



General Assembly

**Substitute Bill No. 879**

January Session, 2009

\* SB00879KIDHS\_030309 \*

**AN ACT CONCERNING REORGANIZATION OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

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

1 Section 1. (NEW) (*Effective January 1, 2010*) (a) Notwithstanding any  
2 provision of the general statutes, on and after January 1, 2010, no  
3 residential facility, child-caring facility or other facility or agency may  
4 be licensed by the Department of Children and Families. Licenses  
5 issued by the Department of Children and Families before January 1,  
6 2010, shall be renewed with the Department of Public Health.

7 (b) Any regulation or order of the Commissioner of Children and  
8 Families regarding such licensure that is in effect on January 1, 2010,  
9 shall continue in force and effect as a regulation or order of the  
10 Commissioner of Public Health until superseded by law.

11 Sec. 2. Section 17a-20 of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective January 1, 2010*):

13 (a) For the purposes of this section, "psychiatric clinic" means an  
14 organization licensed by the Department of [Children and Families]  
15 Public Health and staffed by psychiatrists, psychologists, social  
16 workers and such other professional, paraprofessional and clerical  
17 personnel as local circumstances may require, working in collaboration  
18 with other social service agencies, to provide mental health services

19 that are designed to (1) effectively decrease the prevalence and  
20 incidence of mental illness, emotional disturbance and social  
21 disfunctioning, and (2) promote mental health in individuals, groups  
22 and institutions, and includes a general hospital with such clinic  
23 services. The Department of Children and Families shall develop and  
24 maintain a program of outpatient psychiatric clinics for children and  
25 youths and their families, provided such clinics are licensed by the  
26 Department of Public Health.

27 (b) For the purposes of this section, "child guidance clinic" means a  
28 subset of psychiatric clinics for children designated by the Department  
29 of Children and Families pursuant to this section to receive grant  
30 funds for the purpose of assisting the department to provide  
31 community-based psychiatric services for children, youths and  
32 families. In order to meet such mandate, the department shall  
33 designate a subset of outpatient psychiatric clinics for children to be  
34 known as child guidance clinics. The department shall provide grants  
35 to such child guidance clinics in accordance with the provisions of this  
36 section. Any town having a population of not less than forty thousand,  
37 as most recently determined by the Secretary of the Office of Policy  
38 and Management, or any combination of towns with a combined  
39 population of not less than forty thousand as similarly determined, or  
40 any nonprofit corporation organized or existing for the purpose of  
41 establishing or maintaining a psychiatric clinic for children and youths  
42 or for children and youths and their families, or any clinic designated  
43 by the Department of Children and Families as of January 1, 1995, may  
44 apply to the Department of Children and Families for funds to be used  
45 to assist in establishing, maintaining or expanding a psychiatric clinic.  
46 The applications, and any grant of funds pursuant thereto, shall not be  
47 subject to the provisions of section 17a-476, except to the extent  
48 required by federal law. The department shall base any grant of funds  
49 on the services provided to children and youths under eighteen years  
50 of age and on the effectiveness of the services. No grant shall exceed  
51 two-thirds of the ordinary recurring operating expenses of the clinic,  
52 nor shall any grant be made to pay for any portion of capital

53 expenditures for the clinic. No clinic in existence as of October 1, 1995,  
54 shall be eligible for grants of any funds under this section unless it has  
55 obtained a license within six months of the adoption of regulations  
56 under subsection (c) of this section. No clinic receiving funds under  
57 this section shall refuse services to any resident of this state solely  
58 because of his or her place of residence.

59 (c) The Department of [Children and Families] Public Health shall  
60 adopt regulations, in accordance with the provisions of chapter 54,  
61 defining the minimum requirements for outpatient psychiatric clinics  
62 for children to be eligible for licensure under this section [in] with  
63 regard to (1) qualification and number of staff members, (2) clinic  
64 operation including but not limited to physical plant, governing body  
65 and recordkeeping, (3) effectiveness of services, and (4) populations  
66 targeted for priority access. The regulations shall also govern the  
67 granting of the funds to assist in establishing, maintaining and  
68 expanding psychiatric clinics. The department shall, upon payment of  
69 a fee of three hundred dollars, issue to any qualifying clinic a license  
70 that shall be in force for twenty-four months from the date of issue and  
71 shall be renewable for additional twenty-four-month periods, upon  
72 payment of a fee of three hundred dollars for each such period,  
73 provided the clinic continues to meet conditions satisfactory to the  
74 department. Any regulation or order of the Commissioner of Children  
75 and Families issued pursuant to this subsection that is in effect on  
76 January 1, 2010, shall continue in force and effect as a regulation or  
77 order of the Commissioner of Public Health until superseded by law.

78 (d) The [department] Department of Children and Families shall  
79 make available to child guidance clinics forms to be used in making  
80 application for available funds. Upon receipt of proper application, the  
81 department shall grant the funds, provided the plans for financing, the  
82 standards of operation and the effectiveness of services of the clinics  
83 are approved by the department in accordance with the provisions of  
84 this section. The grants shall be made on an annual basis.

85 Sec. 3. Section 17a-22g of the general statutes is repealed and the

86 following is substituted in lieu thereof (*Effective January 1, 2010*):

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

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

115 Sec. 4. Subsection (e) of section 17a-28 of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective*  
117 *January 1, 2010*):

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

130 Sec. 5. Section 17a-38 of the general statutes is repealed and the  
131 following is substituted in lieu thereof (*Effective January 1, 2010*):

132 The Department of Children and Families shall develop or contract  
133 for home-based treatment programs designed to provide time-limited,  
134 home-based services to families where a child is in imminent danger of  
135 being removed from the home and placed in foster care, residential  
136 treatment or a psychiatric hospital setting. Such programs shall be  
137 designed to prevent the unnecessary separation of children by  
138 providing intensive in-home services when an acute crisis threatens  
139 the ability of the family to remain together. Intervention may include,  
140 but shall not be limited to, intensive family, individual and marriage  
141 counseling, training in communication and negotiation skills, training  
142 in home maintenance skills, behavioral management training, parent  
143 training, child development training, job readiness training, client  
144 advocacy and arrangement for other services. On and after January 1,  
145 2010, each home-based treatment program developed or contracted for  
146 pursuant to this section shall be licensed by the Department of Public  
147 Health.

