



General Assembly

February Session, 2010

Raised Bill No. 5443

LCO No. 1988

01988 _____ HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING PARENTAL RIGHTS IN JUVENILE MATTERS.

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

1 Section 1. (NEW) (*Effective July 1, 2010*) (a) Whenever the
2 Department of Children and Families receives a report pursuant to
3 sections 17a-101a to 17a-101c, inclusive, of the general statutes, the
4 department shall verify the truth, accuracy and sufficiency of the
5 evidence to substantiate the mandated reporter's belief that a child has
6 been abused or neglected or placed in imminent risk of serious harm
7 prior to commencing an investigation pursuant to section 17a-101g of
8 the general statutes, as amended by this act.

9 (b) Upon receiving a report pursuant to sections 17a-101a to 17a-
10 101c, inclusive, of the general statutes and after verifying the
11 allegations in the report pursuant to subsection (a) of this section, the
12 department may conduct an investigation pursuant to section 17a-101g
13 of the general statutes, as amended by this act. Upon making initial
14 contact with the parent or guardian and prior to commencing any such
15 investigation, the department shall disclose the report to the parent or
16 guardian and provide the parent or guardian with notice of the

17 parent's or guardian's rights under subsection (b) of section 17a-103b of
18 the general statutes, as amended by this act.

19 Sec. 2. Section 17a-101g of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective July 1, 2010*):

21 (a) Upon receiving a report of child abuse or neglect, as provided in
22 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, as amended
23 by this act, in which the alleged perpetrator is (1) a person responsible
24 for such child's health, welfare or care, (2) a person given access to
25 such child by such responsible person, or (3) a person entrusted with
26 the care of a child, the Commissioner of Children and Families, or the
27 commissioner's designee, shall [cause the report to be classified and
28 evaluated immediately] verify the truth, accuracy and sufficiency of
29 the evidence to substantiate the reporter's belief that the child has been
30 abused or neglected. [If the report contains sufficient information to
31 warrant an investigation, the] The commissioner shall make the
32 commissioner's best efforts to substantiate the report and, if the report
33 is substantiated, commence an investigation of a report concerning an
34 imminent risk of physical harm to a child or other emergency within
35 two hours of receipt of the report and shall commence an investigation
36 of all other reports within seventy-two hours of receipt of the report.
37 The department shall complete any such investigation not later than
38 forty-five calendar days after the date of receipt of the report. If the
39 report is a report of child abuse or neglect in which the alleged
40 perpetrator is not a person specified in subdivision (1), (2) or (3) of this
41 subsection, the Commissioner of Children and Families shall, after
42 substantiating the report, refer the report to the appropriate local law
43 enforcement authority for the town in which the child resides or in
44 which the alleged abuse or neglect occurred.

45 (b) Subject to the provisions of section 1 of this act, upon receiving a
46 report of child abuse or neglect pursuant to sections 17a-101a to 17a-
47 101c, inclusive, or section 17a-103, as amended by this act, the
48 department shall contact the parent or guardian of the child who is the

49 subject of the report to commence an investigation pursuant to this
50 section. At the time of the department's initial contact with the parent
51 or guardian, in response to the receipt of such report or for any other
52 reason, the department shall, prior to the commencement of any
53 questioning or investigation, disclose to the parent or guardian the
54 report and provide notice of the parent's or guardian's rights, as
55 required by section 17a-103b, as amended by this act.

56 [(b)] (c) The investigation shall include a home visit at which the
57 child and any siblings are observed, if appropriate, a determination of
58 the nature, extent and cause or causes of the reported abuse or neglect,
59 a determination of the person or persons suspected to be responsible
60 for such abuse or neglect, the name, age and condition of other
61 children residing in the same household and an evaluation of the
62 parents and the home. The report of such investigation shall be in
63 writing. The investigation shall also include, but not be limited to, a
64 review of criminal conviction information concerning the person or
65 persons alleged to be responsible for such abuse or neglect and
66 previous allegations of abuse or neglect relating to the child or other
67 children residing in the household or relating to family violence. After
68 an investigation into a report of abuse or neglect has been completed,
69 the commissioner shall determine, based upon a standard of
70 reasonable cause, whether a child has been abused or neglected, as
71 defined in section 46b-120. If the commissioner determines that abuse
72 or neglect has occurred, the commissioner shall also determine
73 whether: (1) There is an identifiable person responsible for such abuse
74 or neglect; and (2) such identifiable person poses a risk to the health,
75 safety or well-being of children and should be recommended by the
76 commissioner for placement on the child abuse and neglect registry
77 established pursuant to section 17a-101k, as amended by this act. If the
78 commissioner has made the determinations in subdivisions (1) and (2)
79 of this subsection, the commissioner shall issue notice of a
80 recommended finding to the person suspected to be responsible for
81 such abuse or neglect in accordance with section 17a-101k, as amended
82 by this act.

83 [(c)] (d) Except as provided in subsection [(d)] (e) of this section, no
84 entry of the recommended finding shall be made on the child abuse or
85 neglect registry and no information concerning the finding shall be
86 disclosed by the commissioner pursuant to a check of the child abuse
87 or neglect registry or request for information by a public or private
88 entity for employment, licensure, or reimbursement for child care
89 purposes pursuant to programs administered by the Department of
90 Social Services or pursuant to any other general statute that requires a
91 check of the child abuse or neglect registry until the exhaustion or
92 waiver of all administrative appeals available to the person suspected
93 to be responsible for the abuse or neglect, as provided in section 17a-
94 101k, as amended by this act.

95 [(d)] (e) If the child abuse or neglect resulted in or involves (1) the
96 death of a child; (2) the risk of serious physical injury or emotional
97 harm of a child; (3) the serious physical harm of a child; (4) the arrest
98 of a person due to abuse or neglect of a child; (5) a petition filed by the
99 commissioner pursuant to section 17a-112 or 46b-129, as amended by
100 this act; or (6) sexual abuse of a child, entry of the recommended
101 finding may be made on the child abuse or neglect registry and
102 information concerning the finding may be disclosed by the
103 commissioner pursuant to a check of the child abuse or neglect registry
104 or request for information by a public or private entity for
105 employment, licensure, or reimbursement for child care purposes
106 pursuant to programs administered by the Department of Social
107 Services or pursuant to any other general statute that requires a check
108 of the child abuse or neglect registry, prior to the exhaustion or waiver
109 of all administrative appeals available to the person suspected to be
110 responsible for the abuse or neglect as provided in section 17a-101k, as
111 amended by this act.

112 [(e)] (f) If the Commissioner of Children and Families, or the
113 commissioner's designee, has probable cause to believe that the child
114 or any other child in the household is in imminent risk of physical
115 harm from the child's surroundings and that immediate removal from

116 such surroundings is necessary to ensure the child's safety, the
117 commissioner, or the commissioner's designee, shall authorize any
118 employee of the department or any law enforcement officer to remove
119 the child and any other child similarly situated from such
120 surroundings without the consent of the child's parent or guardian.
121 The commissioner shall record in writing the reasons for such removal
122 and include such record with the report of the investigation conducted
123 under subsection ~~[(b)]~~ [(c)] of this section.

124 ~~[(f)]~~ [(g)] The removal of a child pursuant to subsection ~~[(e)]~~ [(f)] of this
125 section shall not exceed ninety-six hours. During the period of such
126 removal, the commissioner, or the commissioner's designee, shall
127 provide the child with all necessary care, including medical care,
128 which may include an examination by a physician or mental health
129 professional with or without the consent of the child's parents,
130 guardian or other person responsible for the child's care, provided
131 reasonable attempts have been made to obtain consent of the child's
132 parents or guardian or other person responsible for the care of such
133 child. During the course of a medical examination, a physician may
134 perform diagnostic tests and procedures necessary for the detection of
135 child abuse or neglect. If the child is not returned home within such
136 ninety-six-hour period, with or without protective services, the
137 department shall proceed in accordance with section 46b-129, as
138 amended by this act.

