



General Assembly

Substitute Bill No. 5041

February Session, 2010

* HB05041HS 042010 *

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:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) Any animal control
2 officer appointed under section 22-328 of the general statutes or
3 municipal animal control officer appointed under section 22-331 of the
4 general statutes, who has reasonable cause to suspect or believe that an
5 animal observed in the course of the officer's employment is in harm,
6 neglected or cruelly treated in violation of section 22-366, 22-415, 53-
7 247, 53-248, 53-249, 53-249a, 53-250, 53-251 or 53-252 of the general
8 statutes and who files a petition with the Superior Court under section
9 22-329a of the general statutes, shall make a written report to the
10 Commissioner of Agriculture in accordance with subsection (b) of this
11 section.

12 (b) The report shall be made by the officer as soon as practicable, but
13 not later than forty-eight hours after such officer has filed the petition.
14 Each report required under this section shall contain: (1) The names
15 and addresses of the animal and his owner or other person responsible
16 for care of the animal; (2) a description of the animal; (3) the nature
17 and extent of the harm, neglect or cruelty to the animal; (4) the
18 approximate date and time of the harm, neglect or cruelty; (5) the
19 circumstances in which the harm, neglect or cruelty came to be known

20 to the officer; and (6) the name of the person or persons suspected to be
21 responsible for causing such harm, neglect or cruelty.

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

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

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

42 (a) Upon receiving a report of child abuse or neglect, as provided in
43 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
44 the alleged perpetrator is (1) a person responsible for such child's
45 health, welfare or care, (2) a person given access to such child by such
46 responsible person, or (3) a person entrusted with the care of a child,
47 the Commissioner of Children and Families, or the commissioner's
48 designee, shall cause the report to be classified and evaluated
49 immediately. If the report contains sufficient information to warrant an
50 investigation, the commissioner shall make the commissioner's best
51 efforts to commence an investigation of a report concerning an

52 imminent risk of physical harm to a child or other emergency within
53 two hours of receipt of the report and shall commence an investigation
54 of all other reports within seventy-two hours of receipt of the report.
55 The department shall complete any such investigation not later than
56 forty-five calendar days after the date of receipt of the report. If the
57 report is a report of child abuse or neglect in which the alleged
58 perpetrator is not a person specified in subdivision (1), (2) or (3) of this
59 subsection, the Commissioner of Children and Families shall refer the
60 report to the appropriate local law enforcement authority for the town
61 in which the child resides or in which the alleged abuse or neglect
62 occurred.

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

82 (2) After an investigation into a report of abuse or neglect has been
83 completed, the commissioner shall determine, based upon a standard
84 of reasonable cause, whether a child has been abused or neglected, as
85 defined in section 46b-120. If the commissioner determines that abuse

86 or neglect has occurred, the commissioner shall also determine
87 whether: [(1)] (A) There is an identifiable person responsible for such
88 abuse or neglect; and [(2)] (B) such identifiable person poses a risk to
89 the health, safety or well-being of children and should be
90 recommended by the commissioner for placement on the child abuse
91 and neglect registry established pursuant to section 17a-101k. If the
92 commissioner has made the determinations in [subdivisions (1)]
93 subparagraphs (A) and [(2)] (B) of this [subsection] subdivision, the
94 commissioner shall issue notice of a recommended finding to the
95 person suspected to be responsible for such abuse or neglect in
96 accordance with section 17a-101k.

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

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

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

153 (a) Any selectman, town manager, or town, city or borough welfare
154 department, any probation officer, or the Commissioner of Social
155 Services, the Commissioner of Children and Families or any child-
156 caring institution or agency approved by the Commissioner of
157 Children and Families, a child or such child's representative or
158 attorney or a foster parent of a child, having information that a child or
159 youth is neglected, uncared-for or dependent, may file with the
160 Superior Court that has venue over such matter a verified petition
161 plainly stating such facts as bring the child or youth within the
162 jurisdiction of the court as neglected, uncared-for or dependent, within
163 the meaning of section 46b-120, the name, date of birth, sex and
164 residence of the child or youth, the name and residence of such child's
165 parents or guardian, and praying for appropriate action by the court in
166 conformity with the provisions of this chapter. Upon the filing of such
167 a petition, except as otherwise provided in subsection (k) of section
168 17a-112, the court shall cause a summons to be issued requiring the
169 parent or parents or the guardian of the child or youth to appear in
170 court at the time and place named, which summons shall be served not
171 less than fourteen days before the date of the hearing in the manner
172 prescribed by section 46b-128, and the court shall further give notice to
173 the petitioner and to the Commissioner of Children and Families of the
174 time and place when the petition is to be heard not less than fourteen
175 days prior to the hearing in question.

176 (b) If it appears from the specific allegations of the petition and
177 other verified affirmations of fact accompanying the petition and
178 application, or subsequent thereto, that there is reasonable cause to
179 believe that (1) the child or youth is suffering from serious physical
180 illness or serious physical injury or is in immediate physical danger
181 from the child's or youth's surroundings, and (2) that as a result of said
182 conditions, the child's or youth's safety is endangered and immediate
183 removal from such surroundings is necessary to ensure the child's or
184 youth's safety, the court shall either (A) issue an order to the parents or
185 other person having responsibility for the care of the child or youth to
186 appear at such time as the court may designate to determine whether