148 Sec. 6. Section 17a-93 of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective January 1, 2010*):

150 As used in sections 17a-90 to 17a-124, inclusive, and 17a-152:

151 [(a)] (1) "Child" means any person under eighteen years of age,  
152 except as otherwise specified, or any person under twenty-one years of  
153 age who is in full-time attendance in a secondary school, a technical  
154 school, a college or a state-accredited job training program;

155 [(b)] (2) "Parent" means natural or adoptive parent;

156 [(c)] (3) "Adoption" means the establishment by court order of the  
157 legal relationship of parent and child;

158 [(d)] (4) "Guardianship" means guardianship, unless otherwise  
159 specified, of the person of a minor and refers to the obligation of care  
160 and control, the right to custody and the duty and authority to make  
161 major decisions affecting such minor's welfare, including, but not  
162 limited to, consent determinations regarding marriage, enlistment in  
163 the armed forces and major medical, psychiatric or surgical treatment;

164 [(e)] (5) "Termination of parental rights" means the complete  
165 severance by court order of the legal relationship, with all its rights  
166 and responsibilities, between the child and his parent or parents so  
167 that the child is free for adoption except it shall not affect the right of  
168 inheritance of such child or the religious affiliation of such child;

169 [(f)] (6) "Statutory parent" means the Commissioner of Children and  
170 Families or that child-placing agency appointed by the court for the  
171 purpose of giving a minor child or minor children in adoption;

172 [(g)] (7) "Child-placing agency" means any agency within or without  
173 the state of Connecticut licensed or approved by the Commissioner of  
174 [Children and Families] Public Health in accordance with sections 17a-  
175 149, as amended by this act, and 17a-151, as amended by this act, and  
176 in accordance with such standards which shall be established by  
177 regulations of the Department of [Children and Families] Public  
178 Health;

179 [(h)] (8) "Child care facility" means a congregate residential setting  
180 licensed by the Department of [Children and Families] Public Health  
181 for the out-of-home placement of children or youths under eighteen  
182 years of age, or any person under twenty-one years of age who is in  
183 full-time attendance in a secondary school, a technical school, a college  
184 or state accredited job training program and was placed in a  
185 congregate residential setting prior to such person's eighteenth  
186 birthday;

187 [(i)] (9) "Protective supervision" means a status created by court  
188 order following adjudication of neglect whereby a child's place of  
189 abode is not changed but assistance directed at correcting the neglect is  
190 provided at the request of the court through the Department of  
191 Children and Families or such other social agency as the court may  
192 specify;

193 [(j)] (10) "Receiving home" means a facility operated by the  
194 Department of Children and Families to receive and temporarily care  
195 for children in the guardianship or care of the commissioner;

196 [(k)] (11) "Protective services" means public welfare services  
197 provided after complaints of abuse, neglect or abandonment, but in the  
198 absence of an adjudication or assumption of jurisdiction by a court;

199 [(l)] (12) "Person responsible for the health, welfare or care of a child  
200 or youth" means a child's or a youth's parent, guardian or foster  
201 parent; an employee of a public or private residential home, agency or  
202 institution or other person legally responsible in a residential setting;  
203 or any staff person providing out-of-home care, including center-based  
204 child day care, family day care or group day care, as defined in section  
205 19a-77;

206 [(m)] (13) "Foster family" means a person or persons, licensed or  
207 certified by the Department of Children and Families or approved by a  
208 licensed child-placing agency, for the care of a child or children in a  
209 private home;

210 [(n)] (14) "Prospective adoptive family" means a person or persons,  
211 licensed by the Department of Children and Families or approved by a  
212 licensed child-placing agency, who is awaiting the placement of, or  
213 who has a child or children placed in their home for the purposes of  
214 adoption;

215 [(o)] (15) "Person entrusted with the care of a child or youth" means  
216 a person given access to a child or youth by a person responsible for  
217 the health, welfare or care of a child or youth for the purpose of  
218 providing education, child care, counseling, spiritual guidance,  
219 coaching, training, instruction, tutoring or mentoring of such child or  
220 youth.

221 Sec. 7. Section 17a-113 of the general statutes is repealed and the  
222 following is substituted in lieu thereof (*Effective January 1, 2010*):

223 When application has been made for the removal of one or both  
224 parents as guardians or of any other guardian of the person of such  
225 child, or when an application has been made for the termination of the  
226 parental rights of any parties who may have parental rights with  
227 regard to any minor child, the superior court in which such proceeding  
228 is pending may, if it deems it necessary based on the best interests of  
229 the child, order the custody of such child to be given to the  
230 Commissioner of Children and Families or some proper person or to  
231 the board of managers of any child-caring institution or organization,  
232 or any children's home or similar institution licensed or approved by  
233 the Commissioner of [Children and Families] Public Health, pending  
234 the determination of the matter, and may enforce such order by a  
235 warrant directed to a proper officer commanding the officer to take  
236 possession of the child and to deliver such child into the custody of the  
237 person, board, home or institution designated by such order; and said  
238 court may, if either or both parents are removed as guardians or if any  
239 other guardian of the person is removed, or if said parental rights are  
240 terminated, enforce its decree, awarding the custody of the child to the  
241 person or persons entitled thereto, by a warrant directed to the proper  
242 officer commanding the officer to take possession of the child and to

243 deliver such child into the care and custody of the person entitled  
244 thereto. Such officer shall make returns to such court of such officer's  
245 doings under either warrant. Upon the issuance of such order giving  
246 custody of the child to the Commissioner of Children and Families, or  
247 not later than sixty days after the issuance of such order, the court shall  
248 make a determination whether the Department of Children and  
249 Families made reasonable efforts to keep the child with his or her  
250 parents or guardian prior to the issuance of such order and, if such  
251 efforts were not made, whether such reasonable efforts were not  
252 possible, taking into consideration the child's best interests, including  
253 the child's health and safety.

254 Sec. 8. Section 17a-114 of the general statutes is repealed and the  
255 following is substituted in lieu thereof (*Effective January 1, 2010*):

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

262 (b) (1) No child in the custody of the Commissioner of Children and  
263 Families shall be placed with any person, unless such person is  
264 licensed for that purpose by the [department] Department of Public  
265 Health or the Department of Developmental Services pursuant to the  
266 provisions of section 17a-227, or such person's home is approved by a  
267 child placing agency licensed [by the commissioner] pursuant to  
268 section 17a-149, as amended by this act. Any licensed person [licensed  
269 by the department] may be a prospective adoptive parent. The  
270 [commissioner] Commissioner of Public Health shall adopt  
271 regulations, in accordance with the provisions of chapter 54, to  
272 establish the licensing procedures and standards.

