House of Representatives

General Assembly

File No. 310

February Session, 2010

Substitute House Bill No. 5041

House of Representatives, April 6, 2010

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY.

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

Section 1. (NEW) (*Effective October 1, 2010*) (a) Any animal control officer appointed under section 22-328 of the general statutes or municipal animal control officer appointed under section 22-331 of the general statutes, who has reasonable cause to suspect or believe that an animal observed in the course of the officer's employment is in harm, neglected or cruelly treated in violation of section 22-366, 22-415, 53-247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252 of the general statutes and who files a petition with the Superior Court under section 22-329a of the general statutes, shall make a written report to the Commissioner of Agriculture in accordance with subsection (b) of this section.

(b) The report shall be made by the officer as soon as practicable, but not later than forty-eight hours after such officer has filed the petition. Each report required under this section shall contain: (1) The names

and addresses of the animal and his owner or other person responsible for care of the animal; (2) a description of the animal; (3) the nature and extent of the harm, neglect or cruelty to the animal; (4) the approximate date and time of the harm, neglect or cruelty; (5) the circumstances in which the harm, neglect or cruelty came to be known to the officer; and (6) the name of the person or persons suspected to be responsible for causing such harm, neglect or cruelty.

(c) Beginning November 1, 2010, and monthly thereafter, the Commissioner of Agriculture shall send a report to the Commissioner of Children and Families of the information provided under subsection (b) of this section for the preceding month.

Sec. 2. (NEW) (*Effective October 1, 2010*) Not more than one week after receiving each report pursuant to subsection (c) of section 1 of this act, the Commissioner of Children and Families shall determine if any address where any animal was harmed, neglected or cruelly treated is an address where there is an open investigation of a child for whom there has been filed (1) a report of abuse or neglect under section 17a-101a of the general statutes, or (2) a petition of neglect under section 46b-129 of the general statutes, as amended by this act. If there is an open investigation of a child at such address, the commissioner or the commissioner's designee shall make a home visit to observe the child or siblings at the address. The home visit shall include an evaluation of animals in the household to determine if there is reasonable cause to suspect or believe that any such animal was harmed, neglected or cruelly treated.

Sec. 3. Section 17a-101g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's

designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. The department shall complete any such investigation not later than forty-five calendar days after the date of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

(b) (1) The investigation shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person or persons suspected to be responsible for such abuse or neglect, the name, age and condition of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. Each home visit shall also include an evaluation of animals in the household to determine if there is reasonable cause to suspect or believe that any such animal was harmed, neglected or cruelly treated. On or before October 1, 2011, and annually thereafter, the commissioner shall notify the Commissioner of Agriculture of the number of determinations under this subsection that there is reasonable cause to suspect or believe that an animal was harmed, neglected or cruelly treated.

(2) After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. If the commissioner determines that abuse or neglect has occurred, the commissioner shall also determine whether: [(1)] (A) There is an identifiable person responsible for such abuse or neglect; and [(2)] (B) such identifiable person poses a risk to the health, safety or well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in [subdivisions (1)] subparagraphs (A) and [(2)] (B) of this [subsection] subdivision, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k.

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

(d) If the child abuse or neglect resulted in or involves (1) the death of a child; (2) the risk of serious physical injury or emotional harm of a child; (3) the serious physical harm of a child; (4) the arrest of a person due to abuse or neglect of a child; (5) a petition filed by the commissioner pursuant to section 17a-112 or 46b-129, as amended by this act; or (6) sexual abuse of a child, entry of the recommended finding may be made on the child abuse or neglect registry and information concerning the finding may be disclosed by the

116 commissioner pursuant to a check of the child abuse or neglect registry
117 or request for information by a public or private entity for
118 employment, licensure, or reimbursement for child care purposes
119 pursuant to programs administered by the Department of Social
120 Services or pursuant to any other general statute that requires a check
121 of the child abuse or neglect registry, prior to the exhaustion or waiver
122 of all administrative appeals available to the person suspected to be
123 responsible for the abuse or neglect as provided in section 17a-101k.

