



Substitute House Bill No. 6899

Public Act No. 15-199

AN ACT EXPANDING GUARDIANSHIP OPPORTUNITIES FOR CHILDREN AND IMPLEMENTING PROVISIONS OF THE FEDERAL PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT.

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

Section 1. (NEW) (*Effective July 1, 2015*) (a) For purposes of this section:

(1) "Caregiver" means (A) a person who holds a license issued by the Department of Children and Families to provide foster care, (B) a person who has been approved to provide foster care by a child-placing agency licensed pursuant to section 17a-149 of the general statutes, (C) a relative or fictive kin caregiver, as defined in section 17a-114 of the general statutes, as amended by this act, or (D) an operator or official of a child-placing agency licensed pursuant to section 17a-149 of the general statutes in which a child has been placed;

(2) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child;

(3) "Normal childhood activities" means extracurricular, enrichment and social activities that may include, but not be limited to, overnight

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activities outside the direct supervision of the caregiver for periods of up to forty-eight hours; and

(4) "Age appropriate or developmentally appropriate" means (A) activities or items that are generally accepted as suitable for children of the same chronological age or maturity level or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; or (B) in the case of a specific child, activities or items that are suitable for such child based on such child's cognitive, emotional, physical and behavioral capacities.

(b) A caregiver shall have the authority, without prior approval of the department, Probate Court or Superior Court, to allow a child in his or her care that is the subject of a service plan or safety plan to participate in normal childhood activities that are age appropriate or developmentally appropriate for such child based on a reasonable and prudent parent standard, provided (1) such activities comply with provisions included in any existing service plan or safety plan established by the department or court order, and (2) the parent or guardian of such child or youth shall be afforded an opportunity to provide input into the development of such service plan or safety plan. The Commissioner of Children and Families shall promulgate department policy to provide guidance to caregivers concerning the reasonable and prudent parent standard. Such guidance shall include factors for the caregiver to consider prior to allowing a child to participate in age appropriate or developmentally appropriate activities, including, but not limited to, the child's age, maturity, mental and physical health, developmental level, behavioral propensities and aptitude. The commissioner shall notify each caregiver of the department policy promulgated pursuant to this subsection.

(c) (1) A representative of the department shall document the child's

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interest in and pursuit of normal childhood activities during regular home visits and document the child's participation in normal childhood activities that are age appropriate or developmentally appropriate in such child's service plan or safety plan.

(2) A representative of the department shall document a child's interest in and pursuit of normal childhood activities that are age appropriate or developmentally appropriate during regular meetings with the parents of such child. A representative of the department shall communicate to the caregiver of such child the opinions of the parents of such child regarding the child's participation in normal childhood activities so that the caregiver may consider the opinions of the parents of such child in the provision of care to the child.

(d) The department, caregiver, child-placing agency or child care facility, as defined in section 17a-93 of the general statutes, or any other private entity under contract with the state shall not be liable for any injury to a child that occurs as a result of a caregiver allowing a child to participate in normal childhood activities pursuant to subsection (b) of this section, unless the acts or omissions of the department, caregiver, child-placing agency or child care facility or any other private entity under contract with the state that cause such injury constitute gross, wilful or wanton negligence. The provisions of this subsection shall not be construed to remove or limit any existing liability protection afforded by law.

(e) Any private entity that contracts with the department to provide placement services to children in the legal custody of the department shall have policies consistent with this section. Policies that are not consistent with this section include those that are incompatible with, contradictory to or more restrictive than those provided in this section.

Sec. 2. Subsection (c) of section 17a-111b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July*

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1, 2015):

(c) If the court determines that such efforts are not required, the court shall, at such hearing or at a hearing held not later than thirty days after such determination, approve a permanency plan for such child. The plan may include (1) adoption and a requirement that the commissioner file a petition to terminate parental rights, (2) [long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver, (3)] transfer of guardianship, or [(4)] (3) for a child sixteen years of age or older, such other planned permanent living arrangement as may be ordered by the court, provided the commissioner has documented a compelling reason why it would not be in the best interests of the child for the permanency plan to include one of the options set forth in [subdivisions (1) to (3), inclusive,] subdivision (1) or (2) of this subsection. The child's health and safety shall be of paramount concern in formulating such plan. If the permanency plan for a child sixteen years of age or older includes such other planned permanent living arrangement pursuant to subdivision (3) of this subsection, the provisions of subdivisions (3) to (5), inclusive, of subsection (k) of section 46b-129, as amended by this act, shall be applicable.