273 (2) The [commissioner] Commissioner of Public Health shall require  
274 each applicant for licensure pursuant to this section and any person

275 sixteen years of age or older living in the household of such applicant  
276 to submit to state and national criminal history records checks prior to  
277 issuing a license to such applicant to accept placement of a child. Such  
278 criminal history records checks shall be conducted in accordance with  
279 section 29-17a. The [commissioner] Commissioner of Public Health  
280 shall also check the state child abuse registry established pursuant to  
281 section 17a-101k for the name of such applicant and for the name of  
282 any person sixteen years of age or older living in the household of such  
283 applicant.

284 (c) Notwithstanding the requirements of subsection (b) of this  
285 section, the [commissioner] Commissioner of Children and Families  
286 may place a child with a relative who is not licensed, a nonrelative, if  
287 such child's sibling who is related to the caregiver is also placed with  
288 such caregiver or, if the child is ten years of age or older, with a special  
289 study foster parent for a period of up to ninety days when such  
290 placement is in the best interests of the child, provided a satisfactory  
291 home visit is conducted, a basic assessment of the family is completed  
292 and such relative, nonrelative or special study foster parent attests that  
293 such relative, nonrelative or special study foster parent and any adult  
294 living within the household has not been convicted of a crime or  
295 arrested for a felony against a person, for injury or risk of injury to or  
296 impairing the morals of a child, or for the possession, use or sale of a  
297 controlled substance. Any such relative, nonrelative or special study  
298 foster parent who accepts placement of a child in excess of such ninety-  
299 day period shall be subject to licensure by the [commissioner]  
300 Commissioner of Public Health, except that any such relative who,  
301 prior to July 1, 2001, had been certified by the [commissioner]  
302 Commissioner of Children and Families to provide care for a related  
303 child may continue to maintain such certification, subject to revocation  
304 by the Commissioner of Public Health, if such relative continues to  
305 meet the regulatory requirements and the child remains in such  
306 relative's care. The [commissioner] Commissioner of Public Health  
307 may grant a waiver from such procedure or standard, except any  
308 safety standard, for a child placed with a relative, on a case-by-case

309 basis, from such procedure or standard, except any safety standard,  
310 based on the home of the relative and the needs and best interests of  
311 such child. The reason for any waiver granted shall be documented in  
312 writing. The [commissioner] Commissioner of Public Health shall  
313 adopt regulations, in accordance with the provisions of chapter 54, to  
314 establish certification procedures and standards for a caregiver under  
315 this section. For purposes of this subsection, "sibling" includes a  
316 stepbrother, stepsister, half-brother or half-sister.

317 (d) Any regulation or order of the Commissioner of Children and  
318 Families issued pursuant to this section that is in effect on January 1,  
319 2010, shall continue in force and effect as a regulation or order of the  
320 Commissioner of Public Health until superseded by law.

321 Sec. 9. Section 17a-145 of the general statutes is repealed and the  
322 following is substituted in lieu thereof (*Effective January 1, 2010*):

323 No person or entity shall care for or board a child without a license  
324 obtained from the Commissioner of [Children and Families] Public  
325 Health, except: (1) When a child has been placed by a person or entity  
326 holding a license from the commissioner; (2) any residential  
327 educational institution exempted by the state Board of Education  
328 under the provisions of section 17a-152, as amended by this act; (3)  
329 residential facilities licensed by the Department of Developmental  
330 Services pursuant to section 17a-227; or (4) [facilities providing child  
331 day care services, as defined in section 19a-77; or (5)] any home that  
332 houses students participating in a program described in subparagraph  
333 (B) of subdivision (8) of section 10a-29. The person or entity seeking a  
334 child-care facility license shall file with the commissioner an  
335 application for a license, in such form as the commissioner furnishes,  
336 stating the location where it is proposed to care for such child, the  
337 number of children to be cared for, in the case of a corporation, the  
338 purpose of the corporation and the names of its chief officers and of  
339 the actual person responsible for the child. The Commissioner of  
340 [Children and Families] Public Health is authorized to fix the  
341 maximum number of children to be boarded and cared for in any such

342 home or institution or by any person or entity licensed by the  
343 commissioner. Each person or entity holding a license under the  
344 provisions of this section shall file annually, with the commissioner, a  
345 report stating the number of children received and removed during  
346 the year, the number of deaths and the causes of death, the average  
347 cost of support per capita and such other data as the commissioner  
348 may prescribe. If the population served at any facility, institution or  
349 home operated by any person or entity licensed under this section  
350 changes after such license is issued, such person or entity shall file a  
351 new license application with the commissioner, and the commissioner  
352 shall notify the chief executive officer of the municipality in which the  
353 facility is located of such new license application, except that no  
354 confidential client information may be disclosed. The provisions of this  
355 section shall not apply to facilities providing child day care services, as  
356 defined in section 19a-77.

357 Sec. 10. Section 17a-147 of the general statutes is repealed and the  
358 following is substituted in lieu thereof (*Effective January 1, 2010*):

359 (a) For the purposes of this section and section 17a-22, "extended  
360 day treatment" means a supplementary care community-based  
361 program providing a comprehensive multidisciplinary approach to  
362 treatment and rehabilitation of emotionally disturbed, mentally ill,  
363 behaviorally disordered or multiply handicapped children and youths  
364 during the hours immediately before and after school while they  
365 reside with their parents or surrogate family. Extended day treatment  
366 programs, except any such program provided by a regional  
367 educational service center established in accordance with section 10-  
368 66a, shall be licensed by the Department of [Children and Families]  
369 Public Health.

370 (b) The goal of extended day treatment is to improve the  
371 functioning of the child or youth as an individual and the family as a  
372 unit with the least possible interruption of beneficial relationships with  
373 the family and the community. An extended day treatment program  
374 (1) shall offer the broadest range of therapeutic services consistent with

375 the needs of the children and youths it serves, including, but not  
376 limited to, (A) a therapeutic setting, (B) the integration of the family  
377 into the treatment and the treatment planning process, (C) support and  
378 emergency services to families designed to allow continued residence  
379 of the children and youths in their homes, (D) professional clinical  
380 services, (E) access to educational services, and (F) the coordination of  
381 community services in support of the treatment effort, or (2) if  
382 provided for children requiring special education by a regional  
383 educational service center, shall offer such services as are specified in  
384 the prescribed educational program for each such child in accordance  
385 with section 10-76d.

386 (c) The Commissioner of [Children and Families] Public Health shall  
387 adopt such regulations, in accordance with chapter 54, as are necessary  
388 to establish procedures and requirements for the licensure of extended  
389 day treatment programs, except any such program provided by a  
390 regional educational service center. Any regulation or order of the  
391 Commissioner of Children and Families issued pursuant to this section  
392 that is in effect on January 10, 2010, shall continue in force and effect  
393 until superseded by law.