124 (e) If the Commissioner of Children and Families, or the
125 commissioner's designee, has probable cause to believe that the child
126 or any other child in the household is in imminent risk of physical
127 harm from the child's surroundings and that immediate removal from
128 such surroundings is necessary to ensure the child's safety, the
129 commissioner, or the commissioner's designee, shall authorize any
130 employee of the department or any law enforcement officer to remove
131 the child and any other child similarly situated from such
132 surroundings without the consent of the child's parent or guardian.
133 The commissioner shall record in writing the reasons for such removal
134 and include such record with the report of the investigation conducted
135 under subsection (b) of this section.

136 (f) The removal of a child pursuant to subsection (e) of this section
137 shall not exceed ninety-six hours. During the period of such removal,
138 the commissioner, or the commissioner's designee, shall provide the
139 child with all necessary care, including medical care, which may
140 include an examination by a physician or mental health professional
141 with or without the consent of the child's parents, guardian or other
142 person responsible for the child's care, provided reasonable attempts
143 have been made to obtain consent of the child's parents or guardian or
144 other person responsible for the care of such child. During the course
145 of a medical examination, a physician may perform diagnostic tests
146 and procedures necessary for the detection of child abuse or neglect. If
147 the child is not returned home within such ninety-six-hour period,
148 with or without protective services, the department shall proceed in
149 accordance with section 46b-129<u>, as amended by this act</u>.

Sec. 4. Section 46b-129 of the 2010 supplement to the general statutes, as amended by section 4 of public act 09-194, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

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

(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition and application, or subsequent thereto, that there is reasonable cause to believe that (1) the child or youth is suffering from serious physical illness or serious physical injury or is in immediate physical danger from the child's or youth's surroundings, and (2) that as a result of said conditions, the child's or youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's or

youth's safety, the court shall either (A) issue an order to the parents or other person having responsibility for the care of the child or youth to appear at such time as the court may designate to determine whether the court should vest the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency pending disposition of the petition, or (B) issue an order ex parte vesting the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency. A preliminary hearing on any ex parte custody order or order to appear issued by the court shall be held not later than ten days after the issuance of such order. The service of such orders may be made by any officer authorized by law to serve process, or by any probation officer appointed in accordance with section 46b-123, investigator from the Department of Administrative Services, state or local police officer or indifferent person. Such orders shall include a conspicuous notice to the respondent written in clear and simple language containing at least the following information: (i) That the order contains allegations that conditions in the home have endangered the safety and welfare of the child or youth; (ii) that a hearing will be held on the date on the form; (iii) that the hearing is the opportunity to present the parents' position concerning the alleged facts; (iv) that an attorney will be appointed for parents who cannot afford an attorney; (v) that such parents may apply for a court-appointed attorney by going in person to the court address on the form and are advised to go as soon as possible in order for the attorney to prepare for the hearing; (vi) that such parents, or a person having responsibility for the care and custody of the child or youth, may request the Commissioner of Children and Families to investigate placing the child or youth with a person related to the child or youth by blood or marriage who might serve as a licensed foster parent or temporary custodian for such child or youth. The commissioner, where practicable, shall investigate such relative or relatives prior to the preliminary hearing and provide a report to the court at such hearing as to such relative's suitability; and (vii) if such parents have any questions concerning the case or appointment of

219 counsel, any such parent is advised to go to the court or call the clerk's
220 office at the court as soon as possible. Upon application for appointed
221 counsel, the court shall promptly determine eligibility and, if the
222 respondent is eligible, promptly appoint counsel. The expense for any
223 temporary care and custody shall be paid by the town in which such
224 child or youth is at the time residing, and such town shall be
225 reimbursed for such expense by the town found liable for the child's or
226 youth's support, except that where a state agency has filed a petition
227 pursuant to the provisions of subsection (a) of this section, the agency
228 shall pay such expense. The agency shall give primary consideration to
229 placing the child or youth in the town where such child or youth
230 resides. The agency shall file in writing with the clerk of the court the
231 reasons for placing the child or youth in a particular placement outside
232 the town where the child or youth resides. Upon issuance of an ex
233 parte order, the court shall provide to the commissioner and the parent
234 or guardian specific steps necessary for each to take to address the ex
235 parte order for the parent or guardian to retain or regain custody of the
236 child or youth. Upon the issuance of such order, or not later than sixty
237 days after the issuance of such order, the court shall make a
238 determination whether the Department of Children and Families made
239 reasonable efforts to keep the child or youth with his or her parents or
240 guardian prior to the issuance of such order and, if such efforts were
241 not made, whether such reasonable efforts were not possible, taking
242 into consideration the child's or youth's best interests, including the
243 child's or youth's health and safety.