Sec. 3. Subsection (k) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(k) (1) (A) Nine months after placement of the child or youth in the care and custody of the commissioner pursuant to a voluntary placement agreement, or removal of a child or youth pursuant to section 17a-101g or an order issued by a court of competent jurisdiction, whichever is earlier, the commissioner shall file a motion for review of a permanency plan if the child or youth has not reached his or her eighteenth birthday. Nine months after a permanency plan has been approved by the court pursuant to this subsection or

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subdivision (5) of subsection (j) of this section, the commissioner shall file a motion for review of the permanency plan. Any party seeking to oppose the commissioner's permanency plan, including a relative of a child or youth by blood or marriage who has intervened pursuant to subsection (d) of this section and is licensed as a foster parent for such child or youth or is vested with such child's or youth's temporary custody by order of the court, shall file a motion in opposition not later than thirty days after the filing of the commissioner's motion for review of the permanency plan, which motion shall include the reason therefor. A permanency hearing on any motion for review of the permanency plan shall be held not later than ninety days after the filing of such motion. The court shall hold evidentiary hearings in connection with any contested motion for review of the permanency plan and credible hearsay evidence regarding any party's compliance with specific steps ordered by the court shall be admissible at such evidentiary hearings. The commissioner shall have the burden of proving that the proposed permanency plan is in the best interests of the child or youth. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child or youth remains in the custody of the Commissioner of Children and Families or, if the youth is over eighteen years of age, while the youth remains in voluntary placement with the department. The court shall provide notice to the child or youth, the parent or guardian of such child or youth, and any intervenor of the time and place of the court hearing on any such motion not less than fourteen days prior to such hearing.

(B) (i) If a child is at least twelve years of age, the child's permanency plan, and any revision to such plan, shall be developed in consultation with the child. In developing or revising such plan, the child may consult up to two individuals participating in the department's case plan regarding such child, neither of whom shall be the foster parent or caseworker of such child. One individual so

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selected by such child may be designated as the child's advisor for purposes of developing or revising the permanency plan.

(ii) If a child is at least twelve years of age, the commissioner shall notify the parent or guardian, foster parent and child of any administrative case review regarding such child's commitment not less than five days prior to such review and shall make a reasonable effort to schedule such review at a time and location that allows the parent or guardian, foster parent and child to attend.

(iii) If a child is at least twelve years of age, such child shall, whenever possible, identify not more than three adults with whom such child has a significant relationship and who may serve as a permanency resource. The identity of such adults shall be recorded in the case plan of such child.

(iv) Not later than January 1, 2016, and annually thereafter, the commissioner shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to children and the judiciary, on the number of case plans in which children have identified adults with whom they have a significant relationship and who may serve as a permanency resource.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The child's or youth's health and safety shall be of paramount concern in formulating such plan. Such permanency plan may include the goal of (A) revocation of commitment and reunification of the child or youth with the parent or guardian, with or without protective supervision; (B) transfer of guardianship or permanent legal guardianship; (C) [long-term foster care with a relative licensed as a

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foster parent; (D)] filing of termination of parental rights and adoption; or [(E)] (D) for a child sixteen years of age or older, another planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interests of the child or youth for the permanency plan to include the goals in subparagraphs (A) to [(D)] (C), inclusive, of this subdivision. Such other planned permanent living arrangement shall, whenever possible, include an adult who has a significant relationship with the child, and who is willing to be a permanency resource, and may include, but not be limited to, placement of a [child or] youth in an independent living program or long term foster care with an identified foster parent.

(3) If the permanency plan for a child sixteen years of age or older includes the goal of another planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection or subdivision (3) of subsection (c) of section 17a-111b, as amended by this act, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the child home or to secure placement for the child with a fit and willing relative, legal guardian or adoptive parent; and (B) the steps the department has taken to ensure (i) the child's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 1 of this act; and (ii) the child has regular opportunities to engage in age appropriate and developmentally appropriate activities, as defined in section 1 of this act.

