



General Assembly

Amendment

January Session, 2011

LCO No. 5367

SB0119905367SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. MUSTO, 22nd Dist.

To: Subst. Senate Bill No. 1199

File No. 465

Cal. No. 280

"AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION."

1 In line 16, after "classified" insert "by the commissioner, or the
2 commissioner's designee,"

3 In line 209, strike ", for reasons"

4 In line 210, strike "other than being impoverished,"

5 Strike line 214 in its entirety and insert the following in lieu thereof:
6 "the child or youth, [or (D) has been abused] except no child or youth
7 may be found neglected solely because the child or youth is
8 impoverished;"

9 After the last section, add the following and renumber sections and

10 internal references accordingly:

11 "Sec. 501. Subsection (a) of section 46b-121 of the general statutes is
12 repealed and the following is substituted in lieu thereof (*Effective July*
13 *1, 2011*):

14 (a) (1) Juvenile matters in the civil session include all proceedings
15 concerning uncared-for [] or neglected [or dependent] children and
16 youths within this state, termination of parental rights of children
17 committed to a state agency, matters concerning families with service
18 needs, contested matters involving termination of parental rights or
19 removal of guardian transferred from the Probate Court and the
20 emancipation of minors, but does not include matters of guardianship
21 and adoption or matters affecting property rights of any child or youth
22 over which the Probate Court has jurisdiction, except that appeals
23 from probate concerning adoption, termination of parental rights and
24 removal of a parent as guardian shall be included.

25 (2) Juvenile matters in the criminal session include all proceedings
26 concerning delinquent children within this state and persons
27 seventeen years of age and older who are under the supervision of a
28 juvenile probation officer while on probation or a suspended
29 commitment to the Department of Children and Families, for purposes
30 of enforcing any court orders entered as part of such probation or
31 suspended commitment.

32 Sec. 502. Subsection (a) of section 46b-121 of the general statutes, as
33 amended by section 83 of public act 09-7 of the September special
34 session, is repealed and the following is substituted in lieu thereof
35 (*Effective July 1, 2012*):

36 (a) (1) Juvenile matters in the civil session include all proceedings
37 concerning uncared-for [] or neglected [or dependent] children and
38 youths within this state, termination of parental rights of children
39 committed to a state agency, matters concerning families with service
40 needs, contested matters involving termination of parental rights or
41 removal of guardian transferred from the Probate Court and the

42 emancipation of minors, but does not include matters of guardianship
43 and adoption or matters affecting property rights of any child or youth
44 over which the Probate Court has jurisdiction, except that appeals
45 from probate concerning adoption, termination of parental rights and
46 removal of a parent as guardian shall be included.

47 (2) Juvenile matters in the criminal session include all proceedings
48 concerning delinquent children within this state and persons eighteen
49 years of age and older who are under the supervision of a juvenile
50 probation officer while on probation or a suspended commitment to
51 the Department of Children and Families, for purposes of enforcing
52 any court orders entered as part of such probation or suspended
53 commitment.

54 Sec. 503. Subsection (b) of section 46b-122 of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective*
56 *July 1, 2011*):

57 (b) The Judicial Department shall establish, in a superior court for
58 juvenile matters location designated by the Chief Court Administrator,
59 a pilot program to increase public access to proceedings in which a
60 child is alleged to be uncared for, neglected [] or abused [or
61 dependent] or is the subject of a petition for termination of parental
62 rights. In any proceeding under this subsection, the judge may order
63 on a case-by-case basis that such proceeding be kept separate and
64 apart and heard in accordance with subsection (a) of this section, upon
65 motion of any party for good cause shown. After consultation with the
66 Juvenile Access Pilot Program Advisory Board established pursuant to
67 section 6 of public act 09-194, the Judicial Department shall adopt
68 policies and procedures for the operation of the pilot program.