244 (c) The preliminary hearing on the order of temporary custody or
245 order to appear or the first hearing on a petition filed pursuant to
246 subsection (a) of this section shall be held in order for the court to: (1)
247 Advise the parent or guardian of the allegations contained in all
248 petitions and applications that are the subject of the hearing and the
249 parent's or guardian's right to counsel pursuant to subsection (b) of
250 section 46b-135; (2) assure that an attorney, and where appropriate, a
251 separate guardian ad litem has been appointed to represent the child
252 or youth in accordance with subsection (b) of section 46b-123e and
253 sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to

254 represent the respondent when the respondent is unable to afford
255 representation, in accordance with subsection (b) of section 46b-123e;
256 (4) advise the parent or guardian of the right to a hearing on the
257 petitions and applications, to be held not later than ten days after the
258 date of the preliminary hearing if the hearing is pursuant to an order of
259 temporary custody or an order to show cause; (5) accept a plea
260 regarding the truth of such allegations; (6) make any interim orders,
261 including visitation, that the court determines are in the best interests
262 of the child or youth. The court, after a hearing pursuant to this
263 subsection, shall order specific steps the commissioner and the parent
264 or guardian shall take for the parent or guardian to regain or to retain
265 custody of the child or youth; (7) take steps to determine the identity of
266 the father of the child or youth, including ordering genetic testing, if
267 necessary, and order service of the petition and notice of the hearing
268 date, if any, to be made upon him; (8) if the person named as the father
269 appears, and admits that he is the father, provide him and the mother
270 with the notices that comply with section 17b-27 and provide them
271 with the opportunity to sign a paternity acknowledgment and
272 affirmation on forms that comply with section 17b-27. Such documents
273 shall be executed and filed in accordance with chapter 815y and a copy
274 delivered to the clerk of the superior court for juvenile matters; (9) in
275 the event that the person named as a father appears and denies that he
276 is the father of the child or youth, advise him that he may have no
277 further standing in any proceeding concerning the child, and either
278 order genetic testing to determine paternity or direct him to execute a
279 written denial of paternity on a form promulgated by the Office of the
280 Chief Court Administrator. Upon execution of such a form by the
281 putative father, the court may remove him from the case and afford
282 him no further standing in the case or in any subsequent proceeding
283 regarding the child or youth until such time as paternity is established
284 by formal acknowledgment or adjudication in a court of competent
285 jurisdiction; (10) identify any person or persons related to the child or
286 youth by blood or marriage residing in this state who might serve as
287 licensed foster parents or temporary custodians and order the
288 Commissioner of Children and Families to investigate and determine,

not later than thirty days after the preliminary hearing, the appropriateness of placement of the child or youth with such relative or relatives; and (11) in accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood or marriage residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of placement of the child or youth with such relative or relatives.

(d) (1) (A) If not later than thirty days after the preliminary hearing, or within a reasonable time when a relative resides out of state, the Commissioner of Children and Families determines that there is not a suitable person related to the child or youth by blood or marriage who can be licensed as a foster parent or serve as a temporary custodian, and the court has not granted temporary custody to a person related to the child or youth by blood or marriage, any person related to the child or youth by blood or marriage may file, not later than ninety days after the date of the preliminary hearing, a motion to intervene for the limited purpose of moving for temporary custody of such child or youth. If a motion to intervene is timely filed, the court shall grant such motion except for good cause shown.

(B) Any person related to a child or youth may file a motion to intervene for purposes of seeking temporary custody of a child or youth more than ninety days after the date of the preliminary hearing. The granting of such motion shall be solely in the court's discretion, except that such motion shall be granted absent good cause shown whenever the child's or youth's most recent placement has disrupted or is about to disrupt.

(C) A relative shall appear in person, with or without counsel, and shall not be entitled to court appointed counsel or the assignment of counsel by the Chief Child Protection Attorney except as provided in section 46b-136.

