



General Assembly

January Session, 2009

Committee Bill No. 5425

LCO No. 4909

04909HB05425HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

1 Section 1. Section 17a-28 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) As used in this section:

4 (1) "Person" means (A) any individual named in a record,
5 maintained by the department, who (i) is presently or at any prior time
6 was a ward of or committed to the commissioner for any reason; (ii)
7 otherwise received services, voluntarily or involuntarily, from the
8 department; or (iii) is presently or was at any prior time the subject of
9 an investigation by the department; (B) the parent of a person, as
10 defined in subparagraph (A) of this subdivision, if such person is a
11 minor; or (C) the authorized representative of a person, as defined in
12 subparagraph (A) of this subdivision, if such person is deceased;

13 (2) "Attorney" means the licensed attorney authorized to assert the
14 confidentiality of or right of access to records of a person;

15 (3) "Authorized representative" means a parent, guardian,
16 conservator or other individual authorized to assert the confidentiality
17 of or right of access to records of a person;

18 (4) "Consent" means permission given in writing by a person, his
19 attorney or his authorized representative to disclose specified
20 information, within a limited time period, regarding the person to
21 specifically identified individuals;

22 (5) "Records" means information created or obtained in connection
23 with the department's child protection activities or activities related to
24 a child while in the care or custody of the department, including
25 information in the registry of reports to be maintained by the
26 commissioner pursuant to section 17a-101k, as amended by this act;
27 [provided records which are not created by the department are not
28 subject to disclosure, except as provided pursuant to subsection (f), (l)
29 or (n) of this section;]

30 (6) "Disclose" means (A) to provide an oral summary of records
31 maintained by the department to an individual, agency, corporation or
32 organization, or (B) to allow an individual, agency, corporation or
33 organization to review or obtain copies of such records in whole, part
34 or summary form;

35 (7) "Near fatality" means an act, as certified by a physician, that
36 places a child in serious or critical condition.

37 (b) [Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
38 records] Records maintained by the department shall [be confidential
39 and shall not] be disclosed [. Such records] in accordance with the
40 provisions of this section and sections 1-210, 1-211 and 1-213. The
41 parent or guardian of a child who is the subject of a record may submit
42 a written request to the Commissioner of Children and Families that
43 such record not be disclosed and, subject to the disclosure provisions
44 of subsections (c) to (i), inclusive, (k) and (l), the commissioner, if so
45 requested, shall keep such record confidential. The parent or guardian

46 may revoke such request at any time in writing directed to the
47 commissioner. Records of any person may [only] be disclosed, in
48 whole or in part, to any individual, agency, corporation or
49 organization [with the consent of the person or] as provided in this
50 section. Any unauthorized disclosure by the Department of Children
51 and Families shall be punishable by a fine of not more than one
52 thousand dollars or imprisonment for not more than one year, or both.

53 (c) When information concerning an incident of abuse or neglect has
54 been made public or when the commissioner reasonably believes
55 publication of such information is likely, the commissioner or the
56 commissioner's designee [may] shall disclose, with respect to an
57 investigation of such abuse or neglect: (1) Whether the department has
58 received a report in accordance with sections 17a-101a to 17a-101c,
59 inclusive, or section 17a-103, as amended by this act, and (2) in general
60 terms, any action taken by the department, provided (A) the names or
61 other individually identifiable information of the minor victim or other
62 family member is not disclosed, and (B) the name or other individually
63 identifiable information of the person suspected to be responsible for
64 the abuse or neglect is not disclosed unless the person has been
65 arrested for a crime due to such abuse or neglect.

66 [(d) The commissioner shall make available to the public, without
67 the consent of the person, information in general terms or findings
68 concerning an incident of abuse or neglect which resulted in a child
69 fatality or near fatality of a child, provided disclosure of such
70 information or findings does not jeopardize a pending investigation.]

71 (d) The commissioner shall disclose all records in the possession or
72 control of the department to any person: (1) Conducting an evaluation
73 of the child's mental or physical condition, or (2) treating the child for a
74 mental or physical condition.

75 (e) The commissioner shall, upon written request, disclose the
76 following information concerning agencies licensed by the Department
77 of Children and Families, except foster care parents, relatives of the

78 child who are certified to provide foster care or prospective adoptive
79 families: (1) The name of the licensee; (2) the date the original license
80 was issued; (3) the current status of the license; (4) whether an agency
81 investigation or review is pending or has been completed; and (5) any
82 licensing action taken by the department at any time during the period
83 such license was issued and the reason for such action, provided
84 disclosure of such information will not jeopardize a pending
85 investigation.

86 (f) The commissioner or the commissioner's designee shall, upon
87 request, promptly provide copies of records [, without the consent of a
88 person,] to (1) a law enforcement agency, (2) the Chief State's Attorney,
89 or the Chief State's Attorney's designee, or a state's attorney for the
90 judicial district in which the child resides or in which the alleged abuse
91 or neglect occurred, or the state's attorney's designee, for purposes of
92 investigating or prosecuting an allegation of child abuse or neglect, (3)
93 the attorney appointed to represent a child in any court in litigation
94 affecting the best interests of the child, (4) a guardian ad litem
95 appointed to represent a child in any court in litigation affecting the
96 best interests of the child, (5) the Department of Public Health, which
97 licenses any person to care for children for the purposes of
98 determining suitability of such person for licensure, subject to the
99 provisions of sections 17a-101g, as amended by this act, and 17a-101k,
100 as amended by this act, (6) any state agency which licenses such
101 person to educate or care for children pursuant to section 10-145b or
102 17a-101j, as amended by this act, subject to the provisions of sections
103 17a-101g, as amended by this act, and 17a-101k, as amended by this
104 act, concerning nondisclosure of findings of responsibility for abuse
105 and neglect, (7) the Governor, when requested in writing, in the course
106 of the Governor's official functions or the Legislative Program Review
107 and Investigations Committee, the joint standing committee of the
108 General Assembly having cognizance of matters relating to the
109 judiciary and the select committee of the General Assembly having
110 cognizance of matters relating to children when requested in the
111 course of said committees' official functions in writing, and upon a

112 majority vote of said committee, provided no names or other
113 identifying information shall be disclosed unless it is essential to the
114 legislative or gubernatorial purpose, (8) a local or regional board of
115 education, provided the records are limited to educational records
116 created or obtained by the state or Connecticut-Unified School District
117 #2, established pursuant to section 17a-37, (9) a party in a custody
118 proceeding under section 17a-112 or 46b-129, as amended by this act,
119 in the Superior Court where such records concern a child who is the
120 subject of the proceeding or the parent of such child, (10) the Chief
121 Child Protection Attorney, or his or her designee, for purposes of
122 ensuring competent representation by the attorneys whom the Chief
123 Child Protection Attorney contracts with to provide legal and guardian
124 ad litem services to the subjects of such records and to ensure accurate
125 payments for services rendered by such contract attorneys, and (11)
126 the Department of Motor Vehicles, for purposes of checking the state's
127 child abuse and neglect registry pursuant to subsection (e) of section
128 14-44. A disclosure under this section shall be made of any part of a
129 record, whether or not created by the department. [provided no
130 confidential record of the Superior Court shall be disclosed other than
131 the petition and any affidavits filed therewith in the superior court for
132 juvenile matters, except upon an order of a judge of the Superior Court
133 for good cause shown. The commissioner shall also disclose the name
134 of any individual who cooperates with an investigation of a report of
135 child abuse or neglect to such law enforcement agency or state's
136 attorney for purposes of investigating or prosecuting an allegation of
137 child abuse or neglect.] The commissioner or the commissioner's
138 designee shall, upon request, subject to the provisions of sections 17a-
139 101g, as amended by this act, and 17a-101k, as amended by this act,
140 promptly provide copies of records, without the consent of the person,
141 to (A) the Department of Public Health for the purpose of determining
142 the suitability of a person to care for children in a facility licensed
143 under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87, inclusive,
144 and 19a-87b, and (B) the Department of Social Services for determining
145 the suitability of a person for any payment from the department for

146 providing child care.

147 (g) When the commissioner or his designee determines it to be in a
148 person's best interest, the commissioner or his designee may disclose
149 records, whether or not created by the department and not otherwise
150 privileged or confidential communications under state or federal law,
151 without the consent of a person to:

152 (1) Multidisciplinary teams which are formed to assist the
153 department in investigation, evaluation or treatment of child abuse
154 and neglect cases or a multidisciplinary provider of professional
155 treatment services under contract with the department for a child
156 referred to the provider;

157 (2) Any agency in another state which is responsible for
158 investigating or protecting against child abuse or neglect for the
159 purpose of investigating a child abuse case;

160 (3) An individual, including a physician, authorized pursuant to
161 section 17a-101f to place a child in protective custody if such
162 individual has before him a child whom he reasonably suspects may
163 be a victim of abuse or neglect and such individual requires the
164 information in a record in order to determine whether to place the
165 child in protective custody;

166 (4) An individual or public or private agency responsible for a
167 person's care or custody and authorized by the department to
168 diagnose, care for, treat or supervise a child who is the subject of a
169 record of child abuse or neglect or a public or private agency
170 responsible for a person's education for a purpose related to the
171 individual's or agency's responsibilities;

172 (5) The Attorney General or any assistant attorney general
173 providing legal counsel for the department;

174 (6) Individuals or public or private agencies engaged in medical,
175 psychological or psychiatric diagnosis or treatment of a person

176 perpetrating the abuse or who is unwilling or unable to protect the
177 child from abuse or neglect when the commissioner or his designee
178 determines that the disclosure is needed to accomplish the objectives
179 of diagnosis or treatment;

180 (7) A person who reports child abuse pursuant to sections 17a-101a
181 to 17a-101c, inclusive, and section 17a-103, as amended by this act,
182 who made a report of abuse involving the subject child, provided the
183 information disclosed is limited to (A) the status of the investigation,
184 and (B) in general terms, any action taken by the department;

185 (8) An individual conducting bona fide research, provided no
186 information identifying the subjects of records shall be disclosed
187 unless (A) such information is essential to the purpose of the research;
188 (B) each person identified in a record or his authorized representative
189 has authorized such disclosure in writing; and (C) the department has
190 given written approval;

191 (9) The Auditors of Public Accounts or their representative,
192 provided no information identifying the subjects of the records shall be
193 disclosed unless such information is essential to an audit conducted
194 pursuant to section 2-90;

195 (10) The Department of Social Services, provided the information
196 disclosed is necessary to promote the health, safety and welfare of the
197 child;

198 (11) A judge of the Superior Court for purposes of determining the
199 appropriate disposition of a child convicted as delinquent or a child
200 who is a member of a family with service needs; and

201 (12) The superintendents, or their designees, of state-operated
202 facilities within the department.

203 (h) The commissioner or his designee may disclose the name,
204 address and fees for services to a person, to individuals or agencies
205 involved in the collection of fees for such services, except as provided

206 in section 17b-225. In cases where a dispute arises over such fees or
207 claims or where additional information is needed to substantiate the
208 fee or claim, such disclosure of further information shall be limited to
209 the following: (1) That the person was in fact committed to or
210 otherwise served by the department; (2) dates and duration of service;
211 and (3) a general description of the service, which shall include
212 evidence that a service or treatment plan exists and has been carried
213 out and evidence to substantiate the necessity for admission and
214 length of stay in any institution or facility.

215 (i) Notwithstanding the provisions of [subsections] subsection (f)
216 [and (l)] of this section, the name of an individual reporting child
217 abuse or neglect shall not be disclosed without [his] the individual's
218 written consent except to (1) an employee of the department
219 responsible for child protective services or the abuse registry; (2) a law
220 enforcement officer; (3) an appropriate state's attorney; (4) an
221 appropriate assistant attorney general; (5) a judge of the Superior
222 Court and all necessary parties in a court proceeding pursuant to
223 section 46b-129, as amended by this act, or a criminal prosecution
224 involving child abuse or neglect; or (6) a state child care licensing
225 agency, executive director of any institution, school or facility or
226 superintendent of schools pursuant to section 17a-101i, as amended by
227 this act.

228 (j) Notwithstanding the provisions of subsection (g) of this section,
229 the name of any individual who cooperates with an investigation of a
230 report of child abuse or neglect shall be kept confidential upon request
231 or upon determination by the department that disclosure of such
232 information may be detrimental to the safety or interests of the
233 individual, except the name of any such individual shall be disclosed
234 to the [persons] individuals listed in subsection (i) of this section.

235 (k) [Notwithstanding the confidentiality provisions of this section,
236 the] The commissioner, upon request of an employee, shall disclose
237 such records to such employee or his authorized representative which

238 would be applicable and necessary for the purposes of an employee
239 disciplinary hearing or appeal from a decision after such hearing.

240 [(l) Information disclosed from a person's record shall not be
241 disclosed further without the written consent of the person, except if
242 disclosed to a party or his counsel pursuant to an order of a court in
243 which a criminal prosecution or an abuse, neglect, commitment or
244 termination proceeding against the party is pending. A state's attorney
245 shall disclose to the defendant or his counsel in a criminal prosecution,
246 without the necessity of a court order, exculpatory information and
247 material contained in such record and may disclose, without a court
248 order, information and material contained in such record which could
249 be the subject of a disclosure order. All written records disclosed to
250 another individual or agency shall bear a stamp requiring
251 confidentiality in accordance with the provisions of this section. Such
252 material shall not be disclosed to anyone without written consent of
253 the person or as provided by this section. A copy of the consent form
254 specifying to whom and for what specific use the record is disclosed or
255 a statement setting forth any other statutory authorization for
256 disclosure and the limitations imposed thereon shall accompany such
257 record. In cases where the disclosure is made orally, the individual
258 disclosing the information shall inform the recipient that such
259 information is governed by the provisions of this section.]

260 [(m)] (l) In addition to the right of access provided in this section
261 and in section 1-210, any person, regardless of age, his authorized
262 representative or attorney shall have the right of access to any records
263 made, maintained or kept on file by the department, whether or not
264 such records are required by any law or by any rule or regulation,
265 when those records pertain to or contain information or materials
266 concerning the person seeking access thereto, including but not limited
267 to records concerning investigations, reports, or medical, psychological
268 or psychiatric examinations of the person seeking access thereto,
269 provided that [(1)] information identifying an individual who reported
270 abuse or neglect of a person, including any tape recording of an oral

271 report pursuant to section 17a-103, as amended by this act, shall not be
272 released unless, upon application to the Superior Court by such person
273 and served on the Commissioner of Children and Families, a judge
274 determines, after in camera inspection of relevant records and a
275 hearing, that there is reasonable cause to believe the reporter
276 knowingly made a false report or that other interests of justice require
277 such release.] and (2) if the commissioner determines that it would be
278 contrary to the best interests of the person or his authorized
279 representative or attorney to review the records, he may refuse access
280 by issuing to such person or representative or attorney a written
281 statement setting forth the reasons for such refusal, and advise the
282 person, his authorized representative or attorney of the right to seek
283 judicial relief.] When any person, attorney or authorized
284 representative, having obtained access to any record, believes there are
285 factually inaccurate entries or materials contained therein, he shall
286 have the unqualified right to add a statement to the record setting
287 forth what he believes to be an accurate statement of those facts, and
288 said statement shall become a permanent part of said record.

289 [(n)] (m) (1) Any person, attorney or authorized representative
290 aggrieved by a violation of subsection (b), ~~(d), (e)~~, (f), (g), (h), (i), (j) or
291 (l) of this section [or of subsection (m) of this section, except
292 subdivision (2) of said subsection (m),] may seek judicial relief in the
293 same manner as provided in section 52-146j.] (2) any person, attorney
294 or authorized representative denied access to records by the
295 commissioner under subdivision (2) of subsection (m) of this section
296 may petition the superior court for the venue district provided in
297 section 46b-142 in which the person resides for an order requiring the
298 commissioner to permit access to those records, and the court after
299 hearing, and an in camera review of the records in question, shall issue
300 such an order unless it determines that to permit such access would be
301 contrary to the best interests of the person or authorized
302 representative.]