69 Sec. 504. Section 46b-129 of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2011*):

71 (a) Any selectman, town manager, or town, city or borough welfare
72 department, any probation officer, or the Commissioner of Social
73 Services, the Commissioner of Children and Families or any child-

74 caring institution or agency approved by the Commissioner of
75 Children and Families, a child or such child's representative or
76 attorney or a foster parent of a child, having information that a child or
77 youth is neglected [] or uncared-for, [or dependent,] may file with the
78 Superior Court that has venue over such matter a verified petition
79 plainly stating such facts as bring the child or youth within the
80 jurisdiction of the court as neglected [] or uncared-for, [or dependent,]
81 within the meaning of section 46b-120, as amended by this act, the
82 name, date of birth, sex and residence of the child or youth, the name
83 and residence of such child's parents or guardian, and praying for
84 appropriate action by the court in conformity with the provisions of
85 this chapter. Upon the filing of such a petition, except as otherwise
86 provided in subsection (k) of section 17a-112, the court shall cause a
87 summons to be issued requiring the parent or parents or the guardian
88 of the child or youth to appear in court at the time and place named,
89 which summons shall be served not less than fourteen days before the
90 date of the hearing in the manner prescribed by section 46b-128, and
91 the court shall further give notice to the petitioner and to the
92 Commissioner of Children and Families of the time and place when
93 the petition is to be heard not less than fourteen days prior to the
94 hearing in question.

95 (b) If it appears from the specific allegations of the petition and
96 other verified affirmations of fact accompanying the petition and
97 application, or subsequent thereto, that there is reasonable cause to
98 believe that (1) the child or youth is suffering from serious physical
99 illness or serious physical injury or is in immediate physical danger
100 from the child's or youth's surroundings, and (2) that as a result of said
101 conditions, the child's or youth's safety is endangered and immediate
102 removal from such surroundings is necessary to ensure the child's or
103 youth's safety, the court shall either (A) issue an order to the parents or
104 other person having responsibility for the care of the child or youth to
105 appear at such time as the court may designate to determine whether
106 the court should vest the child's or youth's temporary care and custody
107 in a person related to the child or youth by blood or marriage or in

108 some other person or suitable agency pending disposition of the
109 petition, or (B) issue an order ex parte vesting the child's or youth's
110 temporary care and custody in a person related to the child or youth
111 by blood or marriage or in some other person or suitable agency. A
112 preliminary hearing on any ex parte custody order or order to appear
113 issued by the court shall be held not later than ten days after the
114 issuance of such order. The service of such orders may be made by any
115 officer authorized by law to serve process, or by any probation officer
116 appointed in accordance with section 46b-123, investigator from the
117 Department of Administrative Services, state or local police officer or
118 indifferent person. Such orders shall include a conspicuous notice to
119 the respondent written in clear and simple language containing at least
120 the following information: (i) That the order contains allegations that
121 conditions in the home have endangered the safety and welfare of the
122 child or youth; (ii) that a hearing will be held on the date on the form;
123 (iii) that the hearing is the opportunity to present the parents' position
124 concerning the alleged facts; (iv) that an attorney will be appointed for
125 parents who cannot afford an attorney; (v) that such parents may
126 apply for a court-appointed attorney by going in person to the court
127 address on the form and are advised to go as soon as possible in order
128 for the attorney to prepare for the hearing; (vi) that such parents, or a
129 person having responsibility for the care and custody of the child or
130 youth, may request the Commissioner of Children and Families to
131 investigate placing the child or youth with a person related to the child
132 or youth by blood or marriage who might serve as a licensed foster
133 parent or temporary custodian for such child or youth. The
134 commissioner, where practicable, shall investigate such relative or
135 relatives prior to the preliminary hearing and provide a report to the
136 court at such hearing as to such relative's suitability; and (vii) if such
137 parents have any questions concerning the case or appointment of
138 counsel, any such parent is advised to go to the court or call the clerk's
139 office at the court as soon as possible. Upon application for appointed
140 counsel, the court shall promptly determine eligibility and, if the
141 respondent is eligible, promptly appoint counsel. The expense for any
142 temporary care and custody shall be paid by the town in which such

143 child or youth is at the time residing, and such town shall be
144 reimbursed for such expense by the town found liable for the child's or
145 youth's support, except that where a state agency has filed a petition
146 pursuant to the provisions of subsection (a) of this section, the agency
147 shall pay such expense. The agency shall give primary consideration to
148 placing the child or youth in the town where such child or youth
149 resides. The agency shall file in writing with the clerk of the court the
150 reasons for placing the child or youth in a particular placement outside
151 the town where the child or youth resides. Upon issuance of an ex
152 parte order, the court shall provide to the commissioner and the parent
153 or guardian specific steps necessary for each to take to address the ex
154 parte order for the parent or guardian to retain or regain custody of the
155 child or youth. Upon the issuance of such order, or not later than sixty
156 days after the issuance of such order, the court shall make a
157 determination whether the Department of Children and Families made
158 reasonable efforts to keep the child or youth with his or her parents or
159 guardian prior to the issuance of such order and, if such efforts were
160 not made, whether such reasonable efforts were not possible, taking
161 into consideration the child's or youth's best interests, including the
162 child's or youth's health and safety.