[(3)] (4) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall (A) (i) ask the child or youth about his or her desired permanency outcome, or (ii) if the child or youth is unavailable to appear at such hearing, require the attorney for the child or youth to consult with the child or

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youth regarding the child's or youth's desired permanency outcome and report the same to the court, (B) review the status of the child [,] or youth, (C) review the progress being made to implement the permanency plan, (D) determine a timetable for attaining the permanency plan, (E) determine the services to be provided to the parent if the court approves a permanency plan of reunification and the timetable for such services, and (F) determine whether the commissioner has made reasonable efforts to achieve the permanency plan. The court may revoke commitment if a cause for commitment no longer exists and it is in the best interests of the child or youth.

(5) If the permanency plan for a child sixteen years of age or older includes the goal of another planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the court shall (A) (i) ask the child about his or her desired permanency outcome, or (ii) if the child is unavailable to appear at a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, require the attorney for the child to consult with the child regarding the child's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, another planned permanent living arrangement is the best permanency plan for the child; and (C) document the compelling reasons why it is not in the best interest of the child to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(4)] (6) If the court approves the permanency plan of adoption: (A) The Commissioner of Children and Families shall file a petition for termination of parental rights not later than sixty days after such approval if such petition has not previously been filed; (B) the commissioner may conduct a thorough adoption assessment and child-specific recruitment; and (C) the court may order that the child be photo-listed within thirty days if the court determines that such

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photo-listing is in the best interests of the child or youth. As used in this subdivision, "thorough adoption assessment" means conducting and documenting face-to-face interviews with the child or youth, foster care providers and other significant parties and "child specific recruitment" means recruiting an adoptive placement targeted to meet the individual needs of the specific child or youth, including, but not limited to, use of the media, use of photo-listing services and any other in-state or out-of-state resources that may be used to meet the specific needs of the child or youth, unless there are extenuating circumstances that indicate that such efforts are not in the best interests of the child or youth.

Sec. 4. Section 46b-141 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) (1) Except as otherwise limited by subsection (i) of section 46b-140 and subdivision (2) of this subsection, commitment of children convicted as delinquent by the Superior Court to the Department of Children and Families shall be for (A) an indeterminate time up to a maximum of eighteen months, or (B) when so convicted for a serious juvenile offense, up to a maximum of four years at the discretion of the court, unless extended as hereinafter provided.

(2) Commitment of children convicted as delinquent by the Superior Court to the Department of Children and Families shall terminate when the child attains the age of twenty.

(b) The Commissioner of Children and Families may file a motion for an extension of the commitment as provided in subparagraph (A) of subdivision (1) of subsection (a) of this section beyond the eighteen-month period on the grounds that such extension is for the best interest of the child or the community. The court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The court may, after hearing and upon

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finding that such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months, except that such additional period shall not continue beyond the date the child attains the age of twenty. Not later than twelve months after a child is committed to the Department of Children and Families in accordance with subparagraph (A) of subdivision (1) of subsection (a) of this section, the court shall hold a permanency hearing in accordance with subsection (d) of this section. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child remains committed to the Department of Children and Families.

(c) The court shall hold a permanency hearing in accordance with subsection (d) of this section for each child convicted as delinquent for a serious juvenile offense as provided in subparagraph (B) of subdivision (1) of subsection (a) of this section within twelve months of commitment to the Department of Children and Families and every twelve months thereafter if the child remains committed to the Department of Children and Families. Such hearing may include the submission of a motion to the court by the commissioner to either (1) modify such commitment, or (2) extend the commitment beyond such four-year period on the grounds that such extension is for the best interest of the child or the community. The court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The court, after hearing, may modify such commitment or, upon finding that such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months.

(d) At least sixty days prior to each permanency hearing required pursuant to subsection (b) or (c) of this section, the Commissioner of Children and Families shall file a permanency plan with the court. At each permanency hearing, the court shall review and approve a

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permanency plan that is in the best interest of the child and takes into consideration the child's need for permanency. Such permanency plan may include the goal of: (1) Revocation of commitment and placement of the child with the parent or guardian, (2) transfer of guardianship, (3) [permanent placement with a relative, (4)] adoption, or [(5)] (4) for any child sixteen years of age or older, such other planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interest of the child for the permanency plan to include the goals in subdivisions (1) to [(4)] (3), inclusive, of this subsection. Such other planned permanent living arrangement may include, but not be limited to, placement of the child in an independent living program. At any such permanency hearing, the court shall also determine whether the Commissioner of Children and Families has made reasonable efforts to achieve the permanency plan.