394 Sec. 11. Section 17a-149 of the general statutes is repealed and the  
395 following is substituted in lieu thereof (*Effective January 1, 2010*):

396 No person or entity except the Department of Children and  
397 Families, a parent, an adult relative as specified by section 17b-75 or  
398 guardian of any child shall place a child without a license obtained  
399 from the Commissioner of [Children and Families] Public Health.  
400 Application for a child-placing license shall be in a form furnished by  
401 the commissioner, and shall state the location of the principal place of  
402 business of the applicant, its organization or corporate name, its  
403 purposes and the name, title and degree of professional training of  
404 each of its staff members engaged in carrying out its stated purposes.  
405 Any such applicant shall consent to such inspection, review and  
406 supervision of all acts in relation to child placing as are reasonably  
407 necessary to enable the commissioner to perform his duties under

408 section 17a-151, as amended by this act. The provisions of this section  
409 with regard to the commissioner's authority to inspect, review and  
410 supervise all acts in relation to child placing under section 17a-151, as  
411 amended by this act, shall be limited to inspection, review and  
412 supervision of the applicant under this section and shall not include  
413 inspection, review or supervision of the homes in which a child is  
414 placed.

415 Sec. 12. Section 17a-150 of the general statutes is repealed and the  
416 following is substituted in lieu thereof (*Effective January 1, 2010*):

417 (a) The Commissioner of [Children and Families] Public Health  
418 shall adopt regulations in accordance with chapter 54 setting forth  
419 standards for licensing of persons or entities which place children. The  
420 regulations shall require a person or entity licensed on or after March  
421 9, 1984, to have a minimum of two staff persons who are qualified by a  
422 combination of education and work experience, and be a nonprofit  
423 organization qualified as a tax-exempt organization under Section  
424 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent  
425 corresponding internal revenue code of the United States, as from time  
426 to time amended.

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

429 (c) Any regulation or order of the Commissioner of Children and  
430 Families issued pursuant to this section that is in effect on January 1,  
431 2010, shall continue in force and effect as a regulation or order of the  
432 Commissioner of Public Health until superseded by law.

433 Sec. 13. Section 17a-151 of the general statutes is repealed and the  
434 following is substituted in lieu thereof (*Effective January 1, 2010*):

435 (a) The Commissioner of [Children and Families] Public Health  
436 shall investigate the conditions stated in each application made under  
437 the provisions of sections 17a-145, as amended by this act, and 17a-149,  
438 as amended by this act, and shall require any person identified on the

439 application under said sections to submit to state and national criminal  
440 history records checks. The commissioner shall investigate the  
441 conditions in each application under the provisions of sections 17a-145,  
442 as amended by this act, and 17a-149, as amended by this act, and, if the  
443 commissioner finds such conditions suitable for the proper care of  
444 children, or for the placing out of children, under such standards for  
445 the promotion of the health, safety, morality and well-being of such  
446 children as the commissioner prescribes, shall issue such license as is  
447 required as promptly as possible, without expense to the licensee. If,  
448 after such investigation, the commissioner finds that the applicant,  
449 notwithstanding good faith efforts, is not able to fully comply with all  
450 the requirements the commissioner prescribes, but compliance can be  
451 achieved with minimal efforts, the commissioner may issue a  
452 provisional license for a period not to exceed sixty days. The  
453 provisional license may be renewed for additional sixty-day periods,  
454 but in no event shall the total of such periods be for longer than one  
455 year. Before issuing any license, the commissioner shall give to the  
456 selectmen of the town wherein such licensee proposes to carry on the  
457 licensed activity ten days' notice in writing that the issuance of such  
458 license is proposed, but such notice shall not be required in case of  
459 intention to issue such license to any corporation incorporated for the  
460 purpose of caring for or placing such children. Each license so issued  
461 shall specify whether it is granted for child-caring or child-placing  
462 purposes, shall state the number of children who may be cared for,  
463 shall be in force twenty-four months from date of issue, and shall be  
464 renewed for the ensuing twenty-four months, if conditions continue to  
465 be satisfactory to the commissioner. The commissioner shall also  
466 provide such periodical inspections and review as shall safeguard the  
467 well-being, health and morality of all children cared for or placed  
468 under a license issued by the commissioner under this section and  
469 shall visit and consult with each such child and with the licensee as  
470 often as the commissioner deems necessary but at intervals of not more  
471 than ninety days. Each licensee under the provisions of this section  
472 shall file annually with the commissioner a report containing such  
473 information concerning its functions, services and operation, including

474 financial data, as the commissioner requires. Any license issued under  
475 this section may be revoked, suspended or limited by the  
476 commissioner for cause, after notice given to the person or entity  
477 concerned and after opportunity for a hearing thereon. Any party  
478 whose application is denied or whose license is revoked, suspended or  
479 limited by the commissioner may appeal from such adverse decision in  
480 accordance with the provisions of section 4-183. Appeals under this  
481 section shall be privileged in respect to the order of trial assignment.

482 (b) The criminal history records checks required pursuant to  
483 subsection (a) of this section shall be conducted in accordance with  
484 section 29-17a.

485 (c) The commissioner shall adopt regulations, in accordance with  
486 chapter 54, to establish a staggered schedule for the renewal of licenses  
487 issued pursuant to sections 17a-145, as amended by this act, and 17a-  
488 149, as amended by this act. Any regulation or order of the  
489 Commissioner of Children and Families issued pursuant to this  
490 subsection that is in effect on January 1, 2010, shall continue in force  
491 and effect as a regulation or order of the Commissioner of Public  
492 Health until superseded by law.

493 Sec. 14. Section 17a-152 of the general statutes is repealed and the  
494 following is substituted in lieu thereof (*Effective January 1, 2010*):

495 Any person or entity, before bringing or sending any child into the  
496 state for the purpose of placing or caring for such child in any home or  
497 institution, either free or for board, shall make application to the  
498 Commissioner of Children and Families, giving the name, the age and  
499 a personal description of such child, the name and address of the  
500 person, home or institution with which the child is to be placed, and  
501 such other information as may be required by the commissioner. Such  
502 person or institution shall be licensed [by said commissioner] under  
503 the provisions of section 17a-145, as amended by this act, and section  
504 17a-151, as amended by this act. When the permission of said  
505 commissioner has been received for the placement of such child, the

506 person or entity, before placing the child, shall undertake: (1) That if,  
507 prior to becoming eighteen years of age or being adopted, such child  
508 becomes a public charge, such person or entity will, within thirty days  
509 after notice requesting the child's removal has been given by the  
510 commissioner, remove the child from the state; (2) that such person or  
511 entity shall report annually, and more often if requested to do so by  
512 the commissioner, as to the location and condition of the child as long  
513 as the child remains in the state prior to such child's becoming  
514 eighteen years of age or prior to such child's legal adoption, and shall,  
515 at the discretion of the commissioner, execute and deliver to the  
516 commissioner a bond payable to the state, and in the penal sum of one  
517 thousand dollars, with surety or security acceptable to the Attorney  
518 General, conditioned on the performance of such undertaking. The  
519 provisions of this section shall not apply in the case of (A) the bringing  
520 of a child to the home of any relative who is a resident of this state, (B)  
521 any summer camp operating ninety days or less in any consecutive  
522 twelve months, or (C) any educational institution as determined by the  
523 State Board of Education.