187 the court should vest the child's or youth's temporary care and custody
188 in a person related to the child or youth by blood or marriage or in
189 some other person or suitable agency pending disposition of the
190 petition, or (B) issue an order ex parte vesting the child's or youth's
191 temporary care and custody in a person related to the child or youth
192 by blood or marriage or in some other person or suitable agency. A
193 preliminary hearing on any ex parte custody order or order to appear
194 issued by the court shall be held not later than ten days after the
195 issuance of such order. The service of such orders may be made by any
196 officer authorized by law to serve process, or by any probation officer
197 appointed in accordance with section 46b-123, investigator from the
198 Department of Administrative Services, state or local police officer or
199 indifferent person. Such orders shall include a conspicuous notice to
200 the respondent written in clear and simple language containing at least
201 the following information: (i) That the order contains allegations that
202 conditions in the home have endangered the safety and welfare of the
203 child or youth; (ii) that a hearing will be held on the date on the form;
204 (iii) that the hearing is the opportunity to present the parents' position
205 concerning the alleged facts; (iv) that an attorney will be appointed for
206 parents who cannot afford an attorney; (v) that such parents may
207 apply for a court-appointed attorney by going in person to the court
208 address on the form and are advised to go as soon as possible in order
209 for the attorney to prepare for the hearing; (vi) that such parents, or a
210 person having responsibility for the care and custody of the child or
211 youth, may request the Commissioner of Children and Families to
212 investigate placing the child or youth with a person related to the child
213 or youth by blood or marriage who might serve as a licensed foster
214 parent or temporary custodian for such child or youth. The
215 commissioner, where practicable, shall investigate such relative or
216 relatives prior to the preliminary hearing and provide a report to the
217 court at such hearing as to such relative's suitability; and (vii) if such
218 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,
289 not later than thirty days after the preliminary hearing, the
290 appropriateness of placement of the child or youth with such relative

291 or relatives; and (11) in accordance with the provisions of the Interstate
292 Compact on the Placement of Children pursuant to section 17a-175,
293 identify any person or persons related to the child or youth by blood or
294 marriage residing out of state who might serve as licensed foster
295 parents or temporary custodians, and order the Commissioner of
296 Children and Families to investigate and determine, within a
297 reasonable time, the appropriateness of placement of the child or
298 youth with such relative or relatives.

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

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

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

322 (2) Upon the granting of intervenor status to such relative of the

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

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

353 (4) Any person related to a child or youth may file a motion to
354 intervene for purposes of seeking permanent guardianship of a child
355 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
389 examination at the contested hearing.

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

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

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

413 (j) Upon finding and adjudging that any child or youth is uncared-
414 for, neglected or dependent, the court may commit such child or youth
415 to the Commissioner of Children and Families. Such commitment shall
416 remain in effect until further order of the court, except that such
417 commitment may be revoked or parental rights terminated at any time
418 by the court, or the court may vest such child's or youth's legal
419 guardianship in any private or public agency that is permitted by law
420 to care for neglected, uncared-for or dependent children or youths or
421 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
457 the home of a person related by blood or marriage to such child or

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

483 (k) (1) Nine months after placement of the child or youth in the care
484 and custody of the commissioner pursuant to a voluntary placement
485 agreement, or removal of a child or youth pursuant to section 17a-
486 101g, as amended by this act, or an order issued by a court of
487 competent jurisdiction, whichever is earlier, the commissioner shall file
488 a motion for review of a permanency plan. Nine months after a
489 permanency plan has been approved by the court pursuant to this
490 subsection, the commissioner shall file a motion for review of the
491 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
560 child or youth the reasonable expense thereof, payment to be made at
561 intervals determined by said commissioner; and the Comptroller shall
562 draw his or her order on the Treasurer, from time to time, for such part
563 of the appropriation for care of committed children or youths as may
564 be needed in order to enable the commissioner to make such
565 payments. The commissioner shall include in the department's annual
566 budget a sum estimated to be sufficient to carry out the provisions of
567 this section. Notwithstanding that any such child or youth has income
568 or estate, the commissioner may pay the cost of care and maintenance
569 of such child or youth. The commissioner may bill to and collect from
570 the person in charge of the estate of any child or youth aided under
571 this chapter, or the payee of such child's or youth's income, the total
572 amount expended for care of such child or youth or such portion
573 thereof as any such estate or payee is able to reimburse, provided the
574 commissioner shall not collect from such estate or payee any
575 reimbursement for the cost of care or other expenditures made on
576 behalf of such child or youth from (1) the proceeds of any cause of
577 action received by such child or youth; (2) any lottery proceeds due to
578 such child or youth; (3) any inheritance due to such child or youth; (4)
579 any payment due to such child or youth from a trust other than a trust
580 created pursuant to 42 USC 1396p, as amended from time to time; or
581 (5) the decedent estate of such child or youth.

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

588 (n) Upon service on the parent, guardian or other person having
589 control of the child or youth of any order issued by the court pursuant
590 to the provisions of subsections (b) and (j) of this section, the child or
591 youth concerned shall be surrendered to the person serving the order
592 who shall forthwith deliver the child or youth to the person, agency,

593 department or institution awarded custody in the order. Upon refusal
594 of the parent, guardian or other person having control of the child or
595 youth to surrender the child or youth as provided in the order, the
596 court may cause a warrant to be issued charging the parent, guardian
597 or other person having control of the child or youth with contempt of
598 court. If the person arrested is found in contempt of court, the court
599 may order such person confined until the person complies with the
600 order, but for not more than six months, or may fine such person not
601 more than five hundred dollars, or both.

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

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

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

622 (r) In any proceeding under this section, the Department of Children
623 and Families shall provide notice to every attorney of record for each
624 party involved in the proceeding when the department seeks to

