The
397 provisional license may be renewed for additional sixty-day periods,
398 but in no event shall the total of such periods be for longer than one
399 year. Before issuing any license, the commissioner shall give to the
400 selectmen of the town wherein such licensee proposes to carry on the
401 licensed activity ten days' notice in writing that the issuance of such
402 license is proposed, but such notice shall not be required in case of
403 intention to issue such license to any corporation incorporated for the
404 purpose of caring for or placing such children. Each license so issued
405 shall specify whether it is granted for child-caring or child-placing
406 purposes, shall state the number of children who may be cared for,
407 shall be in force twenty-four months from date of issue, and shall be
408 renewed for the ensuing twenty-four months, if conditions continue to
409 be satisfactory to the commissioner. The commissioner shall also
410 provide such periodical inspections and review as shall safeguard the
411 well-being, health and morality of all children cared for or placed
412 under a license issued by the commissioner under this section and
413 shall visit and consult with each such child and with the licensee as
414 often as the commissioner deems necessary but at intervals of not more
415 than ninety days. Each licensee under the provisions of this section

416 shall file annually with the commissioner a report containing such
417 information concerning its functions, services and operation, including
418 financial data, as the commissioner requires. Any license issued under
419 this section may be revoked, suspended or limited by the
420 commissioner for cause, after notice given to the person or entity
421 concerned and after opportunity for a hearing thereon. Any party
422 whose application is denied or whose license is revoked, suspended or
423 limited by the commissioner may appeal from such adverse decision in
424 accordance with the provisions of section 4-183. Appeals under this
425 section shall be privileged in respect to the order of trial assignment.

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

429 (c) The commissioner shall adopt regulations, in accordance with
430 chapter 54, to establish a staggered schedule for the renewal of licenses
431 issued pursuant to sections 17a-145, as amended by this act, and 17a-
432 149, as amended by this act. Any regulation or order of the
433 Commissioner of Children and Families issued pursuant to this
434 subsection that is in effect on January 1, 2007, shall continue in force
435 and effect as a regulation or order of the Commissioner of Public
436 Health until superseded by law.

437 Sec. 14. Section 17a-152 of the general statutes is repealed and the
438 following is substituted in lieu thereof (*Effective January 1, 2007*):

439 Any person or entity, before bringing or sending any child into the
440 state for the purpose of placing or caring for him in any home or
441 institution, either free or for board, shall make application to the
442 Commissioner of Children and Families, giving the name, the age and
443 a personal description of such child, the name and address of the
444 person, home or institution with whom the child is to be placed, and
445 such other information as may be required by the commissioner. Such
446 person or institution shall be licensed [by said commissioner] under
447 the provisions of section 17a-145, as amended by this act, and section

448 17a-151, as amended by this act. When the permission of said
449 commissioner has been received for the placement of such child, the
450 person or entity, before placing the child, shall undertake: (1) That if,
451 prior to becoming eighteen years of age or being adopted, such child
452 becomes a public charge, such person or entity will, within thirty days
453 after notice requesting the child's removal has been given by the
454 commissioner, remove the child from the state; (2) that such person or
455 entity shall report annually, and more often if requested to do so by
456 the commissioner, as to the location and condition of the child so long
457 as the child remains in the state prior to his becoming eighteen years of
458 age or prior to his legal adoption, and shall, at the discretion of the
459 commissioner, execute and deliver to the commissioner a bond
460 payable to the state, and in the penal sum of one thousand dollars,
461 with surety or security acceptable to the Attorney General, conditioned
462 on the performance of such undertaking. The provisions of this section
463 shall not apply in the case of (A) the bringing of a child to the home of
464 any relative who is a resident of this state, (B) any summer camp
465 operating ninety days or less in any consecutive twelve months, or (C)
466 any educational institution as determined by the State Board of
467 Education.

468 Sec. 15. Section 17a-154 of the general statutes is repealed and the
469 following is substituted in lieu thereof (*Effective January 1, 2007*):

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

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

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

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

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

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

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

498 (c) Permanent family residences licensed by the department
499 pursuant to the provisions of this section and section 17a-155, as
500 amended by this act, shall be deemed private dwellings occupied by
501 one family by the Commissioner of Public Health for purposes of
502 compliance with the State Public Health Code and by the
503 Commissioner of Public Safety for purposes of compliance with the
504 State Building and Fire Safety Codes.