163 (c) The preliminary hearing on the order of temporary custody or
164 order to appear or the first hearing on a petition filed pursuant to
165 subsection (a) of this section shall be held in order for the court to: (1)
166 Advise the parent or guardian of the allegations contained in all
167 petitions and applications that are the subject of the hearing and the
168 parent's or guardian's right to counsel pursuant to subsection (b) of
169 section 46b-135, as amended by this act; (2) assure that an attorney,
170 and where appropriate, a separate guardian ad litem has been
171 appointed to represent the child or youth in accordance with
172 subsection (b) of section 46b-123e and sections 46b-129a and 46b-136;
173 (3) upon request, appoint an attorney to represent the respondent
174 when the respondent is unable to afford representation, in accordance
175 with subsection (b) of section 46b-123e; (4) advise the parent or
176 guardian of the right to a hearing on the petitions and applications, to

177 be held not later than ten days after the date of the preliminary hearing
178 if the hearing is pursuant to an order of temporary custody or an order
179 to show cause; (5) accept a plea regarding the truth of such allegations;
180 (6) make any interim orders, including visitation, that the court
181 determines are in the best interests of the child or youth. The court,
182 after a hearing pursuant to this subsection, shall order specific steps
183 the commissioner and the parent or guardian shall take for the parent
184 or guardian to regain or to retain custody of the child or youth; (7) take
185 steps to determine the identity of the father of the child or youth,
186 including, if necessary, inquiring of the mother of the child or youth,
187 under oath, as to the identity and address of any person who might be
188 the father of the child or youth and ordering genetic testing, and order
189 service of the petition and notice of the hearing date, if any, to be made
190 upon him; (8) if the person named as the father appears, and admits
191 that he is the father, provide him and the mother with the notices that
192 comply with section 17b-27 and provide them with the opportunity to
193 sign a paternity acknowledgment and affirmation on forms that
194 comply with section 17b-27. Such documents shall be executed and
195 filed in accordance with chapter 815y and a copy delivered to the clerk
196 of the superior court for juvenile matters; (9) in the event that the
197 person named as a father appears and denies that he is the father of the
198 child or youth, advise him that he may have no further standing in any
199 proceeding concerning the child, and either order genetic testing to
200 determine paternity or direct him to execute a written denial of
201 paternity on a form promulgated by the Office of the Chief Court
202 Administrator. Upon execution of such a form by the putative father,
203 the court may remove him from the case and afford him no further
204 standing in the case or in any subsequent proceeding regarding the
205 child or youth until such time as paternity is established by formal
206 acknowledgment or adjudication in a court of competent jurisdiction;
207 (10) identify any person or persons related to the child or youth by
208 blood or marriage residing in this state who might serve as licensed
209 foster parents or temporary custodians and order the Commissioner of
210 Children and Families to investigate and determine, not later than
211 thirty days after the preliminary hearing, the appropriateness of

212 placement of the child or youth with such relative or relatives; and (11)
213 in accordance with the provisions of the Interstate Compact on the
214 Placement of Children pursuant to section 17a-175, identify any person
215 or persons related to the child or youth by blood or marriage residing
216 out of state who might serve as licensed foster parents or temporary
217 custodians, and order the Commissioner of Children and Families to
218 investigate and determine, within a reasonable time, the
219 appropriateness of placement of the child or youth with such relative
220 or relatives.

221 (d) (1) (A) If not later than thirty days after the preliminary hearing,
222 or within a reasonable time when a relative resides out of state, the
223 Commissioner of Children and Families determines that there is not a
224 suitable person related to the child or youth by blood or marriage who
225 can be licensed as a foster parent or serve as a temporary custodian,
226 and the court has not granted temporary custody to a person related to
227 the child or youth by blood or marriage, any person related to the child
228 or youth by blood or marriage may file, not later than ninety days after
229 the date of the preliminary hearing, a motion to intervene for the
230 limited purpose of moving for temporary custody of such child or
231 youth. If a motion to intervene is timely filed, the court shall grant
232 such motion except for good cause shown.