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

141 (a) Notwithstanding any provision of the general statutes to the
142 contrary, any person authorized to conduct an investigation of abuse
143 or neglect shall coordinate investigatory activities in order to minimize
144 the number of interviews of any child and share information with
145 other persons authorized to conduct an investigation of child abuse or
146 neglect, as appropriate. The ~~[commissioner]~~ Commissioner of Children
147 and Families shall obtain the consent of parents or guardians or other

148 persons responsible for the care of the child prior to any interview with
149 a child, except that such consent shall not be required when the
150 department has reason to believe such parent or guardian or other
151 person responsible for the care of the child or member of the child's
152 household is the perpetrator of the alleged abuse. At the time the
153 commissioner or the commissioner's designee makes initial contact
154 with the parent or guardian to obtain consent to interview the child,
155 the commissioner or the commissioner's designee shall (1) disclose the
156 report of neglect or abuse to the parent or guardian, and (2) provide
157 notice of the parent's or guardian's rights under section 17a-103b, as
158 amended by this act.

159 (b) If consent is not required to conduct the interview, such
160 interview shall be conducted in the presence of a disinterested adult
161 unless immediate access to the child is necessary to protect the child
162 from imminent risk of physical harm and a disinterested adult is not
163 available after reasonable search.

164 Sec. 4. Section 17a-103 of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2010*):

166 (a) Any mandated reporter acting outside his professional capacity
167 and any other person having reasonable cause to [suspect or] believe
168 that any child under the age of eighteen [is in danger of being abused,
169 or] has been abused or neglected, as defined in section 46b-120, may
170 cause a written or oral report to be made to the Commissioner of
171 Children and Families or his representative or a law enforcement
172 agency. The Commissioner of Children and Families or his
173 representative shall use his best efforts to obtain the name and address
174 of a person who causes a report to be made pursuant to this section. In
175 the case of an oral report, such report shall be recorded on tape and the
176 commissioner or his representative shall announce to the person
177 making such report that such report is being recorded and shall state
178 the penalty for knowingly making a false report of child abuse or
179 neglect under subsection (c) of section 17a-101e.

180 (b) Notwithstanding the provisions of section 17a-101k, as amended
181 by this act, if the identity of any such person who made a report
182 pursuant to subsection (a) of this section is known, and the
183 commissioner or his representative suspects or knows that such person
184 has knowingly made a false report, such identity shall be disclosed to
185 the appropriate law enforcement agency and to the perpetrator of the
186 alleged abuse.

187 (c) If the Commissioner of Children and Families, or his designee,
188 receives a report alleging sexual abuse or serious physical abuse,
189 including, but not limited to, a report that: (1) A child has died; (2) a
190 child has been sexually assaulted; (3) a child has suffered brain
191 damage, loss or serious impairment of a bodily function or organ; (4) a
192 child has been sexually exploited; or (5) a child has suffered serious
193 nonaccidental physical injury, he shall, within twenty-four hours of
194 receipt of such report, notify the appropriate law enforcement agency.

195 (d) Whenever the Commissioner of Children and Families receives a
196 report in accordance with subsection (a) of this section, the
197 Department of Children and Families shall verify the truth, accuracy
198 and sufficiency of the evidence to substantiate the mandated reporter's
199 or other person's belief that a child has been abused or neglected or
200 placed in imminent risk of serious harm prior to commencing an
201 investigation pursuant to section 17a-101g, as amended by this act,
202 except the commissioner shall not be required to substantiate such
203 evidence when the report alleges sexual abuse or serious physical
204 abuse, as provided in subsection (c) of this section, prior to notifying
205 the appropriate law enforcement agency.

206 (e) Upon receiving a report pursuant to subsection (a) of this section
207 and after verifying the allegations in the report pursuant to subsection
208 (d) of this section, the department may conduct an investigation
209 pursuant to section 17a-101g, as amended by this act. Upon making
210 initial contact with the parent or guardian and prior to commencing
211 any such investigation, the department shall disclose the report to the

212 parent or guardian and provide notice to the parent or guardian of the
213 parent's or guardian's rights under section 17a-103b, as amended by
214 this act.

215 Sec. 5. Subsection (a) of section 17a-103b of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective July*
217 *1, 2010*):

218 (a) Upon receiving a substantiated complaint of neglect or abuse of
219 a child [having a single custodial parent or a guardian] and at the time
220 of initial contact with the custodial parent or guardian, the Department
221 of Children and Families shall: [give, when deemed to be in the best
222 interests of the child, to the noncustodial parent, custodial parent,
223 guardian of the child, and parents if the Department of Children and
224 Families has custody of a child, notice of (1) the circumstances of the
225 complaint, including the name of the person who caused the abuse, (2)
226 the availability of services from the department, including, but not
227 limited to, child care subsidies and emergency shelter, and (3) the
228 programs of the Office of Victim Services and information on obtaining
229 a restraining order. The notice shall also inform the recipient that such
230 child may be removed from the custody of the custodial parent by the
231 department if such removal is authorized under the general statutes.
232 The department shall employ all reasonable efforts to provide the
233 notice within ten days of substantiation of a complaint.] (1) Disclose
234 the complaint to the custodial parent or guardian; and (2) provide the
235 custodial parent or guardian with a statement written in plain
236 language advising the parent or guardian that: (A) The parent or
237 guardian is not required to permit the department's agent or employee
238 to enter the parent's or guardian's home without having a warrant; (B)
239 the parent, guardian or other family member is not required to speak
240 with the department's agent or employee; (C) the parent or guardian is
241 entitled to the representation of an attorney and to have an attorney
242 present when the parent or guardian is questioned by an agent or
243 employee of the department; (D) any statement made by the parent,
244 guardian or other family member may be used against the parent or

245 guardian in an administrative or court proceeding; (E) the
246 department's agent or employee is a representative of the department,
247 is not an attorney and cannot provide legal advice; (F) the parent,
248 guardian or other family member is not required to sign any document
249 presented by the department, including, but not limited to, a release of
250 claims and a service agreement, and is entitled to have an attorney
251 review such document; and (G) the department has the authority to
252 initiate proceedings to remove the child from the home. The
253 department shall mail a copy of the complaint and a copy of the notice,
254 as described in this subsection, to any noncustodial parent not later
255 than five business days after disclosing such report and notice to the
256 custodial parent or guardian, provided the department is able to
257 ascertain the whereabouts of the noncustodial parent.

258 Sec. 6. Section 46b-129 of the 2010 supplement to the general statutes
259 is repealed and the following is substituted in lieu thereof (*Effective July*
260 *1, 2010*):

261 (a) Any selectman, town manager, or town, city or borough welfare
262 department, any probation officer, or the Commissioner of Social
263 Services, the Commissioner of Children and Families or any child-
264 caring institution or agency approved by the Commissioner of
265 Children and Families, a child or such child's representative or
266 attorney or a foster parent of a child, having information that a child or
267 youth is neglected, uncared-for or dependent, may file with the
268 Superior Court that has venue over such matter a verified petition
269 plainly stating such facts as bring the child or youth within the
270 jurisdiction of the court as neglected, uncared-for or dependent, within
271 the meaning of section 46b-120, the name, date of birth, sex and
272 residence of the child or youth, the name and residence of such child's
273 parents or guardian, and praying for appropriate action by the court in
274 conformity with the provisions of this chapter, provided such person
275 has shared the information that a child or youth is neglected, uncared
276 for or dependent with the Department of Children and Families and
277 the Department of Children and Families has verified the truth,

278 accuracy and sufficiency of such evidence. Upon the filing of such a
279 petition, except as otherwise provided in subsection (k) of section 17a-
280 112, the court shall cause a summons to be issued requiring the parent
281 or parents or the guardian of the child or youth to appear in court at
282 the time and place named, which summons shall be served not less
283 than fourteen days before the date of the hearing in the manner
284 prescribed by section 46b-128, and the court shall further give notice to
285 the petitioner and to the Commissioner of Children and Families of the
286 time and place when the petition is to be heard not less than fourteen
287 days prior to the hearing in question.