(2) Upon the granting of intervenor status to such relative of the child or youth, the court shall issue an order directing the Commissioner of Children and Families to conduct an assessment of such relative and to file a written report with the court not later than forty days after such order, unless such relative resides out of state, in which case the assessment shall be ordered and requested in accordance with the provisions of the Interstate Compact on the Placement of Children, pursuant to section 17a-175. The court may also request such relative to release such relative's medical records, including any psychiatric or psychological records and may order such relative to submit to a physical or mental examination. The expenses incurred for such physical or mental examination shall be paid as costs of commitment are paid. Upon receipt of the assessment, the court shall schedule a hearing on such relative's motion for temporary custody not later than fifteen days after the receipt of the assessment. If the Commissioner of Children and Families, the child's or youth's attorney or guardian ad litem, or the parent or guardian objects to the vesting of temporary custody in such relative, the agency or person objecting at such hearing shall be required to prove by a fair preponderance of the evidence that granting temporary custody of the child or youth to such relative would not be in the best interests of such child or youth.

(3) If the court grants such relative temporary custody during the period of such temporary custody, such relative shall be subject to orders of the court, including, but not limited to, providing for the care and supervision of such child or youth and cooperating with the Commissioner of Children and Families in the implementation of treatment and permanency plans and services for such child or youth. The court may, on motion of any party or the court's own motion, after notice and a hearing, terminate such relative's intervenor status if such relative's participation in the case is no longer warranted or necessary.

(4) Any person related to a child or youth may file a motion to intervene for purposes of seeking permanent guardianship of a child or youth more than ninety days after the date of the preliminary

356 hearing. The granting of such motion to intervene shall be solely in the
357 court's discretion, except that such motion shall be granted absent
358 good cause shown whenever the child's or youth's most recent
359 placement has disrupted or is about to disrupt. The court may, in the
360 court's discretion, order the Commissioner of Children and Families to
361 conduct an assessment of such relative granted intervenor status
362 pursuant to this subdivision.

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

366 (f) Upon request, or upon its own motion, the court shall schedule a
367 hearing on the order for temporary custody or the order to appear to
368 be held not later than ten days after the date of the preliminary
369 hearing. Such hearing shall be held on consecutive days except for
370 compelling circumstances or at the request of the parent or guardian.

371 (g) At a contested hearing on the order for temporary custody or
372 order to appear, credible hearsay evidence regarding statements of the
373 child or youth made to a mandated reporter or to a parent may be
374 offered by the parties and admitted by the court upon a finding that
375 the statement is reliable and trustworthy and that admission of such
376 statement is reasonably necessary. A signed statement executed by a
377 mandated reporter under oath may be admitted by the court without
378 the need for the mandated reporter to appear and testify unless called
379 by a respondent or the child, provided the statement: (1) Was provided
380 at the preliminary hearing and promptly upon request to any counsel
381 appearing after the preliminary hearing; (2) reasonably describes the
382 qualifications of the reporter and the nature of his contact with the
383 child; and (3) contains only the direct observations of the reporter, and
384 statements made to the reporter that would be admissible if the
385 reporter were to testify to them in court and any opinions reasonably
386 based thereupon. If a respondent or the child gives notice at the
387 preliminary hearing that he intends to cross-examine the reporter, the
388 person filing the petition shall make the reporter available for such

examination at the contested hearing.

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

(i) (1) When a petition is filed in said court for the commitment of a child or youth, the Commissioner of Children and Families shall make a thorough investigation of the case and shall cause to be made a thorough physical and mental examination of the child or youth if requested by the court. The court after hearing may also order a thorough physical or mental examination, or both, of a parent or guardian whose competency or ability to care for a child or youth before the court is at issue. The expenses incurred in making such physical and mental examinations shall be paid as costs of commitment are paid.

(2) Each investigation under this subsection shall also include an evaluation of animals in the household to determine if there is reasonable cause to suspect or believe that any such animal was harmed, neglected or cruelly treated. On or before October 1, 2011, and annually thereafter, the commissioner shall notify the Commissioner of Agriculture of the number of determinations under this subsection that there is reasonable cause to suspect or believe that an animal was harmed, neglected or cruelly treated.