303 [(o)] (n) The commissioner shall [promulgate] adopt regulations

304 [pursuant to] in accordance with chapter 54 [, within one year of
305 October 1, 1996,] to establish procedures for access to and disclosure of
306 records consistent with the provisions of this section.

307 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) Whenever the Department of
308 Children and Families receives a report pursuant to sections 17a-101a
309 to 17a-101d, inclusive, of the general statutes, the department shall
310 verify the truth, accuracy and sufficiency of the evidence to
311 substantiate the mandated reporter's belief that a child has been
312 abused or neglected or placed in imminent risk of serious harm prior
313 to commencing an investigation pursuant to section 17a-101g, of the
314 general statutes as amended by this act.

315 (b) Upon receiving a report pursuant to this section and after
316 verifying the allegations in the report pursuant to subsection (b) of this
317 section, the department may conduct an investigation pursuant to
318 section 17a-101g, of the general statutes as amended by this act. Upon
319 making initial contact with the parent or guardian and prior to
320 commencing any such investigation, the department shall disclose the
321 report to the parent or guardian and provide the parent or guardian
322 with notice of the parent's or guardian's rights under subsection (b) of
323 section 17a-103b, of the general statutes, as amended by this act.

324 Sec. 3. Section 17a-101g of the general statutes is repealed and the
325 following is substituted in lieu thereof (*Effective July 1, 2009*):

326 (a) Upon receiving a report of child abuse or neglect, as provided in
327 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
328 section 17a-103, as amended by this act, in which the alleged
329 perpetrator is (1) a person responsible for such child's health, welfare
330 or care, (2) a person given access to such child by such responsible
331 person, or (3) a person entrusted with the care of a child, the
332 Commissioner of Children and Families, or the commissioner's
333 designee, shall [cause the report to be classified and evaluated
334 immediately] verify the truth, accuracy and sufficiency of the evidence
335 to substantiate the reporter's belief that the child has been abused or

336 neglected. [If the report contains sufficient information to warrant an
337 investigation, the] The commissioner shall make the commissioner's
338 best efforts to substantiate the report and, if the report is substantiated,
339 commence an investigation of a report concerning an imminent risk of
340 physical harm to a child or other emergency within two hours of
341 receipt of the report and shall commence an investigation of all other
342 reports within seventy-two hours of receipt of the report. The
343 department shall complete any such investigation not later than forty-
344 five calendar days after the date of receipt of the report. If the report is
345 a report of child abuse or neglect in which the alleged perpetrator is
346 not a person specified in subdivision (1), (2) or (3) of this subsection,
347 the Commissioner of Children and Families shall, after substantiating
348 the report, refer the report to the appropriate local law enforcement
349 authority for the town in which the child resides or in which the
350 alleged abuse or neglect occurred.

351 (b) Subject to the provisions of section 2 of this act, upon receiving a
352 report of child abuse or neglect pursuant to sections 17a-101a to 17a-
353 101d, inclusive, or section 17a-103, as amended by this act, the
354 department shall contact the parent or guardian of the child who is the
355 subject of the report to commence an investigation pursuant to this
356 section. At the time of the department's initial contact with the parent
357 or guardian, in response to the receipt of such report or for any other
358 reason, the department shall, prior to the commencement of any
359 questioning or investigation, disclose to the parent or guardian the
360 report and provide notice of the parent's or guardian's rights, as
361 required by section 17a-103b, as amended by this act.

362 [(b)] (c) The investigation shall include a home visit at which the
363 child and any siblings are observed, if appropriate, a determination of
364 the nature, extent and cause or causes of the reported abuse or neglect,
365 a determination of the person or persons suspected to be responsible
366 for such abuse or neglect, the name, age and condition of other
367 children residing in the same household and an evaluation of the
368 parents and the home. The report of such investigation shall be in

369 writing. The investigation shall also include, but not be limited to, a
370 review of criminal conviction information concerning the person or
371 persons alleged to be responsible for such abuse or neglect and
372 previous allegations of abuse or neglect relating to the child or other
373 children residing in the household or relating to family violence. After
374 an investigation into a report of abuse or neglect has been completed,
375 the commissioner shall determine, based upon a standard of
376 [reasonable cause] beyond a reasonable doubt, whether a child has
377 been abused or neglected, as defined in section 46b-120, as amended
378 by this act. If the commissioner determines that abuse or neglect has
379 occurred, the commissioner shall also determine whether: (1) There is
380 an identifiable person responsible for such abuse or neglect; and (2)
381 such identifiable person poses a risk to the health, safety or well-being
382 of children and should be recommended by the commissioner for
383 placement on the child abuse and neglect registry established pursuant
384 to section 17a-101k, as amended by this act. If the commissioner has
385 made the determinations in subdivisions (1) and (2) of this subsection,
386 the commissioner shall issue notice of a recommended finding to the
387 person suspected to be responsible for such abuse or neglect in
388 accordance with section 17a-101k, as amended by this act.

389 [(c)] (d) Except as provided in subsection [(d)] (e) of this section, no
390 entry of the recommended finding shall be made on the child abuse or
391 neglect registry and no information concerning the finding shall be
392 disclosed by the commissioner pursuant to a check of the child abuse
393 or neglect registry. [or request for information by a public or private
394 entity for employment, licensure, or reimbursement for child care
395 purposes pursuant to programs administered by the Department of
396 Social Services or pursuant to any other general statute that requires a
397 check of the child abuse or neglect registry until the exhaustion or
398 waiver of all administrative appeals available to the person suspected
399 to be responsible for the abuse or neglect, as provided in section 17a-
400 101k.]

401 [(d)] (e) If the child abuse or neglect resulted in or involves (1) the

402 death of a child; (2) the risk of serious physical injury or emotional
403 harm of a child; (3) the serious physical harm of a child; (4) the arrest
404 of a person due to abuse or neglect of a child; (5) a petition filed by the
405 commissioner pursuant to section 17a-112 or 46b-129, as amended by
406 this act; or (6) sexual abuse of a child, entry of the recommended
407 finding may be made on the child abuse or neglect registry and
408 information concerning the finding may be disclosed by the
409 commissioner pursuant to a check of the child abuse or neglect registry
410 or request for information by a public or private entity for
411 employment, licensure, or reimbursement for child care purposes
412 pursuant to programs administered by the Department of Social
413 Services or pursuant to any other general statute that requires a check
414 of the child abuse or neglect registry, prior to the exhaustion or waiver
415 of all administrative appeals available to the person suspected to be
416 responsible for the abuse or neglect as provided in section 17a-101k, as
417 amended by this act.

418 [(e) If the Commissioner of Children and Families, or the
419 commissioner's designee, has probable cause to believe that the child
420 or any other child in the household is in imminent risk of physical
421 harm from the child's surroundings and that immediate removal from
422 such surroundings is necessary to ensure the child's safety, the
423 commissioner, or the commissioner's designee, shall authorize any
424 employee of the department or any law enforcement officer to remove
425 the child and any other child similarly situated from such
426 surroundings without the consent of the child's parent or guardian.
427 The commissioner shall record in writing the reasons for such removal
428 and include such record with the report of the investigation conducted
429 under subsection (b) of this section.

430 (f) The removal of a child pursuant to subsection (e) of this section
431 shall not exceed ninety-six hours. During the period of such removal,
432 the commissioner, or the commissioner's designee, shall provide the
433 child with all necessary care, including medical care, which may
434 include an examination by a physician or mental health professional

435 with or without the consent of the child's parents, guardian or other
436 person responsible for the child's care, provided reasonable attempts
437 have been made to obtain consent of the child's parents or guardian or
438 other person responsible for the care of such child. During the course
439 of a medical examination, a physician may perform diagnostic tests
440 and procedures necessary for the detection of child abuse or neglect. If
441 the child is not returned home within such ninety-six-hour period,
442 with or without protective services, the department shall proceed in
443 accordance with section 46b-129.]

444 (f) The Department of Children and Families shall not apply the
445 theory of predictive neglect or predictive abuse in determining: (1)
446 Whether to commence an investigation, (2) whether to issue a finding
447 that neglect or abuse has occurred, or (3) whether to take any action
448 involving the child, including the temporary or permanent removal of
449 a child from the custody of the child's parent or guardian. For
450 purposes of this subsection, (A) "predictive neglect" means conditions
451 that may cause a child to be harmed by neglect at a future time, and (B)
452 "predictive abuse" means conditions that may cause a child to be
453 harmed by abuse at a future time.

454 Sec. 4. Subsections (a) and (b) of section 17a-42 of the general
455 statutes are repealed and the following is substituted in lieu thereof
456 (*Effective July 1, 2009*):

457 (a) There is established within the Department of Children and
458 Families a photo-listing service which shall include, but need not be
459 limited to, a book and an electronic format containing a photograph
460 and description of each child to be photo-listed. Such book and its
461 electronic format shall be distributed to all child care and child-placing
462 agencies, as such terms are defined in section 45a-707, and to other
463 organizations concerned with adoption. Such photo-listing service
464 shall recruit adoptive families for children who are legally free for
465 adoption under section 45a-725, and have remained in foster care or
466 institutions for a period of thirty days or more, such thirty days to

467 include any period of foster or institutional care immediately
468 preceding the date on which such child was legally free for adoption.
469 Such photo-listing service may recruit prospective adoptive families
470 for children who are not yet legally free for adoption under section
471 45a-725, provided the court has approved a permanency plan for
472 adoption pursuant to subdivision (4) of subsection [(k)] (l) of section
473 46b-129, as amended by this act. The Commissioner of Children and
474 Families shall employ under the commissioner's direction and control
475 such persons as the commissioner deems necessary for the effective
476 performance of such photo-listing service.

477 (b) Under sections 17a-112 and 45a-717, as amended by this act, the
478 court may order that a child be photo-listed not later than thirty days
479 after the termination of parental rights as a condition of granting an
480 order of termination of parental rights if the court determines that it is
481 in the best interests of the child. Under subdivision (4) of subsection
482 [(k)] (l) of section 46b-129, as amended by this act, the court may order
483 that a child be photo-listed not later than thirty days after the approval
484 of a permanency plan for adoption if the court determines that it is in
485 the best interest of the child. The court shall not order that a child
486 twelve years of age or older be photo-listed unless the child consents to
487 such photo-listing.

488 Sec. 5. Subsection (b) of section 17a-90 of the general statutes is
489 repealed and the following is substituted in lieu thereof (*Effective July*
490 *1, 2009*):

491 (b) The Commissioner of Children and Families shall furnish
492 protective services or provide and pay, wholly or in part, for the care
493 and protection of children other than those committed by the Superior
494 Court whom the commissioner finds in need of such care and
495 protection from the state, and such payments shall be made in
496 accordance with the provisions of subsection [(l)] (m) of section 46b-
497 129, as amended by this act, provided the Commissioner of
498 Administrative Services shall be responsible for billing and collecting

499 such sums as are determined to be owing and due from the parent of
500 the noncommitted child in accordance with section 4a-12 and
501 subsection (b) of section 17b-223.

502 Sec. 6. Section 46b-124 of the general statutes is repealed and the
503 following is substituted in lieu thereof (*Effective July 1, 2009*):

504 (a) For the purposes of this section, "records of cases of juvenile
505 matters" includes, but is not limited to, court records, records
506 regarding juveniles maintained by the Court Support Services
507 Division, records regarding juveniles maintained by an organization or
508 agency that has contracted with the Judicial Branch to provide services
509 to juveniles, records of law enforcement agencies including
510 fingerprints, photographs and physical descriptions, and medical,
511 psychological, psychiatric and social welfare studies and reports by
512 juvenile probation officers, public or private institutions, social
513 agencies and clinics.

514 (b) All records of cases of juvenile matters, as provided in section
515 46b-121, [except delinquency proceedings, or any part thereof, and all
516 records of appeals from probate brought to the superior court for
517 juvenile matters pursuant to subsection (b) of section 45a-186,] shall be
518 [confidential and for the use of the court in juvenile matters, and] open
519 to inspection or disclosure to any third party. [, including bona fide
520 researchers commissioned by a state agency, only upon order of the
521 Superior Court, except that: (1) The records concerning any matter
522 transferred from a court of probate pursuant to section 45a-623 or
523 subsection (g) of section 45a-715 or any appeal from probate to the
524 superior court for juvenile matters pursuant to subsection (b) of section
525 45a-186 shall be available to the court of probate from which such
526 matter was transferred or from which such appeal was taken; (2) such
527 records shall be available to (A) the attorney representing the child or
528 youth, including the Division of Public Defender Services, in any
529 proceeding in which such records are relevant, (B) the parents or
530 guardian of the child or youth until such time as the child or youth

531 reaches the age of majority or becomes emancipated, (C) an adult
532 adopted person in accordance with the provisions of sections 45a-736,
533 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the
534 Division of Criminal Justice who in the performance of their duties
535 require access to such records, (E) employees of the Judicial Branch
536 who in the performance of their duties require access to such records,
537 (F) another court under the provisions of subsection (d) of section 46b-
538 115j, (G) the subject of the record, upon submission of satisfactory
539 proof of the subject's identity, pursuant to guidelines prescribed by the
540 Office of the Chief Court Administrator, provided the subject has
541 reached the age of majority or has been emancipated, (H) the
542 Department of Children and Families, and (I) the employees of the
543 Commission on Child Protection who in the performance of their
544 duties require access to such records; and (3) all or part of the records
545 concerning a youth in crisis with respect to whom a court order has
546 been issued pursuant to subdivision (1) of subsection (c) of section 46b-
547 150f may be made available to the Department of Motor Vehicles,
548 provided such records are relevant to such order. Any records of cases
549 of juvenile matters, or any part thereof, provided to any persons,
550 governmental and private agencies, and institutions pursuant to this
551 section shall not be disclosed, directly or indirectly, to any third party
552 not specified in subsection (d) of this section, except as provided by
553 court order or in the report required under section 54-76d or 54-91a.]

554 [(c) All records of cases of juvenile matters involving delinquency
555 proceedings, or any part thereof, shall be confidential and for the use
556 of the court in juvenile matters and shall not be disclosed except as
557 provided in this section.

558 (d) Records of cases of juvenile matters involving delinquency
559 proceedings shall be available to (1) judicial branch employees who, in
560 the performance of their duties, require access to such records, and (2)
561 employees and authorized agents of state or federal agencies involved
562 in (A) the delinquency proceedings, (B) the provision of services
563 directly to the child, or (C) the design and delivery of treatment

564 programs pursuant to section 46b-121j. Such employees and
565 authorized agents include, but are not limited to, law enforcement
566 officials, state and federal prosecutorial officials, school officials in
567 accordance with section 10-233h, court officials including officials of
568 both the regular criminal docket and the docket for juvenile matters,
569 officials of the Division of Criminal Justice, the Division of Public
570 Defender Services, the Department of Children and Families, the Court
571 Support Services Division, and agencies under contract with the
572 judicial branch, and an advocate appointed pursuant to section 54-221
573 for a victim of a crime committed by the child. Such records shall also
574 be available to (i) the attorney representing the child, including the
575 Division of Public Defender Services, in any proceeding in which such
576 records are relevant, (ii) the parents or guardian of the child, until such
577 time as the subject of the record reaches the age of majority, (iii) the
578 subject of the record, upon submission of satisfactory proof of the
579 subject's identity, pursuant to guidelines prescribed by the Office of
580 the Chief Court Administrator, provided the subject has reached the
581 age of majority, (iv) law enforcement officials and prosecutorial
582 officials conducting legitimate criminal investigations, (v) a state or
583 federal agency providing services related to the collection of moneys
584 due or funding to support the service needs of eligible juveniles,
585 provided such disclosure shall be limited to that information necessary
586 for the collection of and application for such moneys, and (vi)
587 members and employees of the Board of Pardons and Paroles and
588 employees of the Department of Correction who, in the performance of
589 their duties, require access to such records, provided the subject of the
590 record has been convicted of a crime in the regular criminal docket of
591 the Superior Court and such records are relevant to the performance of
592 a risk and needs assessment of such person while such person is
593 incarcerated, the determination of such person's suitability for release
594 from incarceration or for a pardon, or the determination of the
595 supervision and treatment needs of such person while on parole or
596 other supervised release. Records disclosed pursuant to this subsection
597 shall not be further disclosed, except that information contained in

598 such records may be disclosed in connection with bail or sentencing
599 reports in open court during criminal proceedings involving the
600 subject of such information.