288 (b) If it appears from the specific allegations of the petition and
289 other verified affirmations of fact accompanying the petition and
290 application, or subsequent thereto, that there is reasonable cause to
291 believe that (1) the child or youth is suffering from serious physical
292 illness or serious physical injury or is in immediate physical danger
293 from the child's or youth's surroundings, and (2) that as a result of said
294 conditions, the child's or youth's safety is endangered and immediate
295 removal from such surroundings is necessary to ensure the child's or
296 youth's safety, the court shall either (A) issue an order to the parents or
297 other person having responsibility for the care of the child or youth to
298 appear at such time as the court may designate to determine whether
299 the court should vest the child's or youth's temporary care and custody
300 in a person related to the child or youth by blood or marriage or in
301 some other person or suitable agency pending disposition of the
302 petition, or (B) issue an order ex parte vesting the child's or youth's
303 temporary care and custody in a person related to the child or youth
304 by blood or marriage or in some other person or suitable agency. A
305 preliminary hearing on any ex parte custody order or order to appear
306 issued by the court shall be held not later than ten days after the
307 issuance of such order. The service of such orders may be made by any
308 officer authorized by law to serve process, or by any probation officer
309 appointed in accordance with section 46b-123, investigator from the
310 Department of Administrative Services, state or local police officer or
311 indifferent person. Such orders shall include a conspicuous notice to

312 the respondent written in clear and simple language containing at least
313 the following information: (i) That the order contains allegations that
314 conditions in the home have endangered the safety and welfare of the
315 child or youth; (ii) that a hearing will be held on the date on the form;
316 (iii) that the hearing is the opportunity to present the parents' position
317 concerning the alleged facts; (iv) that an attorney will be appointed for
318 parents who cannot afford an attorney; (v) that such parents may
319 apply for a court-appointed attorney by going in person to the court
320 address on the form and are advised to go as soon as possible in order
321 for the attorney to prepare for the hearing; (vi) that such parents, or a
322 person having responsibility for the care and custody of the child or
323 youth, may request the Commissioner of Children and Families to
324 investigate placing the child or youth with a person related to the child
325 or youth by blood or marriage who might serve as a licensed foster
326 parent or temporary custodian for such child or youth. The
327 commissioner, where practicable, shall investigate such relative or
328 relatives prior to the preliminary hearing and provide a report to the
329 court at such hearing as to such relative's suitability; and (vii) if such
330 parents have any questions concerning the case or appointment of
331 counsel, any such parent is advised to go to the court or call the clerk's
332 office at the court as soon as possible. Upon application for appointed
333 counsel, the court shall promptly determine eligibility and, if the
334 respondent is eligible, promptly appoint counsel. The expense for any
335 temporary care and custody shall be paid by the town in which such
336 child or youth is at the time residing, and such town shall be
337 reimbursed for such expense by the town found liable for the child's or
338 youth's support, except that where a state agency has filed a petition
339 pursuant to the provisions of subsection (a) of this section, the agency
340 shall pay such expense. The agency shall give primary consideration to
341 placing the child or youth in the town where such child or youth
342 resides. The agency shall file in writing with the clerk of the court the
343 reasons for placing the child or youth in a particular placement outside
344 the town where the child or youth resides. Upon issuance of an ex
345 parte order, the court shall provide to the commissioner and the parent

346 or guardian specific steps necessary for each to take to address the ex
347 parte order for the parent or guardian to retain or regain custody of the
348 child or youth. Upon the issuance of such order, or not later than sixty
349 days after the issuance of such order, the court shall make a
350 determination whether the Department of Children and Families made
351 reasonable efforts to keep the child or youth with his or her parents or
352 guardian prior to the issuance of such order and, if such efforts were
353 not made, whether such reasonable efforts were not possible, taking
354 into consideration the child's or youth's best interests, including the
355 child's or youth's health and safety.

356 (c) The preliminary hearing on the order of temporary custody or
357 order to appear or the first hearing on a petition filed pursuant to
358 subsection (a) of this section shall be held in order for the court to: (1)
359 Advise the parent or guardian of the allegations contained in all
360 petitions and applications that are the subject of the hearing and the
361 parent's or guardian's right to counsel pursuant to subsection (b) of
362 section 46b-135; (2) assure that an attorney, and where appropriate, a
363 separate guardian ad litem has been appointed to represent the child
364 or youth in accordance with subsection (b) of section 46b-123e and
365 sections 46b-129a, as amended by this act, and 46b-136; (3) upon
366 request, appoint an attorney to represent the respondent when the
367 respondent is unable to afford representation, in accordance with
368 subsection (b) of section 46b-123e; (4) advise the parent or guardian of
369 the right to a hearing on the petitions and applications, to be held not
370 later than ten days after the date of the preliminary hearing if the
371 hearing is pursuant to an order of temporary custody or an order to
372 show cause; (5) accept a plea regarding the truth of such allegations;
373 (6) make any interim orders, including visitation, that the court
374 determines are in the best interests of the child or youth. The court,
375 after a hearing pursuant to this subsection, shall order specific steps
376 the commissioner and the parent or guardian shall take for the parent
377 or guardian to regain or to retain custody of the child or youth; (7) take
378 steps to determine the identity of the father of the child or youth,
379 including ordering genetic testing, if necessary, and order service of

380 the petition and notice of the hearing date, if any, to be made upon
381 him; (8) if the person named as the father appears, and admits that he
382 is the father, provide him and the mother with the notices that comply
383 with section 17b-27 and provide them with the opportunity to sign a
384 paternity acknowledgment and affirmation on forms that comply with
385 section 17b-27. Such documents shall be executed and filed in
386 accordance with chapter 815y and a copy delivered to the clerk of the
387 superior court for juvenile matters; (9) in the event that the person
388 named as a father appears and denies that he is the father of the child
389 or youth, advise him that he may have no further standing in any
390 proceeding concerning the child, and either order genetic testing to
391 determine paternity or direct him to execute a written denial of
392 paternity on a form promulgated by the Office of the Chief Court
393 Administrator. Upon execution of such a form by the putative father,
394 the court may remove him from the case and afford him no further
395 standing in the case or in any subsequent proceeding regarding the
396 child or youth until such time as paternity is established by formal
397 acknowledgment or adjudication in a court of competent jurisdiction;
398 (10) identify any person or persons related to the child or youth by
399 blood or marriage residing in this state who might serve as licensed
400 foster parents or temporary custodians and order the Commissioner of
401 Children and Families to investigate and determine, not later than
402 thirty days after the preliminary hearing, the appropriateness of
403 placement of the child or youth with such relative or relatives; and (11)
404 in accordance with the provisions of the Interstate Compact on the
405 Placement of Children pursuant to section 17a-175, identify any person
406 or persons related to the child or youth by blood or marriage residing
407 out of state who might serve as licensed foster parents or temporary
408 custodians, and order the Commissioner of Children and Families to
409 investigate and determine, within a reasonable time, the
410 appropriateness of placement of the child or youth with such relative
411 or relatives.

412 (d) (1) (A) If not later than thirty days after the preliminary hearing,
413 or within a reasonable time when a relative resides out of state, the

414 Commissioner of Children and Families determines that there is not a
415 suitable person related to the child or youth by blood or marriage who
416 can be licensed as a foster parent or serve as a temporary custodian,
417 and the court has not granted temporary custody to a person related to
418 the child or youth by blood or marriage, any person related to the child
419 or youth by blood or marriage may file, not later than ninety days after
420 the date of the preliminary hearing, a motion to intervene for the
421 limited purpose of moving for temporary custody of such child or
422 youth. If a motion to intervene is timely filed, the court shall grant
423 such motion except for good cause shown.