505 Sec. 16. Section 17a-155 of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective January 1, 2007*):

507 (a) Within one year from May 23, 1980, the department shall
508 promulgate any necessary regulations establishing additional
509 requirements for the licensure of permanent family residences. These
510 regulations may limit the number of foster children which may be

511 placed in a permanent family residence. The commissioner may in an
512 appropriate case waive any requirements established in such
513 regulations.

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

527 (c) After the effective date of the amendments to the Fire Safety
528 Code as provided in subsection (b) of this section, the Department of
529 [Children and Families] Public Health may not, except on a temporary
530 or emergency basis, license any permanent family residence for seven
531 or more handicapped foster children which it has not previously
532 licensed unless the State Fire Marshal determines that such facility
533 complies with the applicable provisions of the Fire Safety Code.

534 (d) Any regulation or order of the Commissioner of Children and
535 Families issued pursuant to this subsection that is in effect on January
536 1, 2007, shall continue in force and effect as a regulation or order of the
537 Commissioner of Public Health until superseded by law.

538 Sec. 17. Section 17a-277 of the general statutes is repealed and the
539 following is substituted in lieu thereof (*Effective January 1, 2007*):

540 The director of any state training school, regional facility or other
541 facility for the care and training of persons with mental retardation
542 may place any resident with mental retardation committed or

543 admitted to such training school, regional facility or other facility
544 provided for the care and training of persons with mental retardation,
545 under the provisions of sections 17a-210 to 17a-247, inclusive, as
546 amended, and 17a-273, in a private boarding home, group home or
547 other residential facility to be cared for in accordance with the
548 following conditions:

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

558 (2) When the transfer of any such resident has been authorized or
559 when, having been transferred to a private boarding home, group
560 home or other residential facility for persons with mental retardation,
561 such resident has been returned to the training school, regional facility
562 or other facility, the director of such training school, regional facility or
563 other facility shall forthwith so notify the Commissioner of Mental
564 Retardation;

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

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

574 Sec. 18. Section 8-3e of the 2006 supplement to the general statutes is

575 repealed and the following is substituted in lieu thereof (*Effective*
576 *January 1, 2007*):

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

590 (b) Any resident of a municipality in which such a community
591 residence or child-care residential facility is located may, with the
592 approval of the legislative body of such municipality, petition (1) the
593 Commissioner of Mental Retardation to revoke the license of such
594 community residence on the grounds that such community residence
595 is not in compliance with the provisions of any statute or regulation
596 concerning the operation of such residences, (2) the Commissioner of
597 [Children and Families] Public Health to revoke the license of such
598 child-care residential facility on the grounds that such child-care
599 residential facility is not in compliance with the provision of any
600 general statute or regulation concerning the operation of such child-
601 care residential facility, or (3) the Commissioner of Mental Health and
602 Addiction Services to withdraw funding from such community
603 residence on the grounds that such community residence is not in
604 compliance with the provisions of any general statute or regulation
605 adopted thereunder concerning the operation of a community
606 residence.

607 Sec. 19. Section 10-253 of the 2006 supplement to the general statutes

608 is repealed and the following is substituted in lieu thereof (*Effective*
609 *January 1, 2007*):

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

625 (b) The board of education of the school district under whose
626 jurisdiction a child would otherwise be attending school shall be
627 financially responsible for the reasonable costs of education for a child
628 placed out by the Commissioner of Children and Families or by other
629 agencies, including, but not limited to, offices of a government of a
630 federally recognized Native American tribe, in a private residential
631 facility when such child requires educational services other than
632 special education services. Such financial responsibility shall be the
633 lesser of one hundred per cent of the costs of such education or the
634 average per pupil educational costs of such board of education for the
635 prior fiscal year, determined in accordance with subsection (a) of
636 section 10-76f, as amended. Any costs in excess of the boards' basic
637 contribution shall be paid by the State Board of Education on a current
638 basis. The costs for services other than educational shall be paid by the
639 state agency which placed the child. Application for the grant to be
640 paid by the state for costs in excess of the local or regional board of
641 education's basic contribution shall be made in accordance with the

642 provisions of subdivision (5) of subsection (e) of section 10-76d, as
643 amended. Notwithstanding the provisions of this subsection, for the
644 fiscal years ending June 30, 2004, to June 30, 2007, inclusive, the
645 amount of the grants payable to local or regional boards of education
646 in accordance with this subsection shall be reduced proportionately if
647 the total of such grants in such year exceeds the amount appropriated
648 for the purposes of this subsection for such year.