233 (B) Any person related to a child or youth may file a motion to
234 intervene for purposes of seeking temporary custody of a child or
235 youth more than ninety days after the date of the preliminary hearing.
236 The granting of such motion shall be solely in the court's discretion,
237 except that such motion shall be granted absent good cause shown
238 whenever the child's or youth's most recent placement has been
239 disrupted or is about to be disrupted.

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

244 (2) Upon the granting of intervenor status to such relative of the
245 child or youth, the court shall issue an order directing the
246 Commissioner of Children and Families to conduct an assessment of
247 such relative and to file a written report with the court not later than
248 forty days after such order, unless such relative resides out of state, in
249 which case the assessment shall be ordered and requested in
250 accordance with the provisions of the Interstate Compact on the
251 Placement of Children, pursuant to section 17a-175. The court may also
252 request such relative to release such relative's medical records,
253 including any psychiatric or psychological records and may order such
254 relative to submit to a physical or mental examination. The expenses
255 incurred for such physical or mental examination shall be paid as costs
256 of commitment are paid. Upon receipt of the assessment, the court
257 shall schedule a hearing on such relative's motion for temporary
258 custody not later than fifteen days after the receipt of the assessment. If
259 the Commissioner of Children and Families, the child's or youth's
260 attorney or guardian ad litem, or the parent or guardian objects to the
261 vesting of temporary custody in such relative, the agency or person
262 objecting at such hearing shall be required to prove by a fair
263 preponderance of the evidence that granting temporary custody of the
264 child or youth to such relative would not be in the best interests of
265 such child or youth.

266 (3) If the court grants such relative temporary custody during the
267 period of such temporary custody, such relative shall be subject to
268 orders of the court, including, but not limited to, providing for the care
269 and supervision of such child or youth and cooperating with the
270 Commissioner of Children and Families in the implementation of
271 treatment and permanency plans and services for such child or youth.
272 The court may, on motion of any party or the court's own motion, after
273 notice and a hearing, terminate such relative's intervenor status if such
274 relative's participation in the case is no longer warranted or necessary.

275 (4) Any person related to a child or youth may file a motion to
276 intervene for purposes of seeking permanent guardianship of a child
277 or youth more than ninety days after the date of the preliminary

278 hearing. The granting of such motion to intervene shall be solely in the
279 court's discretion, except that such motion shall be granted absent
280 good cause shown whenever the child's or youth's most recent
281 placement has been disrupted or is about to be disrupted. The court
282 may, in the court's discretion, order the Commissioner of Children and
283 Families to conduct an assessment of such relative granted intervenor
284 status pursuant to this subdivision.

285 (e) If any parent or guardian fails, after service of such order, to
286 appear at the preliminary hearing, the court may enter or sustain an
287 order of temporary custody.

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

293 (g) At a contested hearing on the order for temporary custody or
294 order to appear, credible hearsay evidence regarding statements of the
295 child or youth made to a mandated reporter or to a parent may be
296 offered by the parties and admitted by the court upon a finding that
297 the statement is reliable and trustworthy and that admission of such
298 statement is reasonably necessary. A signed statement executed by a
299 mandated reporter under oath may be admitted by the court without
300 the need for the mandated reporter to appear and testify unless called
301 by a respondent or the child, provided the statement: (1) Was provided
302 at the preliminary hearing and promptly upon request to any counsel
303 appearing after the preliminary hearing; (2) reasonably describes the
304 qualifications of the reporter and the nature of his contact with the
305 child; and (3) contains only the direct observations of the reporter, and
306 statements made to the reporter that would be admissible if the
307 reporter were to testify to them in court and any opinions reasonably
308 based thereupon. If a respondent or the child gives notice at the
309 preliminary hearing that he intends to cross-examine the reporter, the
310 person filing the petition shall make the reporter available for such

311 examination at the contested hearing.

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

317 (i) When a petition is filed in said court for the commitment of a
318 child or youth, the Commissioner of Children and Families shall make
319 a thorough investigation of the case and shall cause to be made a
320 thorough physical and mental examination of the child or youth if
321 requested by the court. The court after hearing may also order a
322 thorough physical or mental examination, or both, of a parent or
323 guardian whose competency or ability to care for a child or youth
324 before the court is at issue. The expenses incurred in making such
325 physical and mental examinations shall be paid as costs of
326 commitment are paid.