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

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

435 (2) Upon the granting of intervenor status to such relative of the
436 child or youth, the court shall issue an order directing the
437 Commissioner of Children and Families to conduct an assessment of
438 such relative and to file a written report with the court not later than
439 forty days after such order, unless such relative resides out of state, in
440 which case the assessment shall be ordered and requested in
441 accordance with the provisions of the Interstate Compact on the
442 Placement of Children, pursuant to section 17a-175. The court may also
443 request such relative to release such relative's medical records,
444 including any psychiatric or psychological records and may order such
445 relative to submit to a physical or mental examination. The expenses

446 incurred for such physical or mental examination shall be paid as costs
447 of commitment are paid. Upon receipt of the assessment, the court
448 shall schedule a hearing on such relative's motion for temporary
449 custody not later than fifteen days after the receipt of the assessment. If
450 the Commissioner of Children and Families, the child's or youth's
451 attorney or guardian ad litem, or the parent or guardian objects to the
452 vesting of temporary custody in such relative, the agency or person
453 objecting at such hearing shall be required to prove by a fair
454 preponderance of the evidence that granting temporary custody of the
455 child or youth to such relative would not be in the best interests of
456 such child or youth.

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

466 (4) Any person related to a child or youth may file a motion to
467 intervene for purposes of seeking permanent guardianship of a child
468 or youth more than ninety days after the date of the preliminary
469 hearing. The granting of such motion to intervene shall be solely in the
470 court's discretion, except that such motion shall be granted absent
471 good cause shown whenever the child's or youth's most recent
472 placement has disrupted or is about to disrupt. The court may, in the
473 court's discretion, order the Commissioner of Children and Families to
474 conduct an assessment of such relative granted intervenor status
475 pursuant to this subdivision.

476 (e) If any parent or guardian fails, after service of such order, to
477 appear at the preliminary hearing, the court may enter or sustain an

478 order of temporary custody.

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

484 (g) At a contested hearing on the order for temporary custody or
485 order to appear, credible hearsay evidence regarding statements of the
486 child or youth made to a mandated reporter or to a parent may be
487 offered by the parties and admitted by the court upon a finding that
488 the statement is reliable and trustworthy and that admission of such
489 statement is reasonably necessary. A signed statement executed by a
490 mandated reporter under oath may be admitted by the court without
491 the need for the mandated reporter to appear and testify unless called
492 by a respondent or the child, provided the statement: (1) Was provided
493 at the preliminary hearing and promptly upon request to any counsel
494 appearing after the preliminary hearing; (2) reasonably describes the
495 qualifications of the reporter and the nature of his contact with the
496 child; and (3) contains only the direct observations of the reporter, and
497 statements made to the reporter that would be admissible if the
498 reporter were to testify to them in court and any opinions reasonably
499 based thereupon. If a respondent or the child gives notice at the
500 preliminary hearing that he intends to cross-examine the reporter, the
501 person filing the petition shall make the reporter available for such
502 examination at the contested hearing.

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

508 (i) When a petition is filed in said court for the commitment of a
509 child or youth, the Commissioner of Children and Families shall make

510 a thorough investigation of the case [and shall] in accordance with
511 subsection (a) of this section. The commissioner shall cause to be made
512 a thorough physical and mental examination of the child or youth if
513 requested by the court. The court after hearing may also order a
514 thorough physical or mental examination, or both, of a parent or
515 guardian whose competency or ability to care for a child or youth
516 before the court is at issue. The expenses incurred in making such
517 physical and mental examinations shall be paid as costs of
518 commitment are paid.

519 (j) Upon finding and adjudging that any child or youth is uncared-
520 for, neglected or dependent, the court may commit such child or youth
521 to the Commissioner of Children and Families. Such commitment shall
522 remain in effect until further order of the court, except that such
523 commitment may be revoked or parental rights terminated at any time
524 by the court, or the court may vest such child's or youth's legal
525 guardianship in any private or public agency that is permitted by law
526 to care for neglected, uncared-for or dependent children or youths or
527 with any other person or persons found to be suitable and worthy of
528 such responsibility by the court, including, but not limited to, any
529 relative of such child or youth by blood or marriage. If the court
530 determines that the commitment should be revoked and the child's or
531 youth's legal guardianship should vest in someone other than the
532 respondent parent, parents or former guardian, or if parental rights are
533 terminated at any time, there shall be a rebuttable presumption that an
534 award of legal guardianship upon revocation to, or adoption upon
535 termination of parental rights by, any relative who is licensed as a
536 foster parent for such child or youth, or who is, pursuant to an order of
537 the court, the temporary custodian of the child or youth at the time of
538 the revocation or termination, shall be in the best interests of the child
539 or youth and that such relative is a suitable and worthy person to
540 assume legal guardianship upon revocation or to adopt such child or
541 youth upon termination of parental rights. The presumption may be
542 rebutted by a preponderance of the evidence that an award of legal
543 guardianship to, or an adoption by, such relative would not be in the

544 child's or youth's best interests and such relative is not a suitable and
545 worthy person. The court shall order specific steps that the parent
546 must take to facilitate the return of the child or youth to the custody of
547 such parent. The commissioner shall be the guardian of such child or
548 youth for the duration of the commitment, provided the child or youth
549 has not reached the age of eighteen years or, in the case of a child or
550 youth in full-time attendance in a secondary school, a technical school,
551 a college or a state-accredited job training program, provided such
552 child or youth has not reached the age of twenty-one years, by consent
553 of such youth, or until another guardian has been legally appointed,
554 and in like manner, upon such vesting of the care of such child or
555 youth, such other public or private agency or individual shall be the
556 guardian of such child or youth until such child or youth has reached
557 the age of eighteen years or, in the case of a child or youth in full-time
558 attendance in a secondary school, a technical school, a college or a
559 state-accredited job training program, until such child or youth has
560 reached the age of twenty-one years or until another guardian has
561 been legally appointed. The commissioner may place any child or
562 youth so committed to the commissioner in a suitable foster home or in
563 the home of a person related by blood or marriage to such child or
564 youth or in a licensed child-caring institution or in the care and
565 custody of any accredited, licensed or approved child-caring agency,
566 within or without the state, provided a child shall not be placed
567 outside the state except for good cause and unless the parents or
568 guardian of such child are notified in advance of such placement and
569 given an opportunity to be heard, or in a receiving home maintained
570 and operated by the Commissioner of Children and Families. In
571 placing such child or youth, the commissioner shall, if possible, select a
572 home, agency, institution or person of like religious faith to that of a
573 parent of such child or youth, if such faith is known or may be
574 ascertained by reasonable inquiry, provided such home conforms to
575 the standards of said commissioner and the commissioner shall, when
576 placing siblings, if possible, place such children together. As an
577 alternative to commitment, the court may place the child or youth in

578 the custody of the parent or guardian with protective supervision by
579 the Commissioner of Children and Families subject to conditions
580 established by the court. Upon the issuance of an order committing the
581 child or youth to the Commissioner of Children and Families, or not
582 later than sixty days after the issuance of such order, the court shall
583 determine whether the Department of Children and Families made
584 reasonable efforts to keep the child or youth with his or her parents or
585 guardian prior to the issuance of such order and, if such efforts were
586 not made, whether such reasonable efforts were not possible, taking
587 into consideration the child's or youth's best interests, including the
588 child's or youth's health and safety.