524 Sec. 15. Section 17a-154 of the general statutes is repealed and the  
525 following is substituted in lieu thereof (*Effective January 1, 2010*):

526 (a) For purposes of this section and section 17a-155, as amended by  
527 this act, "permanent family residence" means a child care facility which  
528 meets the requirements of subsection (b) of this section and subsection  
529 (a) of section 17a-155, as amended by this act, and which is licensed as  
530 a permanent family residence by the Department of [Children and  
531 Families] Public Health, hereinafter referred to as the department.

532 (b) To be licensed as a permanent family residence, a child care  
533 facility must meet the following requirements:

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

536 (2) At the time the initial license is issued, the permanent family care

537 [must] shall be provided by two adult persons, hereinafter referred to  
538 as the parents, or upon the commissioner's approval, one adult whose  
539 principal residence is the permanent family residence, who may, but  
540 need not, have children other than foster children living with them;

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

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

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

554 (c) Permanent family residences licensed by the department  
555 pursuant to the provisions of this section and section 17a-155, as  
556 amended by this act, shall be deemed private dwellings occupied by  
557 one family by the Commissioner of Public Health for purposes of  
558 compliance with the State Public Health Code and by the  
559 Commissioner of Public Safety for purposes of compliance with the  
560 State Building and Fire Safety Codes.

561 Sec. 16. Section 17a-155 of the general statutes is repealed and the  
562 following is substituted in lieu thereof (*Effective January 1, 2010*):

563 (a) [Within] Not later than one year [from] after May 23, 1980, the  
564 department shall promulgate any necessary regulations establishing  
565 additional requirements for the licensure of permanent family  
566 residences. These regulations may limit the number of foster children  
567 which may be placed in a permanent family residence. The

568 commissioner may in an appropriate case waive any requirements  
569 established in such regulations.

570 (b) Notwithstanding the provisions of section 29-292, the State Fire  
571 Marshal shall, [within] not later than two years after May 23, 1980,  
572 adopt amendments to the Fire Safety Code in accordance with the  
573 provisions of chapter 54 concerning permanent family residences  
574 designed to care for seven or more handicapped children. In  
575 [developing] amending the regulations the State Fire Marshal shall  
576 consult with the Department of [Children and Families] Public Health  
577 and any other interested persons. The amendments to the Fire Safety  
578 Code may apply different standards to newly constructed and existing  
579 one and two-family dwellings, provided [, however,] the amendments  
580 shall not apply to permanent family residences licensed by the  
581 Department of [Children and Families] Public Health before the  
582 effective date of the amendments to the Fire Safety Code.

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

590 (d) Any regulation or order of the Commissioner of Children and  
591 Families issued pursuant to this subsection that is in effect on January  
592 1, 2010, shall continue in force and effect as a regulation or order of the  
593 Commissioner of Public Health until superseded by law.

594 Sec. 17. Section 17a-277 of the general statutes is repealed and the  
595 following is substituted in lieu thereof (*Effective January 1, 2010*):

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

599 admitted to such training school, regional facility or other facility  
600 provided for the care and training of persons with mental retardation,  
601 under the provisions of sections 17a-210 to 17a-247, inclusive, and 17a-  
602 273, in a private boarding home, group home or other residential  
603 facility to be cared for in accordance with the following conditions:

604 (1) Such resident shall, despite such transfer, remain subject to the  
605 control of the director of such training school, regional facility or other  
606 facility provided for the care and training of persons with mental  
607 retardation and the director may, at any time, order and provide for  
608 the return of any such resident to such training school, regional facility  
609 or other facility provided for the care and training of persons with  
610 mental retardation, subject to any limitations of the term of  
611 commitment contained in the order of commitment under which such  
612 resident was committed;

613 (2) When the transfer of any such resident has been authorized or  
614 when, having been transferred to a private boarding home, group  
615 home or other residential facility for persons with mental retardation,  
616 such resident has been returned to the training school, regional facility  
617 or other facility, the director of such training school, regional facility or  
618 other facility shall forthwith so notify the Commissioner of  
619 Developmental Services;

620 (3) Such private boarding home, group home or other residential  
621 facility shall be licensed by the Department of Developmental Services  
622 [ , the Department of Children and Families] or the Department of  
623 Public Health under such regulations as the departments adopt, in  
624 accordance with chapter 54; and

625 (4) The Commissioner of Developmental Services shall, upon  
626 request, be given access to the complete record of any resident placed  
627 in a private boarding home, group home or other residential facility  
628 pursuant to this section.

629 Sec. 18. Section 8-3e of the general statutes is repealed and the

630 following is substituted in lieu thereof (*Effective January 1, 2010*):

631 (a) No zoning regulation shall treat the following in a manner  
632 different from any single family residence: (1) Any community  
633 residence that houses six or fewer mentally retarded persons and  
634 necessary staff persons and that is licensed under the provisions of  
635 section 17a-227, (2) any child-care residential facility that houses six or  
636 fewer children with mental or physical disabilities and necessary staff  
637 persons and that is licensed under sections 17a-145 to 17a-151,  
638 inclusive, as amended this act, or (3) any community residence that  
639 houses six or fewer persons receiving mental health or addiction  
640 services and necessary staff persons paid for or provided by the  
641 Department of Mental Health and Addiction Services and that has  
642 been issued a license by the Department of Public Health under the  
643 provisions of section 19a-491, if a license is required.

644 (b) Any resident of a municipality in which such a community  
645 residence or child-care residential facility is located may, with the  
646 approval of the legislative body of such municipality, petition (1) the  
647 Commissioner of Developmental Services to revoke the license of such  
648 community residence on the grounds that such community residence  
649 is not in compliance with the provisions of any statute or regulation  
650 concerning the operation of such residences, (2) the Commissioner of  
651 [Children and Families] Public Health to revoke the license of such  
652 child-care residential facility on the grounds that such child-care  
653 residential facility is not in compliance with the provision of any  
654 general statute or regulation concerning the operation of such child-  
655 care residential facility, or (3) the Commissioner of Mental Health and  
656 Addiction Services to withdraw funding from such community  
657 residence on the grounds that such community residence is not in  
658 compliance with the provisions of any general statute or regulation  
659 adopted thereunder concerning the operation of a community  
660 residence.