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

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

676 permanent, provided without pay and not for the sole purpose of
677 obtaining school accommodations provided by the school district.
678 Such documentation may include affidavits, provided that prior to any
679 request for documentation of a child's residency from the child's
680 parent or guardian, relative or nonrelative, or emancipated minor or
681 pupil eighteen years of age or older, the board of education shall
682 provide the parent or guardian, relative or nonrelative, emancipated
683 minor or pupil eighteen years of age or older with a written statement
684 specifying the basis upon which the board has reason to believe that
685 such child, emancipated minor or pupil eighteen years of age or older
686 is not entitled to school accommodations.

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

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

690 (B) "Educational costs" means the reasonable costs of providing
691 regular or, except as otherwise provided, special education, but in no
692 event shall such costs exceed the average per pupil cost for regular
693 education students or the actual cost of providing special education for
694 special education students.

695 (2) Children in temporary shelters shall be entitled to free school
696 privileges from either the school district in which the shelter is located
697 or the school district in which the child would otherwise reside, if not
698 for the need for temporary shelter. Upon notification from the school
699 district in which the temporary shelter is located, the school district in
700 which the child would otherwise reside, if identified, shall either pay
701 tuition to the school district in which the temporary shelter is located
702 for the child to attend school in that district or shall continue to
703 provide educational services, including transportation, to such child. If
704 the school district where the child would otherwise reside cannot be
705 identified, the school district in which the temporary shelter is located
706 shall be financially responsible for the educational costs for such child,
707 except that in the case of a child who requires special education and

708 related services and is placed by the Department of Children and
709 Families in a temporary shelter on or after July 1, 1995, the school
710 district in which the child resided immediately prior to such placement
711 or the Department of Children and Families shall be responsible for the
712 cost of such special education and related services, to the extent such
713 board or department is responsible for such costs under subparagraph
714 (B) of subdivision (2) of subsection (e) of section 10-76d, as amended. If
715 the school district where the child would otherwise reside declines to
716 provide free school privileges, the school district where the temporary
717 shelter is located shall provide free school privileges and may recover
718 tuition from the school district where the child would otherwise reside.
719 In the case of children requiring special education who have been
720 placed in out-of-district programs by either a board of education or
721 state agency, the school district in which the child would otherwise
722 reside shall continue to be responsible for the child's education until
723 such time as a new residence is established, notwithstanding the fact
724 that the child or child's family resides in a temporary shelter.

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

730 Sec. 20. Section 20-14i of the 2006 supplement to the general statutes
731 is repealed and the following is substituted in lieu thereof (*Effective*
732 *January 1, 2007*):

733 Any provisions to the contrary notwithstanding, chapter 378 shall
734 not prohibit the administration of medication to persons attending day
735 programs, residing in residential facilities or receiving individual and
736 family support, under the jurisdiction of the Departments of Children
737 and Families, Correction, Mental Retardation and Mental Health and
738 Addiction Services, or being detained in juvenile detention centers or
739 residing in residential facilities [dually] licensed by the Department of
740 [Children and Families and the Department of] Public Health, when

741 such medication is administered by trained persons, pursuant to the
742 written order of a physician licensed under this chapter, a dentist
743 licensed under chapter 379, an advanced practice registered nurse
744 licensed to prescribe in accordance with section 20-94a or a physician
745 assistant licensed to prescribe in accordance with section 20-12d, as
746 amended, authorized to prescribe such medication. The provisions of
747 this section shall not apply to institutions, facilities or programs
748 licensed pursuant to chapter 368v.