327 (j) Upon finding and adjudging that any child or youth is uncared-
328 for [,] or neglected, [,] or dependent,] the court may commit such child or
329 youth to the Commissioner of Children and Families. Such
330 commitment shall remain in effect until further order of the court,
331 except that such commitment may be revoked or parental rights
332 terminated at any time by the court, or the court may vest such child's
333 or youth's legal guardianship in any private or public agency that is
334 permitted by law to care for neglected [,] or uncared-for [,]
335 dependent] children or youths or with any other person or persons
336 found to be suitable and worthy of such responsibility by the court,
337 including, but not limited to, any relative of such child or youth by
338 blood or marriage. If the court determines that the commitment should
339 be revoked and the child's or youth's legal guardianship should vest in
340 someone other than the respondent parent, parents or former
341 guardian, or if parental rights are terminated at any time, there shall be
342 a rebuttable presumption that an award of legal guardianship upon
343 revocation to, or adoption upon termination of parental rights by, any

344 relative who is licensed as a foster parent for such child or youth, or
345 who is, pursuant to an order of the court, the temporary custodian of
346 the child or youth at the time of the revocation or termination, shall be
347 in the best interests of the child or youth and that such relative is a
348 suitable and worthy person to assume legal guardianship upon
349 revocation or to adopt such child or youth upon termination of
350 parental rights. The presumption may be rebutted by a preponderance
351 of the evidence that an award of legal guardianship to, or an adoption
352 by, such relative would not be in the child's or youth's best interests
353 and such relative is not a suitable and worthy person. The court shall
354 order specific steps that the parent must take to facilitate the return of
355 the child or youth to the custody of such parent. The commissioner
356 shall be the guardian of such child or youth for the duration of the
357 commitment, provided the child or youth has not reached the age of
358 eighteen years or, in the case of a child or youth in full-time attendance
359 in a secondary school, a technical school, a college or a state-accredited
360 job training program, provided such child or youth has not reached the
361 age of twenty-one years, by consent of such youth, or until another
362 guardian has been legally appointed, and in like manner, upon such
363 vesting of the care of such child or youth, such other public or private
364 agency or individual shall be the guardian of such child or youth until
365 such child or youth has reached the age of eighteen years or, in the
366 case of a child or youth in full-time attendance in a secondary school, a
367 technical school, a college or a state-accredited job training program,
368 until such child or youth has reached the age of twenty-one years or
369 until another guardian has been legally appointed. The commissioner
370 may place any child or youth so committed to the commissioner in a
371 suitable foster home or in the home of a person related by blood or
372 marriage to such child or youth or in a licensed child-caring institution
373 or in the care and custody of any accredited, licensed or approved
374 child-caring agency, within or without the state, provided a child shall
375 not be placed outside the state except for good cause and unless the
376 parents or guardian of such child are notified in advance of such
377 placement and given an opportunity to be heard, or in a receiving
378 home maintained and operated by the Commissioner of Children and

379 Families. In placing such child or youth, the commissioner shall, if
380 possible, select a home, agency, institution or person of like religious
381 faith to that of a parent of such child or youth, if such faith is known or
382 may be ascertained by reasonable inquiry, provided such home
383 conforms to the standards of said commissioner and the commissioner
384 shall, when placing siblings, if possible, place such children together.
385 As an alternative to commitment, the court may place the child or
386 youth in the custody of the parent or guardian with protective
387 supervision by the Commissioner of Children and Families subject to
388 conditions established by the court. Upon the issuance of an order
389 committing the child or youth to the Commissioner of Children and
390 Families, or not later than sixty days after the issuance of such order,
391 the court shall determine whether the Department of Children and
392 Families made reasonable efforts to keep the child or youth with his or
393 her parents or guardian prior to the issuance of such order and, if such
394 efforts were not made, whether such reasonable efforts were not
395 possible, taking into consideration the child's or youth's best interests,
396 including the child's or youth's health and safety.

397 (k) (1) Nine months after placement of the child or youth in the care
398 and custody of the commissioner pursuant to a voluntary placement
399 agreement, or removal of a child or youth pursuant to section 17a-
400 101g, as amended by this act, or an order issued by a court of
401 competent jurisdiction, whichever is earlier, the commissioner shall file
402 a motion for review of a permanency plan. Nine months after a
403 permanency plan has been approved by the court pursuant to this
404 subsection, the commissioner shall file a motion for review of the
405 permanency plan. Any party seeking to oppose the commissioner's
406 permanency plan, including a relative of a child or youth by blood or
407 marriage who has intervened pursuant to subsection (d) of this section
408 and is licensed as a foster parent for such child or youth or is vested
409 with such child's or youth's temporary custody by order of the court,
410 shall file a motion in opposition not later than thirty days after the
411 filing of the commissioner's motion for review of the permanency plan,
412 which motion shall include the reason therefor. A permanency hearing