(e) (1) If the permanency plan for a child sixteen years of age or older includes such other planned permanent living arrangement pursuant to subdivision (4) of subsection (d) of this section, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the child home or secure a placement for the child with a fit and willing relative, legal guardian or an adoptive parent; and (B) the steps the department has taken to ensure that (i) the child's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 1 of this act; and (ii) the child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities, as defined in section 1 of this act.

(2) At any such permanency hearing in which the plan for a child sixteen years of age or older is such other planned permanent living arrangement pursuant to subdivision (4) of subsection (d) of this section, the court shall (A) (i) ask the child about his or her desired

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permanency outcome, or (ii) if the child is unavailable to appear at such hearing, require the attorney for the child to consult with the child regarding the child's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, such other planned permanent living arrangement is the best permanency plan for the child; and (C) document the compelling reasons why it is not in the best interest of the child to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(e)] (f) All other commitments of delinquent, mentally deficient or mentally ill children by the court pursuant to the provisions of section 46b-140 may be for an indeterminate time, except that no such commitment may be ordered or continued for any child who has attained the age of twenty. Commitments may be reopened and terminated at any time by said court, provided the Commissioner of Children and Families shall be given notice of such proposed reopening and a reasonable opportunity to present the commissioner's views thereon. The parents or guardian of such child may apply not more than twice in any calendar year for such reopening and termination of commitment. Any order of the court made under the provisions of this section shall be deemed a final order for purposes of appeal, except that no bond shall be required and no costs shall be taxed on such appeal.

Sec. 5. Section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) As used in this section, (1) "approval" means a person has been approved to provide foster care by a child-placing agency licensed pursuant to section 17a-149, (2) "licensed" means a person holds a license to provide foster care issued by the Department of Children and Families, [to provide foster care, including foster care of a specific child, and "special study foster parent"] (3) "fictive kin caregiver"

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means a person who is twenty-one years of age or older and [who does not hold a license issued] who is unrelated to a child by birth, adoption or marriage but who has an emotionally significant relationship with such child amounting to a familial relationship and who is not approved or licensed to provide foster care by the Department of Children and Families, [to provide foster care] and (4) "regular unsupervised access" means periodic interaction with a child in the home for purposes of unsupervised child care, medical or other services to the child.

(b) (1) No child in the custody of the Commissioner of Children and Families shall be placed in foster care with any person, unless (A) 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 (B) such person's home is approved by a child placing agency licensed by the commissioner pursuant to section 17a-149, or (C) such person has received approval as provided in this section. 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 or approval 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 or approval to such applicant to accept placement of a child for purposes of foster care or adoption. 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.

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(3) The commissioner, at his or her discretion, may require any person sixteen years of age or older, who is not living in the household but who has regular unsupervised access to a child in the home of an applicant for licensure or approval, to submit to state and national criminal history records checks prior to issuing a license or approval 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 may also check the state child abuse registry established pursuant to section 17a-101k for the name of any person sixteen years of age or older who is not living in the household but who has regular unsupervised access to a child.

(4) The commissioner shall require each individual licensed or approved pursuant to this section and any person sixteen years of age or older living in the household of such individual to submit to state and national criminal history records checks prior to renewing a license or approval for any individual providing foster care.

(5) The commissioner, at his or her discretion, may require any person sixteen years of age or older who is not living in the household but who has regular unsupervised access to a child in the home of any individual licensed or approved pursuant to this section to submit to state and national criminal history records checks prior to renewing a license or approval for such individual providing foster care.

(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 with a special study foster parent] or fictive kin caregiver who has not been issued a license or approval, 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] or fictive kin caregiver attests that such relative [,

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nonrelative or special study foster parent] or fictive kin caregiver 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] or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner in accordance with the provisions of chapter 54 to implement the provisions of this section. The commissioner may grant a waiver from such regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, 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 commissioner shall document, in writing, the reason for granting any waiver from such regulations. [For purposes of this subsection, "sibling" includes a stepbrother, stepsister, half-brother or half-sister.]