749 Sec. 21. Subsection (g) of section 38a-488a of the general statutes is
750 repealed and the following is substituted in lieu thereof (*Effective*
751 *January 1, 2007*):

752 (g) In the case of benefits payable for the service of a licensed
753 physician practicing as a psychiatrist or a licensed psychologist, under
754 subsection (d) of this section, such benefits shall be payable for
755 outpatient services rendered (1) in a nonprofit community mental
756 health center, as defined by the Department of Mental Health and
757 Addiction Services, in a nonprofit licensed adult psychiatric clinic
758 operated by an accredited hospital or in a residential treatment facility;
759 (2) under the supervision of a licensed physician practicing as a
760 psychiatrist, a licensed psychologist, a licensed marital and family
761 therapist, a licensed clinical social worker, a licensed or certified
762 alcohol and drug counselor or a licensed professional counselor who is
763 eligible for reimbursement under subdivisions (1) to (6), inclusive, of
764 subsection (d) of this section; and (3) within the scope of the license
765 issued to the center, [or] clinic or residential treatment facility by the
766 Department of Public Health, [or to the residential treatment facility by
767 the Department of Children and Families.]

768 Sec. 22. Subsection (g) of section 38a-514 of the general statutes is
769 repealed and the following is substituted in lieu thereof (*Effective*
770 *January 1, 2007*):

771 (g) In the case of benefits payable for the service of a licensed
772 physician practicing as a psychiatrist or a licensed psychologist, under

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

787 Sec. 23. Subsection (d) of section 45a-607 of the general statutes is
788 repealed and the following is substituted in lieu thereof (*Effective*
789 *January 1, 2007*):

790 (d) If, after hearing, the court finds by a fair preponderance of the
791 evidence (1) that the parent or other guardian has performed acts of
792 omission or commission as set forth in section 45a-610, and (2) that,
793 because of such acts, the minor child is suffering from serious physical
794 illness or serious physical injury, or the immediate threat thereof, or is
795 in immediate physical danger, so as to require that temporary custody
796 be granted, the court may order the custody of the minor child to be
797 given to one of the following, taking into consideration the standards
798 set forth in section 45a-617: (A) The Commissioner of Children and
799 Families; (B) the board of managers of any child-caring institution or
800 organization; (C) any children's home or similar institution licensed or
801 approved by the Commissioner of [Children and Families] Public
802 Health; or (D) any other person. The fact that an order of temporary
803 custody may have been issued ex parte under subsection (b) of this
804 section shall be of no weight in a hearing held under this subsection.
805 The burden of proof shall remain upon the applicant to establish the
806 applicant's case. The court may issue the order without taking into

807 consideration the standards set forth in this section and section 45a-610
808 if the parent or other guardian consents to the temporary removal of
809 the minor child, or the court finds that the minor child has no guardian
810 of his or her person. Upon the issuance of an order giving custody of
811 the minor child to the Commissioner of Children and Families, or not
812 later than sixty days after the issuance of such order, the court shall
813 make a determination whether the Department of Children and
814 Families made reasonable efforts to keep the minor child with his or
815 her parent, parents or guardian prior to the issuance of such order and,
816 if such efforts were not made, whether such reasonable efforts were
817 not possible, taking into consideration the minor child's best interests,
818 including the minor child's health and safety.

819 Sec. 24. Section 45a-619 of the general statutes is repealed and the
820 following is substituted in lieu thereof (*Effective January 1, 2007*):

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

841 to 45a-624, inclusive, the court shall request an investigation and
842 report unless this requirement is waived for cause shown. The report
843 shall be admissible in evidence, subject to the right of any interested
844 party to require that the person making it appear as a witness, if
845 available, and subject to examination.

846 Sec. 25. Section 45a-707 of the general statutes is repealed and the
847 following is substituted in lieu thereof (*Effective January 1, 2007*):

848 As used in sections 45a-187, as amended, 45a-706 to 45a-709,
849 inclusive, 45a-715 to 45a-718, inclusive, as amended by this act, and
850 45a-724 to 45a-737, inclusive:

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

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

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

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

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

870 (6) "Relative" means any person descended from a common

871 ancestor, whether by blood or adoption, not more than three
872 generations removed from the child;

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

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

881 Sec. 26. Subsection (a) of section 45a-715 of the general statutes is
882 repealed and the following is substituted in lieu thereof (*Effective*
883 *January 1, 2007*):