413 on any motion for review of the permanency plan shall be held not
414 later than ninety days after the filing of such motion. The court shall
415 hold evidentiary hearings in connection with any contested motion for
416 review of the permanency plan. The commissioner shall have the
417 burden of proving that the proposed permanency plan is in the best
418 interests of the child or youth. After the initial permanency hearing,
419 subsequent permanency hearings shall be held not less frequently than
420 every twelve months while the child or youth remains in the custody
421 of the Commissioner of Children and Families. The court shall provide
422 notice to the child or youth, the parent or guardian of such child or
423 youth, and any intervenor of the time and place of the court hearing on
424 any such motion not less than fourteen days prior to such hearing.

425 (2) At a permanency hearing held in accordance with the provisions
426 of subdivision (1) of this subsection, the court shall approve a
427 permanency plan that is in the best interests of the child or youth and
428 takes into consideration the child's or youth's need for permanency.
429 The child's or youth's health and safety shall be of paramount concern
430 in formulating such plan. Such permanency plan may include the goal
431 of (A) revocation of commitment and reunification of the child or
432 youth with the parent or guardian, with or without protective
433 supervision; (B) transfer of guardianship; (C) long-term foster care
434 with a relative licensed as a foster parent; (D) filing of termination of
435 parental rights and adoption; or (E) another planned permanent living
436 arrangement ordered by the court, provided the Commissioner of
437 Children and Families has documented a compelling reason why it
438 would not be in the best interest of the child or youth for the
439 permanency plan to include the goals in subparagraphs (A) to (D),
440 inclusive, of this subdivision. Such other planned permanent living
441 arrangement may include, but not be limited to, placement of a child
442 or youth in an independent living program or long term foster care
443 with an identified foster parent.

444 (3) At a permanency hearing held in accordance with the provisions
445 of subdivision (1) of this subsection, the court shall review the status of
446 the child, the progress being made to implement the permanency plan,

447 determine a timetable for attaining the permanency plan, determine
448 the services to be provided to the parent if the court approves a
449 permanency plan of reunification and the timetable for such services,
450 and determine whether the commissioner has made reasonable efforts
451 to achieve the permanency plan. The court may revoke commitment if
452 a cause for commitment no longer exists and it is in the best interests of
453 the child or youth.

454 (4) If the court approves the permanency plan of adoption: (A) The
455 Commissioner of Children and Families shall file a petition for
456 termination of parental rights not later than sixty days after such
457 approval if such petition has not previously been filed; (B) the
458 commissioner may conduct a thorough adoption assessment and
459 child-specific recruitment; and (C) the court may order that the child
460 be photo-listed within thirty days if the court determines that such
461 photo-listing is in the best interest of the child. As used in this
462 subdivision, "thorough adoption assessment" means conducting and
463 documenting face-to-face interviews with the child, foster care
464 providers and other significant parties and "child specific recruitment"
465 means recruiting an adoptive placement targeted to meet the
466 individual needs of the specific child, including, but not limited to, use
467 of the media, use of photo-listing services and any other in-state or
468 out-of-state resources that may be used to meet the specific needs of
469 the child, unless there are extenuating circumstances that indicate that
470 such efforts are not in the best interest of the child.

471 (l) The Commissioner of Children and Families shall pay directly to
472 the person or persons furnishing goods or services determined by said
473 commissioner to be necessary for the care and maintenance of such
474 child or youth the reasonable expense thereof, payment to be made at
475 intervals determined by said commissioner; and the Comptroller shall
476 draw his or her order on the Treasurer, from time to time, for such part
477 of the appropriation for care of committed children or youths as may
478 be needed in order to enable the commissioner to make such
479 payments. The commissioner shall include in the department's annual
480 budget a sum estimated to be sufficient to carry out the provisions of

481 this section. Notwithstanding that any such child or youth has income
482 or estate, the commissioner may pay the cost of care and maintenance
483 of such child or youth. The commissioner may bill to and collect from
484 the person in charge of the estate of any child or youth aided under
485 this chapter, or the payee of such child's or youth's income, the total
486 amount expended for care of such child or youth or such portion
487 thereof as any such estate or payee is able to reimburse, provided the
488 commissioner shall not collect from such estate or payee any
489 reimbursement for the cost of care or other expenditures made on
490 behalf of such child or youth from (1) the proceeds of any cause of
491 action received by such child or youth; (2) any lottery proceeds due to
492 such child or youth; (3) any inheritance due to such child or youth; (4)
493 any payment due to such child or youth from a trust other than a trust
494 created pursuant to 42 USC 1396p, as amended from time to time; or
495 (5) the decedent estate of such child or youth.