661 Sec. 19. Subsection (a) of section 10-253 of the general statutes is  
662 repealed and the following is substituted in lieu thereof (*Effective*

663 *January 1, 2010*):

664 (a) Children placed out by the Commissioner of Children and  
665 Families or by other agencies or persons, including offices of a  
666 government of a federally recognized Native American tribe, private  
667 child-caring or child-placing agencies licensed by the Department of  
668 [Children and Families] Public Health, and eligible residents of  
669 facilities operated by the Department of Mental Health and Addiction  
670 Services or by the Department of Public Health who are eighteen to  
671 twenty-one years of age, shall be entitled to all free school privileges of  
672 the school district where they then reside as a result of such placement,  
673 except as provided in subdivision (4) of subsection (e) of section 10-  
674 76d. Except as provided in subsection (d) of this section and  
675 subdivision (4) of subsection (e) of section 10-76d, payment for such  
676 education shall be made by the board of education of the school  
677 district under whose jurisdiction such child would otherwise be  
678 attending school where such a school district is identified.

679 Sec. 20. Section 20-14i of the general statutes is repealed and the  
680 following is substituted in lieu thereof (*Effective January 1, 2010*):

681 Any provisions to the contrary notwithstanding, chapter 378 shall  
682 not prohibit the administration of medication to persons attending day  
683 programs, residing in residential facilities or receiving individual and  
684 family support, under the jurisdiction of the Departments of Children  
685 and Families, Correction, Developmental Services and Mental Health  
686 and Addiction Services, or being detained in juvenile detention centers  
687 or residing in residential facilities [dually licensed by the Department  
688 of Children and Families and] licensed by the Department of Public  
689 Health, when such medication is administered by trained persons,  
690 pursuant to the written order of a physician licensed under this  
691 chapter, a dentist licensed under chapter 379, an advanced practice  
692 registered nurse licensed to prescribe in accordance with section 20-94a  
693 or a physician assistant licensed to prescribe in accordance with section  
694 20-12d, authorized to prescribe such medication. The provisions of this  
695 section shall not apply to institutions, facilities or programs licensed

696 pursuant to chapter 368v.

697 Sec. 21. Subsection (g) of section 38a-488a of the general statutes is  
698 repealed and the following is substituted in lieu thereof (*Effective*  
699 *January 1, 2010*):

700 (g) In the case of benefits payable for the service of a licensed  
701 physician practicing as a psychiatrist or a licensed psychologist, under  
702 subsection (d) of this section, such benefits shall be payable for  
703 outpatient services rendered (1) in a nonprofit community mental  
704 health center, as defined by the Department of Mental Health and  
705 Addiction Services, in a nonprofit licensed adult psychiatric clinic  
706 operated by an accredited hospital or in a residential treatment facility;  
707 (2) under the supervision of a licensed physician practicing as a  
708 psychiatrist, a licensed psychologist, a licensed marital and family  
709 therapist, a licensed clinical social worker, a licensed or certified  
710 alcohol and drug counselor or a licensed professional counselor who is  
711 eligible for reimbursement under subdivisions (1) to (6), inclusive, of  
712 subsection (d) of this section; and (3) within the scope of the license  
713 issued to the center, [or] clinic or residential treatment facility by the  
714 Department of Public Health. [or to the residential treatment facility by  
715 the Department of Children and Families.]

716 Sec. 22. Subsection (g) of section 38a-514 of the general statutes is  
717 repealed and the following is substituted in lieu thereof (*Effective*  
718 *January 1, 2010*):

719 (g) In the case of benefits payable for the service of a licensed  
720 physician practicing as a psychiatrist or a licensed psychologist, under  
721 subsection (d) of this section, such benefits shall be payable for  
722 outpatient services rendered (1) in a nonprofit community mental  
723 health center, as defined by the Department of Mental Health and  
724 Addiction Services, in a nonprofit licensed adult psychiatric clinic  
725 operated by an accredited hospital or in a residential treatment facility;  
726 (2) under the supervision of a licensed physician practicing as a  
727 psychiatrist, a licensed psychologist, a licensed marital and family

728 therapist, a licensed clinical social worker, a licensed or certified  
729 alcohol and drug counselor, or a licensed professional counselor who  
730 is eligible for reimbursement under subdivisions (1) to (6), inclusive, of  
731 subsection (d) of this section; and (3) within the scope of the license  
732 issued to the center, [or] clinic or residential treatment facility by the  
733 Department of Public Health, [or to the residential treatment facility by  
734 the Department of Children and Families.]

735 Sec. 23. Subsection (d) of section 45a-607 of the general statutes is  
736 repealed and the following is substituted in lieu thereof (*Effective*  
737 *January 1, 2010*):

738 (d) If, after hearing, the court finds by a fair preponderance of the  
739 evidence (1) that the parent or other guardian has performed acts of  
740 omission or commission as set forth in section 45a-610, and (2) that,  
741 because of such acts, the minor child is suffering from serious physical  
742 illness or serious physical injury, or the immediate threat thereof, or is  
743 in immediate physical danger, so as to require that temporary custody  
744 be granted, the court may order the custody of the minor child to be  
745 given to one of the following, taking into consideration the standards  
746 set forth in section 45a-617: (A) The Commissioner of Children and  
747 Families; (B) the board of managers of any child-caring institution or  
748 organization; (C) any children's home or similar institution licensed or  
749 approved by the Commissioner of [Children and Families] Public  
750 Health; or (D) any other person. The fact that an order of temporary  
751 custody may have been issued ex parte under subsection (b) of this  
752 section shall be of no weight in a hearing held under this subsection.  
753 The burden of proof shall remain upon the applicant to establish the  
754 applicant's case. The court may issue the order without taking into  
755 consideration the standards set forth in this section and section 45a-610  
756 if the parent or other guardian consents to the temporary removal of  
757 the minor child, or the court finds that the minor child has no guardian  
758 of his or her person. Upon the issuance of an order giving custody of  
759 the minor child to the Commissioner of Children and Families, or not  
760 later than sixty days after the issuance of such order, the court shall

761 make a determination whether the Department of Children and  
762 Families made reasonable efforts to keep the minor child with his or  
763 her parent, parents or guardian prior to the issuance of such order and,  
764 if such efforts were not made, whether such reasonable efforts were  
765 not possible, taking into consideration the minor child's best interests,  
766 including the minor child's health and safety.