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

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

903 *January 1, 2007*):

904 (e) (1) The court may, and in any contested case shall, request the
905 Commissioner of Children and Families or any licensed child-placing
906 agency [licensed by the commissioner] to make an investigation and
907 written report to it, within ninety days from the receipt of such
908 request. The report shall indicate the physical, mental and emotional
909 status of the child and shall contain such facts as may be relevant to the
910 court's determination of whether the proposed termination of parental
911 rights will be in the best interests of the child, including the physical,
912 mental, social and financial condition of the biological parents, and any
913 other factors which the commissioner or such child-placing agency
914 finds relevant to the court's determination of whether the proposed
915 termination will be in the best interests of the child. (2) If such a report
916 has been requested, upon the expiration of such ninety-day period or
917 upon receipt of the report, whichever is earlier, the court shall set a day
918 for a hearing not more than thirty days thereafter. The court shall give
919 reasonable notice of such adjourned hearing to all parties to the first
920 hearing, including the child, if over fourteen years of age, and to such
921 other persons as the court shall deem appropriate. (3) The report shall
922 be admissible in evidence, subject to the right of any interested party to
923 require that the person making it appear as a witness, if available, and
924 subject himself to examination.

925 Sec. 28. Subsection (a) of section 45a-763 of the general statutes is
926 repealed and the following is substituted in lieu thereof (*Effective*
927 *January 1, 2007*):

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

935 Sec. 29. Subsection (a) of section 46b-129 of the general statutes is
936 repealed and the following is substituted in lieu thereof (*Effective*
937 *January 1, 2007*):

938 (a) Any selectman, town manager, or town, city, or borough welfare
939 department, any probation officer, or the Commissioner of Social
940 Services, the Commissioner of Children and Families or any child-
941 caring institution or agency approved by the Commissioner of
942 [Children and Families] Public Health, a child or such child's
943 representative or attorney or a foster parent of a child, having
944 information that a child or youth is neglected, uncared-for or
945 dependent, may file with the Superior Court which has venue over
946 such matter a verified petition plainly stating such facts as bring the
947 child or youth within the jurisdiction of the court as neglected,
948 uncared-for, or dependent, within the meaning of section 46b-120, as
949 amended, the name, date of birth, sex, and residence of the child or
950 youth, the name and residence of such child's parents or guardian, and
951 praying for appropriate action by the court in conformity with the
952 provisions of this chapter. Upon the filing of such a petition, except as
953 otherwise provided in subsection (k) of section 17a-112, the court shall
954 cause a summons to be issued requiring the parent or parents or the
955 guardian of the child or youth to appear in court at the time and place
956 named, which summons shall be served not less than fourteen days
957 before the date of the hearing in the manner prescribed by section 46b-
958 128, and said court shall further give notice to the petitioner and to the
959 Commissioner of Children and Families of the time and place when
960 the petition is to be heard not less than fourteen days prior to the
961 hearing in question.

962 Sec. 30. Subsection (a) of section 46b-149 of the general statutes is
963 repealed and the following is substituted in lieu thereof (*Effective*
964 *January 1, 2007*):

965 (a) Any selectman, town manager, police officer or welfare
966 department of any town, city or borough, probation officer,
967 superintendent of schools, the Commissioner of Children and Families,

968 any child-caring institution or agency approved or licensed by the
969 Commissioner of [Children and Families] Public Health, any youth
970 service bureau, a parent or foster parent of a child, or a child or his
971 representative or attorney, who believes that the acts or omissions of a
972 child are such that his family is a family with service needs, may file a
973 written complaint setting forth those facts with the superior court
974 which has venue over that matter.

975 Sec. 31. Section 46b-150f of the general statutes is repealed and the
976 following is substituted in lieu thereof (*Effective January 1, 2007*):

977 (a) Any selectman, town manager, police officer or welfare
978 department of any town, city or borough, any probation officer, any
979 superintendent of schools, any child-caring institution or agency
980 approved or licensed by the Commissioner of [Children and Families]
981 Public Health, any youth service bureau, a parent or foster parent of a
982 youth, or a representative of youth, who believes that the acts or
983 omissions of a youth are such that such youth is a youth in crisis may
984 file a written complaint setting forth those facts with the Superior
985 Court which has venue over the matter.