601 (e) Records of cases of juvenile matters involving delinquency
602 proceedings, or any part thereof, may be disclosed upon order of the
603 court to any person who has a legitimate interest in the information
604 and is identified in such order. Records disclosed pursuant to this
605 subsection shall not be further disclosed.

606 (f) Records of cases of juvenile matters involving delinquency
607 proceedings, or any part thereof, shall be available to the victim of the
608 crime committed by such child to the same extent as the record of the
609 case of a defendant in a criminal proceeding in the regular criminal
610 docket of the Superior Court is available to a victim of the crime
611 committed by such defendant. The court shall designate an official
612 from whom such victim may request such information. Records
613 disclosed pursuant to this subsection shall not be further disclosed.

614 (g) Information concerning a child who has escaped from a
615 detention center or from a facility to which he has been committed by
616 the court or for whom an arrest warrant has been issued with respect
617 to the commission of a felony may be disclosed by law enforcement
618 officials.

619 (h) Nothing in this section shall be construed to prohibit any person
620 employed by the Judicial Branch from disclosing any records,
621 information or files in his possession to any person employed by the
622 Division of Criminal Justice as a prosecutorial official, inspector or
623 investigator who, in the performance of his duties, requests such
624 records, information or files, or to prohibit any such employee of said
625 division from disclosing any records, information or files in his
626 possession to any such employee of the Judicial Branch who, in the
627 performance of his duties, requests such records, information or files.

628 (i) A state's attorney shall disclose to the defendant or his counsel in

629 a criminal prosecution, without the necessity of a court order,
630 exculpatory information and material contained in any record
631 disclosed to such state's attorney pursuant to this section and may
632 disclose, without a court order, information and material contained in
633 any such record which could be the subject of a disclosure order.

634 (j) Notwithstanding the provisions of subsection (d) of this section,
635 any information concerning a child that is obtained during any mental
636 health screening or assessment of such child, during the provision of
637 services pursuant to subsection (b) of section 46b-149, or during the
638 performance of an educational evaluation pursuant to subsection (e) of
639 section 46b-149, shall be used solely for planning and treatment
640 purposes and shall otherwise be confidential and retained in the files
641 of the entity providing such services or performing such screening,
642 assessment or evaluation. Such information may be further disclosed
643 only for the purposes of any court-ordered evaluation or treatment of
644 the child or provision of services to the child, or pursuant to sections
645 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such
646 information shall not be subject to subpoena or other court process for
647 use in any other proceeding or for any other purpose.]

648 Sec. 7. Subsection (b) of section 46b-124 of the general statutes, as
649 amended by section 81 of public act 07-4 of the June special session, is
650 repealed and the following is substituted in lieu thereof (*Effective*
651 *January 1, 2010*):

652 (b) All records of cases of juvenile matters, as provided in section
653 46b-121, [except delinquency proceedings, or any part thereof, and all
654 records of appeals from probate brought to the superior court for
655 juvenile matters pursuant to subsection (b) of section 45a-186,] shall be
656 [confidential and for the use of the court in juvenile matters, and] open
657 to inspection or disclosure to any third party. [, including bona fide
658 researchers commissioned by a state agency, only upon order of the
659 Superior Court, except that: (1) The records concerning any matter
660 transferred from a court of probate pursuant to section 45a-623 or

661 subsection (g) of section 45a-715 or any appeal from probate to the
662 superior court for juvenile matters pursuant to subsection (b) of section
663 45a-186 shall be available to the court of probate from which such
664 matter was transferred or from which such appeal was taken; (2) such
665 records shall be available to (A) the attorney representing the child or
666 youth, including the Division of Public Defender Services, in any
667 proceeding in which such records are relevant, (B) the parents or
668 guardian of the child or youth until such time as the child or youth
669 reaches the age of majority or becomes emancipated, (C) an adult
670 adopted person in accordance with the provisions of sections 45a-736,
671 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the
672 Division of Criminal Justice who in the performance of their duties
673 require access to such records, (E) employees of the Judicial Branch
674 who in the performance of their duties require access to such records,
675 (F) another court under the provisions of subsection (d) of section 46b-
676 115j, (G) the subject of the record, upon submission of satisfactory
677 proof of the subject's identity, pursuant to guidelines prescribed by the
678 Office of the Chief Court Administrator, provided the subject has
679 reached the age of majority or has been emancipated, (H) the
680 Department of Children and Families, and (I) the employees of the
681 Commission on Child Protection who in the performance of their
682 duties require access to such records; and (3) all or part of the records
683 concerning a youth in crisis with respect to whom a court order was
684 issued prior to January 1, 2010, may be made available to the
685 Department of Motor Vehicles, provided such records are relevant to
686 such order. Any records of cases of juvenile matters, or any part
687 thereof, provided to any persons, governmental and private agencies,
688 and institutions pursuant to this section shall not be disclosed, directly
689 or indirectly, to any third party not specified in subsection (d) of this
690 section, except as provided by court order or in the report required
691 under section 54-76d or 54-91a.]

692 Sec. 8. Subsection (a) of section 17a-101 of the general statutes is
693 repealed and the following is substituted in lieu thereof (*Effective July*
694 *1, 2009*):

695 (a) The public policy of this state is: To protect children whose
696 health and welfare [may be] is adversely affected through injury and
697 neglect; to strengthen the family and to make the home safe for
698 children by enhancing the parental capacity for good child care; to
699 provide a temporary or permanent nurturing and safe environment for
700 children when necessary; and for these purposes to require the
701 reporting of suspected child abuse, investigation of such reports by a
702 social agency, and provision of services, where needed, to such child
703 and family.

704 Sec. 9. Section 17a-101h of the general statutes is repealed and the
705 following is substituted in lieu thereof (*Effective July 1, 2009*):

706 (a) Notwithstanding any provision of the general statutes to the
707 contrary, any person authorized to conduct an investigation of abuse
708 or neglect shall coordinate investigatory activities in order to minimize
709 the number of interviews of any child and share information with
710 other persons authorized to conduct an investigation of child abuse or
711 neglect, as appropriate. The [commissioner] Commissioner of Children
712 and Families shall obtain the consent of parents or guardians or other
713 persons responsible for the care of the child prior to any interview with
714 a child, except that such consent shall not be required when the
715 department has reason to believe such parent or guardian or other
716 person responsible for the care of the child or member of the child's
717 household is the perpetrator of the alleged abuse. At the time the
718 commissioner or the commissioner's designee makes initial contact
719 with the parent or guardian to obtain consent to interview the child,
720 the commissioner or the commissioner's designee shall (1) disclose the
721 report of neglect or abuse to the parent or guardian, and (2) provide
722 notice of the parent's or guardian's rights under section 17a-103b, as
723 amended by this act.

724 (b) If consent is not required to conduct the interview, such
725 interview shall be conducted in the presence of a disinterested adult
726 unless immediate access to the child is necessary to protect the child

727 from imminent risk of physical harm and a disinterested adult is not
728 available after reasonable search.

729 Sec. 10. Section 17a-101k of the general statutes is repealed and the
730 following is substituted in lieu thereof (*Effective July 1, 2009*):

731 (a) The Commissioner of Children and Families shall maintain a
732 registry of the commissioner's findings of abuse or neglect of children
733 pursuant to section 17a-101g, as amended by this act, that conforms to
734 the requirements of this section. The regulations adopted pursuant to
735 subsection (i) of this section shall provide for the use of the registry on
736 a twenty-four-hour daily basis to prevent or discover abuse of children
737 and the establishment of a hearing process for any appeal by a person
738 of the commissioner's determination that such person is responsible for
739 the abuse or neglect of a child pursuant to subsection [(b)] (c) of section
740 17a-101g, as amended by this act. The information contained in the
741 registry and any other information relative to child abuse, wherever
742 located, shall be [confidential, subject to such statutes and regulations
743 governing their use and access as shall conform to the requirements of
744 federal law or regulations. Any violation of this section or the
745 regulations adopted by the commissioner under this section shall be
746 punishable by a fine of not more than one thousand dollars or
747 imprisonment for not more than one year] open to public inspection
748 unless the parent or guardian requests in writing that such records not
749 be disclosed, pursuant to section 17a-28, as amended by this act.

750 (b) Upon the issuance of a recommended finding that an individual
751 is responsible for abuse or neglect of a child pursuant to subsection
752 [(b)] (d) of section 17a-101g, as amended by this act, the commissioner
753 shall provide notice of the finding, by first class mail, not later than
754 five business days after the issuance of such finding, to the individual
755 who is alleged to be responsible for the abuse or neglect. The notice
756 shall:

757 (1) Contain a short and plain description of the finding that the
758 individual is responsible for the abuse or neglect of a child;

759 (2) Inform the individual of the existence of the registry and of the
760 commissioner's intention to place the individual's name on the registry
761 unless such individual exercises his or her right to appeal the
762 recommended finding as provided in this section;

763 (3) Inform the individual of the potential adverse consequences of
764 being listed on the registry, including, but not limited to, the potential
765 effect on the individual obtaining or retaining employment, licensure
766 or engaging in activities involving direct contact with children and
767 inform the individual of the individual's right to administrative
768 procedures as provided in this section to appeal the finding; and

769 (4) Include a written form for the individual to sign and return,
770 indicating if the individual will invoke the appeal procedures
771 provided in this section and inform the individual that the individual
772 will forfeit the right to appeal if the form is not signed and returned to
773 the department not later than thirty days after receipt of the
774 department's recommended finding.

775 (c) (1) An individual who receives a recommended finding
776 indicating that the individual is responsible for abuse or neglect of a
777 child pursuant to subsection (c) of section 17a-101g, as amended by
778 this act, shall be permitted not less than thirty days from receipt of
779 such finding to sign and return the form requesting an appeal.
780 Following a request for appeal, the commissioner or the
781 commissioner's designee shall conduct an internal review of the
782 recommended finding to be completed no later than [thirty] fifteen
783 days after the request for appeal is received by the department. The
784 commissioner or the commissioner's designee shall review all relevant
785 information relating to the recommended finding, to determine
786 whether the recommended finding is factually or legally deficient and
787 ought to be reversed. Prior to the review, the commissioner shall
788 provide the individual access to all relevant documents in the
789 possession of the commissioner regarding the finding of responsibility
790 for abuse or neglect of a child, as provided in subsection [(m)] (l) of

791 section 17a-28, as amended by this act.

792 (2) The individual or the individual's representative may submit any
793 documentation that is relevant to a determination of the issue and
794 may, at the discretion of the commissioner or the commissioner's
795 designee, participate in a telephone conference or face-to-face meeting
796 to be conducted for the purpose of gathering additional information
797 that may be relevant to determining whether the recommended
798 finding is factually or legally deficient.

799 (3) If the commissioner or the commissioner's designee, as a result of
800 the prehearing review, determines that the recommended finding of
801 abuse or neglect is factually or legally deficient, the commissioner or
802 the commissioner's designee shall so indicate, in writing, and shall
803 reverse the recommended finding. The commissioner shall send notice
804 to the individual by certified mail of the commissioner's decision to
805 reverse or maintain the finding not later than five business days after
806 the decision is made. If the finding is upheld, the notice shall be made
807 in accordance with section 4-177 and the commissioner shall notify the
808 individual of the right to request a hearing. The individual may
809 request a hearing not later than thirty days after receipt of the notice.
810 The hearing shall be [scheduled] held not later than [thirty] fifteen
811 days after receipt by the commissioner of the request for a hearing,
812 except for good cause shown by either party.

813 (d) (1) The hearing procedure shall be conducted in accordance with
814 the procedures for contested cases pursuant to sections 4-177 to 4-181a,
815 inclusive.

816 (2) At the hearing, the individual may be represented by legal
817 counsel. The burden of proof shall be on the commissioner to prove
818 that the finding is supported [by a fair preponderance of the evidence]
819 beyond a reasonable doubt by evidence submitted at the hearing.

820 (3) Not later than [thirty] fifteen days after the conclusion of the
821 hearing, the hearing officer shall issue a written decision to either

822 reverse or uphold the finding. The decision shall contain detailed
823 findings of fact and a conclusion of law on each issue raised at the
824 hearing.

825 (e) Any individual aggrieved by the decision of the hearing officer
826 may appeal the decision in accordance with section 4-183. Such
827 individual may also seek a stay of the adverse decision of the hearing
828 officer in accordance with subsection (f) of section 4-183.

829 (f) Following the issuance of a decision to uphold the finding and
830 absent any stay of that decision issued by the commissioner or the
831 court, the commissioner shall accurately reflect the information
832 concerning the finding in the child abuse and neglect registry
833 maintained pursuant to subsection (a) of this section and shall, in
834 accordance with section 17a-101g, as amended by this act, forward to
835 any agency or official the information required to be disclosed
836 pursuant to any provision of the general statutes.

837 (g) Any individual against whom a finding of abuse or neglect was
838 substantiated prior to May 1, 2000, and who has not previously
839 appealed such finding, may appeal such finding as provided in this
840 section.

841 (h) Records containing unsubstantiated findings shall remain
842 [sealed, except that such records shall be made available to department
843 employees in the proper discharge of their duties and shall be
844 expunged by the commissioner five years from the completion date of
845 the investigation if no further report is made about the individual
846 subject to the investigation, except that if the department receives more
847 than one report on an individual and each report is unsubstantiated,
848 all reports and information pertaining to the individual shall be
849 expunged by the commissioner five years from the completion date of
850 the most recent investigation] available for public inspection unless the
851 parent or guardian requests in writing that such records not be
852 disclosed, pursuant to section 17a-28, as amended by this act.

853 (i) [Not later than July 1, 2006, the] The Commissioner of Children
854 and Families shall adopt regulations, in accordance with the provisions
855 of chapter 54, to implement the provisions of this section.

856 Sec. 11. Section 17a-103 of the general statutes is repealed and the
857 following is substituted in lieu thereof (*Effective July 1, 2009*):

858 (a) Any mandated reporter acting outside his professional capacity
859 and any other person having reasonable cause to [suspect or] believe
860 that any child under the age of eighteen [is in danger of being abused,
861 or] has been abused or neglected, as defined in section 46b-120, as
862 amended by this act, may cause a written or oral report to be made to
863 the Commissioner of Children and Families or his representative or a
864 law enforcement agency. The Commissioner of Children and Families
865 or his representative shall use his best efforts to obtain the name and
866 address of a person who causes a report to be made pursuant to this
867 section. In the case of an oral report, such report shall be recorded on
868 tape and the commissioner or his representative shall announce to the
869 person making such report that such report is being recorded and shall
870 state the penalty for knowingly making a false report of child abuse or
871 neglect under subsection (c) of section 17a-101e.

872 (b) Notwithstanding the provisions of section 17a-101k, as amended
873 by this act, if the identity of any such person who made a report
874 pursuant to subsection (a) of this section is known, and the
875 commissioner or his representative suspects or knows that such person
876 has knowingly made a false report, such identity shall be disclosed to
877 the appropriate law enforcement agency and to the perpetrator of the
878 alleged abuse.

879 (c) If the Commissioner of Children and Families, or his designee,
880 receives a report alleging sexual abuse or serious physical abuse,
881 including, but not limited to, a report that: (1) A child has died; (2) a
882 child has been sexually assaulted; (3) a child has suffered brain
883 damage, loss or serious impairment of a bodily function or organ; (4) a
884 child has been sexually exploited; or (5) a child has suffered serious

885 nonaccidental physical injury, he shall, within twenty-four hours of
886 receipt of such report, attempt to substantiate the report and notify the
887 appropriate law enforcement agency.