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

502 (n) Upon service on the parent, guardian or other person having
503 control of the child or youth of any order issued by the court pursuant
504 to the provisions of subsections (b) and (j) of this section, the child or
505 youth concerned shall be surrendered to the person serving the order
506 who shall forthwith deliver the child or youth to the person, agency,
507 department or institution awarded custody in the order. Upon refusal
508 of the parent, guardian or other person having control of the child or
509 youth to surrender the child or youth as provided in the order, the
510 court may cause a warrant to be issued charging the parent, guardian
511 or other person having control of the child or youth with contempt of
512 court. If the person arrested is found in contempt of court, the court
513 may order such person confined until the person complies with the
514 order, but for not more than six months, or may fine such person not

515 more than five hundred dollars, or both.

516 (o) A foster parent, prospective adoptive parent or relative caregiver
517 shall receive notice and have the right to be heard for the purposes of
518 this section in Superior Court in any proceeding concerning a foster
519 child living with such foster parent, prospective adoptive parent or
520 relative caregiver. A foster parent, prospective adoptive parent or
521 relative caregiver who has cared for a child or youth shall have the
522 right to be heard and comment on the best interests of such child or
523 youth in any proceeding under this section which is brought not more
524 than one year after the last day the foster parent, prospective adoptive
525 parent or relative caregiver provided such care.

526 (p) Upon motion of any sibling of any child committed to the
527 Department of Children and Families pursuant to this section, such
528 sibling shall have the right to be heard concerning visitation with, and
529 placement of, any such child. In awarding any visitation or modifying
530 any placement, the court shall be guided by the best interests of all
531 siblings affected by such determination.

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

536 (r) In any proceeding under this section, the Department of Children
537 and Families shall provide notice to every attorney of record for each
538 party involved in the proceeding when the department seeks to
539 transfer a child or youth in its care, custody or control to an out-of-
540 state placement.

541 Sec. 505. Subsection (b) of section 46b-135 of the general statutes is
542 repealed and the following is substituted in lieu thereof (*Effective*
543 *July 1, 2011*):

544 (b) At the commencement of any proceeding on behalf of a
545 neglected [,] or uncared-for [or dependent] child or youth, the parent

546 or parents or guardian of the child or youth shall have the right to
547 counsel, and shall be so informed by the judge, and that if they are
548 unable to afford counsel, counsel will be provided for them. Such
549 parent or guardian of the child or youth shall have the rights of
550 confrontation and cross-examination.

551 Sec. 506. Subsection (d) of section 46b-137 of the general statutes is
552 repealed and the following is substituted in lieu thereof (*Effective*
553 *July 1, 2011*):

554 (d) Any confession, admission or statement, written or oral, made
555 by the parent or parents or guardian of the child or youth after the
556 filing of a petition alleging such child or youth to be neglected [,] or
557 uncared-for, [or dependent,] shall be inadmissible in any proceeding
558 held upon such petition against the person making such admission or
559 statement unless such person shall have been advised of the person's
560 right to retain counsel, and that if the person is unable to afford
561 counsel, counsel will be appointed to represent the person, that the
562 person has a right to refuse to make any statement and that any
563 statements the person makes may be introduced in evidence against
564 the person, except that any statement made by the mother of any child
565 or youth, upon inquiry by the court and under oath if necessary, as to
566 the identity of any person who might be the father of the child or
567 youth shall not be inadmissible if the mother was not so advised.

568 Sec. 507. Subsection (d) of section 46b-137 of the general statutes, as
569 amended by section 87 of public act 09-7 of the September special
570 session and section 40 of public act 10-43, is repealed and the following
571 is substituted in lieu thereof (*Effective July 1, 2012*):

572 (d) Any confession, admission or statement, written or oral, made
573 by the parent or parents or guardian of the child or youth after the
574 filing of a petition alleging such child or youth to be neglected [,] or
575 uncared-for, [or dependent,] shall be inadmissible in any proceeding
576 held upon such petition against the person making such admission or
577 statement unless such person shall have been advised of the person's

578 right to retain counsel, and that if the person is unable to afford
579 counsel, counsel will be appointed to represent the person, that the
580 person has a right to refuse to make any statement and that any
581 statements the person makes may be introduced in evidence against
582 the person, except that any statement made by the mother of any child
583 or youth, upon inquiry by the court and under oath if necessary, as to
584 the identity of any person who might be the father of the child or
585 youth shall not be inadmissible if the mother was not so advised.