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

994 (c) Upon determination that a youth is a youth in crisis in
995 accordance with policies established by the Chief Court Administrator,
996 the court may make and enforce orders, including, but not limited to,
997 orders: (1) Directing the Commissioner of Motor Vehicles to suspend
998 the motor vehicle operator's license of the youth in crisis for a period of
999 time, as directed by the court, but not to exceed one year; (2) requiring

1000 work or specified community service; (3) mandating that the youth in
1001 crisis attend an educational program in the local community approved
1002 by the court; (4) requiring mental health services; (5) referring the
1003 youth in crisis to a youth service bureau, provided one exists in the
1004 local community; and (6) reviewing the option of emancipation,
1005 pursuant to section 46b-150, of the youth in crisis or the parent or
1006 guardian of such youth in crisis. A youth in crisis found to be in
1007 violation of any order under this section shall not be considered to be
1008 delinquent and shall not be punished by the court by incarceration in
1009 any state-operated detention facility or correctional facility.

1010 (d) The Judicial Department may use any funds appropriated for
1011 purposes of this chapter for costs incurred by the department or the
1012 court pursuant to this section.

1013 Sec. 32. Section 17a-101j of the general statutes is repealed and the
1014 following is substituted in lieu thereof (*Effective January 1, 2007*):

1015 (a) After the investigation has been completed and the
1016 Commissioner of Children and Families has reasonable cause to
1017 believe that sexual abuse or serious physical abuse of a child has
1018 occurred, the commissioner shall notify the appropriate local law
1019 enforcement authority and the Chief State's Attorney or the Chief
1020 State's Attorney's designee or the state's attorney for the judicial
1021 district in which the child resides or in which the abuse or neglect
1022 occurred of such belief and shall provide a copy of the report required
1023 in sections 17a-101a to 17a-101c, inclusive, and 17a-103.

1024 (b) Whenever a report has been made pursuant to sections 17a-101a
1025 to 17a-101c, inclusive, and 17a-103, alleging that abuse or neglect has
1026 occurred at an institution or facility that provides care for children and
1027 is subject to licensure by the state for the caring of children, and the
1028 Commissioner of Children and Families, after investigation, has
1029 reasonable cause to believe abuse or neglect has occurred, the
1030 commissioner shall forthwith notify the state agency responsible for
1031 such licensure of such institution or facility and provide records,

1032 whether or not created by the department, concerning such
1033 investigation, except that if the facility is under the jurisdiction of the
1034 commissioner, the Department of Public Health shall conduct the
1035 investigation.

1036 (c) If, after the investigation is completed, the commissioner
1037 determines that a parent or guardian inflicting abuse or neglecting a
1038 child is in need of treatment for substance abuse, the commissioner
1039 shall refer such person to appropriate treatment services.

1040 Sec. 33. Section 17a-3a of the general statutes is repealed and the
1041 following is substituted in lieu thereof (*Effective January 1, 2007*):

1042 The Department of Children and Families shall ensure that the
1043 Connecticut Juvenile Training School:

1044 (1) Completes health, mental health and educational assessments for
1045 each child admitted to the school not later than thirty days from the
1046 date of such child's admission;

1047 (2) Completes a written individualized treatment plan for each child
1048 admitted to the school not later than thirty days from the date of such
1049 child's admission;

1050 (3) Complies with the provisions of sections 46a-150 to 46a-154,
1051 inclusive, regarding the use of physical restraints, medication and
1052 seclusion of children at the school;

1053 (4) Provides training to all staff at the school regarding their
1054 mandatory child abuse and neglect reporting obligations under section
1055 17a-101;

1056 (5) Provides the opportunity for each child at the school to engage in
1057 at least one hour of physical exercise per day on weekdays and at least
1058 two hours of physical exercise per day on the weekends; and

1059 (6) Obtains and maintains licensure from the Department of Public
1060 Health pursuant to section 1 of this act.

1061 Sec. 34. Section 17a-32 of the general statutes is repealed and the
1062 following is substituted in lieu thereof (*Effective January 1, 2007*):

1063 (a) (1) The name of the Department of Children and Families facility
1064 at Connecticut Valley Hospital shall be Riverview Hospital for
1065 Children and Youth.