(j) Upon finding and adjudging that any child or youth is uncared-for, neglected or dependent, the court may commit such child or youth to the Commissioner of Children and Families. Such commitment shall remain in effect until further order of the court, except that such commitment may be revoked or parental rights terminated at any time by the court, or the court may vest such child's or youth's legal guardianship in any private or public agency that is permitted by law to care for neglected, uncared-for or dependent children or youths or with any other person or persons found to be suitable and worthy of

422 such responsibility by the court, including, but not limited to, any
423 relative of such child or youth by blood or marriage. If the court
424 determines that the commitment should be revoked and the child's or
425 youth's legal guardianship should vest in someone other than the
426 respondent parent, parents or former guardian, or if parental rights are
427 terminated at any time, there shall be a rebuttable presumption that an
428 award of legal guardianship upon revocation to, or adoption upon
429 termination of parental rights by, any relative who is licensed as a
430 foster parent for such child or youth, or who is, pursuant to an order of
431 the court, the temporary custodian of the child or youth at the time of
432 the revocation or termination, shall be in the best interests of the child
433 or youth and that such relative is a suitable and worthy person to
434 assume legal guardianship upon revocation or to adopt such child or
435 youth upon termination of parental rights. The presumption may be
436 rebutted by a preponderance of the evidence that an award of legal
437 guardianship to, or an adoption by, such relative would not be in the
438 child's or youth's best interests and such relative is not a suitable and
439 worthy person. The court shall order specific steps that the parent
440 must take to facilitate the return of the child or youth to the custody of
441 such parent. The commissioner shall be the guardian of such child or
442 youth for the duration of the commitment, provided the child or youth
443 has not reached the age of eighteen years or, in the case of a child or
444 youth in full-time attendance in a secondary school, a technical school,
445 a college or a state-accredited job training program, provided such
446 child or youth has not reached the age of twenty-one years, by consent
447 of such youth, or until another guardian has been legally appointed,
448 and in like manner, upon such vesting of the care of such child or
449 youth, such other public or private agency or individual shall be the
450 guardian of such child or youth until such child or youth has reached
451 the age of eighteen years or, in the case of a child or youth in full-time
452 attendance in a secondary school, a technical school, a college or a
453 state-accredited job training program, until such child or youth has
454 reached the age of twenty-one years or until another guardian has
455 been legally appointed. The commissioner may place any child or
456 youth so committed to the commissioner in a suitable foster home or in

the home of a person related by blood or marriage to such child or youth or in a licensed child-caring institution or in the care and custody of any accredited, licensed or approved child-caring agency, within or without the state, provided a child shall not be placed outside the state except for good cause and unless the parents or guardian of such child are notified in advance of such placement and given an opportunity to be heard, or in a receiving home maintained and operated by the Commissioner of Children and Families. In placing such child or youth, the commissioner shall, if possible, select a home, agency, institution or person of like religious faith to that of a parent of such child or youth, if such faith is known or may be ascertained by reasonable inquiry, provided such home conforms to the standards of said commissioner and the commissioner shall, when placing siblings, if possible, place such children together. As an alternative to commitment, the court may place the child or youth in the custody of the parent or guardian with protective supervision by the Commissioner of Children and Families subject to conditions established by the court. Upon the issuance of an order committing the child or youth to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall determine whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety.

(k) (1) Nine months after placement of the child or youth in the care and custody of the commissioner pursuant to a voluntary placement agreement, or removal of a child or youth pursuant to section 17a-101g, as amended by this act, or an order issued by a court of competent jurisdiction, whichever is earlier, the commissioner shall file a motion for review of a permanency plan. Nine months after a permanency plan has been approved by the court pursuant to this subsection, the commissioner shall file a motion for review of the permanency plan. Any party seeking to oppose the commissioner's

492 permanency plan, including a relative of a child or youth by blood or
493 marriage who has intervened pursuant to subsection (d) of this section
494 and is licensed as a foster parent for such child or youth or is vested
495 with such child's or youth's temporary custody by order of the court,
496 shall file a motion in opposition not later than thirty days after the
497 filing of the commissioner's motion for review of the permanency plan,
498 which motion shall include the reason therefor. A permanency hearing
499 on any motion for review of the permanency plan shall be held not
500 later than ninety days after the filing of such motion. The court shall
501 hold evidentiary hearings in connection with any contested motion for
502 review of the permanency plan. The commissioner shall have the
503 burden of proving that the proposed permanency plan is in the best
504 interests of the child or youth. After the initial permanency hearing,
505 subsequent permanency hearings shall be held not less frequently than
506 every twelve months while the child or youth remains in the custody
507 of the Commissioner of Children and Families. The court shall provide
508 notice to the child or youth, the parent or guardian of such child or
509 youth, and any intervenor of the time and place of the court hearing on
510 any such motion not less than fourteen days prior to such hearing.

