



# Senate

General Assembly

**File No. 420**

February Session, 2014

Substitute Senate Bill No. 43

*Senate, April 8, 2014*

The Committee on Human Services reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES.***

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

1 Section 1. Subsection (d) of section 17a-11 of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2014*):

4 (d) (1) Ten months after admitting a child or youth on a voluntary  
5 basis and annually thereafter if the child or youth remains in the  
6 custody of the commissioner and remains placed in a foster home  
7 licensed pursuant to section 17a-114 or a facility licensed pursuant to  
8 section 17a-145, the commissioner shall file a motion for review of a  
9 permanency plan. A hearing on such motion shall be held not later  
10 than thirty days after the filing of such motion. The court shall provide  
11 notice to the child or youth and such child's or youth's parent or  
12 guardian of the time and place of the hearing on such motion not less  
13 than ten days prior to the date of such hearing.

14 (2) At a permanency hearing held in accordance with the provisions  
15 of subdivision (1) of this subsection, the court shall approve a  
16 permanency plan that is in the best interests of the child or youth and  
17 takes into consideration the child's or youth's need for permanency.  
18 The health and safety of the child or youth shall be of paramount  
19 concern in formulating such plan. At such hearing, the court shall  
20 consider among other things: (A) The appropriateness of the  
21 department's plan for service to the child or youth and his or her  
22 family; (B) the treatment and support services that have been offered  
23 and provided to the child or youth to strengthen and reunite the  
24 family; (C) if return home is not likely for the child or youth, the efforts  
25 that have been made or should be made to evaluate and plan for other  
26 modes of care; and (D) any further efforts [which] that have been or  
27 will be made to promote the best interests of the child or youth.

28 (3) The permanency plan pursuant to subdivision (2) of this  
29 subsection may include the goal of (A) placement of the child or youth  
30 with the parent or guardian, (B) transfer of guardianship, (C) long-  
31 term foster care with a relative licensed as a foster parent, [or certified  
32 as a relative caregiver,] (D) termination of parental rights and  
33 adoption, or (E) such other planned permanent living arrangement  
34 ordered by the court provided the commissioner has documented a  
35 compelling reason why it would not be in the best interest of the child  
36 or youth for the permanency plan to include the goals in  
37 subparagraphs (A) to (D), inclusive, of this subdivision. Such other  
38 planned permanent living arrangement may include, but not be  
39 limited to, placement of a child or youth in an independent living  
40 program or long-term foster care with an identified foster parent.

41 (4) At a permanency hearing, the court shall review the status of the  
42 child or youth and the progress being made to implement the  
43 permanency plan, determine a timetable for attaining the permanency  
44 prescribed by the plan and determine whether the commissioner has  
45 made reasonable efforts to achieve the permanency plan. At the  
46 conclusion of the hearing, the court may: (A) Direct that the services  
47 being provided, or the placement of the child or youth and

48 reunification efforts, be continued if the court, after hearing,  
49 determines that continuation of the child or youth in services or  
50 placement is in the child's or youth's best interests, or (B) direct that the  
51 child's or youth's services or placement be modified to reflect the  
52 child's or youth's best interest.

53 Sec. 2. Subdivision (13) of section 17a-93 of the 2014 supplement to  
54 the general statutes is repealed and the following is substituted in lieu  
55 thereof (*Effective October 1, 2014*):

56 (13) "Foster family" means a person or persons, licensed [or  
57 certified] by the Department of Children and Families or approved by  
58 a licensed child-placing agency, for the care of a child or children in a  
59 private home;

60 Sec. 3. Subsection (c) of section 17a-111b of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2014*):

63 (c) If the court determines that such efforts are not required, the  
64 court shall, at such hearing or at a hearing held not later than thirty  
65 days after such determination, approve a permanency plan for such  
66 child. The plan may include (1) adoption and a requirement that the  
67 commissioner file a petition to terminate parental rights, (2) long-term  
68 foster care with a relative licensed as a foster parent, [or certified as a  
69 relative caregiver,] (3) transfer of guardianship, or (4) such other  
70 planned permanent living arrangement as may be ordered by the  
71 court, provided the commissioner has documented a compelling  
72 reason why it would not be in the best interests of the child for the  
73 permanency plan to include one of the options set forth in subdivisions  
74 (1) to (3), inclusive, of this subsection. The child's health and safety  
75 shall be of paramount concern in formulating such plan.