888 (d) Whenever the Commissioner of Children and Families receives a
889 report in accordance with subsection (a) of this section, the department
890 shall verify the truth, accuracy and sufficiency of the evidence to
891 substantiate the mandated reporter's or other person's belief that a
892 child has been abused or neglected or placed in imminent risk of
893 serious harm prior to commencing an investigation pursuant to section
894 17a-101g, as amended by this act, except the commissioner shall not be
895 required to substantiate such evidence when the report alleges sexual
896 abuse or serious physical abuse, as provided in subsection (c) of this
897 section, prior to notifying the appropriate law enforcement agency.

898 (e) Upon receiving a report pursuant to subsection (a) of this section
899 and after verifying the allegations in the report pursuant to subsection
900 (d) of this section, the department may conduct an investigation
901 pursuant to section 17a-101g, as amended by this act. Upon making
902 initial contact with the parent or guardian and prior to commencing
903 any such investigation, the department shall disclose the report to the
904 parent or guardian and provide notice to the parent or guardian of the
905 parent's or guardian's rights under section 17a-103b, as amended by
906 this act.

907 Sec. 12. Subsection (a) of section 17a-103b of the general statutes is
908 repealed and the following is substituted in lieu thereof (*Effective July*
909 *1, 2009*):

910 (a) Upon receiving a [substantiated] complaint of neglect or abuse of
911 a child [having a single custodial parent or a guardian] and at the time
912 of initial contact with the parent or guardian, the Department of
913 Children and Families shall: [give, when deemed to be in the best
914 interests of the child, to the noncustodial parent, custodial parent,
915 guardian of the child, and parents if the Department of Children and
916 Families has custody of a child, notice of (1) the circumstances of the

917 complaint, including the name of the person who caused the abuse, (2)
918 the availability of services from the department, including, but not
919 limited to, child care subsidies and emergency shelter, and (3) the
920 programs of the Office of Victim Services and information on obtaining
921 a restraining order. The notice shall also inform the recipient that such
922 child may be removed from the custody of the custodial parent by the
923 department if such removal is authorized under the general statutes.
924 The department shall employ all reasonable efforts to provide the
925 notice within ten days of substantiation of a complaint] (1) Disclose the
926 report to the parent or guardian; and (2) provide the parent or
927 guardian with a statement written in plain language advising the
928 parent or guardian that: (A) the parent or guardian is not required to
929 permit the department's agent or employee to enter the parent's or
930 guardian's home without having a warrant; (B) the parent or guardian
931 is not required to speak with the department's agent or employee; (C)
932 the parent or guardian is entitled to the representation of an attorney
933 and to have an attorney present when the parent or guardian is
934 questioned by an agent or employee of the department; (D) any
935 statement made by the parent, guardian or other family member may
936 be used against the parent or guardian in an administrative or court
937 proceeding; (E) the department's agent or employee is a representative
938 of the department, is not an attorney and cannot provide legal advice;
939 (F) the parent or guardian is not required to sign any document
940 presented by the department, including, but not limited to, a release of
941 claims and a service agreement, and is entitled to have an attorney
942 review such document; and (G) the department has the authority to
943 initiate proceedings to remove the child from the home.

944 Sec. 13. Section 46b-120 of the general statutes is repealed and the
945 following is substituted in lieu thereof (*Effective July 1, 2009*):

946 The terms used in this chapter shall, in its interpretation and in the
947 interpretation of other statutes, be defined as follows: (1) "Child"
948 means any person under sixteen years of age and, for purposes of
949 delinquency matters, "child" means any person (A) under sixteen years

950 of age, or (B) sixteen years of age or older who, prior to attaining
951 sixteen years of age, has violated any federal or state law or municipal
952 or local ordinance, other than an ordinance regulating behavior of a
953 child in a family with service needs, and, subsequent to attaining
954 sixteen years of age, violates any order of the Superior Court or any
955 condition of probation ordered by the Superior Court with respect to
956 such delinquency proceeding; (2) "youth" means any person sixteen or
957 seventeen years of age; (3) "youth in crisis" means any youth who,
958 within the last two years, (A) has without just cause run away from the
959 parental home or other properly authorized and lawful place of abode,
960 (B) is beyond the control of the youth's parents, guardian or other
961 custodian, or (C) has four unexcused absences from school in any one
962 month or ten unexcused absences in any school year; (4) "abused"
963 means that a child or youth (A) has been inflicted with physical injury
964 or injuries other than by accidental means, [or] (B) has injuries that are
965 at variance with the history given of them, or (C) is in a condition that
966 is the result of maltreatment such as, but not limited to, malnutrition,
967 sexual molestation or exploitation, deprivation of necessities,
968 emotional maltreatment or cruel punishment, except the family's
969 economic situation shall not be a basis for finding that the child has
970 been abused; (5) a child may be found "mentally deficient" who, by
971 reason of a deficiency of intelligence that has existed from birth or
972 from early age, requires, or will require, for his protection or for the
973 protection of others, special care, supervision and control; (6) a child
974 may be convicted as "delinquent" who has violated (A) any federal or
975 state law or municipal or local ordinance, other than an ordinance
976 regulating behavior of a child in a family with service needs, (B) any
977 order of the Superior Court, except as provided in section 46b-148, or
978 (C) conditions of probation as ordered by the court; (7) a child or youth
979 may be found "dependent" whose home is a suitable one for the child
980 or youth, save for the financial inability of the child's or youth's
981 parents, parent or guardian, or other person maintaining such home,
982 to provide the specialized care the condition of the child or youth
983 requires; (8) "family with service needs" means a family that includes a

984 child who (A) has without just cause run away from the parental home
985 or other properly authorized and lawful place of abode, (B) is beyond
986 the control of the child's parent, parents, guardian or other custodian,
987 (C) has engaged in indecent or immoral conduct, (D) is a truant or
988 habitual truant or who, while in school, has been continuously and
989 overtly defiant of school rules and regulations, or (E) is thirteen years
990 of age or older and has engaged in sexual intercourse with another
991 person and such other person is thirteen years of age or older and not
992 more than two years older or younger than such child; (9) a child or
993 youth may be found "neglected" who (A) has been abandoned, [or] (B)
994 is being denied proper care and attention, physically, educationally,
995 emotionally or morally, or (C) [is being permitted to live under
996 conditions, circumstances or associations injurious to the well-being of
997 the child or youth, or (D)] has been abused; (10) a child or youth may
998 be found "uncared for" [who is homeless or] whose home [cannot
999 provide] deprives the child of the [specialized] essential care that the
1000 physical, emotional or mental condition of the child requires. For the
1001 purposes of this section, the treatment of any child by an accredited
1002 Christian Science practitioner, in lieu of treatment by a licensed
1003 practitioner of the healing arts, shall not of itself constitute neglect or
1004 maltreatment; (11) "delinquent act" means the violation of any federal
1005 or state law or municipal or local ordinance, other than an ordinance
1006 regulating the behavior of a child in a family with service needs, or the
1007 violation of any order of the Superior Court; (12) "serious juvenile
1008 offense" means (A) the violation of, including attempt or conspiracy to
1009 violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a,
1010 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
1011 inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive,
1012 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a,
1013 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection
1014 (a) of section 53a-122, subdivision (3) of subsection (a) of section
1015 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c,
1016 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,
1017 53a-216 or 53a-217b, by a child, or (B) running away, without just

1018 cause, from any secure placement other than home while referred as a
1019 delinquent child to the Court Support Services Division or committed
1020 as a delinquent child to the Commissioner of Children and Families for
1021 a serious juvenile offense; (13) "serious juvenile offender" means any
1022 child convicted as delinquent for commission of a serious juvenile
1023 offense; (14) "serious juvenile repeat offender" means any child
1024 charged with the commission of any felony if such child has
1025 previously been convicted delinquent at any age for two violations of
1026 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
1027 (15) "alcohol-dependent child" means any child who has a
1028 psychoactive substance dependence on alcohol as that condition is
1029 defined in the most recent edition of the American Psychiatric
1030 Association's "Diagnostic and Statistical Manual of Mental Disorders";
1031 and (16) "drug-dependent child" means any child who has a
1032 psychoactive substance dependence on drugs as that condition is
1033 defined in the most recent edition of the American Psychiatric
1034 Association's "Diagnostic and Statistical Manual of Mental Disorders".
1035 No child shall be classified as drug dependent who is dependent (A)
1036 upon a morphine-type substance as an incident to current medical
1037 treatment of a demonstrable physical disorder other than drug
1038 dependence, or (B) upon amphetamine-type, ataractic,
1039 barbiturate-type, hallucinogenic or other stimulant and depressant
1040 substances as an incident to current medical treatment of a
1041 demonstrable physical or psychological disorder, or both, other than
1042 drug dependence.

1043 Sec. 14. Section 46b-120 of the general statutes, as amended by
1044 section 73 of public act 07-4 of the June special session, is repealed and
1045 the following is substituted in lieu thereof (*Effective January 1, 2010*):

1046 The terms used in this chapter shall, in its interpretation and in the
1047 interpretation of other statutes, be defined as follows: (1) "Child"
1048 means any person under sixteen years of age, except that for purposes
1049 of delinquency matters and proceedings, "child" means any person (A)
1050 under eighteen years of age, or (B) eighteen years of age or older who,

1051 prior to attaining eighteen years of age, has committed a delinquent act
1052 and, subsequent to attaining eighteen years of age, violates any order
1053 of the Superior Court or any condition of probation ordered by the
1054 Superior Court with respect to such delinquency proceeding; (2)
1055 "youth" means any person sixteen or seventeen years of age; (3)
1056 "abused" means that a child or youth (A) has been inflicted with
1057 physical injury or injuries other than by accidental means, (B) has
1058 injuries that are at variance with the history given of them, or (C) is in
1059 a condition that is the result of maltreatment, including, but not
1060 limited to, malnutrition, sexual molestation or exploitation,
1061 deprivation of necessities, emotional maltreatment or cruel
1062 punishment, except the family's economic situation shall not be a basis
1063 for finding that the child has been abused; (4) a child may be found
1064 "mentally deficient" who, by reason of a deficiency of intelligence that
1065 has existed from birth or from early age, requires, or will require, for
1066 such child's protection or for the protection of others, special care,
1067 supervision and control; (5) a child may be convicted as "delinquent"
1068 who has violated (A) any federal or state law, other than the
1069 commission of (i) an infraction or violation by a youth under
1070 subsection (b) of section 51-164n, or (ii) a motor vehicle violation by a
1071 youth for which a sentence to a term of imprisonment may be
1072 imposed, (B) any order of the Superior Court, except as provided in
1073 section 46b-148, or (C) conditions of probation as ordered by the court;
1074 (6) a child or youth may be found "dependent" whose home is a
1075 suitable one for the child or youth, except for the financial inability of
1076 the child's or youth's parents, parent or guardian, or other person
1077 maintaining such home, to provide the specialized care the condition
1078 of the child or youth requires; (7) "family with service needs" means a
1079 family that includes a child or youth who (A) has without just cause
1080 run away from the parental home or other properly authorized and
1081 lawful place of abode, (B) is beyond the control of the child's or youth's
1082 parent, parents, guardian or other custodian, (C) has engaged in
1083 indecent or immoral conduct, (D) is a truant or habitual truant or who,
1084 while in school, has been continuously and overtly defiant of school

1085 rules and regulations, or (E) is thirteen years of age or older and has
1086 engaged in sexual intercourse with another person and such other
1087 person is thirteen years of age or older and not more than two years
1088 older or younger than such child or youth; (8) a child or youth may be
1089 found "neglected" who (A) has been abandoned, (B) is being denied
1090 proper care and attention, physically, educationally, emotionally or
1091 morally, (C) [is being permitted to live under conditions,
1092 circumstances or associations injurious to the well-being of the child or
1093 youth, or (D)] has been abused; (9) a child or youth may be found
1094 "uncared for" [who is homeless or] whose home [cannot provide]
1095 deprives the child of the [specialized] essential care that the physical,
1096 emotional or mental condition of the child or youth requires. For the
1097 purposes of this section, the treatment of any child or youth by an
1098 accredited Christian Science practitioner, in lieu of treatment by a
1099 licensed practitioner of the healing arts, shall not of itself constitute
1100 neglect or maltreatment; (10) "delinquent act" means the violation of
1101 any federal or state law, or the violation of any order of the Superior
1102 Court, other than the commission of (A) an infraction or violation by a
1103 youth under subsection (b) of section 51-164n, or (B) a motor vehicle
1104 violation by a youth for which a sentence to a term of imprisonment
1105 may be imposed; (11) "serious juvenile offense" means (A) the violation
1106 of, including attempt or conspiracy to violate, (i) section 21a-277,
1107 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to
1108 53-392, inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c,
1109 inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a,
1110 inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113,
1111 inclusive, subdivision (1) of subsection (a) of section 53a-122,
1112 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
1113 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section
1114 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a
1115 child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years of
1116 age, or (B) running away, without just cause, from any secure
1117 placement other than home while referred as a delinquent child to the
1118 Court Support Services Division or committed as a delinquent child to

1119 the Commissioner of Children and Families for a serious juvenile
1120 offense; (12) "serious juvenile offender" means any child convicted as
1121 delinquent for the commission of a serious juvenile offense; (13)
1122 "serious juvenile repeat offender" means any child charged with the
1123 commission of any felony if such child has previously been convicted
1124 as delinquent or otherwise convicted at any age for two violations of
1125 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
1126 (14) "alcohol-dependent" means a psychoactive substance dependence
1127 on alcohol as that condition is defined in the most recent edition of the
1128 American Psychiatric Association's "Diagnostic and Statistical Manual
1129 of Mental Disorders"; and (15) "drug-dependent" means a psychoactive
1130 substance dependence on drugs as that condition is defined in the
1131 most recent edition of the American Psychiatric Association's
1132 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
1133 be classified as drug dependent who is dependent (A) upon a
1134 morphine-type substance as an incident to current medical treatment
1135 of a demonstrable physical disorder other than drug dependence, or
1136 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
1137 or other stimulant and depressant substances as an incident to current
1138 medical treatment of a demonstrable physical or psychological
1139 disorder, or both, other than drug dependence.

1140 Sec. 15. Section 46b-129 of the general statutes is repealed and the
1141 following is substituted in lieu thereof (*Effective July 1, 2009*):

1142 (a) Any selectman, town manager, or town, city or borough welfare
1143 department, any probation officer, or the Commissioner of Social
1144 Services, the Commissioner of Children and Families or any child-
1145 caring institution or agency approved by the Commissioner of
1146 Children and Families, a child or such child's representative or
1147 attorney or a foster parent of a child, having [information] evidence to
1148 establish that a child or youth is neglected, uncared-for or dependent,
1149 may file with the Superior Court that has venue over such matter a
1150 verified petition plainly stating such facts as bring the child or youth
1151 within the jurisdiction of the court as neglected, uncared-for or

1152 dependent, within the meaning of section 46b-120, as amended by this
1153 act, the name, date of birth, sex and residence of the child or youth, the
1154 name and residence of such child's parents or guardian, and praying
1155 for appropriate action by the court in conformity with the provisions of
1156 this chapter, provided the Department of Children and Families has
1157 first verified the truth, accuracy and sufficiency of such evidence.
1158 Upon the filing of such a petition, except as otherwise provided in
1159 subsection (k) of section 17a-112, the court shall cause a summons to be
1160 issued requiring the parent or parents or the guardian of the child or
1161 youth to appear in court at the time and place named, which summons
1162 shall be served not less than fourteen days before the date of the
1163 hearing in the manner prescribed by section 46b-128, and the court
1164 shall further give notice to the petitioner and to the Commissioner of
1165 Children and Families of the time and place when the petition is to be
1166 heard not less than fourteen days prior to the hearing in question.