589 (k) (1) Nine months after placement of the child or youth in the care
590 and custody of the commissioner pursuant to a voluntary placement
591 agreement, or removal of a child or youth pursuant to section 17a-101g
592 or an order issued by a court of competent jurisdiction, whichever is
593 earlier, the commissioner shall file a motion for review of a
594 permanency plan. Nine months after a permanency plan has been
595 approved by the court pursuant to this subsection, the commissioner
596 shall file a motion for review of the permanency plan. Any party
597 seeking to oppose the commissioner's permanency plan, including a
598 relative of a child or youth by blood or marriage who has intervened
599 pursuant to subsection (d) of this section and is licensed as a foster
600 parent for such child or youth or is vested with such child's or youth's
601 temporary custody by order of the court, shall file a motion in
602 opposition not later than thirty days after the filing of the
603 commissioner's motion for review of the permanency plan, which
604 motion shall include the reason therefor. A permanency hearing on
605 any motion for review of the permanency plan shall be held not later
606 than ninety days after the filing of such motion. The court shall hold
607 evidentiary hearings in connection with any contested motion for
608 review of the permanency plan. The commissioner shall have the
609 burden of proving that the proposed permanency plan is in the best
610 interests of the child or youth. After the initial permanency hearing,
611 subsequent permanency hearings shall be held not less frequently than

612 every twelve months while the child or youth remains in the custody
613 of the Commissioner of Children and Families. The court shall provide
614 notice to the child or youth, the parent or guardian of such child or
615 youth, and any intervenor of the time and place of the court hearing on
616 any such motion not less than fourteen days prior to such hearing.

617 (2) At a permanency hearing held in accordance with the provisions
618 of subdivision (1) of this subsection, the court shall approve a
619 permanency plan that is in the best interests of the child or youth and
620 takes into consideration the child's or youth's need for permanency.
621 The child's or youth's health and safety shall be of paramount concern
622 in formulating such plan. Such permanency plan may include the goal
623 of (A) revocation of commitment and reunification of the child or
624 youth with the parent or guardian, with or without protective
625 supervision; (B) transfer of guardianship; (C) long-term foster care
626 with a relative licensed as a foster parent; (D) filing of termination of
627 parental rights and adoption; or (E) another planned permanent living
628 arrangement ordered by the court, provided the Commissioner of
629 Children and Families has documented a compelling reason why it
630 would not be in the best interest of the child or youth for the
631 permanency plan to include the goals in subparagraphs (A) to (D),
632 inclusive, of this subdivision. Such other planned permanent living
633 arrangement may include, but not be limited to, placement of a child
634 or youth in an independent living program or long term foster care
635 with an identified foster parent.

636 (3) At a permanency hearing held in accordance with the provisions
637 of subdivision (1) of this subsection, the court shall review the status of
638 the child, the progress being made to implement the permanency plan,
639 determine a timetable for attaining the permanency plan, determine
640 the services to be provided to the parent if the court approves a
641 permanency plan of reunification and the timetable for such services,
642 and determine whether the commissioner has made reasonable efforts
643 to achieve the permanency plan. The court may revoke commitment if
644 a cause for commitment no longer exists and it is in the best interests of

645 the child or youth.

646 (4) If the court approves the permanency plan of adoption: (A) The
647 Commissioner of Children and Families shall file a petition for
648 termination of parental rights not later than sixty days after such
649 approval if such petition has not previously been filed; (B) the
650 commissioner may conduct a thorough adoption assessment and
651 child-specific recruitment; and (C) the court may order that the child
652 be photo-listed within thirty days if the court determines that such
653 photo-listing is in the best interest of the child. As used in this
654 subdivision, "thorough adoption assessment" means conducting and
655 documenting face-to-face interviews with the child, foster care
656 providers and other significant parties and "child specific recruitment"
657 means recruiting an adoptive placement targeted to meet the
658 individual needs of the specific child, including, but not limited to, use
659 of the media, use of photo-listing services and any other in-state or
660 out-of-state resources that may be used to meet the specific needs of
661 the child, unless there are extenuating circumstances that indicate that
662 such efforts are not in the best interest of the child.

663 (l) The Commissioner of Children and Families shall pay directly to
664 the person or persons furnishing goods or services determined by said
665 commissioner to be necessary for the care and maintenance of such
666 child or youth the reasonable expense thereof, payment to be made at
667 intervals determined by said commissioner; and the Comptroller shall
668 draw his or her order on the Treasurer, from time to time, for such part
669 of the appropriation for care of committed children or youths as may
670 be needed in order to enable the commissioner to make such
671 payments. The commissioner shall include in the department's annual
672 budget a sum estimated to be sufficient to carry out the provisions of
673 this section. Notwithstanding that any such child or youth has income
674 or estate, the commissioner may pay the cost of care and maintenance
675 of such child or youth. The commissioner may bill to and collect from
676 the person in charge of the estate of any child or youth aided under
677 this chapter, or the payee of such child's or youth's income, the total

678 amount expended for care of such child or youth or such portion
679 thereof as any such estate or payee is able to reimburse, provided the
680 commissioner shall not collect from such estate or payee any
681 reimbursement for the cost of care or other expenditures made on
682 behalf of such child or youth from (1) the proceeds of any cause of
683 action received by such child or youth; (2) any lottery proceeds due to
684 such child or youth; (3) any inheritance due to such child or youth; (4)
685 any payment due to such child or youth from a trust other than a trust
686 created pursuant to 42 USC 1396p, as amended from time to time; or
687 (5) the decedent estate of such child or youth.

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

694 (n) Upon service on the parent, guardian or other person having
695 control of the child or youth of any order issued by the court pursuant
696 to the provisions of subsections (b) and (j) of this section, the child or
697 youth concerned shall be surrendered to the person serving the order
698 who shall forthwith deliver the child or youth to the person, agency,
699 department or institution awarded custody in the order. Upon refusal
700 of the parent, guardian or other person having control of the child or
701 youth to surrender the child or youth as provided in the order, the
702 court may cause a warrant to be issued charging the parent, guardian
703 or other person having control of the child or youth with contempt of
704 court. If the person arrested is found in contempt of court, the court
705 may order such person confined until the person complies with the
706 order, but for not more than six months, or may fine such person not
707 more than five hundred dollars, or both.

708 (o) A foster parent, prospective adoptive parent or relative caregiver
709 shall receive notice and have the right to be heard for the purposes of

710 this section in Superior Court in any proceeding concerning a foster
711 child living with such foster parent, prospective adoptive parent or
712 relative caregiver. A foster parent, prospective adoptive parent or
713 relative caregiver who has cared for a child or youth shall have the
714 right to be heard and comment on the best interests of such child or
715 youth in any proceeding under this section which is brought not more
716 than one year after the last day the foster parent, prospective adoptive
717 parent or relative caregiver provided such care.

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

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

728 Sec. 7. Section 46b-149 of the general statutes is repealed and the
729 following is substituted in lieu thereof (*Effective July 1, 2010*):

730 (a) Any selectman, town manager, police officer or welfare
731 department of any town, city or borough, any probation officer or
732 superintendent of schools, the Commissioner of Children and Families,
733 any child-caring institution or agency approved or licensed by the
734 Commissioner of Children and Families, any youth service bureau, a
735 parent or foster parent of a child, or a child or the child's representative
736 or attorney, who believes that the acts or omissions of a child are such
737 that the child is from a family with service needs, may file a written
738 complaint setting forth those facts with the Superior Court which has
739 venue over the matter.