1066 [(b)] (2) The name of the Department of Children and Families
1067 facility in the city of Middletown shall be the Connecticut Juvenile
1068 Training School.

1069 [(c)] (3) The name of the Department of Children and Families
1070 facility in the town of East Windsor shall be the Connecticut Children's
1071 Place.

1072 [(d)] (4) The name of the Department of Children and Families
1073 facility in the town of Hamden shall be High Meadows.

1074 [(e)] (5) The name of the Department of Children and Families
1075 facility in the town of Hartland shall be the Wilderness School.

1076 (b) On and after January 1, 2007, the facilities named in subdivisions
1077 (1) to (4), inclusive, of subsection (a) of this section shall be licensed by
1078 the Department of Public Health pursuant to section 1 of this act.

1079 Sec. 35. Section 17a-146 of the general statutes is repealed and the
1080 following is substituted in lieu thereof (*Effective January 1, 2007*):

1081 No later than April 1, 1975, the Commissioner of Children and
1082 Families shall exercise and have all authority, rights, duties and
1083 functions granted to or imposed upon the Commissioner of Social
1084 Services in the general statutes in the area of adoption of children,
1085 including, but not limited to, authority to license or approve agencies
1086 under sections 17a-145, as amended by this act, 17a-148, 17a-149, as
1087 amended by this act and 17a-151, as amended by this act, and to act as
1088 a statutory parent, as defined in section 45a-707, as amended by this
1089 act, except that on and after January 1, 2007, the Commissioner of
1090 Public Health shall have the authority, rights, duties and functions to

1091 license or approve agencies under said sections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2007</i>	New section
Sec. 2	<i>January 1, 2007</i>	17a-20
Sec. 3	<i>January 1, 2007</i>	17a-22g
Sec. 4	<i>January 1, 2007</i>	17a-28(e)
Sec. 5	<i>January 1, 2007</i>	17a-38
Sec. 6	<i>January 1, 2007</i>	17a-93(g) and (h)
Sec. 7	<i>January 1, 2007</i>	17a-113
Sec. 8	<i>January 1, 2007</i>	17a-114
Sec. 9	<i>January 1, 2007</i>	17a-145
Sec. 10	<i>January 1, 2007</i>	17a-147
Sec. 11	<i>January 1, 2007</i>	17a-149
Sec. 12	<i>January 1, 2007</i>	17a-150
Sec. 13	<i>January 1, 2007</i>	17a-151
Sec. 14	<i>January 1, 2007</i>	17a-152
Sec. 15	<i>January 1, 2007</i>	17a-154
Sec. 16	<i>January 1, 2007</i>	17a-155
Sec. 17	<i>January 1, 2007</i>	17a-277
Sec. 18	<i>January 1, 2007</i>	8-3e
Sec. 19	<i>January 1, 2007</i>	10-253
Sec. 20	<i>January 1, 2007</i>	20-14i
Sec. 21	<i>January 1, 2007</i>	38a-488a(g)
Sec. 22	<i>January 1, 2007</i>	38a-514(g)
Sec. 23	<i>January 1, 2007</i>	45a-607(d)
Sec. 24	<i>January 1, 2007</i>	45a-619
Sec. 25	<i>January 1, 2007</i>	45a-707
Sec. 26	<i>January 1, 2007</i>	45a-715(a)
Sec. 27	<i>January 1, 2007</i>	45a-717(e)
Sec. 28	<i>January 1, 2007</i>	45a-763(a)
Sec. 29	<i>January 1, 2007</i>	46b-129(a)
Sec. 30	<i>January 1, 2007</i>	46b-149(a)
Sec. 31	<i>January 1, 2007</i>	46b-150f
Sec. 32	<i>January 1, 2007</i>	17a-101j
Sec. 33	<i>January 1, 2007</i>	17a-3a
Sec. 34	<i>January 1, 2007</i>	17a-32
Sec. 35	<i>January 1, 2007</i>	17a-146

<i>KID</i>	<i>Joint Favorable Subst. C/R</i>	HS
<i>HS</i>	<i>Joint Favorable</i>	
<i>PH</i>	<i>Joint Favorable</i>	