1167 (b) If it appears from the specific allegations of the petition and
1168 other verified affirmations of fact accompanying the petition and
1169 application, or subsequent thereto, that there [is reasonable cause to
1170 believe] may be proof to establish beyond a reasonable doubt that (1)
1171 the child or youth is suffering from serious physical illness or serious
1172 physical injury or is in immediate physical danger from the child's or
1173 youth's surroundings, and (2) that as a result of said conditions, the
1174 child's or youth's safety is endangered and immediate removal from
1175 such surroundings is necessary to ensure the child's or youth's safety,
1176 the court shall either (A) issue an order to the parents or other person
1177 having responsibility for the care of the child or youth to appear at
1178 such time as the court may designate to determine whether the court
1179 should vest in some suitable agency or person the child's or youth's
1180 temporary care and custody pending disposition of the petition, or (B)
1181 issue an order ex parte vesting in some suitable agency or person the
1182 child's or youth's temporary care and custody. A preliminary hearing
1183 on any ex parte custody order or order to appear issued by the court
1184 shall be held not later than ten days after the issuance of such order.
1185 The service of such orders may be made by any officer authorized by

1186 law to serve process, or by any probation officer appointed in
1187 accordance with section 46b-123, investigator from the Department of
1188 Administrative Services, state or local police officer or indifferent
1189 person. Such orders shall include a conspicuous notice to the
1190 respondent written in clear and simple language containing at least the
1191 following information: (i) That the order contains allegations that
1192 conditions in the home have endangered the safety and welfare of the
1193 child or youth; (ii) that a hearing will be held on the date on the form;
1194 (iii) that the hearing is the opportunity to present the parents' position
1195 concerning the alleged facts; (iv) that an attorney will be appointed for
1196 parents who cannot afford an attorney; (v) that such parents may
1197 apply for a court-appointed attorney by going in person to the court
1198 address on the form and are advised to go as soon as possible in order
1199 for the attorney to prepare for the hearing; and (vi) if such parents
1200 have any questions concerning the case or appointment of counsel, any
1201 such parent is advised to go to the court or call the clerk's office at the
1202 court as soon as possible. Upon application for appointed counsel, the
1203 court shall promptly determine eligibility and, if the respondent is
1204 eligible, promptly appoint counsel. The expense for any temporary
1205 care and custody shall be paid by the town in which such child or
1206 youth is at the time residing, and such town shall be reimbursed for
1207 such expense by the town found liable for the child's or youth's
1208 support, except that where a state agency has filed a petition pursuant
1209 to the provisions of subsection (a) of this section, the agency shall pay
1210 such expense. The agency shall give primary consideration to placing
1211 the child or youth in the town where such child or youth resides. The
1212 agency shall file in writing with the clerk of the court the reasons for
1213 placing the child or youth in a particular placement outside the town
1214 where the child or youth resides. Upon issuance of an ex parte order,
1215 the court shall provide to the commissioner and the parent or guardian
1216 specific steps necessary for each to take to address the ex parte order
1217 for the parent or guardian to retain or regain custody of the child or
1218 youth. Upon the issuance of such order, or not later than sixty days
1219 after the issuance of such order, the court shall make a determination

1220 whether the Department of Children and Families made reasonable
1221 efforts to keep the child or youth with his or her parents or guardian
1222 prior to the issuance of such order and, if such efforts were not made,
1223 whether such reasonable efforts were not possible, taking into
1224 consideration the child's or youth's best interests, including the child's
1225 or youth's health and safety.

1226 (c) In any proceeding under this section, any grandparent of the
1227 child may make a motion to intervene and the court shall grant such
1228 motion except for good cause shown. Upon the granting of such
1229 motion, such grandparent may appear by counsel or in person.

1230 (d) The preliminary hearing on the order of temporary custody or
1231 order to appear or the first hearing on a petition filed pursuant to
1232 subsection (a) of this section shall be held in order for the court to: (1)
1233 Advise the parent or guardian of the allegations contained in all
1234 petitions and applications that are the subject of the hearing and the
1235 parent's or guardian's right to counsel pursuant to subsection (b) of
1236 section 46b-135; (2) assure that an attorney, and where appropriate, a
1237 separate guardian ad litem has been appointed to represent the child
1238 or youth in accordance with subsection (b) of section 46b-123e and
1239 sections 46b-129a, as amended by this act, and 46b-136; (3) upon
1240 request, appoint an attorney to represent the respondent when the
1241 respondent is unable to afford representation, in accordance with
1242 subsection (b) of section 46b-123e; (4) advise the parent or guardian of
1243 the right to a hearing on the petitions and applications, to be held not
1244 later than ten days after the date of the preliminary hearing if the
1245 hearing is pursuant to an order of temporary custody or an order to
1246 show cause; (5) accept a plea regarding the truth of such allegations;
1247 (6) make any interim orders, including visitation, that the court
1248 determines are in the best interests of the child or youth. The court,
1249 after a hearing pursuant to this subsection, shall order specific steps
1250 the commissioner and the parent or guardian shall take for the parent
1251 or guardian to regain or to retain custody of the child or youth; (7) take
1252 steps to determine the identity of the father of the child or youth,

1253 including ordering genetic testing, if necessary, and order service of
1254 the petition and notice of the hearing date, if any, to be made upon
1255 him; (8) if the person named as the father appears, and admits that he
1256 is the father, provide him and the mother with the notices that comply
1257 with section 17b-27 and provide them with the opportunity to sign a
1258 paternity acknowledgment and affirmation on forms that comply with
1259 section 17b-27. Such documents shall be executed and filed in
1260 accordance with chapter 815y and a copy delivered to the clerk of the
1261 superior court for juvenile matters; and (9) in the event that the person
1262 named as a father appears and denies that he is the father of the child
1263 or youth, advise him that he may have no further standing in any
1264 proceeding concerning the child, and either order genetic testing to
1265 determine paternity or direct him to execute a written denial of
1266 paternity on a form promulgated by the Office of the Chief Court
1267 Administrator. Upon execution of such a form by the putative father,
1268 the court may remove him from the case and afford him no further
1269 standing in the case or in any subsequent proceeding regarding the
1270 child or youth until such time as paternity is established by formal
1271 acknowledgment or adjudication in a court of competent jurisdiction.

1272 (e) If any parent or guardian fails, after service of such order, to
1273 appear at the preliminary hearing, the court may enter or sustain an
1274 order of temporary custody.

1275 (f) Upon request, or upon its own motion, the court shall schedule a
1276 hearing on the order for temporary custody or the order to show cause
1277 to be held not later than ten days after the date of the preliminary
1278 hearing. Such hearing shall be held on consecutive days except for
1279 compelling circumstances or at the request of the parent or guardian.

1280 (g) At a contested hearing on the order for temporary custody or
1281 order to appear, [credible] hearsay evidence [regarding statements of
1282 the child or youth made to a mandated reporter or to a parent may be
1283 offered by the parties and admitted by the court upon a finding that
1284 the statement is reliable and trustworthy and that admission of such

1285 statement is reasonably necessary] shall not be admitted. [A signed
1286 statement executed by a mandated reporter under oath may be
1287 admitted by the court without the need for the mandated reporter to
1288 appear and testify unless called by a respondent or the child, provided
1289 the statement: (1) Was provided at the preliminary hearing and
1290 promptly upon request to any counsel appearing after the preliminary
1291 hearing; (2) reasonably describes the qualifications of the reporter and
1292 the nature of his contact with the child; and (3) contains only the direct
1293 observations of the reporter, and statements made to the reporter that
1294 would be admissible if the reporter were to testify to them in court and
1295 any opinions reasonably based thereupon. If a respondent or the child
1296 gives notice at the preliminary hearing that he intends to cross-
1297 examine the reporter, the person filing the petition shall make the
1298 reporter available for such examination at the contested hearing] At
1299 such hearing, the petitioner shall provide the court with all
1300 exculpatory evidence in its possession or control.

1301 (h) If any parent or guardian fails, after due notice of the hearing
1302 scheduled pursuant to subsection (g) of this section and without good
1303 cause, to appear at the scheduled date for a contested hearing on the
1304 order of temporary custody or order to appear, the court may enter or
1305 sustain an order of temporary custody.

1306 (i) [When] Before a petition is filed in said court for the commitment
1307 of a child or youth, the Commissioner of Children and Families shall
1308 make a thorough investigation of the case [and shall] in accordance
1309 with subsection (a) of this section. Not later than fifteen days after a
1310 petition is filed in said court, the commissioner shall cause to be made
1311 a thorough physical and mental examination of the child or youth if
1312 requested by the court. The court after hearing may also order a
1313 thorough physical or mental examination, or both, of a parent or
1314 guardian whose competency or ability to care for a child or youth
1315 before the court is at issue. The expenses incurred in making such
1316 physical and mental examinations shall be paid as costs of
1317 commitment are paid.

1318 (j) Upon finding and adjudging that [any] the petitioner has
1319 established beyond a reasonable doubt in an evidentiary proceeding
1320 held under this section that a child or youth is uncared-for, neglected
1321 or dependent and the removal of the child from the child's parent or
1322 guardian is necessary to ensure the child's present safety, the court
1323 may commit such child or youth to the Commissioner of Children and
1324 Families. Such commitment shall remain in effect until further order of
1325 the court, except that such commitment may be revoked or parental
1326 rights terminated at any time by the court, or the court may vest such
1327 child's or youth's care and personal custody in any private or public
1328 agency that is permitted by law to care for neglected, uncared-for or
1329 dependent children or youths or with any person or persons found to
1330 be suitable and worthy of such responsibility by the court. The court
1331 shall order specific steps that the parent must take to facilitate the
1332 return of the child or youth to the custody of such parent. The
1333 commissioner shall be the guardian of such child or youth for the
1334 duration of the commitment, provided the child or youth has not
1335 reached the age of eighteen years or, in the case of a child or youth in
1336 full-time attendance in a secondary school, a technical school, a college
1337 or a state-accredited job training program, provided such child or
1338 youth has not reached the age of twenty-one years, by consent of such
1339 youth, or until another guardian has been legally appointed, and in
1340 like manner, upon such vesting of the care of such child or youth, such
1341 other public or private agency or individual shall be the guardian of
1342 such child or youth until such child or youth has reached the age of
1343 eighteen years or, in the case of a child or youth in full-time attendance
1344 in a secondary school, a technical school, a college or a state-accredited
1345 job training program, until such child or youth has reached the age of
1346 twenty-one years or until another guardian has been legally appointed.
1347 The commissioner may place any child or youth so committed to the
1348 commissioner in a suitable foster home or in the home of a person
1349 related by blood to such child or youth or in a licensed child-caring
1350 institution or in the care and custody of any accredited, licensed or
1351 approved child-caring agency, within or without the state, provided a

1352 child shall not be placed outside the state except for good cause and
1353 unless the parents or guardian of such child are notified in advance of
1354 such placement and given an opportunity to be heard, or in a receiving
1355 home maintained and operated by the Commissioner of Children and
1356 Families. In placing such child or youth, the commissioner shall, if
1357 possible, select a home, agency, institution or person of like religious
1358 faith to that of a parent of such child or youth, if such faith is known or
1359 may be ascertained by reasonable inquiry, provided such home
1360 conforms to the standards of said commissioner and the commissioner
1361 shall, when placing siblings, if possible, place such children together.
1362 As an alternative to commitment, the court may place the child or
1363 youth in the custody of the parent or guardian with protective
1364 supervision by the Commissioner of Children and Families subject to
1365 conditions established by the court. Upon the issuance of an order
1366 committing the child or youth to the Commissioner of Children and
1367 Families, or not later than sixty days after the issuance of such order,
1368 the court shall determine whether the Department of Children and
1369 Families made reasonable efforts to keep the child or youth with his or
1370 her parents or guardian prior to the issuance of such order and, if such
1371 efforts were not made, whether such reasonable efforts were not
1372 possible, taking into consideration the child's or youth's best interests,
1373 including the child's or youth's health and safety.

1374 (k) In any proceeding held pursuant to subsection (b) or (g) of this
1375 section, the parent or guardian of the child who is the subject of the
1376 proceeding shall be presumed to be a competent caregiver and
1377 innocent of any wrongdoing. The petitioner shall have the burden of
1378 proving beyond a reasonable doubt that the parent or guardian is not
1379 competent to care for the child, has neglected the child or has abused
1380 the child. In all such proceedings, the parent or guardian shall be
1381 entitled to all of the rights and protections afforded, pursuant to
1382 chapter 961, the Constitution of the state and the Constitution of the
1383 United States, to a person accused of a crime. Such rights shall include,
1384 but not be limited to, the right to refuse to testify pursuant to section
1385 54-84.

1386 [(k)] (l) (1) [Nine] Not later than nine months after placement of the
1387 child or youth in the care and custody of the commissioner pursuant to
1388 a voluntary placement agreement, or removal of a child or youth
1389 pursuant to section 17a-101g, as amended by this act, or an order
1390 issued by a court of competent jurisdiction, whichever is earlier, the
1391 commissioner shall file a motion for review of a permanency plan.
1392 Nine months after a permanency plan has been approved by the court
1393 pursuant to this subsection, the commissioner shall file a motion for
1394 review of the permanency plan. Any party seeking to oppose the
1395 commissioner's permanency plan shall file a motion in opposition not
1396 later than thirty days after the filing of the commissioner's motion for
1397 review of the permanency plan, which motion shall include the reason
1398 therefor. A permanency hearing on any motion for review of the
1399 permanency plan shall be held not later than ninety days after the
1400 filing of such motion. The court shall hold evidentiary hearings in
1401 connection with any contested motion for review of the permanency
1402 plan. The commissioner shall have the burden of proving that the
1403 proposed permanency plan is in the best interests of the child or youth.
1404 After the initial permanency hearing, subsequent permanency hearings
1405 shall be held not less frequently than every twelve months while the
1406 child or youth remains in the custody of the Commissioner of Children
1407 and Families. The court shall provide notice to the child or youth, and
1408 the parent or guardian of such child or youth of the time and place of
1409 the court hearing on any such motion not less than fourteen days prior
1410 to such hearing.

1411 (2) At a permanency hearing held in accordance with the provisions
1412 of subdivision (1) of this subsection, the court shall approve a
1413 permanency plan that is in the best interests of the child or youth and
1414 takes into consideration the child's or youth's need for permanency.
1415 The child's or youth's health and safety shall be of paramount concern
1416 in formulating such plan. Such permanency plan may include the goal
1417 of (A) revocation of commitment and reunification of the child or
1418 youth with the parent or guardian, with or without protective
1419 supervision; (B) transfer of guardianship; (C) long-term foster care

1420 with a relative licensed as a foster parent or certified as a relative
1421 caregiver; (D) adoption and filing of termination of parental rights; or
1422 (E) such other planned permanent living arrangement ordered by the
1423 court, provided the Commissioner of Children and Families has
1424 documented a compelling reason why it would not be in the best
1425 interest of the child or youth for the permanency plan to include the
1426 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
1427 other planned permanent living arrangement may include, but not be
1428 limited to, placement of a child or youth in an independent living
1429 program or long term foster care with an identified foster parent.

1430 (3) At a permanency hearing held in accordance with the provisions
1431 of subdivision (1) of this subsection, the court shall review the status of
1432 the child, the progress being made to implement the permanency plan,
1433 determine a timetable for attaining the permanency plan, determine
1434 the services to be provided to the parent if the court approves a
1435 permanency plan of reunification and the timetable for such services,
1436 and determine whether the commissioner has made reasonable efforts
1437 to achieve the permanency plan. The court may revoke commitment if
1438 a cause for commitment no longer exists and it is in the best interests of
1439 the child or youth.

1440 (4) If the court approves the permanency plan of adoption: (A) The
1441 Commissioner of Children and Families shall file a petition for
1442 termination of parental rights not later than sixty days after such
1443 approval if such petition has not previously been filed; (B) the
1444 commissioner may conduct a thorough adoption assessment and
1445 child-specific recruitment; and (C) the court may order that the child
1446 be photo-listed [within] not later than thirty days after approval of the
1447 permanency plan of adoption if the court determines that such photo-
1448 listing is in the best interest of the child. As used in this subdivision,
1449 "thorough adoption assessment" means conducting and documenting
1450 face-to-face interviews with the child, foster care providers and other
1451 significant parties and "child specific recruitment" means recruiting an
1452 adoptive placement targeted to meet the individual needs of the

1453 specific child, including, but not limited to, use of the media, use of
1454 photo-listing services and any other in-state or out-of-state resources
1455 that may be used to meet the specific needs of the child, unless there
1456 are extenuating circumstances that indicate that such efforts are not in
1457 the best interest of the child.