740 (b) The court shall refer a complaint filed under subsection (a) of

741 this section to a probation officer, who shall promptly verify the truth,
742 accuracy and sufficiency of the evidence to substantiate the allegations
743 in the complaint and determine whether [it appears that] the alleged
744 facts, if true, would be sufficient to meet the definition of a family with
745 service needs, provided a complaint alleging that a child is a truant or
746 habitual truant shall not be determined to be insufficient to meet the
747 definition of a family with service needs solely because it was filed
748 during the months of April, May or June. If such probation officer so
749 determines, the probation officer shall, after an initial assessment,
750 promptly refer the child and the child's family to a suitable
751 community-based program or other service provider, or to a family
752 support center as provided in section 46b-149e, for voluntary services.
753 If the child and the child's family are referred to a community-based
754 program or other service provider and the person in charge of such
755 program or provider determines that the child and the child's family
756 can no longer benefit from its services, such person shall inform the
757 probation officer, who shall, after an appropriate assessment, either
758 refer the child and the child's family to a family support center for
759 additional services or determine whether or not to file a petition with
760 the court under subsection (c) of this section. If the child and the child's
761 family are referred to a family support center and the person in charge
762 of the family support center determines that the child and the child's
763 family can no longer benefit from its services, such person shall inform
764 the probation officer, who may file a petition with the court in the
765 manner prescribed in subsection (c) of this section. The probation
766 officer shall inform the complainant in writing of the probation
767 officer's action under this subsection. If it appears that the allegations
768 are not true, or that the child's family does not meet the definition of a
769 family with service needs, the probation officer shall inform the
770 complainant in writing of such finding.

771 (c) [A] Before a petition alleging that a child is from a family with
772 service needs [shall be verified and] is filed with the Superior Court
773 which has venue over the matter, the Department of Children and
774 Families shall verify the truth of the allegations in the petition and

775 determine whether the evidence is sufficient to substantiate the
776 allegations. A copy of all documents verifying the allegations shall be
777 attached to the petition filed with the court. The petition shall set forth
778 plainly: (1) The facts which bring the child within the jurisdiction of
779 the court; (2) the name, date of birth, sex and residence of the child; (3)
780 the name and residence of the child's parent or parents, guardian or
781 other person having control of the child; and (4) a prayer for
782 appropriate action by the court in conformity with the provisions of
783 this section.

784 (d) When a petition is filed under subsection (c) of this section, the
785 court may issue a summons to the child and the child's parents,
786 guardian or other person having control of the child to appear in court
787 at a specified time and place. The summons shall be signed by a judge
788 or by the clerk or assistant clerk of the court, and a copy of the petition
789 shall be attached to it. Whenever it appears to the judge that orders
790 addressed to an adult, as set forth in section 46b-121, are necessary for
791 the welfare of such child, a similar summons shall be issued and
792 served upon such adult if he or she is not already in court. Service of
793 summons shall be made in accordance with section 46b-128. The court
794 may punish for contempt, as provided in section 46b-121, any parent,
795 guardian or other person so summoned who fails to appear in court at
796 the time and place so specified. If a petition is filed under subsection
797 (c) of this section alleging that a child is from a family with service
798 needs because a child is a truant or habitual truant, the court may not
799 dismiss such petition solely because it was filed during the months of
800 April, May or June.

801 (e) When a petition is filed under subsection (c) of this section
802 alleging that a child is from a family with service needs because such
803 child has been habitually truant, the court shall order that the local or
804 regional board of education for the town in which the child resides, or
805 the private school in the case of a child enrolled in a private school,
806 shall cause an educational evaluation of such child to be performed if
807 no such evaluation has been performed within the preceding year.

808 Any costs incurred for the performance of such evaluation shall be
809 borne by such local or regional board of education or such private
810 school.

811 (f) If it appears from the allegations of a petition or other sworn
812 affirmations that there is: (1) A strong probability that the child may do
813 something that is injurious to himself prior to court disposition; (2) a
814 strong probability that the child will run away prior to the hearing; or
815 (3) a need to hold the child for another jurisdiction, a judge may vest
816 temporary custody of such child in some suitable person or agency. No
817 nondelinquent juvenile runaway from another state may be held in a
818 state-operated detention home in accordance with the provisions of
819 section 46b-151h, the Interstate Compact for Juveniles. A hearing on
820 temporary custody shall be held not later than ten days after the date
821 on which a judge signs an order of temporary custody. Following such
822 hearing, the judge may order that the child's temporary custody
823 continue to be vested in some suitable person or agency. Any expenses
824 of temporary custody shall be paid in the same manner as provided in
825 subsection (b) of section 46b-129, as amended by this act.

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

834 (h) If the court finds, based on clear and convincing evidence, that a
835 child is from a family with service needs, the court may, in addition to
836 issuing any orders under section 46b-121: (1) Refer the child to the
837 Department of Children and Families for any voluntary services
838 provided by the department or, if the child is from a family with
839 service needs solely as a result of a finding that the child is a truant or

840 habitual truant, to the authorities of the local or regional school district
841 or private school for services provided by such school district or such
842 school, which services may include summer school, or to community
843 agencies providing child and family services; (2) order the child to
844 remain in the child's own home or in the custody of a relative or any
845 other suitable person (A) subject to the supervision of a probation
846 officer, or (B) in the case of a child who is from a family with service
847 needs solely as a result of a finding that the child is a truant or habitual
848 truant, subject to the supervision of a probation officer and the
849 authorities of the local or regional school district or private school; (3)
850 if the child is from a family with service needs as a result of the child
851 engaging in sexual intercourse with another person and such other
852 person is thirteen years of age or older and not more than two years
853 older or younger than such child, (A) refer the child to a youth service
854 bureau or other appropriate service agency for participation in a
855 program such as a teen pregnancy program or a sexually transmitted
856 disease program, and (B) require such child to perform community
857 service such as service in a hospital, an AIDS prevention program or
858 an obstetrical and gynecological program; or (4) upon a finding that
859 there is no less restrictive alternative, commit the child to the care and
860 custody of the Commissioner of Children and Families for an
861 indefinite period not to exceed eighteen months. The child shall be
862 entitled to representation by counsel and an evidentiary hearing. If the
863 court issues any order which regulates future conduct of the child,
864 parent or guardian, the child, parent or guardian, shall receive
865 adequate and fair warning of the consequences of violation of the
866 order at the time it is issued, and such warning shall be provided to the
867 child, parent or guardian, to his or her attorney and to his or her legal
868 guardian in writing and shall be reflected in the court record and
869 proceedings.

870 (i) At any time during the period of supervision, after hearing and
871 for good cause shown, the court may modify or enlarge the conditions,
872 whether originally imposed by the court under this section or
873 otherwise, as deemed appropriate by the court. The court shall cause a

874 copy of any such orders to be delivered to the child and to such child's
875 parent or guardian and probation officer.

876 (j) (1) The Commissioner of Children and Families may file a motion
877 for an extension of a commitment under this section on the grounds
878 that an extension would be in the best interest of the child. The court
879 shall give notice to the child and the child's parent or guardian at least
880 fourteen days prior to the hearing upon such motion. The court may,
881 after hearing and upon finding that such extension is in the best
882 interest of the child and that there is no suitable less restrictive
883 alternative, continue the commitment for an additional indefinite
884 period of not more than eighteen months. (2) The Commissioner of
885 Children and Families may at any time file a motion to discharge a
886 child committed under this section, and any child committed to the
887 commissioner under this section, or the parent or guardian of such
888 child, may at any time but not more often than once every six months
889 file a motion to revoke such commitment. The court shall notify the
890 child, the child's parent or guardian and the commissioner of any
891 motion filed under this subsection, and of the time when a hearing on
892 such motion will be held. Any order of the court made under this
893 subsection shall be deemed a final order for purposes of appeal, except
894 that no bond shall be required and no costs shall be taxed on such
895 appeal. (3) Not later than twelve months after a child is committed to
896 the Commissioner of Children and Families in accordance with
897 subdivision (4) of subsection (h) of this section or section 46b-149f, the
898 court shall hold a permanency hearing in accordance with subsection
899 (k) of this section. After the initial permanency hearing, subsequent
900 permanency hearings shall be held at least once every twelve months
901 while the child remains committed to the Commissioner of Children
902 and Families.

