



General Assembly

February Session, 2014

Raised Bill No. 5304

LCO No. 1373



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT PREVENTING HOMELESSNESS FOR YOUTH UNDER THE CARE OF THE COMMISSIONER OF CHILDREN AND FAMILIES.

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
2 section, "child" has the same meaning as provided in section 17a-93 of
3 the general statutes.

4 (b) The Department of Children and Families shall not discharge a
5 child from the care and custody of the department unless (1) such child
6 has a residence other than a shelter for adults, shelter for families or
7 single-room occupancy hotel, and (2) the department has a reasonable
8 expectation that the residence will remain available to the child for not
9 less than twelve months from the date the child is discharged.

10 (c) The provisions of subsection (b) of this section shall not apply to
11 any child who (1) has been placed in a residential facility or group
12 home, (2) is a member of the military or job corps, (3) is a full-time
13 student in a post-secondary educational institution, or (4) has refused
14 the care and custody of the department.

15 (d) Each child who is eighteen years of age or older and has been
16 released from the care and custody of the department shall remain in
17 aftercare for not less than forty-five days after such release. During the
18 period of aftercare, the department shall provide case management
19 services to the child. In the event that the child becomes homeless or at
20 risk of homelessness, as defined in section 17a-484a of the general
21 statutes, during the period of aftercare, the department shall assist the
22 child in obtaining a residence other than a shelter for adults, shelter for
23 families or single-room occupancy hotel.

24 (e) The provisions of subsection (d) of this section shall not apply
25 when (1) the department's duty of care and custody over the child is
26 terminated by a court order, or (2) the child is twenty-one years of age
27 or older.

28 Sec. 2. Section 46b-136 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2014*):

30 (a) In any proceeding in a juvenile matter, the judge before whom
31 such proceeding is pending shall, even in the absence of a request to
32 do so, provide an attorney to represent the child or youth, the child's
33 or youth's parent or parents or guardian, or other person having
34 control of the child or youth, if such judge determines that the interests
35 of justice so require, and in any proceeding in which the custody of a
36 child is at issue, such judge shall provide an attorney to represent the
37 child and may authorize such attorney or appoint another attorney to
38 represent such child or youth, parent, guardian or other person on an
39 appeal from a decision in such proceeding.

40 (b) In any proceeding in which a child or youth who has been
41 released from the care and custody of the Department of Children and
42 Families as a result of (1) a denial, suspension or termination of
43 benefits, or (2) a determination by the superior court for juvenile
44 matters that the department's continuation of care and custody is not
45 in the child or youth's best interest pursuant to subdivision (5) of

46 subsection (j) of section 46b-129, the judge before whom such
47 proceeding is pending shall, even in the absence of a request to do so,
48 provide an attorney to represent the child or youth, if such judge
49 determines that the interests of justice so require, provided the child or
50 youth consents to the representation.

51 (c) Where, under the provisions of this section, the court so appoints
52 counsel for any such party who is found able to pay, in whole or in
53 part, the cost thereof, the court shall assess as costs against such
54 parents, guardian or custodian, including any agency vested with the
55 legal custody of the child or youth, the expense so incurred and paid
56 by the Division of Public Defender Services in providing such counsel,
57 to the extent of their financial ability to do so. The Division of Public
58 Defender Services shall establish the rate at which counsel provided
59 pursuant to this section shall be compensated.

60 Sec. 3. Subsection (k) of section 46b-129 of the 2014 supplement to
61 the general statutes is repealed and the following is substituted in lieu
62 thereof (*Effective October 1, 2014*):

63 (k) (1) Nine months after placement of the child or youth in the care
64 and custody of the commissioner pursuant to a voluntary placement
65 agreement, or removal of a child or youth pursuant to section 17a-101g
66 or an order issued by a court of competent jurisdiction, whichever is
67 earlier, the commissioner shall file a motion for review of a
68 permanency plan if the child or youth has not reached his or her
69 eighteenth birthday. Nine months after a permanency plan has been
70 approved by the court pursuant to this subsection or subdivision (5) of
71 subsection (j) of this section, the commissioner shall file a motion for
72 review of the permanency plan. Any party seeking to oppose the
73 commissioner's permanency plan, including a relative of a child or
74 youth by blood or marriage who has intervened pursuant to
75 subsection (d) of this section and is licensed as a foster parent for such
76 child or youth or is vested with such child's or youth's temporary
77 custody by order of the court, shall file a motion in opposition not later

