



**Substitute Senate Bill No. 218**

**Public Act No. 10-161**

**AN ACT CONCERNING SAFE HAVEN CASES AND THE  
TERMINATION OF RENTAL AGREEMENTS BY VICTIMS OF  
FAMILY VIOLENCE.**

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

Section 1. Section 17a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) Not more than twenty-four hours after taking physical custody of the infant the [designated] employee designated pursuant to section 17a-57 shall notify, in accordance with the provisions of sections 17a-101a to 17a-101d, inclusive, the Department of Children and Families of such custody.

(b) The Commissioner of Children and Families shall assume the care and control of the infant immediately upon receipt of notice under subsection (a) of this section. [and] Any infant in the care and control of the commissioner under the provisions of this section shall be considered to be in the custody of the department and the department shall take any action authorized under state law to achieve safety and permanency for the infant, including institution of legal proceedings for guardianship or termination of parental rights. The department shall provide notification of such legal proceedings to any parent of an

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infant when the identity of the parent is known to the department.

[(c) Any infant in the care and control of the commissioner under the provisions of this section shall be considered to be in the custody of the department.]

Sec. 2. Section 17a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) If a person claiming to be a parent or agent of an infant [left with] surrendered to a designated employee under section 17a-58, as amended by this act, submits a request to the Commissioner of Children and Families for reunification with the infant, the commissioner may identify, contact and investigate such person or agent to determine if such reunification is appropriate or if the parental rights of the parent should be terminated.

(b) Information concerning a parent or agent, or an infant [left with] surrendered to a designated employee, shall [be confidential] not be disclosed by the designated employee, if so requested by the parent or agent, except that notwithstanding any provision of the general statutes, such employee shall (1) provide to the Commissioner of Children and Families all medical history information provided by the parent, and (2) provide to the Commissioner of Public Health, the name and date of birth of the infant if the infant's birth has been registered in the state vital records system prior to the surrender of the infant, for the sole purpose of sealing the infant's original birth record. The infant's name and date of birth shall not be disclosed on the report of a foundling child described in section 7-59.

(c) Possession of a bracelet linking the parent or agent to an infant [left with] surrendered to a designated employee if parental rights have not been terminated creates a presumption the parent or [person] agent has standing to participate in a custody hearing for the infant

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under chapter 319a [and] but does not create a presumption of maternity, paternity or custody.

Sec. 3. Section 17a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) An employee designated pursuant to section 17a-57 shall take physical custody of any infant thirty days or younger if the parent or lawful agent of the parent voluntarily surrenders physical custody of the infant to such designated employee unless the parent or agent clearly expresses an intent to return for the infant.

(b) If the mother of an infant wishes to voluntarily surrender physical custody of the infant while the mother is in the hospital to give birth to the infant, the mother shall provide notice that she wishes to surrender physical custody of the infant, in writing, on a form prescribed by the Commissioner of Children and Families, and deliver such notice to any health care provider who is licensed by the Department of Public Health and who provides health care services on behalf of the hospital. Upon receipt of such notice, the hospital employee shall notify the designated employee pursuant to section 17a-57, who shall immediately take physical custody of the infant. The hospital shall retain the written notice provided by the mother in a file separate from the mother's medical records. No hospital employee shall disclose the contents of the written notice, including the name of the mother, to the Department of Children and Families, any person or organization without the mother's permission.

[(b)] (c) The designated employee may request the parent or agent to provide (1) the name of the parent or agent, [and] (2) information on the medical history of the infant and parents, and (3) the infant's name and date of birth if the infant's birth has been registered in the state vital records system prior to the surrender of the infant. [The] Notwithstanding such a request from the designated employee, the

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parent or agent is not required to provide such name or information. The designated employee may provide the parent or agent with a numbered identification bracelet to link the parent or agent to the infant. The bracelet shall be used for identification only and shall not be construed to authorize the person who possesses the bracelet to take custody of the infant on demand. The designated employee shall provide the parent or agent with a pamphlet describing the process established under sections 17a-57 to 17a-61, inclusive, as amended by this act, 53-21 and 53-23.

Sec. 4. (NEW) (*Effective from passage*) The Commissioner of Children and Families may approve an applicant as a foster family or prospective adoptive family notwithstanding that a biological, adoptable or adopted child of the applicant has died less than one year before the date of the application.

Sec. 5. Section 2 of public act 10-137 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Notwithstanding the provisions of chapters 830 and 831 of the general statutes, for rental agreements entered into or renewed on or after [December 31, 2010] January 1, 2011, any tenant who (1) is a victim of family violence, as defined in section 46b-38a of the general statutes, and (2) reasonably believes it is necessary to vacate the dwelling unit due to [a fear for the tenant's or the tenant's child's personal safety] fear of imminent harm to the tenant or a dependent of the tenant because of family violence, may terminate [the] his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement [upon giving not less than thirty calendar days' written notice to the landlord of such dwelling unit] by giving written notice to the landlord at least thirty days prior to the date the tenant intends to terminate the rental agreement.

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(b) Such notice shall include: [(A)] (1) A statement made under oath or affirmation that (A) the tenant or a dependent of the tenant is a victim of family violence; (B) [a statement that] the tenant intends to terminate the rental agreement and the date of such intended termination; and (C) the tenant has vacated the premises and removed all of his or her possessions and personal effects or, prior to the date of such termination, will vacate the premises and remove all of his or her possessions and personal effects and, if such possessions and personal effects have not been removed by the date of such termination, has abandoned such possessions and personal effects; and [(C)] (2) (A) a copy of a police or court record [related to the family violence or a signed written statement that the tenant or the tenant's child is a victim of family violence, provided such statement is from an employee or agent of a victim services organization, an employee of the Office of Victim Services within the Judicial Department or the Office of the Victim Advocate, or a medical or other licensed professional from whom the tenant or the tenant's child has sought assistance with respect to family violence] detailing an act of family violence against the tenant or the tenant's dependent that is dated not more than ninety days prior to the date of the tenant's notice, or (B) a signed written statement from an employee of the Office of Victim Services within the Judicial Department or the Office of Victim Advocate detailing an act of family violence against the tenant or the tenant's dependent that is dated not more than thirty days prior to the date of the tenant's notice.

[(b)] (c) The tenant's termination of [the] his or her rental agreement with the landlord pursuant to this section shall not relieve (1) the tenant from liability to the landlord for any rent arrearage incurred prior to such termination of the rental agreement or from liability to the landlord for property damage caused by the tenant, or (2) any other tenant from liability to the landlord under the rental agreement.

(d) If the tenant terminates his or her rental agreement with the

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landlord pursuant to this section, any occupant without the right or privilege to occupy such dwelling unit shall vacate the premises prior to the date of such termination.

(e) If such tenant or occupant fails to vacate the premises as of the date of such termination, the landlord may bring an action pursuant to chapter 832.

[(c)] (f) The landlord may bring an action in the housing session of the Superior Court for injunctive relief to prevent the termination of the rental agreement if the requirements set forth in [subsection (a) of] this section for such termination have not been satisfied.

Approved June 8, 2010