767 Sec. 24. Section 45a-619 of the general statutes is repealed and the  
768 following is substituted in lieu thereof (*Effective January 1, 2010*):

769 In any proceeding under sections 45a-603 to 45a-624, inclusive, in  
770 which the applicant has alleged that the minor has been abused or  
771 neglected, as those terms are defined in section 46b-120, or in which  
772 the probate judge has reason to believe that the minor may have been  
773 abused or neglected, the Court of Probate shall request the  
774 Commissioner of Children and Families or any licensed or approved  
775 organization, agency or individual licensed or approved by the  
776 [commissioner,] Department of Public Health to make an investigation  
777 and written report to it, [within] not later than ninety days [from] after  
778 the receipt of such request, unless the request concerns an application  
779 for immediate temporary custody or temporary custody, in which case  
780 the commissioner shall render the report by such date as is reasonably  
781 ordered by the court. The report shall indicate the physical, mental and  
782 emotional status of the minor and shall contain such facts as may be  
783 relevant to the court's determination of whether the proposed court  
784 action will be in the best interests of the minor, including the physical,  
785 social, mental, and financial condition of the parties, and such other  
786 factors which the commissioner or agency finds relevant to the court's  
787 determination of whether the proposed action will be in the best  
788 interests of the minor. In any other proceeding under sections 45a-603  
789 to 45a-624, inclusive, the court shall request an investigation and  
790 report unless this requirement is waived for cause shown. The report  
791 shall be admissible in evidence, subject to the right of any interested  
792 party to require that the person making it appear as a witness, if  
793 available, and subject to examination.

794 Sec. 25. Section 45a-707 of the general statutes is repealed and the  
795 following is substituted in lieu thereof (*Effective January 1, 2010*):

796 As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to  
797 45a-718, inclusive, as amended by this act, and 45a-724 to 45a-737,  
798 inclusive:

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

801 (2) "Child care facility" means a congregate residential setting for the  
802 out-of-home placement of children or youths under eighteen years of  
803 age, licensed by the Department of [Children and Families] Public  
804 Health;

805 (3) "Child-placing agency" means any agency within or without the  
806 state of Connecticut licensed or approved by the Commissioner of  
807 [Children and Families] Public Health in accordance with sections  
808 17a-149, as amended by this act, and 17a-151, as amended by this act,  
809 and in accordance with standards established by regulations of the  
810 Commissioner of [Children and Families] Public Health;

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

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

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

821 (7) "Statutory parent" means the Commissioner of Children and  
822 Families or the child-placing agency appointed by the court for the

823 purpose of the adoption of a minor child or minor children;

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

829 Sec. 26. Subsection (a) of section 45a-715 of the general statutes is  
830 repealed and the following is substituted in lieu thereof (*Effective*  
831 *January 1, 2010*):

832 (a) Any of the following persons may petition the Court of Probate  
833 to terminate parental rights of all persons who may have parental  
834 rights regarding any minor child or for the termination of parental  
835 rights of only one parent provided the application so states: (1) Either  
836 or both parents, including a parent who is a minor; (2) the guardian of  
837 the child; (3) the selectmen of any town having charge of any  
838 foundling child; (4) a duly authorized officer of any child care facility  
839 or child-placing agency or organization or any children's home or  
840 similar institution approved by the Commissioner of [Children and  
841 Families] Public Health; (5) a relative of the child if the parent or  
842 parents have abandoned or deserted the child; (6) the Commissioner of  
843 Children and Families, provided the custodial parent of such minor  
844 child has consented to the termination of parental rights and the child  
845 has not been committed to the commissioner, and no application for  
846 commitment has been made; provided in any case hereunder where  
847 the child with respect to whom the petition is brought has attained the  
848 age of twelve, the child shall join in the petition.

849 Sec. 27. Subsection (e) of section 45a-717 of the general statutes is  
850 repealed and the following is substituted in lieu thereof (*Effective*  
851 *January 1, 2010*):

852 (e) (1) The court may, and in any contested case shall, request the  
853 Commissioner of Children and Families or any licensed child-placing

854 agency [licensed by the commissioner] to make an investigation and  
855 written report to it, within ninety days from the receipt of such  
856 request. The report shall indicate the physical, mental and emotional  
857 status of the child and shall contain such facts as may be relevant to the  
858 court's determination of whether the proposed termination of parental  
859 rights will be in the best interests of the child, including the physical,  
860 mental, social and financial condition of the biological parents, and any  
861 other factors which the commissioner or such child-placing agency  
862 finds relevant to the court's determination of whether the proposed  
863 termination will be in the best interests of the child. (2) If such a report  
864 has been requested, upon the expiration of such ninety-day period or  
865 upon receipt of the report, whichever is earlier, the court shall set a day  
866 for a hearing not more than thirty days thereafter. The court shall give  
867 reasonable notice of such adjourned hearing to all parties to the first  
868 hearing, including the child, if over fourteen years of age, and to such  
869 other persons as the court shall deem appropriate. (3) The report shall  
870 be admissible in evidence, subject to the right of any interested party to  
871 require that the person making it appear as a witness, if available, and  
872 subject himself to examination.

873 Sec. 28. Subsection (a) of section 45a-763 of the general statutes is  
874 repealed and the following is substituted in lieu thereof (*Effective*  
875 *January 1, 2010*):

876 (a) An Adoption Review Board is established, to consist of the  
877 Commissioner of Children and Families or his designee, the Probate  
878 Court Administrator or his designee, and an officer of a child-placing  
879 agency which is located in the state and licensed by the Commissioner  
880 of [Children and Families] Public Health, who shall be appointed by  
881 the Governor to serve for a term of four years from the date of his  
882 appointment.