511 (2) At a permanency hearing held in accordance with the provisions
512 of subdivision (1) of this subsection, the court shall approve a
513 permanency plan that is in the best interests of the child or youth and
514 takes into consideration the child's or youth's need for permanency.
515 The child's or youth's health and safety shall be of paramount concern
516 in formulating such plan. Such permanency plan may include the goal
517 of (A) revocation of commitment and reunification of the child or
518 youth with the parent or guardian, with or without protective
519 supervision; (B) transfer of guardianship; (C) long-term foster care
520 with a relative licensed as a foster parent; (D) filing of termination of
521 parental rights and adoption; or (E) another planned permanent living
522 arrangement ordered by the court, provided the Commissioner of
523 Children and Families has documented a compelling reason why it
524 would not be in the best interest of the child or youth for the
525 permanency plan to include the goals in subparagraphs (A) to (D),
526 inclusive, of this subdivision. Such other planned permanent living

527 arrangement may include, but not be limited to, placement of a child
528 or youth in an independent living program or long term foster care
529 with an identified foster parent.

530 (3) At a permanency hearing held in accordance with the provisions
531 of subdivision (1) of this subsection, the court shall review the status of
532 the child, the progress being made to implement the permanency plan,
533 determine a timetable for attaining the permanency plan, determine
534 the services to be provided to the parent if the court approves a
535 permanency plan of reunification and the timetable for such services,
536 and determine whether the commissioner has made reasonable efforts
537 to achieve the permanency plan. The court may revoke commitment if
538 a cause for commitment no longer exists and it is in the best interests of
539 the child or youth.

540 (4) If the court approves the permanency plan of adoption: (A) The
541 Commissioner of Children and Families shall file a petition for
542 termination of parental rights not later than sixty days after such
543 approval if such petition has not previously been filed; (B) the
544 commissioner may conduct a thorough adoption assessment and
545 child-specific recruitment; and (C) the court may order that the child
546 be photo-listed within thirty days if the court determines that such
547 photo-listing is in the best interest of the child. As used in this
548 subdivision, "thorough adoption assessment" means conducting and
549 documenting face-to-face interviews with the child, foster care
550 providers and other significant parties and "child specific recruitment"
551 means recruiting an adoptive placement targeted to meet the
552 individual needs of the specific child, including, but not limited to, use
553 of the media, use of photo-listing services and any other in-state or
554 out-of-state resources that may be used to meet the specific needs of
555 the child, unless there are extenuating circumstances that indicate that
556 such efforts are not in the best interest of the child.

557 (l) The Commissioner of Children and Families shall pay directly to
558 the person or persons furnishing goods or services determined by said
559 commissioner to be necessary for the care and maintenance of such

child or youth the reasonable expense thereof, payment to be made at intervals determined by said commissioner; and the Comptroller shall draw his or her order on the Treasurer, from time to time, for such part of the appropriation for care of committed children or youths as may be needed in order to enable the commissioner to make such payments. The commissioner shall include in the department's annual budget a sum estimated to be sufficient to carry out the provisions of this section. Notwithstanding that any such child or youth has income or estate, the commissioner may pay the cost of care and maintenance of such child or youth. The commissioner may bill to and collect from the person in charge of the estate of any child or youth aided under this chapter, or the payee of such child's or youth's income, the total amount expended for care of such child or youth or such portion thereof as any such estate or payee is able to reimburse, provided the commissioner shall not collect from such estate or payee any reimbursement for the cost of care or other expenditures made on behalf of such child or youth from (1) the proceeds of any cause of action received by such child or youth; (2) any lottery proceeds due to such child or youth; (3) any inheritance due to such child or youth; (4) any payment due to such child or youth from a trust other than a trust created pursuant to 42 USC 1396p, as amended from time to time; or (5) the decedent estate of such child or youth.

(m) The commissioner, a parent or the child's attorney may file a motion to revoke a commitment, and, upon finding that cause for commitment no longer exists, and that such revocation is in the best interests of such child or youth, the court may revoke the commitment of such child or youth. No such motion shall be filed more often than once every six months.