1458 [(l)] (m) The Commissioner of Children and Families shall pay
1459 directly to the person or persons furnishing goods or services
1460 determined by said commissioner to be necessary for the care and
1461 maintenance of such child or youth the reasonable expense thereof,
1462 payment to be made at intervals determined by said commissioner;
1463 and the Comptroller shall draw his or her order on the Treasurer, from
1464 time to time, for such part of the appropriation for care of committed
1465 children or youths as may be needed in order to enable the
1466 commissioner to make such payments. The commissioner shall include
1467 in the department's annual budget a sum estimated to be sufficient to
1468 carry out the provisions of this section. Notwithstanding that any such
1469 child or youth has income or estate, the commissioner may pay the
1470 cost of care and maintenance of such child or youth. The commissioner
1471 may bill to and collect from the person in charge of the estate of any
1472 child or youth aided under this chapter, or the payee of such child's or
1473 youth's income, the total amount expended for care of such child or
1474 youth or such portion thereof as any such estate or payee is able to
1475 reimburse, provided the commissioner shall not collect from such
1476 estate or payee any reimbursement for the cost of care or other
1477 expenditures made on behalf of such child or youth from (1) the
1478 proceeds of any cause of action received by such child or youth; (2) any
1479 lottery proceeds due to such child or youth; (3) any inheritance due to
1480 such child or youth; (4) any payment due to such child or youth from a
1481 trust other than a trust created pursuant to 42 USC 1396p, as amended
1482 from time to time; or (5) the decedent estate of such child or youth.

1483 [(m)] (n) The commissioner, a parent or the child's attorney may file
1484 a motion to revoke a commitment, and, upon finding that cause for
1485 commitment no longer exists, and that such revocation is in the best

1486 interests of such child or youth, the court may revoke the commitment
1487 of such child or youth. No such motion shall be filed more often than
1488 once every six months.

1489 [(n)] (o) Upon service on the parent, guardian or other person
1490 having control of the child or youth of any order issued by the court
1491 pursuant to the provisions of subsections (b) and (j) of this section, the
1492 child or youth concerned shall be surrendered to the person serving
1493 the order who shall forthwith deliver the child or youth to the person,
1494 agency, department or institution awarded custody in the order. Upon
1495 refusal of the parent, guardian or other person having control of the
1496 child or youth to surrender the child or youth as provided in the order,
1497 the court may cause a warrant to be issued charging the parent,
1498 guardian or other person having control of the child or youth with
1499 contempt of court. If the person arrested is found in contempt of court,
1500 the court may order such person confined until the person complies
1501 with the order, but for not more than six months, or may fine such
1502 person not more than five hundred dollars, or both.

1503 [(o)] (p) A foster parent, prospective adoptive parent or relative
1504 caregiver shall receive notice and have the right to be heard for the
1505 purposes of this section in Superior Court in any proceeding
1506 concerning a foster child living with such foster parent, prospective
1507 adoptive parent or relative caregiver. A foster parent, prospective
1508 adoptive parent or relative caregiver who has cared for a child or
1509 youth shall have the right to be heard and comment on the best
1510 interests of such child or youth in any proceeding under this section
1511 which is brought not more than one year after the last day the foster
1512 parent, prospective adoptive parent or relative caregiver provided
1513 such care.

1514 [(p)] (q) Upon motion of any sibling of any child committed to the
1515 Department of Children and Families pursuant to this section, such
1516 sibling shall have the right to be heard concerning visitation with, and
1517 placement of, any such child. In awarding any visitation or modifying

1518 any placement, the court shall be guided by the best interests of all
1519 siblings affected by such determination.

1520 [(q)] (r) The provisions of section 17a-152, regarding placement of a
1521 child from another state, and section 17a-175, regarding the Interstate
1522 Compact on the Placement of Children, shall apply to placements
1523 pursuant to this section.

1524 Sec. 16. Section 46b-149 of the general statutes is repealed and the
1525 following is substituted in lieu thereof (*Effective July 1, 2009*):

1526 (a) Any selectman, town manager, police officer or welfare
1527 department of any town, city or borough, any probation officer or
1528 superintendent of schools, the Commissioner of Children and Families,
1529 any child-caring institution or agency approved or licensed by the
1530 Commissioner of Children and Families, any youth service bureau, a
1531 parent or foster parent of a child, or a child or the child's representative
1532 or attorney, who believes that the acts or omissions of a child are such
1533 that the child is from a family with service needs, may file a written
1534 complaint setting forth those facts with the Superior Court which has
1535 venue over the matter.

1536 (b) The court shall refer a complaint filed under subsection (a) of
1537 this section to a probation officer, who shall promptly verify the truth,
1538 accuracy and sufficiency of the evidence to substantiate the allegations
1539 in the complaint and determine whether [it appears that] the alleged
1540 facts, [if true,] if proven, would be sufficient to meet the definition of a
1541 family with service needs, provided a complaint alleging that a child is
1542 a truant or habitual truant shall not be determined to be insufficient to
1543 meet the definition of a family with service needs solely because it was
1544 filed during the months of April, May or June. If such probation officer
1545 so determines, the probation officer shall, after an initial assessment,
1546 promptly refer the child and the child's family to a suitable
1547 community-based program or other service provider, or to a family
1548 support center as provided in section 46b-149e, for voluntary services.
1549 If the child and the child's family do not agree to participate in such

1550 voluntary services or if the child and the child's family first agree then
1551 later do not agree to such services, the child and the child's family shall
1552 not be required to participate in such voluntary services. The fact that a
1553 child or the child's family does not agree to participate in voluntary
1554 services shall not be a basis for: (1) Finding that the child is neglected
1555 or abused or that the child's family is a family with service needs, or (2)
1556 filing a petition. If the child and the child's family are referred to a
1557 community-based program or other service provider and the person in
1558 charge of such program, [or] the provider, the child or the child's
1559 parent or guardian determines that the child and the child's family can
1560 no longer benefit from its services, such person, or in the case of the
1561 child, the child's parent or guardian, shall inform the probation officer,
1562 who [shall] may, after an appropriate assessment, [either] refer the
1563 child and the child's family to a family support center for additional
1564 services, [or] determine whether or not to file a petition with the court
1565 under subsection (c) of this section, or withdraw the complaint. If the
1566 child and the child's family are referred to a family support center and
1567 the person in charge of the family support center, the child or the
1568 child's parent or guardian determines that the child and the child's
1569 family can no longer benefit from its services, such person shall inform
1570 the probation officer, who may (A) file a petition with the court in the
1571 manner prescribed in subsection (c) of this section, or (B) withdraw the
1572 complaint. The probation officer shall inform the complainant in
1573 writing of the probation officer's action under this subsection. If it
1574 appears that the allegations are not true, or that the child's family does
1575 not meet the definition of a family with service needs, the probation
1576 officer shall inform the complainant in writing of such finding.

1577 (c) [A] Before a petition alleging that a child is from a family with
1578 service needs [shall be verified and] is filed with the Superior Court
1579 which has venue over the matter, the Department of Children and
1580 Families shall verify the truth of the allegations in the petition and
1581 determine whether the evidence is sufficient to substantiate the
1582 allegations. A copy of all documents verifying the allegations shall be
1583 attached to the petition that is filed with the court. The petition shall

1584 set forth plainly and in detail: (1) The facts which bring the child
1585 within the jurisdiction of the court; (2) the name, date of birth, sex and
1586 residence of the child; (3) the name and residence of the child's parent
1587 or parents, guardian or other person having control of the child; and
1588 (4) a prayer for appropriate action by the court in conformity with the
1589 provisions of this section.

1590 (d) When a petition is filed under subsection (c) of this section, the
1591 court may issue a summons to the child and the child's parents,
1592 guardian or other person having control of the child to appear in court
1593 at a specified time and place. The summons shall be signed by a judge
1594 or by the clerk or assistant clerk of the court, and a copy of the petition
1595 shall be attached to it. Whenever it appears to the judge that orders
1596 addressed to an adult, as set forth in section 46b-121, are necessary for
1597 the welfare of such child, a similar summons shall be issued and
1598 served upon such adult if he or she is not already in court. Service of
1599 summons shall be made in accordance with section 46b-128. The court
1600 may punish for contempt, as provided in section 46b-121, any parent,
1601 guardian or other person so summoned who fails to appear in court at
1602 the time and place so specified. If a petition is filed under subsection
1603 (c) of this section alleging that a child is from a family with service
1604 needs because a child is a truant or habitual truant, the court may not
1605 dismiss such petition solely because it was filed during the months of
1606 April, May or June.

1607 (e) When a petition is filed under subsection (c) of this section
1608 alleging that a child is from a family with service needs because such
1609 child has been habitually truant, the court shall order that the local or
1610 regional board of education for the town in which the child resides, or
1611 the private school in the case of a child enrolled in a private school,
1612 shall cause an educational evaluation of such child to be performed if
1613 no such evaluation has been performed within the preceding year.
1614 Any costs incurred for the performance of such evaluation shall be
1615 borne by such local or regional board of education or such private
1616 school.

1617 (f) If it appears from the allegations of a petition or other sworn
1618 affirmations that there is: (1) A strong probability that the child may do
1619 something that is injurious to himself prior to court disposition; (2) a
1620 strong probability that the child will run away prior to the hearing; or
1621 (3) a need to hold the child for another jurisdiction, a judge may vest
1622 temporary custody of such child in some suitable person or agency. No
1623 nondelinquent juvenile runaway from another state may be held in a
1624 state-operated detention home in accordance with the provisions of
1625 section 46b-151h, the Interstate Compact for Juveniles. A hearing on
1626 temporary custody shall be held not later than ten days after the date
1627 on which a judge signs an order of temporary custody. Following such
1628 hearing, the judge may order that the child's temporary custody
1629 continue to be vested in some suitable person or agency. Any expenses
1630 of temporary custody shall be paid in the same manner as provided in
1631 subsection (b) of section 46b-129, as amended by this act.

1632 (g) If a petition is filed under subsection (c) of this section and it
1633 appears that the interests of the child or the family may be best served,
1634 prior to adjudication, by a referral to community-based or other
1635 services, the judge may permit the matter to be continued for a
1636 reasonable period of time not to exceed six months, which time period
1637 may be extended by an additional three months for cause. If it appears
1638 at the conclusion of the continuance that the matter has been
1639 satisfactorily resolved, the judge may dismiss the petition.

1640 (h) If the court finds, based on clear and convincing evidence, that a
1641 child is from a family with service needs, the court may, in addition to
1642 issuing any orders under section 46b-121: (1) Refer the child to the
1643 Department of Children and Families for any voluntary services
1644 provided by the department or, if the child is from a family with
1645 service needs solely as a result of a finding that the child is a truant or
1646 habitual truant, to the authorities of the local or regional school district
1647 or private school for services provided by such school district or such
1648 school, which services may include summer school, or to community
1649 agencies providing child and family services; (2) order the child to

1650 remain in the child's own home or in the custody of a relative or any
1651 other suitable person (A) subject to the supervision of a probation
1652 officer, or (B) in the case of a child who is from a family with service
1653 needs solely as a result of a finding that the child is a truant or habitual
1654 truant, subject to the supervision of a probation officer and the
1655 authorities of the local or regional school district or private school; (3)
1656 if the child is from a family with service needs as a result of the child
1657 engaging in sexual intercourse with another person and such other
1658 person is thirteen years of age or older and not more than two years
1659 older or younger than such child, (A) refer the child to a youth service
1660 bureau or other appropriate service agency for participation in a
1661 program such as a teen pregnancy program or a sexually transmitted
1662 disease program, and (B) require such child to perform community
1663 service such as service in a hospital, an AIDS prevention program or
1664 an obstetrical and gynecological program; or (4) upon a finding that
1665 there is no less restrictive alternative, commit the child to the care and
1666 custody of the Commissioner of Children and Families for an
1667 indefinite period not to exceed eighteen months. The child shall be
1668 entitled to representation by counsel and an evidentiary hearing. If the
1669 court issues any order which regulates future conduct of the child,
1670 parent or guardian, the child, parent or guardian, shall receive
1671 adequate and fair warning of the consequences of violation of the
1672 order at the time it is issued, and such warning shall be provided to the
1673 child, parent or guardian, to his or her attorney and to his or her legal
1674 guardian in writing and shall be reflected in the court record and
1675 proceedings.

1676 (i) At any time during the period of supervision, after hearing and
1677 for good cause shown, the court may modify or enlarge the conditions,
1678 whether originally imposed by the court under this section or
1679 otherwise, as deemed appropriate by the court. The court shall cause a
1680 copy of any such orders to be delivered to the child and to such child's
1681 parent or guardian and probation officer.

1682 (j) (1) The Commissioner of Children and Families may file a motion

1683 for an extension of a commitment under this section on the grounds
1684 that an extension would be in the best interest of the child. The court
1685 shall give notice to the child and the child's parent or guardian at least
1686 fourteen days prior to the hearing upon such motion. The court may,
1687 after hearing and upon finding that such extension is in the best
1688 interest of the child and that there is no suitable less restrictive
1689 alternative, continue the commitment for an additional indefinite
1690 period of not more than eighteen months. (2) The Commissioner of
1691 Children and Families may at any time file a motion to discharge a
1692 child committed under this section, and any child committed to the
1693 commissioner under this section, or the parent or guardian of such
1694 child, may at any time but not more often than once every six months
1695 file a motion to revoke such commitment. The court shall notify the
1696 child, the child's parent or guardian and the commissioner of any
1697 motion filed under this subsection, and of the time when a hearing on
1698 such motion will be held. Any order of the court made under this
1699 subsection shall be deemed a final order for purposes of appeal, except
1700 that no bond shall be required and no costs shall be taxed on such
1701 appeal. (3) Not later than twelve months after a child is committed to
1702 the Commissioner of Children and Families in accordance with
1703 subdivision (4) of subsection (h) of this section or section 46b-149f, the
1704 court shall hold a permanency hearing in accordance with subsection
1705 (k) of this section. After the initial permanency hearing, subsequent
1706 permanency hearings shall be held at least once every twelve months
1707 while the child remains committed to the Commissioner of Children
1708 and Families.

1709 (k) At least sixty days prior to each permanency hearing required
1710 under subsection (j) of this section, the Commissioner of Children and
1711 Families shall file a permanency plan with the court. At each
1712 permanency hearing, the court shall review and approve a
1713 permanency plan that is in the best interests of the child and takes into
1714 consideration the child's need for permanency. Such permanency plan
1715 may include the goal of: (1) Revocation of commitment and
1716 subsequent placement of the child with the parent or guardian, (2)

1717 transfer of guardianship, (3) permanent placement with a relative, (4)
1718 adoption, or (5) any other planned permanent living arrangement
1719 ordered by the court, provided the Commissioner of Children and
1720 Families has documented a compelling reason why it would not be in
1721 the best interest of the child for the permanency plan to include the
1722 goals set forth in subdivisions (1) to (4), inclusive, of this subsection.
1723 Such other planned permanent living arrangement may include, but
1724 not be limited to, placement of the child in an independent living
1725 program. At any such permanency hearing, the court shall also
1726 determine whether the Commissioner of Children and Families has
1727 made reasonable efforts to achieve the goals in the permanency plan.

1728 Sec. 17. (NEW) (*Effective July 1, 2009*) (a) There is established a bill of
1729 rights for any child or youth in the custody of the Commissioner of
1730 Children and Families. The bill of rights shall provide that each such
1731 child or youth shall have the right to: (1) A comprehensive assessment
1732 that includes, but is not limited to, an assessment of the child's or
1733 youth's physical health, medical history, mental health, education,
1734 family situation and history of substance use, if any; (2) evidence-
1735 based treatment for any substance abuse problem, physical condition,
1736 mental condition or dental problem identified during the assessment
1737 of the child or youth; (3) a public education, that includes appropriate
1738 special education when needed by the child or youth; (4) services to
1739 improve social functioning and family relations; (5) the least restriction
1740 appropriate for the child's or youth's needs; (6) not be treated
1741 adversely because of the child's or youth's gender, religion, race,
1742 national origin or sexual orientation; (7) safe housing free from abuse
1743 and the use of physical force; (8) representation of competent legal
1744 counsel at all proceedings involving the child or youth; (9) procedural
1745 protections against self-incrimination for statements made by the child
1746 or youth that are related to the child's or youth's treatment or
1747 assessment for treatment; (10) periodic evaluations for the effectiveness
1748 of treatment received by the child or youth; and (11) a fair and quick
1749 resolution to department proceedings.

