



General Assembly

February Session, 2010

Amendment

LCO No. 4506

HB0543004506HDO

Offered by:
REP. HAMM, 34th Dist.

To: Subst. House Bill No. 5430

File No. 185

Cal. No. 122

"AN ACT CONCERNING THE TRANSFER OF CHILDREN AND YOUTH FROM OUT-OF-STATE RESIDENTIAL FACILITIES TO THERAPEUTIC GROUP HOMES AND OTHER FACILITIES IN THE STATE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

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4 the general statutes is repealed and the following is substituted in lieu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

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

14 with any other person or persons found to be suitable and worthy of
15 such responsibility by the court, including, but not limited to, any
16 relative of such child or youth by blood or marriage. If the court
17 determines that the commitment should be revoked and the child's or
18 youth's legal guardianship should vest in someone other than the
19 respondent parent, parents or former guardian, or if parental rights are
20 terminated at any time, there shall be a rebuttable presumption that an
21 award of legal guardianship upon revocation to, or adoption upon
22 termination of parental rights by, any relative who is licensed as a
23 foster parent for such child or youth, or who is, pursuant to an order of
24 the court, the temporary custodian of the child or youth at the time of
25 the revocation or termination, shall be in the best interests of the child
26 or youth and that such relative is a suitable and worthy person to
27 assume legal guardianship upon revocation or to adopt such child or
28 youth upon termination of parental rights. The presumption may be
29 rebutted by a preponderance of the evidence that an award of legal
30 guardianship to, or an adoption by, such relative would not be in the
31 child's or youth's best interests and such relative is not a suitable and
32 worthy person. The court shall order specific steps that the parent
33 must take to facilitate the return of the child or youth to the custody of
34 such parent. The commissioner shall be the guardian of such child or
35 youth for the duration of the commitment, provided the child or youth
36 has not reached the age of eighteen years or, in the case of a child or
37 youth in full-time attendance in a secondary school, a technical school,
38 a college or a state-accredited job training program, provided such
39 child or youth has not reached the age of twenty-one years, by consent
40 of such youth, or until another guardian has been legally appointed,
41 and in like manner, upon such vesting of the care of such child or
42 youth, such other public or private agency or individual shall be the
43 guardian of such child or youth until such child or youth has reached
44 the age of eighteen years or, in the case of a child or youth in full-time
45 attendance in a secondary school, a technical school, a college or a
46 state-accredited job training program, until such child or youth has
47 reached the age of twenty-one years or until another guardian has
48 been legally appointed. The commissioner may place any child or

49 youth so committed to the commissioner in a suitable foster home or in
50 the home of a person related by blood or marriage to such child or
51 youth or in a licensed child-caring institution or in the care and
52 custody of any accredited, licensed or approved child-caring agency,
53 within or without the state, provided: (1) A child who is under the age
54 of six years or who has a sibling under the age of six years shall not be
55 placed in a congregate care facility; and (2) a child shall not be placed
56 outside the state except for good cause and unless the parents or
57 guardian of such child are notified in advance of such placement and
58 given an opportunity to be heard, or in a receiving home maintained
59 and operated by the Commissioner of Children and Families. In
60 placing such child or youth, the commissioner shall, if possible, select a
61 home, agency, institution or person of like religious faith to that of a
62 parent of such child or youth, if such faith is known or may be
63 ascertained by reasonable inquiry, provided such home conforms to
64 the standards of said commissioner and the commissioner shall, when
65 placing siblings, if possible, place such children together. As an
66 alternative to commitment, the court may place the child or youth in
67 the custody of the parent or guardian with protective supervision by
68 the Commissioner of Children and Families subject to conditions
69 established by the court. Upon the issuance of an order committing the
70 child or youth to the Commissioner of Children and Families, or not
71 later than sixty days after the issuance of such order, the court shall
72 determine whether the Department of Children and Families made
73 reasonable efforts to keep the child or youth with his or her parents or
74 guardian prior to the issuance of such order and, if such efforts were
75 not made, whether such reasonable efforts were not possible, taking
76 into consideration the child's or youth's best interests, including the
77 child's or youth's health and safety."