883 Sec. 29. Subsection (a) of section 46b-129 of the general statutes is  
884 repealed and the following is substituted in lieu thereof (*Effective*  
885 *January 1, 2010*):

886 (a) Any selectman, town manager, or town, city or borough welfare  
887 department, any probation officer, or the Commissioner of Social  
888 Services, the Commissioner of Children and Families or any child-  
889 caring institution or agency approved by the Commissioner of  
890 [Children and Families] Public Health, a child or such child's  
891 representative or attorney or a foster parent of a child, having  
892 information that a child or youth is neglected, uncared-for or  
893 dependent, may file with the Superior Court that has venue over such  
894 matter a verified petition plainly stating such facts as bring the child or  
895 youth within the jurisdiction of the court as neglected, uncared-for or  
896 dependent, within the meaning of section 46b-120, the name, date of  
897 birth, sex and residence of the child or youth, the name and residence  
898 of such child's parents or guardian, and praying for appropriate action  
899 by the court in conformity with the provisions of this chapter. Upon  
900 the filing of such a petition, except as otherwise provided in subsection  
901 (k) of section 17a-112, the court shall cause a summons to be issued  
902 requiring the parent or parents or the guardian of the child or youth to  
903 appear in court at the time and place named, which summons shall be  
904 served not less than fourteen days before the date of the hearing in the  
905 manner prescribed by section 46b-128, and the court shall further give  
906 notice to the petitioner and to the Commissioner of Children and  
907 Families of the time and place when the petition is to be heard not less  
908 than fourteen days prior to the hearing in question.

909 Sec. 30. Subsection (a) of section 46b-149 of the general statutes is  
910 repealed and the following is substituted in lieu thereof (*Effective*  
911 *January 1, 2010*):

912 (a) Any selectman, town manager, police officer or welfare  
913 department of any town, city or borough, any probation officer or  
914 superintendent of schools, the Commissioner of Children and Families,  
915 any child-caring institution or agency approved or licensed by the  
916 Commissioner of [Children and Families] Public Health, any youth  
917 service bureau, a parent or foster parent of a child, or a child or the  
918 child's representative or attorney, who believes that the acts or

919 omissions of a child are such that the child is from a family with  
920 service needs, may file a written complaint setting forth those facts  
921 with the Superior Court which has venue over the matter.

922 Sec. 31. Subsection (b) of section 17a-101j of the general statutes is  
923 repealed and the following is substituted in lieu thereof (*Effective*  
924 *January 1, 2010*):

925 (b) Whenever a report has been made pursuant to sections 17a-101a  
926 to 17a-101c, inclusive, and 17a-103, alleging that abuse or neglect has  
927 occurred at an institution or facility that provides care for children and  
928 is subject to licensure by the state for the caring of children, and the  
929 Commissioner of Children and Families, after investigation, has  
930 reasonable cause to believe abuse or neglect has occurred, the  
931 commissioner shall forthwith notify the state agency responsible for  
932 such licensure of such institution or facility and provide records,  
933 whether or not created by the department, concerning such  
934 investigation, except that if the facility is under the jurisdiction of the  
935 commissioner, the Department of Public Health shall conduct the  
936 investigation.

937 Sec. 32. Section 17a-3a of the general statutes is repealed and the  
938 following is substituted in lieu thereof (*Effective January 1, 2010*):

939 The Department of Children and Families shall ensure that the  
940 Connecticut Juvenile Training School:

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

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

947 (3) Complies with the provisions of sections 46a-150 to 46a-154,  
948 inclusive, regarding the use of physical restraints, medication and

949 seclusion of children at the school;

950 (4) Provides training to all staff at the school regarding their  
951 mandatory child abuse and neglect reporting obligations under section  
952 17a-101;

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

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

958 Sec. 33. Section 17a-32 of the general statutes is repealed and the  
959 following is substituted in lieu thereof (*Effective January 1, 2010*):

960 (a) (1) The name of the Department of Children and Families facility  
961 at Connecticut Valley Hospital shall be Riverview Hospital for  
962 Children and Youth.

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

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

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

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

973 (b) On and after January 1, 2010, the facilities named in subdivisions  
974 (1) to (4), inclusive, of subsection (a) of this section shall be licensed by  
975 the Department of Public Health pursuant to section 1 of this act.

976 Sec. 34. Section 17a-146 of the general statutes is repealed and the  
 977 following is substituted in lieu thereof (*Effective January 1, 2010*):

978 No later than April 1, 1975, the Commissioner of Children and  
 979 Families shall exercise and have all authority, rights, duties and  
 980 functions granted to or imposed upon the Commissioner of Social  
 981 Services in the general statutes in the area of adoption of children,  
 982 including, but not limited to, authority to license or approve agencies  
 983 under sections 17a-145, as amended by this act, 17a-148, 17a-149, as  
 984 amended by this act, and 17a-151, and to act as a statutory parent, as  
 985 defined in section 45a-707, as amended by this act, except that on and  
 986 after January 1, 2010, the Commissioner of Public Health shall have the  
 987 authority, rights, duties and functions to license or approve agencies  
 988 under said sections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	17a-20
Sec. 3	<i>January 1, 2010</i>	17a-22g
Sec. 4	<i>January 1, 2010</i>	17a-28(e)
Sec. 5	<i>January 1, 2010</i>	17a-38
Sec. 6	<i>January 1, 2010</i>	17a-93
Sec. 7	<i>January 1, 2010</i>	17a-113
Sec. 8	<i>January 1, 2010</i>	17a-114
Sec. 9	<i>January 1, 2010</i>	17a-145
Sec. 10	<i>January 1, 2010</i>	17a-147
Sec. 11	<i>January 1, 2010</i>	17a-149
Sec. 12	<i>January 1, 2010</i>	17a-150
Sec. 13	<i>January 1, 2010</i>	17a-151
Sec. 14	<i>January 1, 2010</i>	17a-152
Sec. 15	<i>January 1, 2010</i>	17a-154
Sec. 16	<i>January 1, 2010</i>	17a-155
Sec. 17	<i>January 1, 2010</i>	17a-277
Sec. 18	<i>January 1, 2010</i>	8-3e
Sec. 19	<i>January 1, 2010</i>	10-253(a)
Sec. 20	<i>January 1, 2010</i>	20-14i

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Sec. 21	<i>January 1, 2010</i>	38a-488a(g)
Sec. 22	<i>January 1, 2010</i>	38a-514(g)
Sec. 23	<i>January 1, 2010</i>	45a-607(d)
Sec. 24	<i>January 1, 2010</i>	45a-619
Sec. 25	<i>January 1, 2010</i>	45a-707
Sec. 26	<i>January 1, 2010</i>	45a-715(a)
Sec. 27	<i>January 1, 2010</i>	45a-717(e)
Sec. 28	<i>January 1, 2010</i>	45a-763(a)
Sec. 29	<i>January 1, 2010</i>	46b-129(a)
Sec. 30	<i>January 1, 2010</i>	46b-149(a)
Sec. 31	<i>January 1, 2010</i>	17a-101j(b)
Sec. 32	<i>January 1, 2010</i>	17a-3a
Sec. 33	<i>January 1, 2010</i>	17a-32
Sec. 34	<i>January 1, 2010</i>	17a-146

**KID**

*Joint Favorable Subst. C/R*

HS