(n) Upon service on the parent, guardian or other person having control of the child or youth of any order issued by the court pursuant to the provisions of subsections (b) and (j) of this section, the child or youth concerned shall be surrendered to the person serving the order who shall forthwith deliver the child or youth to the person, agency, department or institution awarded custody in the order. Upon refusal

of the parent, guardian or other person having control of the child or youth to surrender the child or youth as provided in the order, the court may cause a warrant to be issued charging the parent, guardian or other person having control of the child or youth with contempt of court. If the person arrested is found in contempt of court, the court may order such person confined until the person complies with the order, but for not more than six months, or may fine such person not more than five hundred dollars, or both.

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

(p) Upon motion of any sibling of any child committed to the Department of Children and Families pursuant to this section, such sibling shall have the right to be heard concerning visitation with, and placement of, any such child. In awarding any visitation or modifying any placement, the court shall be guided by the best interests of all siblings affected by such determination.

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

(r) In any proceeding under this section, the Department of Children and Families shall provide notice to every attorney of record for each party involved in the proceeding when the department seeks to transfer a child or youth in its care, custody or control to an out-of-state placement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2010*	New section
Sec. 2	*October 1, 2010*	New section
Sec. 3	*October 1, 2010*	17a-101g
Sec. 4	*October 1, 2010*	46b-129

KID *Joint Favorable Subst. C/R* ENV

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 $	FY 12 $
Children & Families, Dept.	GF - Cost	77,200	3,100

Note: GF=General Fund

Municipal Impact: None

Explanation

The Department of Children and Families (DCF) will incur an FY 11 cost of approximately $77,200 to train 300 Social Workers and 69 Social Work Supervisors in the evaluation of animals for possible animal cruelty.[1] Costs reflect overtime of $73,700 and other expenses of $2,500. No funding for this purpose has been included within sHB 5018 (the Revised FY 11 Budget, as favorably reported by the Appropriations Committee). In FY 11, costs would fall to approximately $3,100 ($2,950 overtime, $150 other expenses) to reflect training about 20 new hires.

As few additional DCF home visits are expected to be conducted following the matching of an address of an open child abuse or neglect investigation with a reported animal cruelty case, the department will incur no fiscal impact due to enactment of Section 2.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

[1] For purposes of this fiscal note it is assumed that animal evaluation duties would only be required of agency staff performing investigations pursuant to CGS 17a-101g (determination of child abuse or neglect). If the bill is instead interpreted to require that evaluations also be done by non-investigatory staff when performing home

OLR Bill Analysis
sHB 5041

AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY.

SUMMARY:

This bill requires each Department of Children and Families (DCF) child abuse or neglect investigation to include an evaluation of animals living in the suspect's household for signs that a pet was harmed, neglected, or cruelly treated. DCF policy and screening materials already direct investigators to look for signs of animal abuse.

The bill also establishes a procedure that allows animal control officers, through the Department of Agriculture (DoAG) commissioner, to report animal abuse to DCF. The commissioner, in turn, submits a monthly report to DCF containing the same information as is contained in the animal control officers' reports.

Within a week of receiving the report, the bill requires the DCF commissioner to determine if any address in the DoAg report matches the address of a household with an open child abuse or neglect investigation. If so, the commissioner or her designee must make a home visit to observe the child and siblings and evaluate the household pets for signs of animal abuse.

Under the bill, the DCF commissioner must also annually notify the DoAg commissioner on how many times a child abuse investigation gave a worker reasonable cause to suspect or believe that an animal in the same household was harmed, neglected, or cruelly treated.

EFFECTIVE DATE: October 1, 2010

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visits following substantiation of abuse or neglect, then significant costs would be incurred to train about 1,350 additional employees.

BACKGROUND

Animal Control Officer Reports

Under existing law, within 48 hours of filing an animal abuse case in Superior Court, an animal control officer must make a written report to the DoAg commissioner containing:

1. the names and addresses of the animal and his owner or other person responsible for the animal's care;
2. a description of the animal;
3. the nature and extent of the harm, neglect, or cruelty to the animal;
4. the approximate date and time of the incident;
5. the circumstances in which the harm, neglect, or cruelty came to be known to the officer; and
6. the name of the person or persons suspected to be responsible.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 12 Nay 0 (03/09/2010)

Environment Committee

Joint Favorable
Yea 23 Nay 7 (03/17/2010)