1750 (b) Each child or youth in the custody of the commissioner shall be
1751 provided with the benefits identified in subsection (a) of this section,
1752 not later than September 1, 2009, or sixty days after the commissioner
1753 is granted custody of the child or youth.

1754 Sec. 18. Section 10-233h of the general statutes is repealed and the
1755 following is substituted in lieu thereof (*Effective July 1, 2009*):

1756 If any person who is at least seven years of age but less than twenty-
1757 one years of age and an enrolled student is arrested for a violation of
1758 section 53-206c, a class A misdemeanor or a felony, the municipal
1759 police department or Division of State Police within the Department of
1760 Public Safety that made such arrest shall, not later than the end of the
1761 weekday following such arrest, orally notify the superintendent of
1762 schools of the school district in which such person resides of the
1763 identity of such person and the offense or offenses for which he was
1764 arrested and shall, within seventy-two hours of such arrest, provide
1765 written notification of such arrest, containing a brief description of the
1766 incident, to such superintendent. The superintendent shall maintain
1767 such written report [in a secure location and the information in such
1768 report shall be maintained as confidential] and may disclose the report
1769 in accordance with section 46b-124, as amended by this act. [The
1770 superintendent may disclose such information only to the principal of
1771 the school in which such person is a student or to the principal or
1772 supervisory agent of any other school in which the superintendent
1773 knows such person is a student. The principal or supervisory agent
1774 may disclose such information only to special services staff or a
1775 consultant, such as a psychiatrist, psychologist or social worker, for the
1776 purposes of assessing the risk of danger posed by such person to
1777 himself, other students, school employees or school property and
1778 effectuating an appropriate modification of such person's educational
1779 plan or placement, and for disciplinary purposes.] If the arrest
1780 occurred during the school year, such assessment shall be completed
1781 not later than the end of the next school day. If an expulsion hearing is
1782 held pursuant to section 10-233d, a representative of the municipal

1783 police department or the Division of State Police, as appropriate, may
1784 testify and provide reports and information on the arrest at such
1785 hearing, provided such police participation is requested by any of the
1786 following: The local or regional board of education, the impartial
1787 hearing board, the principal of the school or the student or his parent
1788 or guardian. [Such information with respect to a child under sixteen
1789 years of age shall be confidential in accordance with section 46b-124,
1790 and shall only be disclosed as provided in this section and shall not be
1791 further disclosed.]

1792 Sec. 19. Subsections (a) and (b) of section 17a-101j of the general
1793 statutes are repealed and the following is substituted in lieu thereof
1794 (*Effective July 1, 2009*):

1795 (a) After the investigation has been completed and the
1796 Commissioner of Children and Families has [reasonable cause to
1797 believe] obtained evidence to establish beyond a reasonable doubt that
1798 sexual abuse or serious physical abuse of a child has occurred, the
1799 commissioner shall notify the appropriate local law enforcement
1800 authority and the Chief State's Attorney or the Chief State's Attorney's
1801 designee or the state's attorney for the judicial district in which the
1802 child resides or in which the abuse or neglect occurred of such belief
1803 and shall provide a copy of the report required in sections 17a-101a to
1804 17a-101c, inclusive, as amended by this act, and 17a-103, as amended
1805 by this act.

1806 (b) Whenever a report has been made pursuant to sections 17a-101a
1807 to 17a-101c, inclusive, and 17a-103, as amended by this act, alleging
1808 that abuse or neglect has occurred at an institution or facility that
1809 provides care for children and is subject to licensure by the state for the
1810 caring of children, and the Commissioner of Children and Families,
1811 after investigation, has reasonable cause to believe abuse or neglect has
1812 occurred, the commissioner shall forthwith notify the state agency
1813 responsible for such licensure of such institution or facility and
1814 provide records, whether or not created by the department, concerning

1815 such investigation.

1816 Sec. 20. Subsections (a) and (b) of section 17a-101i of the general
1817 statutes are repealed and the following is substituted in lieu thereof
1818 (*Effective July 1, 2009*):

1819 (a) Notwithstanding any provision of the general statutes, after an
1820 investigation has been completed and the Commissioner of Children
1821 and Families, based upon the results of the investigation, has
1822 [reasonable cause to believe] obtained evidence to establish beyond a
1823 reasonable doubt that a child has been abused by a school employee
1824 who holds a certificate, permit or authorization issued by the State
1825 Board of Education, and the commissioner has recommended that
1826 such employee be placed on the child abuse and neglect registry
1827 established pursuant to section 17a-101k, as amended by this act, the
1828 commissioner shall, not later than five working days after such
1829 finding, notify the employing superintendent of such finding and shall
1830 provide records, whether or not created by the department, concerning
1831 such investigation to the superintendent who shall suspend such
1832 school employee. The commissioner shall provide such notice whether
1833 or not the child was a student in the employing school or school
1834 district. Such suspension shall be with pay and shall not result in the
1835 diminution or termination of benefits to such employee. Within
1836 seventy-two hours after such suspension the superintendent shall
1837 notify the local or regional board of education and the Commissioner
1838 of Education, or the commissioner's representative, of the reasons for
1839 and conditions of the suspension. The superintendent shall disclose
1840 such records to the Commissioner of Education and the local or
1841 regional board of education or its attorney for purposes of review of
1842 employment status or the status of such employee's certificate, permit
1843 or authorization. The suspension of a school employee employed in a
1844 position requiring a certificate shall remain in effect until the board of
1845 education acts pursuant to the provisions of section 10-151. If the
1846 contract of employment of such certified school employee is
1847 terminated, the superintendent shall notify the Commissioner of

1848 Education, or the commissioner's representative, within seventy-two
1849 hours after such termination. Upon receipt of such notice from the
1850 superintendent, the Commissioner of Education may commence
1851 certification revocation proceedings pursuant to the provisions of
1852 subsection (m) of section 10-145b. Notwithstanding the provisions of
1853 sections 1-210 and 1-211, information received by the Commissioner of
1854 Education, or the commissioner's representative, pursuant to this
1855 section shall be confidential subject to regulations adopted by the State
1856 Board of Education under section 10-145g.

1857 (b) After an investigation has been completed and the
1858 Commissioner of Children and Families, based upon the results of the
1859 investigation, has [reasonable cause to believe] evidence to establish
1860 beyond a reasonable doubt that a child has been abused by a staff
1861 member of a public or private institution or facility providing care for
1862 children or private school, the commissioner shall notify the executive
1863 director of such institution, school or facility and shall provide records,
1864 whether or not created by the department concerning such
1865 investigation to such executive director. Such institution, school or
1866 facility may suspend such staff person. Such suspension shall be with
1867 pay and shall not result in diminution or termination of benefits to
1868 such employee. Such suspension shall remain in effect until the
1869 incident of abuse has been satisfactorily resolved by the employer of
1870 the staff person. If such staff member has a professional license or
1871 certificate issued by the state or a permit or authorization issued by the
1872 State Board of Education, the commissioner shall forthwith notify the
1873 state agency responsible for issuing such license, certificate, permit or
1874 authorization to the staff member and provide records, whether or not
1875 created by the department, concerning such investigation.

1876 Sec. 21. Section 45a-717 of the general statutes is repealed and the
1877 following is substituted in lieu thereof (*Effective July 1, 2009*):

1878 (a) At the hearing held on any petition for the termination of
1879 parental rights filed in the Court of Probate under section 45a-715, or

1880 filed in the Superior Court under section 17a-112, or transferred to the
1881 Superior Court from the Court of Probate under section 45a-715, any
1882 party to whom notice was given shall have the right to appear and be
1883 heard with respect to the petition. If a parent who is consenting to the
1884 termination of such parent's parental rights appears at the hearing on
1885 the petition for termination of parental rights, the court shall explain to
1886 the parent the meaning and consequences of termination of parental
1887 rights. Nothing in this subsection shall be construed to require the
1888 appearance of a consenting parent at the hearing regarding the
1889 termination of such parent's parental rights except as otherwise
1890 provided by court order.

1891 (b) If a party appears without counsel, the court shall inform such
1892 party of the party's right to counsel and upon request, if he or she is
1893 unable to pay for counsel, shall appoint counsel to represent such
1894 party. No party may waive counsel unless the court has first explained
1895 the nature and meaning of a petition for the termination of parental
1896 rights. Unless the appointment of counsel is required under section
1897 46b-136, the court may appoint counsel to represent or appear on
1898 behalf of any child in a hearing held under this section to speak on
1899 behalf of the best interests of the child. If the respondent parent is
1900 unable to pay for such respondent's own counsel or if the child or the
1901 parent or guardian of the child is unable to pay for the child's counsel,
1902 in the case of a Superior Court matter, the reasonable compensation of
1903 counsel appointed for the respondent parent or the child shall be
1904 established by, and paid from funds appropriated to, the Judicial
1905 Department and, in the case of a Probate Court matter, the reasonable
1906 compensation of counsel appointed for the respondent parent or the
1907 child shall be established by, and paid from funds appropriated to, the
1908 Judicial Department, however, in the case of a Probate Court matter, if
1909 funds have not been included in the budget of the Judicial Department
1910 for such purposes, such compensation shall be established by the
1911 Probate Court Administrator and paid from the Probate Court
1912 Administration Fund.

1913 (c) The court shall, if a claim for paternity has been filed in
1914 accordance with section 46b-172a, continue the hearing under the
1915 provisions of this section until the claim for paternity is adjudicated,
1916 provided the court may combine the hearing on the claim for paternity
1917 with the hearing on the termination of parental rights petition.

1918 (d) Upon finding at the hearing or at any time during the pendency
1919 of the petition that reasonable cause exists to warrant an examination,
1920 the court, on its own motion or on motion by any party, may order the
1921 child to be examined at a suitable place by a physician, psychiatrist or
1922 licensed clinical psychologist appointed by the court. The court may
1923 also order examination of a parent or custodian whose competency or
1924 ability to care for a child before the court is at issue. The expenses of
1925 any examination if ordered by the court on its own motion shall be
1926 paid for by the petitioner or, if ordered on motion by a party, shall be
1927 paid for by the party moving for such an examination unless such
1928 party or petitioner is unable to pay such expenses in which case, they
1929 shall be paid for by funds appropriated to the Judicial Department,
1930 however, in the case of a Probate Court matter, if funds have not been
1931 included in the budget of the Judicial Department for such purposes,
1932 such expenses shall be established by the Probate Court Administrator
1933 and paid from the Probate Court Administration Fund. The court may
1934 consider the results of the examinations in ruling on the merits of the
1935 petition.

1936 (e) (1) The court may, and in any contested case shall, request the
1937 Commissioner of Children and Families or any child-placing agency
1938 licensed by the commissioner to make an investigation and written
1939 report to it, within ninety days from the receipt of such request. The
1940 report shall indicate the physical, mental and emotional status of the
1941 child and shall contain such facts as may be relevant to the court's
1942 determination of whether the proposed termination of parental rights
1943 will be in the best interests of the child, including the physical, mental,
1944 social and financial condition of the biological parents, and any other
1945 factors which the commissioner or such child-placing agency finds

1946 relevant to the court's determination of whether the proposed
1947 termination will be in the best interests of the child. (2) If such a report
1948 has been requested, upon the expiration of such ninety-day period or
1949 upon receipt of the report, whichever is earlier, the court shall set a day
1950 for a hearing not more than thirty days thereafter. The court shall give
1951 reasonable notice of such adjourned hearing to all parties to the first
1952 hearing, including the child, if over fourteen years of age, and to such
1953 other persons as the court shall deem appropriate. (3) The report shall
1954 be admissible in evidence, subject to the right of any interested party to
1955 require that the person making it appear as a witness, if available, and
1956 subject himself to examination.

1957 (f) At the adjourned hearing or at the initial hearing where no
1958 investigation and report has been requested, the court may approve a
1959 petition for termination of parental rights based on consent filed
1960 pursuant to this section terminating the parental rights and may
1961 appoint a guardian of the person of the child, or if the petitioner
1962 requests, the court may appoint a statutory parent, if it finds, upon
1963 [clear and convincing] evidence establishing beyond a reasonable
1964 doubt that (1) the termination is in the best interest of the child, and (2)
1965 such parent has voluntarily and knowingly consented to termination
1966 of the parent's parental rights with respect to such child. If the court
1967 denies a petition for termination of parental rights based on consent, it
1968 may refer the matter to an agency to assess the needs of the child, the
1969 care the child is receiving and the plan of the parent for the child.
1970 Consent for the termination of the parental right of one parent does not
1971 diminish the parental rights of the other parent of the child nor does it
1972 relieve the other parent of the duty to support the child.

1973 (g) At the adjourned hearing or at the initial hearing where no
1974 investigation and report has been requested, the court may approve a
1975 petition terminating the parental rights and may appoint a guardian of
1976 the person of the child, or, if the petitioner requests, the court may
1977 appoint a statutory parent, if it finds, upon [clear and convincing]
1978 evidence establishing beyond a reasonable doubt, that (1) the

1979 termination is in the best interest of the child, and (2) (A) the child has
1980 been abandoned by the parent in the sense that the parent has failed to
1981 maintain a reasonable degree of interest, concern or responsibility as to
1982 the welfare of the child; (B) the child has been denied, by reason of an
1983 act or acts of parental commission or omission, including, but not
1984 limited to sexual molestation and exploitation, severe physical abuse
1985 or a pattern of abuse, the care, guidance or control necessary for the
1986 child's physical, educational, moral or emotional well-being.
1987 Nonaccidental or inadequately explained serious physical injury to a
1988 child shall constitute prima facie evidence of acts of parental
1989 commission or omission sufficient for the termination of parental
1990 rights; (C) there is no ongoing parent-child relationship which is
1991 defined as the relationship that ordinarily develops as a result of a
1992 parent having met on a continuing, day-to-day basis the physical,
1993 emotional, moral and educational needs of the child and to allow
1994 further time for the establishment or reestablishment of the parent-
1995 child relationship would be detrimental to the best interests of the
1996 child; (D) the parent of a child who (i) has been found by the Superior
1997 Court or the Probate Court to have been neglected or uncared for in a
1998 prior proceeding, or (ii) is found to be neglected or uncared for and has
1999 been in the custody of the commissioner for at least fifteen months and
2000 such parent has been provided specific steps to take to facilitate the
2001 return of the child to the parent pursuant to section 46b-129, as
2002 amended by this act, and has failed to achieve such degree of personal
2003 rehabilitation as would encourage the belief that within a reasonable
2004 time, considering the age and needs of the child, such parent could
2005 assume a responsible position in the life of the child; (E) the parent of a
2006 child, under the age of seven years who is neglected or uncared for,
2007 has failed, is unable or is unwilling to achieve such degree of personal
2008 rehabilitation as would encourage the belief that within a reasonable
2009 amount of time, considering the age and needs of the child, such
2010 parent could assume a responsible position in the life of the child and
2011 such parent's parental rights of another child were previously
2012 terminated pursuant to a petition filed by the Commissioner of

2013 Children and Families; (F) the parent has killed through deliberate,
2014 nonaccidental act another child of the parent or has requested,
2015 commanded, importuned, attempted, conspired or solicited such
2016 killing or has committed an assault, through deliberate, nonaccidental
2017 act that resulted in serious bodily injury of another child of the parent;
2018 or (G) the parent was convicted as an adult or a delinquent by a court
2019 of competent jurisdiction of sexual assault resulting in the conception
2020 of a child except for a violation of section 53a-71 or 53a-73a provided
2021 the court may terminate such parent's parental rights to such child at
2022 any time after such conviction.