76 Sec. 4. Section 17a-114a of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2014*):

78 A person licensed [or certified] pursuant to section 17a-114 shall be

79 liable for any act or omission resulting in personal injury to a child  
80 placed in his care by the Commissioner of Children and Families to the  
81 same extent as a biological parent is liable for any act or omission  
82 resulting in personal injury to a biological child in his care.

83 Sec. 5. (NEW) (*Effective October 1, 2014*) The Commissioner of  
84 Children and Families may, within available appropriations, provide  
85 funds to a foster family, as defined in subdivision (13) of section 17a-93  
86 of the general statutes, as amended by this act, or prospective adoptive  
87 family, as defined in subdivision (14) of said section, who is or will be  
88 caring for a foster child with physical disabilities, as defined in section  
89 1-1f of the general statutes, for the purpose of modifying the foster  
90 family's or prospective adoptive family's principal residence to safely  
91 accommodate such child. The type of modification and the amount of  
92 the funds to be provided shall be determined by the commissioner or  
93 the commissioner's designee. The commissioner or the commissioner's  
94 designee shall take into consideration any available income and  
95 resources of the foster family or prospective adoptive family when  
96 determining the modification and the amount of the funds to be  
97 provided and may, at any time, modify, suspend or discontinue the  
98 provision of such funds.

99 Sec. 6. Subdivision (10) of subsection (g) of section 17a-28 of the 2014  
100 supplement to the general statutes is repealed and the following is  
101 substituted in lieu thereof (*Effective from passage*):

102 (10) The Governor, when requested in writing in the course of the  
103 Governor's official functions, the Legislative Program Review and  
104 Investigations Committee, the joint standing committee of the General  
105 Assembly having cognizance of matters relating to human services, the  
106 joint standing committee of the General Assembly having cognizance  
107 of matters relating to the judiciary or the [select] joint standing  
108 committee of the General Assembly having cognizance of matters  
109 relating to children, when requested in writing in the course of said  
110 committee's official functions, and upon a majority vote of said  
111 committee, provided no name or other identifying information is

112 disclosed unless such information is essential to the gubernatorial or  
113 legislative purpose;

114 Sec. 7. Section 17a-106e of the 2014 supplement to the general  
115 statutes is repealed and the following is substituted in lieu thereof  
116 (*Effective from passage*):

117 (a) (1) On and after October 1, 2013, the Department of Children and  
118 Families shall, within available appropriations, ensure that each child  
119 thirty-six months of age or younger who has been substantiated as a  
120 victim of abuse or neglect is screened for both developmental and  
121 social-emotional delays using validated assessment tools such as the  
122 Ages and Stages and the Ages and Stages-Social/Emotional  
123 Questionnaires, or their equivalents. The department shall ensure that  
124 such screenings are administered to any such child twice annually,  
125 unless such child has been found to be eligible for the birth-to-three  
126 program, established under section 17a-248b.

127 (2) On and after July 1, 2015, the department shall ensure that each  
128 child thirty-six months of age or younger who is being served through  
129 the department's [differential] family assessment response program,  
130 established under section 17a-101g, is screened for both developmental  
131 and social-emotional delays using validated assessment tools such as  
132 the Ages and Stages and the Ages and Stages-Social/Emotional  
133 Questionnaires, or their equivalents, unless such child has been found  
134 to be eligible for the birth-to-three program.