903 (k) At least sixty days prior to each permanency hearing required
904 under subsection (j) of this section, the Commissioner of Children and
905 Families shall file a permanency plan with the court. At each
906 permanency hearing, the court shall review and approve a

907 permanency plan that is in the best interests of the child and takes into
908 consideration the child's need for permanency. Such permanency plan
909 may include the goal of: (1) Revocation of commitment and
910 subsequent placement of the child with the parent or guardian, (2)
911 transfer of guardianship, (3) permanent placement with a relative, (4)
912 adoption, or (5) any other planned permanent living arrangement
913 ordered by the court, provided the Commissioner of Children and
914 Families has documented a compelling reason why it would not be in
915 the best interest of the child for the permanency plan to include the
916 goals set forth in subdivisions (1) to (4), inclusive, of this subsection.
917 Such other planned permanent living arrangement may include, but
918 not be limited to, placement of the child in an independent living
919 program. At any such permanency hearing, the court shall also
920 determine whether the Commissioner of Children and Families has
921 made reasonable efforts to achieve the goals in the permanency plan.

922 Sec. 8. Section 46b-129a of the general statutes is repealed and the
923 following is substituted in lieu thereof (*Effective July 1, 2010*):

924 In proceedings in the Superior Court under section 46b-129, as
925 amended by this act: (1) The court may order the child, the parents, the
926 guardian, or other persons accused by a competent witness with
927 abusing the child, to be examined by one or more competent
928 physicians, psychiatrists or psychologists appointed by the court,
929 provided the Department of Children and Families has first
930 substantiated the allegations in the complaint filed pursuant to section
931 46b-129, as amended by this act; (2) a child shall be represented by
932 counsel knowledgeable about representing such children who shall be
933 appointed by the court to represent the child and to act as guardian ad
934 litem for the child. The primary role of any counsel for the child
935 including the counsel who also serves as guardian ad litem, shall be to
936 advocate for the child in accordance with the Rules of Professional
937 Conduct. When a conflict arises between the child's wishes or position
938 and that which counsel for the child believes is in the best interest of
939 the child, the court shall appoint another person as guardian ad litem

940 for the child. The guardian ad litem shall speak on behalf of the best
941 interest of the child and is not required to be an attorney-at-law but
942 shall be knowledgeable about the needs and protection of children. In
943 the event that a separate guardian ad litem is appointed, the person
944 previously serving as both counsel and guardian ad litem for the child
945 shall continue to serve as counsel for the child and a different person
946 shall be appointed as guardian ad litem, unless the court for good
947 cause also appoints a different person as counsel for the child. No
948 person who has served as both counsel and guardian ad litem for a
949 child shall thereafter serve solely as the child's guardian ad litem. The
950 counsel and guardian ad litem's fees, if any, shall be paid by the
951 parents or guardian, or the estate of the child, or, if such persons are
952 unable to pay, by the court; (3) the privilege against the disclosure of
953 communications between husband and wife shall be inapplicable and
954 either may testify as to any relevant matter; and (4) evidence that the
955 child has been abused or has sustained a nonaccidental injury shall
956 constitute prima facie evidence that shall be sufficient to support an
957 adjudication that such child is uncared for or neglected.

958 Sec. 9. Subsection (a) and (b) of section 46b-149f of the general
959 statutes are repealed and the following is substituted in lieu thereof
960 (*Effective July 1, 2010*):

961 (a) When a child who has been adjudicated as a child from a family
962 with service needs in accordance with section 46b-149, as amended by
963 this act, violates any valid order which regulates future conduct of the
964 child made by the court following such an adjudication, a probation
965 officer, on receipt of a complaint setting forth facts alleging such a
966 violation, or on the probation officer's own motion on the basis of his
967 or her knowledge of such a violation, may, after verifying the truth,
968 accuracy and sufficiency of the evidence, file a petition with the court
969 alleging that the child has violated a valid court order and setting forth
970 the facts claimed to constitute such a violation. Service shall be made
971 in the same manner as set forth for a summons in subsection (d) of
972 section 46b-149, as amended by this act. The child shall be entitled to

973 representation by counsel and an evidentiary hearing on the
974 allegations contained in the petition. If the court finds, by clear and
975 convincing evidence, that the child has violated a valid court order, the
976 court may (1) order the child to remain in such child's home or in the
977 custody of a relative or any other suitable person, subject to the
978 supervision of a probation officer or an existing commitment to the
979 Commissioner of Children and Families, (2) upon a finding that there
980 is no less restrictive alternative appropriate to the needs of the child
981 and the community, enter an order that directs or authorizes a peace
982 officer or other appropriate person to place the child in a staff-secure
983 facility under the auspices of the Court Support Services Division for a
984 period not to exceed forty-five days, with court review every fifteen
985 days to consider whether continued placement is appropriate, at the
986 end of which period the child shall be returned to the community and
987 may be subject to the supervision of a probation officer, or (3) order
988 that the child be committed to the care and custody of the
989 Commissioner of Children and Families for a period not to exceed
990 eighteen months and that the child cooperate in such care and custody.

991 (b) When a child who has been adjudicated as a child from a family
992 with service needs in accordance with section 46b-149, as amended by
993 this act, is under an order of supervision or an order of commitment to
994 the Commissioner of Children and Families and believed to be in
995 imminent risk of physical harm from the child's surroundings or other
996 circumstances, a probation officer, on receipt of a complaint setting
997 forth facts alleging such risk, or on the probation officer's own motion
998 on the basis of his or her knowledge of such risk, may, after verifying
999 the truth, accuracy and sufficiency of the evidence, file a petition with
1000 the court alleging that the child is in imminent risk of physical harm
1001 and setting forth the facts claimed to constitute such risk. Service shall
1002 be made in the same manner as set forth for a summons in subsection
1003 (d) of section 46b-149, as amended by this act. If it appears from the
1004 specific allegations of the petition and other verified affirmations of
1005 fact accompanying the petition, or subsequent thereto, that there is
1006 probable cause to believe that (1) the child is in imminent risk of

1007 physical harm from the child's surroundings, (2) as a result of such
1008 condition, the child's safety is endangered and immediate removal
1009 from such surroundings is necessary to ensure the child's safety, and
1010 (3) there is no less restrictive alternative available, the court shall enter
1011 an order that directs or authorizes a peace officer or other appropriate
1012 person to place the child in a staff-secure facility under the auspices of
1013 the Court Support Services Division for a period not to exceed forty-
1014 five days, subject to subsection (c) of this section, with court review
1015 every fifteen days to consider whether continued placement is
1016 appropriate, at the end of which period the child shall either be (A)
1017 returned to the community for appropriate services, subject to the
1018 supervision of a probation officer or an existing commitment to the
1019 Commissioner of Children and Families, or (B) committed to the
1020 Department of Children and Families for a period not to exceed
1021 eighteen months if a hearing has been held and the court has found,
1022 based on clear and convincing evidence, that (i) the child is in
1023 imminent risk of physical harm from the child's surroundings, (ii) as a
1024 result of such condition, the child's safety is endangered and removal
1025 from such surroundings is necessary to ensure the child's safety, and
1026 (iii) there is no less restrictive alternative available. Any such child
1027 shall be entitled to the same procedural protections as are afforded to a
1028 delinquent child.

1029 Sec. 10. Section 17a-101k of the general statutes is repealed and the
1030 following is substituted in lieu thereof (*Effective July 1, 2010*):

1031 (a) The Commissioner of Children and Families shall maintain a
1032 registry of the commissioner's findings of abuse or neglect of children
1033 pursuant to section 17a-101g, as amended by this act, that conforms to
1034 the requirements of this section. The regulations adopted pursuant to
1035 subsection (i) of this section shall provide for the use of the registry on
1036 a twenty-four-hour daily basis to prevent or discover abuse of children
1037 and the establishment of a hearing process for any appeal by a person
1038 of the commissioner's determination that such person is responsible for
1039 the abuse or neglect of a child pursuant to subsection [(b)] (c) of section

1040 17a-101g, as amended by this act. The information contained in the
1041 registry and any other information relative to child abuse, wherever
1042 located, shall be confidential, subject to such statutes and regulations
1043 governing their use and access as shall conform to the requirements of
1044 federal law or regulations. Any violation of this section or the
1045 regulations adopted by the commissioner under this section shall be
1046 punishable by a fine of not more than one thousand dollars or
1047 imprisonment for not more than one year.

