



Substitute House Bill No. 6336

Public Act No. 11-116

AN ACT CONCERNING KINSHIP CARE.

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

Section 1. (*Effective from passage*) Not later than October 1, 2011, the Commissioner of Children and Families shall, within existing resources, convene a working group for the purpose of determining how to maximize kinship care for children in the care and custody of the commissioner. The working group shall examine Department of Children and Families practices and policies that impact kinship care, including, but not limited to, agency regulatory criteria, cultural competence in recruitment of relative homes, outreach practices and family conferencing. Not later than January 1, 2012, the working group shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, summarizing existing department practices and policies impacting kinship care and proposing recommendations for increasing kinship care to the joint standing committee of the General Assembly having cognizance of matters relating to human services and the select committee of the General Assembly having cognizance of matters relating to children.

Sec. 2. Section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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(a) As used in this section, "licensed" means a person holds a license issued by the Department of Children and Families to provide foster care, including foster care of a specific child, and "special study foster parent" means a person who is twenty-one years of age or older and who does not hold a license issued by the Department of Children and Families to provide foster care.

(b) (1) No child in the custody of the Commissioner of Children and Families shall be placed with any person, unless such person is licensed for that purpose by the department or the Department of Developmental Services pursuant to the provisions of section 17a-227, or such person's home is approved by a child placing agency licensed by the commissioner pursuant to section 17a-149. Any person licensed by the department may be a prospective adoptive parent. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the licensing procedures and standards.

(2) The commissioner shall require each applicant for licensure pursuant to this section and any person sixteen years of age or older living in the household of such applicant to submit to state and national criminal history records checks prior to issuing a license to such applicant to accept placement of a child. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner shall also check the state child abuse registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person sixteen years of age or older living in the household of such applicant.

(c) Notwithstanding the requirements of subsection (b) of this section, the commissioner may place a child with a relative who is not licensed, a nonrelative, if such child's sibling who is related to the caregiver is also placed with such caregiver or, if the child is ten years of age or older, with a special study foster parent for a period of up to

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ninety days when such placement is in the best interests of the child, provided a satisfactory home visit is conducted, a basic assessment of the family is completed and such relative, nonrelative or special study foster parent attests that such relative, nonrelative or special study foster parent and any adult living within the household has not been convicted of a crime or arrested for a felony against a person, for injury or risk of injury to or impairing the morals of a child, or for the possession, use or sale of a controlled substance. Any such relative, nonrelative or special study foster parent who accepts placement of a child in excess of such ninety-day period shall be subject to licensure by the commissioner, except that any such relative who, prior to July 1, 2001, had been certified by the commissioner to provide care for a related child may continue to maintain such certification if such relative continues to meet the regulatory requirements and the child remains in such relative's care. The commissioner may grant a waiver from such procedure or standard, [except any safety standard] including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative, on a case-by-case basis, [from such procedure or standard, except any safety standard, based on the home of the relative and the needs and best interests of such child] if such placement is otherwise in the best interests of such child, provided no procedure or standard that is safety-related may be so waived. The reason for any waiver granted pursuant to this section shall be documented in writing. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish certification procedures and standards for a caregiver under this section. For purposes of this subsection, "sibling" includes a stepbrother, stepsister, half-brother or half-sister.

Sec. 3. Subsection (c) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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(c) The preliminary hearing on the order of temporary custody or order to appear or the first hearing on a petition filed pursuant to subsection (a) of this section shall be held in order for the court to: (1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135; (2) assure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section 46b-123e and sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to represent the respondent when the respondent is unable to afford representation, in accordance with subsection (b) of section 46b-123e; (4) advise the parent or guardian of the right to a hearing on the petitions and applications, to be held not later than ten days after the date of the preliminary hearing if the hearing is pursuant to an order of temporary custody or an order to show cause; (5) accept a plea regarding the truth of such allegations; (6) make any interim orders, including visitation, that the court determines are in the best interests of the child or youth. The court, after a hearing pursuant to this subsection, shall order specific steps the commissioner and the parent or guardian shall take for the parent or guardian to regain or to retain custody of the child or youth; (7) take steps to determine the identity of the father of the child or youth, including, if necessary, inquiring of the mother of the child or youth, under oath, as to the identity and address of any person who might be the father of the child or youth and ordering genetic testing, and order service of the petition and notice of the hearing date, if any, to be made upon him; (8) if the person named as the father appears, and admits that he is the father, provide him and the mother with the notices that comply with section 17b-27 and provide them with the opportunity to sign a paternity acknowledgment and affirmation on forms that comply with section 17b-27. Such documents shall be executed and filed in accordance with chapter 815y and a copy delivered to the clerk of the superior court for

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juvenile matters; (9) in the event that the person named as a father appears and denies that he is the father of the child or youth, advise him that he may have no further standing in any proceeding concerning the child, and either order genetic testing to determine paternity or direct him to execute a written denial of paternity on a form promulgated by the Office of the Chief Court Administrator. Upon execution of such a form by the putative father, the court may remove him from the case and afford him no further standing in the case or in any subsequent proceeding regarding the child or youth until such time as paternity is established by formal acknowledgment or adjudication in a court of competent jurisdiction; (10) identify any person or persons related to the child or youth by blood or marriage residing in this state who might serve as licensed foster parents or temporary custodians and order the Commissioner of Children and Families to investigate and [determine] report to the court, not later than thirty days after the preliminary hearing, the appropriateness of placement of the child or youth with such relative or relatives; and (11) in accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood or marriage residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of placement of the child or youth with such relative or relatives.

Approved July 8, 2011