135 (b) The department shall refer any child exhibiting developmental  
136 or social-emotional delays pursuant to such screenings to the birth-to-  
137 three program. The department shall refer any child who is not found  
138 eligible for services under the birth-to-three program to the Help Me  
139 Grow prevention program of the Children's Trust Fund or a similar  
140 program [which] that the department deems appropriate.

141 (c) Not later than July 1, 2014, and annually thereafter, the  
142 department shall submit, in accordance with the provisions of section  
143 11-4a, a report to the joint standing committee of the General Assembly

144 having cognizance of matters relating to children for inclusion in the  
 145 annual report card prepared pursuant to section 2-53m on the status of  
 146 the screening and referral program authorized pursuant to subsection  
 147 (a) of this section. Such report shall include: (1) The number of children  
 148 thirty-six months of age or younger within the state who have been  
 149 substantiated as victims of abuse or neglect within the preceding  
 150 twelve months; (2) the number of children thirty-six months of age or  
 151 younger within the state who have been served through the  
 152 department's [differential] family assessment response program within  
 153 the preceding twelve months; (3) the number of children who were  
 154 screened for developmental and social-emotional delays pursuant to  
 155 subsection (a) of this section by the department or by a provider  
 156 contracted by the department within the preceding twelve months; (4)  
 157 the number of children in subdivisions (1) and (2) of this subsection  
 158 referred for evaluation under the birth-to-three program within the  
 159 preceding twelve months, the number of such children actually  
 160 evaluated under such program, the number of such children found  
 161 eligible for services under such program and the services for which  
 162 such children were found eligible under such program; and (5) the  
 163 number of children described in subdivisions (1) and (2) of this  
 164 subsection receiving evidence-based developmental support services  
 165 through the birth-to-three program or through a provider contracted  
 166 by the department within the preceding twelve months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-11(d)
Sec. 2	<i>October 1, 2014</i>	17a-93(13)
Sec. 3	<i>October 1, 2014</i>	17a-111b(c)
Sec. 4	<i>October 1, 2014</i>	17a-114a
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>from passage</i>	17a-28(g)(10)
Sec. 7	<i>from passage</i>	17a-106e

**HS**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill does not result in a fiscal impact to the Department of Children and Families (DCF). It codifies current DCF practice of providing funding for home modification to certain foster or prospective adoptive families,<sup>1</sup> deletes obsolete statutory references and makes other technical changes.

**The Out Years****State Impact:** None**Municipal Impact:** None

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<sup>1</sup>The Department expended \$318,000 in FY 13 for this purpose.

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**OLR Bill Analysis****sSB 43*****AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES.*****SUMMARY:**

This bill allows the Department of Children and Families (DCF) commissioner, within available appropriations, to provide funds to foster or prospective adoptive families to make home modifications to safely accommodate a foster child with physical disabilities. The commissioner or her designee must determine the type of modification and amount of funds to provide, taking into account the family's available income and resources. DCF may modify, suspend, or discontinue the funds at any time.

The bill conforms the law to current DCF practice by eliminating references to certified relative caregivers, an obsolete term. DCF stopped certifying relative caregivers approximately 10 years ago when the federal government began requiring all caregivers to be licensed to be eligible for federal foster care and adoption services reimbursement.

The bill replaces obsolete references to the "differential response" program with the "family assessment response" program. PA 13-54 renamed the DCF differential response program the family assessment response program.

The bill also makes other minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2014, except for two sections that make minor technical changes, which are effective upon passage.

**BACKGROUND**

**Legislative History**

The original bill (File 25) was referred to the Human Services Committee, which reported it with a joint favorable substitute on March 31. The substitute language deleted provisions related to repaying home modification funds to DCF and authorizing DCF to place a lien on the home. It also deleted a provision that repealed certain DCF reporting requirements.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 8 Nay 4 (03/04/2014)

Human Services Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/31/2014)