78 than thirty days after the filing of the commissioner's motion for
79 review of the permanency plan, which motion shall include the reason
80 therefor. A permanency hearing on any motion for review of the
81 permanency plan shall be held not later than ninety days after the
82 filing of such motion. The court shall hold evidentiary hearings in
83 connection with any contested motion for review of the permanency
84 plan and credible hearsay evidence regarding any party's compliance
85 with specific steps ordered by the court shall be admissible at such
86 evidentiary hearings. The commissioner shall have the burden of
87 proving that the proposed permanency plan is in the best interests of
88 the child or youth. After the initial permanency hearing, subsequent
89 permanency hearings shall be held not less frequently than every
90 twelve months while the child or youth remains in the custody of the
91 Commissioner of Children and Families or, if the youth is over
92 eighteen years of age, while the youth remains in voluntary placement
93 with the department. The court shall provide notice to the child or
94 youth, the parent or guardian of such child or youth, and any
95 intervenor of the time and place of the court hearing on any such
96 motion not less than fourteen days prior to such hearing.

97 (2) At a permanency hearing held in accordance with the provisions
98 of subdivision (1) of this subsection, the court shall approve a
99 permanency plan that is in the best interests of the child or youth and
100 takes into consideration the child's or youth's need for permanency.
101 The child's or youth's health and safety shall be of paramount concern
102 in formulating such plan. Such permanency plan may include the goal
103 of (A) revocation of commitment and reunification of the child or
104 youth with the parent or guardian, with or without protective
105 supervision; (B) transfer of guardianship or permanent legal
106 guardianship; (C) long-term foster care with a relative licensed as a
107 foster parent; (D) filing of termination of parental rights and adoption;
108 or (E) another planned permanent living arrangement ordered by the
109 court, provided the Commissioner of Children and Families has
110 documented a compelling reason why it would not be in the best

111 interests of the child or youth for the permanency plan to include the
112 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
113 other planned permanent living arrangement may include, but not be
114 limited to, placement of a child or youth (i) in an independent living
115 program, [or] (ii) in long term foster care with an identified foster
116 parent, or (iii) with an adult who has a significant connection to the
117 child or youth and is willing to provide a permanent living
118 arrangement for the child or youth.

119 (3) At a permanency hearing held in accordance with the provisions
120 of subdivision (1) of this subsection, the court shall review the status of
121 the child, the progress being made to implement the permanency plan,
122 determine a timetable for attaining the permanency plan, determine
123 the services to be provided to the parent if the court approves a
124 permanency plan of reunification and the timetable for such services,
125 and determine whether the commissioner has made reasonable efforts
126 to achieve the permanency plan. The court may revoke commitment if
127 a cause for commitment no longer exists and it is in the best interests of
128 the child or youth.

129 (4) If the court approves the permanency plan of adoption: (A) The
130 Commissioner of Children and Families shall file a petition for
131 termination of parental rights not later than sixty days after such
132 approval if such petition has not previously been filed; (B) the
133 commissioner may conduct a thorough adoption assessment and
134 child-specific recruitment; and (C) the court may order that the child
135 be photo-listed within thirty days if the court determines that such
136 photo-listing is in the best interests of the child. As used in this
137 subdivision, "thorough adoption assessment" means conducting and
138 documenting face-to-face interviews with the child, foster care
139 providers and other significant parties and "child specific recruitment"
140 means recruiting an adoptive placement targeted to meet the
141 individual needs of the specific child, including, but not limited to, use
142 of the media, use of photo-listing services and any other in-state or
143 out-of-state resources that may be used to meet the specific needs of

144 the child, unless there are extenuating circumstances that indicate that
145 such efforts are not in the best interests of the child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	46b-136
Sec. 3	<i>October 1, 2014</i>	46b-129(k)

Statement of Purpose:

To combat homelessness in the children and youths of the state by requiring the Department of Children and Families to (1) keep such children and youths under the care and custody of the department unless the child or youth has a suitable residence, (2) ensure legal representation for children and youths who have been involuntarily discharged from the care and custody of the department, and (3) allow children and youths to be discharged to a nonrelative, nonguardian adult if the department determines it is in the child or youth's best interest to do so.

[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.]