2023 (h) Except in the case where termination is based on consent, in
2024 determining whether to terminate parental rights under this section,
2025 the court shall consider and shall make written findings regarding: (1)
2026 The timeliness, nature and extent of services offered, provided and
2027 made available to the parent and the child by a child-placing agency to
2028 facilitate the reunion of the child with the parent; (2) the terms of any
2029 applicable court order entered into and agreed upon by any individual
2030 or child-placing agency and the parent, and the extent to which all
2031 parties have fulfilled their obligations under such order; (3) the
2032 feelings and emotional ties of the child with respect to the child's
2033 parents, any guardian of the child's person and any person who has
2034 exercised physical care, custody or control of the child for at least one
2035 year and with whom the child has developed significant emotional
2036 ties; (4) the age of the child; (5) the efforts the parent has made to
2037 adjust such parent's circumstances, conduct or conditions to make it in
2038 the best interest of the child to return the child to the parent's home in
2039 the foreseeable future, including, but not limited to, (A) the extent to
2040 which the parent has maintained contact with the child as part of an
2041 effort to reunite the child with the parent, provided the court may give
2042 weight to incidental visitations, communications or contributions, and
2043 (B) the maintenance of regular contact or communication with the
2044 guardian or other custodian of the child; and (6) the extent to which a
2045 parent has been prevented from maintaining a meaningful relationship
2046 with the child by the unreasonable act or conduct of the other parent of

2047 the child, or the unreasonable act of any other person or by the
2048 economic circumstances of the parent.

2049 (i) If the parental rights of only one parent are terminated, the
2050 remaining parent shall be sole parent and, unless otherwise provided
2051 by law, guardian of the person.

2052 (j) In the case where termination of parental rights is granted, the
2053 guardian of the person or statutory parent shall report to the court
2054 within thirty days of the date judgment is entered on a case plan, as
2055 defined by the federal Adoption Assistance and Child Welfare Act of
2056 1980, as amended from time to time, for the child. At least every three
2057 months thereafter, such guardian or statutory parent shall make a
2058 report to the court on the implementation of the plan. The court may
2059 convene a hearing upon the filing of a report and shall convene a
2060 hearing for the purpose of reviewing the plan no more than twelve
2061 months from the date judgment is entered or from the date of the last
2062 permanency hearing held pursuant to subsection [(k)] (l) of section
2063 46b-129, as amended by this act, if the child or youth is in the care and
2064 custody of the Commissioner of Children and Families, whichever is
2065 earlier, and at least once a year thereafter until such time as any
2066 proposed adoption plan has become finalized. If the Commissioner of
2067 Children and Families is the statutory parent for the child, at such a
2068 hearing the court shall determine whether the department has made
2069 reasonable efforts to achieve the permanency plan.

2070 Sec. 22. Section 46b-129a of the general statutes is repealed and the
2071 following is substituted in lieu thereof (*Effective July 1, 2009*):

2072 In proceedings in the Superior Court under section 46b-129, as
2073 amended by this act: (1) The court may order the child, the parents, the
2074 guardian, or other persons accused by a competent witness with
2075 abusing the child, to be examined by one or more competent
2076 physicians, psychiatrists or psychologists appointed by the court,
2077 provided the Department of Children and Families has first
2078 substantiated the allegations; (2) a child shall be represented by

2079 counsel knowledgeable about representing such children who shall be
2080 appointed by the court to represent the child and to act as guardian ad
2081 litem for the child. The primary role of any counsel for the child
2082 including the counsel who also serves as guardian ad litem, shall be to
2083 advocate for the child in accordance with the Rules of Professional
2084 Conduct. When a conflict arises between the child's wishes or position
2085 and that which counsel for the child believes is in the best interest of
2086 the child, the court shall appoint another person as guardian ad litem
2087 for the child. The guardian ad litem shall speak on behalf of the best
2088 interest of the child and is not required to be an attorney-at-law but
2089 shall be knowledgeable about the needs and protection of children. In
2090 the event that a separate guardian ad litem is appointed, the person
2091 previously serving as both counsel and guardian ad litem for the child
2092 shall continue to serve as counsel for the child and a different person
2093 shall be appointed as guardian ad litem, unless the court for good
2094 cause also appoints a different person as counsel for the child. No
2095 person who has served as both counsel and guardian ad litem for a
2096 child shall thereafter serve solely as the child's guardian ad litem. The
2097 counsel and guardian ad litem's fees, if any, shall be paid by the
2098 parents or guardian, or the estate of the child, or, if such persons are
2099 unable to pay, by the court; (3) the privilege against the disclosure of
2100 communications between husband and wife shall be inapplicable and
2101 either may testify as to any relevant matter; and (4) evidence to prove
2102 beyond a reasonable doubt that the child has been abused or has
2103 sustained a nonaccidental injury shall constitute prima facie evidence
2104 that shall be sufficient to support an adjudication that such child is
2105 uncared for or neglected.

2106 Sec. 23. Section 46b-130 of the general statutes is repealed and the
2107 following is substituted in lieu thereof (*Effective July 1, 2009*):

2108 The parents of a minor child for whom care or support of any kind
2109 has been provided under the provisions of this chapter shall be liable
2110 to reimburse the state for such care or support to the same extent, and
2111 under the same terms and conditions, as are the parents of recipients of

2112 public assistance. Upon receipt of foster care maintenance payments
2113 under Title IV-E of the Social Security Act by a minor child, the right of
2114 support, present, past, and future, from a parent of such child shall, by
2115 this section, be assigned to the Commissioner of Children and
2116 Families. Referral by the commissioner shall promptly be made to the
2117 Child Support Enforcement Unit of the Department of Social Services
2118 for pursuit of support for such minor child in accordance with the
2119 provisions of section 17b-179. Any child who reimburses the state
2120 under the provisions of subsection [(l)] (m) of section 46b-129, as
2121 amended by this act, for any care or support such child received shall
2122 have a right of action to recover such payments from such child's
2123 parents.

2124 Sec. 24. Subsections (a) and (b) of section 46b-149f of the general
2125 statutes are repealed and the following is substituted in lieu thereof
2126 (*Effective July 1, 2009*):

2127 (a) When a child who has been adjudicated as a child from a family
2128 with service needs in accordance with section 46b-149, as amended by
2129 this act, violates any valid order which regulates future conduct of the
2130 child made by the court following such an adjudication, a probation
2131 officer, on receipt of a complaint setting forth facts alleging such a
2132 violation, or on the probation officer's own motion on the basis of his
2133 or her knowledge of such a violation, may, after verifying the truth,
2134 accuracy and sufficiency of the evidence, file a petition with the court
2135 alleging that the child has violated a valid court order and setting forth
2136 the facts claimed to constitute such a violation. Service shall be made
2137 in the same manner as set forth for a summons in subsection (d) of
2138 section 46b-149, as amended by this act. The child shall be entitled to
2139 representation by counsel and an evidentiary hearing on the
2140 allegations contained in the petition. If the court finds, by [clear and
2141 convincing] evidence establishing beyond a reasonable doubt, that the
2142 child has violated a valid court order, the court may (1) order the child
2143 to remain in such child's home or in the custody of a relative or any
2144 other suitable person, subject to the supervision of a probation officer

2145 or an existing commitment to the Commissioner of Children and
2146 Families, (2) upon a finding that there is no less restrictive alternative
2147 appropriate to the needs of the child and the community, enter an
2148 order that directs or authorizes a peace officer or other appropriate
2149 person to place the child in a staff-secure facility under the auspices of
2150 the Court Support Services Division for a period not to exceed forty-
2151 five days, with court review every fifteen days to consider whether
2152 continued placement is appropriate, at the end of which period the
2153 child shall be returned to the community and may be subject to the
2154 supervision of a probation officer, or (3) order that the child be
2155 committed to the care and custody of the Commissioner of Children
2156 and Families for a period not to exceed eighteen months and that the
2157 child cooperate in such care and custody.

2158 (b) When a child who has been adjudicated as a child from a family
2159 with service needs in accordance with section 46b-149, as amended by
2160 this act, is under an order of supervision or an order of commitment to
2161 the Commissioner of Children and Families and believed to be in
2162 imminent risk of physical harm from the child's surroundings or other
2163 circumstances, a probation officer, on receipt of a complaint setting
2164 forth facts alleging such risk, or on the probation officer's own motion
2165 on the basis of his or her knowledge of such risk, may, after verifying
2166 the truth, accuracy and sufficiency of the evidence, file a petition with
2167 the court alleging that the child is in imminent risk of physical harm
2168 and setting forth the facts claimed to constitute such risk. Service shall
2169 be made in the same manner as set forth for a summons in subsection
2170 (d) of section 46b-149, as amended by this act. If it appears from the
2171 specific allegations of the petition and other verified affirmations of
2172 fact accompanying the petition, or subsequent thereto, that there is
2173 [probable cause to believe] evidence to establish beyond a reasonable
2174 doubt that (1) the child is in imminent risk of physical harm from the
2175 child's surroundings, (2) as a result of such condition, the child's safety
2176 is endangered and immediate removal from such surroundings is
2177 necessary to ensure the child's safety, and (3) there is no less restrictive
2178 alternative available, the court shall enter an order that directs or

2179 authorizes a peace officer or other appropriate person to place the
2180 child in a staff-secure facility under the auspices of the Court Support
2181 Services Division for a period not to exceed forty-five days, subject to
2182 subsection (c) of this section, with court review every fifteen days to
2183 consider whether continued placement is appropriate, at the end of
2184 which period the child shall either be (A) returned to the community
2185 for appropriate services, subject to the supervision of a probation
2186 officer or an existing commitment to the Commissioner of Children
2187 and Families, or (B) committed to the Department of Children and
2188 Families for a period not to exceed eighteen months if a hearing has
2189 been held and the court has found, based on clear and convincing
2190 evidence, that (i) the child is in imminent risk of physical harm from
2191 the child's surroundings, (ii) as a result of such condition, the child's
2192 safety is endangered and removal from such surroundings is necessary
2193 to ensure the child's safety, and (iii) there is no less restrictive
2194 alternative available. Notwithstanding any provision of this
2195 subsection, the family's economic situation shall not be the sole basis
2196 for filing a petition or entering an order to place the child in a facility
2197 under the auspices of the Court Support Services Division. Any such
2198 child shall be entitled to the same procedural protections as are
2199 afforded to a delinquent child.

2200 Sec. 25. Subsection (a) of section 46b-115n of the general statutes is
2201 repealed and the following is substituted in lieu thereof (*Effective July*
2202 *1, 2009*):

2203 (a) A court of this state has temporary emergency jurisdiction if the
2204 child is present in this state and (1) the child has been abandoned, or
2205 (2) it is necessary in an emergency to protect the child because the
2206 child, a sibling or a parent has been [, or is under a threat of being,]
2207 abused or mistreated. As used in this subsection with respect to a
2208 child, "abused" shall have the same meaning as in section 46b-120, as
2209 amended by this act.

2210 Sec. 26. Subsection (a) of section 46b-133 of the general statutes is

2211 repealed and the following is substituted in lieu thereof (*Effective July*
2212 *1, 2009*):

2213 (a) Nothing in this part shall be construed as preventing the arrest of
2214 a child, with or without a warrant, as may be provided by law, or as
2215 preventing the issuance of warrants by judges in the manner provided
2216 by section 54-2a, except that no child shall be taken into custody on
2217 such process except on apprehension in the act, or on speedy
2218 information, or in other cases when the use of such process appears
2219 imperative. Whenever a child is arrested and charged with a crime,
2220 such child may be required to submit to the taking of his photograph,
2221 physical description and fingerprints. [Notwithstanding the provisions
2222 of section 46b-124, the] The name, photograph and custody status of
2223 any child arrested for the commission of a capital felony or class A
2224 felony may be disclosed to the public.

2225 Sec. 27. Subsection (a) of section 17a-111b of the general statutes is
2226 repealed and the following is substituted in lieu thereof (*Effective July*
2227 *1, 2009*):

2228 (a) The Commissioner of Children and Families shall make
2229 reasonable efforts to reunify a parent with a child unless the court (1)
2230 determines that such efforts are not required pursuant to subsection
2231 (b) of this section or subsection (j) of section 17a-112, or (2) has
2232 approved a permanency plan other than reunification pursuant to
2233 subsection [(k)] (l) of section 46b-129, as amended by this act.

2234 Sec. 28. Subsection (o) of section 17a-112 of the general statutes is
2235 repealed and the following is substituted in lieu thereof (*Effective July*
2236 *1, 2009*):

2237 (o) In the case where termination of parental rights is granted, the
2238 guardian of the person or statutory parent shall report to the court not
2239 later than thirty days after the date judgment is entered on a case plan,
2240 as defined by the federal Adoption Assistance and Child Welfare Act
2241 of 1980, for the child which shall include measurable objectives and

2242 time schedules. At least every three months thereafter, such guardian
 2243 or statutory parent shall make a report to the court on the progress
 2244 made on implementation of the plan. The court may convene a hearing
 2245 upon the filing of a report and shall convene and conduct a
 2246 permanency hearing pursuant to subsection [(k)] (l) of section 46b-129
 2247 for the purpose of reviewing the permanency plan for the child no
 2248 more than twelve months from the date judgment is entered or from
 2249 the date of the last permanency hearing held pursuant to subsection
 2250 [(k)] (l) of section 46b-129, as amended by this act, whichever is earlier,
 2251 and at least once a year thereafter while the child remains in the
 2252 custody of the Commissioner of Children and Families. For children
 2253 where the commissioner has determined that adoption is appropriate,
 2254 the report on the implementation of the plan shall include a
 2255 description of the reasonable efforts the department is taking to
 2256 promote and expedite the adoptive placement and to finalize the
 2257 adoption of the child, including documentation of child specific
 2258 recruitment efforts. At such hearing, the court shall determine whether
 2259 the department has made reasonable efforts to achieve the permanency
 2260 plan. If the court determines that the department has not made
 2261 reasonable efforts to place a child in an adoptive placement or that
 2262 reasonable efforts have not resulted in the placement of the child, the
 2263 court may order the Department of Children and Families, within
 2264 available appropriations, to contract with a child-placing agency to
 2265 arrange for the adoption of the child. The department, as statutory
 2266 parent, shall continue to provide care and services for the child while a
 2267 child-placing agency is arranging for the adoption of the child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	17a-28
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	17a-101g
Sec. 4	<i>July 1, 2009</i>	17a-42(a) and (b)
Sec. 5	<i>July 1, 2009</i>	17a-90(b)
Sec. 6	<i>July 1, 2009</i>	46b-124

Sec. 7	January 1, 2010	46b-124(b)
Sec. 8	July 1, 2009	17a-101(a)
Sec. 9	July 1, 2009	17a-101h
Sec. 10	July 1, 2009	17a-101k
Sec. 11	July 1, 2009	17a-103
Sec. 12	July 1, 2009	17a-103b(a)
Sec. 13	July 1, 2009	46b-120
Sec. 14	January 1, 2010	46b-120
Sec. 15	July 1, 2009	46b-129
Sec. 16	July 1, 2009	46b-149
Sec. 17	July 1, 2009	New section
Sec. 18	July 1, 2009	10-233h
Sec. 19	July 1, 2009	17a-101j(a) and (b)
Sec. 20	July 1, 2009	17a-101i(a) and (b)
Sec. 21	July 1, 2009	45a-717
Sec. 22	July 1, 2009	46b-129a
Sec. 23	July 1, 2009	46b-130
Sec. 24	July 1, 2009	46b-149f(a) and (b)
Sec. 25	July 1, 2009	46b-115n(a)
Sec. 26	July 1, 2009	46b-133(a)
Sec. 27	July 1, 2009	17a-111b(a)
Sec. 28	July 1, 2009	17a-112(o)

Statement of Purpose:

To improve proceedings and services involving the Department of Children and Families.

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

Co-Sponsors: REP. WALKER, 93rd Dist.; SEN. HARP, 10th Dist.
REP. DILLON, 92nd Dist.; REP. MORRIS, 140th Dist.

H.B. 5425, 5980, 5981, 5982, 6145, 6148, 6149, 6150

S.B. 636