586 Sec. 508. Section 46b-150d of the general statutes is repealed and the
587 following is substituted in lieu thereof (*Effective July 1, 2011*):

588 An order that a minor is emancipated shall have the following
589 effects: (1) The minor may consent to medical, dental or psychiatric
590 care, without parental consent, knowledge or liability; (2) the minor
591 may enter into a binding contract; (3) the minor may sue and be sued
592 in such minor's own name; (4) the minor shall be entitled to such
593 minor's own earnings and shall be free of control by such minor's
594 parents or guardian; (5) the minor may establish such minor's own
595 residence; (6) the minor may buy and sell real and personal property;
596 (7) the minor may not thereafter be the subject of (A) a petition under
597 section 46b-129, as amended by this act, as an abused, [dependent,]
598 neglected or uncared for child or youth, (B) a petition under section
599 46b-128 or 46b-133 as a delinquent child for any act committed before
600 the date of the order, (C) a petition under section 46b-149 alleging that
601 the minor is a child from a family with service needs, or (D) a petition
602 under section 46b-150f alleging that the minor is a youth in crisis; (8)
603 the minor may enroll in any school or college, without parental
604 consent; (9) the minor shall be deemed to be over eighteen years of age
605 for purposes of securing an operator's license under section 14-36 and
606 a marriage license under subsection (b) of section 46b-30; (10) the
607 minor shall be deemed to be over eighteen years of age for purposes of
608 registering a motor vehicle under section 14-12; (11) the parents of the
609 minor shall no longer be the guardians of the minor under section 45a-
610 606; (12) the parents of a minor shall be relieved of any obligations
611 respecting such minor's school attendance under section 10-184; (13)

612 the parents shall be relieved of all obligation to support the minor; (14)
613 the minor shall be emancipated for the purposes of parental liability
614 for such minor's acts under section 52-572; (15) the minor may execute
615 releases in such minor's own name under section 14-118; and (16) the
616 minor may enlist in the armed forces of the United States without
617 parental consent.

618 Sec. 509. Section 46b-150d of the general statutes, as amended by
619 section 91 of public act 09-7 of the September special session, is
620 repealed and the following is substituted in lieu thereof (*Effective*
621 *July 1, 2012*):

622 An order that a minor is emancipated shall have the following
623 effects: (1) The minor may consent to medical, dental or psychiatric
624 care, without parental consent, knowledge or liability; (2) the minor
625 may enter into a binding contract; (3) the minor may sue and be sued
626 in such minor's own name; (4) the minor shall be entitled to such
627 minor's own earnings and shall be free of control by such minor's
628 parents or guardian; (5) the minor may establish such minor's own
629 residence; (6) the minor may buy and sell real and personal property;
630 (7) the minor may not thereafter be the subject of (A) a petition under
631 section 46b-129, as amended by this act, as an abused, [dependent,]
632 neglected or uncared for child or youth, (B) a petition under section
633 46b-128 or 46b-133 as a delinquent child for any act committed before
634 the date of the order, or (C) a petition under section 46b-149 alleging
635 that the minor is a child from a family with service needs; (8) the minor
636 may enroll in any school or college, without parental consent; (9) the
637 minor shall be deemed to be over eighteen years of age for purposes of
638 securing an operator's license under section 14-36 and a marriage
639 license under subsection (b) of section 46b-30; (10) the minor shall be
640 deemed to be over eighteen years of age for purposes of registering a
641 motor vehicle under section 14-12; (11) the parents of the minor shall
642 no longer be the guardians of the minor under section 45a-606; (12) the
643 parents of a minor shall be relieved of any obligations respecting such
644 minor's school attendance under section 10-184; (13) the parents shall
645 be relieved of all obligation to support the minor; (14) the minor shall

646 be emancipated for the purposes of parental liability for such minor's
647 acts under section 52-572; (15) the minor may execute releases in such
648 minor's own name under section 14-118; and (16) the minor may enlist
649 in the armed forces of the United States without parental consent."