



General Assembly

February Session, 2010

Amendment

LCO No. 3603

HB0527103603HDO

Offered by:
REP. HAMM, 34th Dist.

To: Subst. House Bill No. 5271 File No. 413 Cal. No. 221

**"AN ACT CONCERNING ACCESS TO RECORDS OF THE
DEPARTMENT OF CHILDREN AND FAMILIES."**

1 In line 45, after the period, insert the following: "Any employee of
2 the department who engages in the unauthorized disclosure of
3 records, shall be subject to disciplinary action, as deemed appropriate
4 by the commissioner."

5 After line 338 insert the following and renumber the remaining
6 subdivisions accordingly:

7 "(1) Any individual, when the information or findings concern an
8 incident of abuse or neglect that resulted in a child or youth fatality or
9 near fatality of a child or youth, provided disclosure of such
10 information or findings is in general terms and does not jeopardize a
11 pending investigation;"

12 Strike lines 547 to 551, inclusive, in their entirety and renumber the
13 remaining subdivisions accordingly

14 After the last section, add the following and renumber sections and
15 internal references accordingly:

16 "Sec. 501. Subsection (j) of section 46b-129 of the 2010 supplement to
17 the general statutes is repealed and the following is substituted in lieu
18 thereof (*Effective October 1, 2010*):

19 (j) Upon finding and adjudging that any child or youth is uncared-
20 for, neglected or dependent, the court may commit such child or youth
21 to the Commissioner of Children and Families. Such commitment shall
22 remain in effect until further order of the court, except that such
23 commitment may be revoked or parental rights terminated at any time
24 by the court, or the court may vest such child's or youth's legal
25 guardianship in any private or public agency that is permitted by law
26 to care for neglected, uncared-for or dependent children or youths or
27 with any other person or persons found to be suitable and worthy of
28 such responsibility by the court, including, but not limited to, any
29 relative of such child or youth by blood or marriage. If the court
30 determines that the commitment should be revoked and the child's or
31 youth's legal guardianship should vest in someone other than the
32 respondent parent, parents or former guardian, or if parental rights are
33 terminated at any time, there shall be a rebuttable presumption that an
34 award of legal guardianship upon revocation to, or adoption upon
35 termination of parental rights by, any relative who is licensed as a
36 foster parent for such child or youth, or who is, pursuant to an order of
37 the court, the temporary custodian of the child or youth at the time of
38 the revocation or termination, shall be in the best interests of the child
39 or youth and that such relative is a suitable and worthy person to
40 assume legal guardianship upon revocation or to adopt such child or
41 youth upon termination of parental rights. The presumption may be
42 rebutted by a preponderance of the evidence that an award of legal
43 guardianship to, or an adoption by, such relative would not be in the
44 child's or youth's best interests and such relative is not a suitable and
45 worthy person. The court shall order specific steps that the parent
46 must take to facilitate the return of the child or youth to the custody of
47 such parent. The commissioner shall be the guardian of such child or

48 youth for the duration of the commitment, provided the child or youth
49 has not reached the age of eighteen years or, in the case of a child or
50 youth in full-time attendance in a secondary school, a technical school,
51 a college or a state-accredited job training program, provided such
52 child or youth has not reached the age of twenty-one years, by consent
53 of such youth, or until another guardian has been legally appointed,
54 and in like manner, upon such vesting of the care of such child or
55 youth, such other public or private agency or individual shall be the
56 guardian of such child or youth until such child or youth has reached
57 the age of eighteen years or, in the case of a child or youth in full-time
58 attendance in a secondary school, a technical school, a college or a
59 state-accredited job training program, until such child or youth has
60 reached the age of twenty-one years or until another guardian has
61 been legally appointed. The commissioner may place any child or
62 youth so committed to the commissioner in a suitable foster home or in
63 the home of a person related by blood or marriage to such child or
64 youth or in a licensed child-caring institution or in the care and
65 custody of any accredited, licensed or approved child-caring agency,
66 within or without the state, provided: (1) A child who is under the age
67 of six years or who has a sibling under the age of six years shall not be
68 placed in a congregate care facility; and (2) a child shall not be placed
69 outside the state except for good cause and unless the parents or
70 guardian of such child are notified in advance of such placement and
71 given an opportunity to be heard, or in a receiving home maintained
72 and operated by the Commissioner of Children and Families. In
73 placing such child or youth, the commissioner shall, if possible, select a
74 home, agency, institution or person of like religious faith to that of a
75 parent of such child or youth, if such faith is known or may be
76 ascertained by reasonable inquiry, provided such home conforms to
77 the standards of said commissioner and the commissioner shall, when
78 placing siblings, if possible, place such children together. As an
79 alternative to commitment, the court may place the child or youth in
80 the custody of the parent or guardian with protective supervision by
81 the Commissioner of Children and Families subject to conditions
82 established by the court. Upon the issuance of an order committing the

83 child or youth to the Commissioner of Children and Families, or not
84 later than sixty days after the issuance of such order, the court shall
85 determine whether the Department of Children and Families made
86 reasonable efforts to keep the child or youth with his or her parents or
87 guardian prior to the issuance of such order and, if such efforts were
88 not made, whether such reasonable efforts were not possible, taking
89 into consideration the child's or youth's best interests, including the
90 child's or youth's health and safety."