



House of Representatives

General Assembly

File No. 607

January Session, 2007

House Bill No. 7388

House of Representatives, April 26, 2007

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROHIBITING THE USE OF UNSUBSTANTIATED ALLEGATIONS OF EDUCATIONAL NEGLECT AS A FACTOR IN ADOPTIONS.

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

1 Section 1. Section 45a-726 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) If the Commissioner of Children and Families or a child-placing
4 agency is appointed as statutory parent for any child free for adoption,
5 the commissioner or such agency shall not refuse to place or delay
6 placement of such child with any prospective adoptive parent solely
7 on the basis of a difference in race, color or national origin.

8 (b) The Commissioner of Children and Families or the child-placing
9 agency, in determining placement for each child, shall focus on the
10 particular needs of the child and the capacity of the prospective
11 adoptive parent to meet such needs. Whenever possible, siblings
12 should be placed with the same prospective adoptive parent unless it

13 is determined not to be in the best interests of a sibling.

14 (c) The Commissioner of Children and Families shall not
15 discriminate in preparing a home study or in placing a child with a
16 prospective adoptive parent based on whether the prospective parent
17 is or is not willing to become a foster parent pending an adoption
18 placement.

19 (d) The Commissioner of Children and Families or a child-placing
20 agency shall not refuse to place a child with any prospective adoptive
21 parent or parents solely on the basis of an unsubstantiated allegation
22 of educational neglect on the part of the prospective adoptive parent or
23 parents.

24 Sec. 2. Subdivision (2) of subsection (b) of section 45a-727 of the
25 general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective October 1, 2007*):

27 (2) The report shall be filed with the Court of Probate within the
28 sixty-day period. The report shall indicate the physical and mental
29 status of the child and shall also contain such facts as may be relevant
30 to determine whether the proposed adoption will be in the best
31 interests of the child, including the physical, mental, genetic and
32 educational history of the child and the physical, mental, social and
33 financial condition of the parties to the agreement and the biological
34 parents of the child, if known, and whether the best interests of the
35 child would be served in accordance with the criteria set forth in
36 section 45a-727a. The report shall include a history of physical, sexual
37 or emotional abuse suffered by the child, if any. The report shall not
38 include any allegation of educational neglect on the part of a
39 prospective adoptive parent or parents unless such allegation has been
40 substantiated. The report may set forth conclusions as to whether or
41 not the proposed adoption will be in the best interests of the child.

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

Section 1	<i>October 1, 2007</i>	45a-726
Sec. 2	<i>October 1, 2007</i>	45a-727(b)(2)

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill prohibits the Department of Children and Families (DCF) or a child-placing agency from using an unsubstantiated allegation of educational neglect as a factor in determining if a person is suitable to be an adoptive parent. The bill also prohibits the application for adoption, submitted to the Probate Court, from including unsubstantiated allegations of educational neglect about the prospective adoptive parent. Provisions contained within this bill are not anticipated to result in a fiscal impact to DCF or the Probate Court.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 7388*****AN ACT PROHIBITING THE USE OF UNSUBSTANTIATED ALLEGATIONS OF EDUCATIONAL NEGLECT AS A FACTOR IN ADOPTIONS.*****SUMMARY:**

This bill prohibits the Department of Children and Families (DCF) and adoption (“child placing”) agencies under contract with the department from refusing to place a child in a prospective adoptive home solely on the basis of unsubstantiated educational neglect reports involving a prospective parent. It also prohibits reference to these unsubstantiated allegations in reports filed with the Probate Court to assist it in determining whether a proposed adoption is in a child’s best interests (home studies).

Existing law prohibits placement decisions based solely on differences between a child and prospective parent’s race, color, or national origin.

EFFECTIVE DATE: October 1, 2007

EDUCATIONAL NEGLECT

DCF’s Policy Manual defines educational neglect as occurring when a parent of a child age seven through 15 interferes with the child’s ability to receive public or private school or home-based education services. A neglect charge is substantiated when the commissioner, after investigating and providing the accused an opportunity for an administrative hearing, finds reasonable cause to believe (1) educational neglect occurred and (2) the person named in the report was responsible.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/13/2007)