1048 (b) Upon the issuance of a recommended finding that an individual
1049 is responsible for abuse or neglect of a child pursuant to subsection
1050 ~~[(b)]~~ (c) of section 17a-101g, as amended by this act, the commissioner
1051 shall provide notice of the finding, by first class mail, not later than
1052 five business days after the issuance of such finding, to the individual
1053 who is alleged to be responsible for the abuse or neglect. The notice
1054 shall:

1055 (1) Contain a short and plain description of the finding that the
1056 individual is responsible for the abuse or neglect of a child;

1057 (2) Inform the individual of the existence of the registry and of the
1058 commissioner's intention to place the individual's name on the registry
1059 unless such individual exercises his or her right to appeal the
1060 recommended finding as provided in this section;

1061 (3) Inform the individual of the potential adverse consequences of
1062 being listed on the registry, including, but not limited to, the potential
1063 effect on the individual obtaining or retaining employment, licensure
1064 or engaging in activities involving direct contact with children and
1065 inform the individual of the individual's right to administrative
1066 procedures as provided in this section to appeal the finding; and

1067 (4) Include a written form for the individual to sign and return,
1068 indicating if the individual will invoke the appeal procedures
1069 provided in this section.

1070 (c) (1) Following a request for appeal, the commissioner or the
1071 commissioner's designee shall conduct an internal review of the
1072 recommended finding to be completed no later than thirty days after
1073 the request for appeal is received by the department. The
1074 commissioner or the commissioner's designee shall review all relevant
1075 information relating to the recommended finding, to determine
1076 whether the recommended finding is factually or legally deficient and
1077 ought to be reversed. Prior to the review, the commissioner shall
1078 provide the individual access to all relevant documents in the
1079 possession of the commissioner regarding the finding of responsibility
1080 for abuse or neglect of a child, as provided in subsection (m) of section
1081 17a-28.

1082 (2) The individual or the individual's representative may submit any
1083 documentation that is relevant to a determination of the issue and
1084 may, at the discretion of the commissioner or the commissioner's
1085 designee, participate in a telephone conference or face-to-face meeting
1086 to be conducted for the purpose of gathering additional information
1087 that may be relevant to determining whether the recommended
1088 finding is factually or legally deficient.

1089 (3) If the commissioner or the commissioner's designee, as a result of
1090 the prehearing review, determines that the recommended finding of
1091 abuse or neglect is factually or legally deficient, the commissioner or
1092 the commissioner's designee shall so indicate, in writing, and shall
1093 reverse the recommended finding. The commissioner shall send notice
1094 to the individual by certified mail of the commissioner's decision to
1095 reverse or maintain the finding not later than five business days after
1096 the decision is made. If the finding is upheld, the notice shall be made
1097 in accordance with section 4-177 and shall notify the individual of the
1098 right to request a hearing. The individual may request a hearing not
1099 later than thirty days after receipt of the notice. The hearing shall be
1100 scheduled not later than thirty days after receipt by the commissioner
1101 of the request for a hearing, except for good cause shown by either
1102 party.

1103 (d) (1) The hearing procedure shall be conducted in accordance with
1104 the procedures for contested cases pursuant to sections 4-177 to 4-181a,
1105 inclusive.

1106 (2) At the hearing, the individual may be represented by legal
1107 counsel. The burden of proof shall be on the commissioner to prove
1108 that the finding is supported by a fair preponderance of the evidence
1109 submitted at the hearing.

1110 (3) Not later than thirty days after the conclusion of the hearing, the
1111 hearing officer shall issue a written decision to either reverse or uphold
1112 the finding. The decision shall contain findings of fact and a conclusion
1113 of law on each issue raised at the hearing.

1114 (e) Any individual aggrieved by the decision of the hearing officer
1115 may appeal the decision in accordance with section 4-183. Such
1116 individual may also seek a stay of the adverse decision of the hearing
1117 officer in accordance with subsection (f) of section 4-183.

1118 (f) Following the issuance of a decision to uphold the finding and
1119 absent any stay of that decision issued by the commissioner or the
1120 court, the commissioner shall accurately reflect the information
1121 concerning the finding in the child abuse and neglect registry
1122 maintained pursuant to subsection (a) of this section and shall, in
1123 accordance with section 17a-101g, as amended by this act, forward to
1124 any agency or official the information required to be disclosed
1125 pursuant to any provision of the general statutes.

1126 (g) Any individual against whom a finding of abuse or neglect was
1127 substantiated prior to May 1, 2000, and who has not previously
1128 appealed such finding, may appeal such finding as provided in this
1129 section.

1130 (h) Records containing unsubstantiated findings shall remain
1131 sealed, except that such records shall be made available to department
1132 employees in the proper discharge of their duties and shall be

1133 expunged by the commissioner five years from the completion date of
1134 the investigation if no further report is made about the individual
1135 subject to the investigation, except that if the department receives more
1136 than one report on an individual and each report is unsubstantiated,
1137 all reports and information pertaining to the individual shall be
1138 expunged by the commissioner five years from the completion date of
1139 the most recent investigation.

1140 (i) Not later than July 1, 2006, the Commissioner of Children and
1141 Families shall adopt regulations, in accordance with the provisions of
1142 chapter 54, to implement the provisions of this section.

1143 Sec. 11. Section 17a-101m of the 2010 supplement to the general
1144 statutes is repealed and the following is substituted in lieu thereof
1145 (*Effective July 1, 2010*):

1146 Immediately upon the removal of a child from the custody of the
1147 child's parent or guardian pursuant to subsection [(e)] (f) of section
1148 17a-101g, as amended by this act, or section 46b-129, as amended by
1149 this act, the Commissioner of Children and Families shall exercise due
1150 diligence to identify all adult grandparents and other adult relatives of
1151 the child, including any adult relatives suggested by the parents,
1152 subject to exceptions due to family or domestic violence. Not later than
1153 thirty days after the removal, the commissioner shall provide such
1154 grandparents and other relatives with notice that (1) the child has been
1155 or is being removed from the custody of the child's parent or guardian;
1156 (2) explains the options that the relative has under federal, state and
1157 local law to participate in the care and placement of the child,
1158 including any options that may be lost by failing to respond to the
1159 notice; (3) describes the requirements (A) to obtain a foster care license
1160 pursuant to section 17a-114, and (B) for additional services and
1161 supports that are available for children placed in such a home; and (4)
1162 describes the subsidized guardianship program under section 17a-126,
1163 including (A) eligibility requirements, (B) the process for applying to
1164 the program, and (C) financial assistance available under the program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	New section
Sec. 2	<i>July 1, 2010</i>	17a-101g
Sec. 3	<i>July 1, 2010</i>	17a-101h
Sec. 4	<i>July 1, 2010</i>	17a-103
Sec. 5	<i>July 1, 2010</i>	17a-103b(a)
Sec. 6	<i>July 1, 2010</i>	46b-129
Sec. 7	<i>July 1, 2010</i>	46b-149
Sec. 8	<i>July 1, 2010</i>	46b-129a
Sec. 9	<i>July 1, 2010</i>	46b-149f(a) and (b)
Sec. 10	<i>July 1, 2010</i>	17a-101k
Sec. 11	<i>July 1, 2010</i>	17a-101m

Statement of Purpose:

To require the Department of Children and Families to (1) verify the truth, accuracy and sufficiency of allegations before commencing an investigation, (2) provide notice to parents and guardians of their rights when interacting with the department, and (3) disclose complaints alleging neglect or abuse to the parent or guardian.

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