(d) Any individual who has been licensed or received approval to provide foster care and any relative or fictive kin caregiver shall apply a reasonable and prudent parent standard, as defined in subsection (a) of section 1 of this act, on behalf of the child.

Sec. 6. Section 17a-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) No person or entity shall care for or board a child without a license obtained from the Commissioner of Children and Families, except: (1) When a child has been placed by a person or entity holding a license from the commissioner; (2) any residential educational institution exempted by the State Board of Education under the provisions of section 17a-152; (3) residential facilities licensed by the Department of Developmental Services pursuant to section 17a-227; (4)

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facilities providing child day care services, as defined in section 19a-77; or (5) any home that houses students participating in a program described in subparagraph (B) of subdivision (8) of section 10a-29. The person or entity seeking a child care facility license shall file with the commissioner an application for a license, in such form as the commissioner furnishes, stating the location where it is proposed to care for such child, the number of children to be cared for, in the case of a corporation, the purpose of the corporation and the names of its chief officers and of the actual person responsible for the child. The Commissioner of Children and Families is authorized to fix the maximum number of children to be boarded and cared for in any such home or institution or by any person or entity licensed by the commissioner. If the population served at any facility, institution or home operated by any person or entity licensed under this section changes after such license is issued, such person or entity shall file a new license application with the commissioner, and the commissioner shall notify the chief executive officer of the municipality in which the facility is located of such new license application, except that no confidential client information may be disclosed.

(b) Each person or entity licensed by the commissioner pursuant to subsection (a) of this section shall designate an on-site staff member who shall apply a reasonable and prudent parent standard, as defined in subsection (a) of section 1 of this act, on behalf of the child.

Sec. 7. Section 17a-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The Department of Children and Families may, and is encouraged to contract with child-placing agencies to arrange for the adoption of children who are free for adoption. If (1) a child for whom adoption is indicated, cannot, after all reasonable efforts consistent with the best interests of the child, be placed in adoption through existing sources because the child is a special needs child, and (2) the

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adopting family meets the standards for adoption which any other adopting family meets, the Commissioner of Children and Families shall, before adoption of such child by such family, certify such child as a special needs child and, after adoption, provide one or more of the following subsidies for the adopting parents: (A) A special-need subsidy, which is a lump sum payment paid directly to the person providing the required service, to pay for an anticipated expense resulting from the adoption when no other resource is available for such payment; or (B) a periodic subsidy which is a payment to the adopting family; and (C) in addition to the subsidies granted under this subsection, any medical benefits which are being provided prior to final approval of the adoption by the superior court for juvenile matters or the Probate Court in accordance with the fee schedule and payment procedures under the state Medicaid program administered by the Department of Social Services shall continue as long as the child qualifies as a dependent of the adoptive parent under the provisions of the Internal Revenue Code. The amount of a periodic subsidy shall not exceed the current costs of foster maintenance care.

(b) A medical subsidy may continue until the child reaches twenty-one years of age. A periodic subsidy may continue until the child reaches age eighteen, except such periodic subsidy may continue for a child who is at least eighteen years of age but less than twenty-one years of age, provided: (1) The adoption was finalized on or after October 1, 2013, (2) the child was sixteen years of age or older at the time the adoption was finalized, and (3) the child is (A) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (B) enrolled full time in an institution that provides postsecondary or vocational education; or (C) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on

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compelling circumstances.

(c) The periodic subsidy is subject to review by the commissioner as provided in section 17a-118, as amended by this act.

(d) Requests for subsidies after a final approval of the adoption by the superior court for juvenile matters or the Probate Court may be considered at the discretion of the commissioner for conditions resulting from or directly related to the totality of circumstances surrounding the child prior to placement in adoption. A written certification of the need for a subsidy shall be made by the commissioner in each case and the type, amount and duration of the subsidy shall be mutually agreed to by the commissioner and the adopting parents prior to the entry of such decree. Any subsidy decision by the commissioner may be appealed by a licensed child-placing agency or the adopting parent or parents to the [Adoption] Subsidy Review Board established under subsection (e) of this section. The commissioner shall adopt regulations establishing the procedures for determining the amount and the need for a subsidy.

(e) There is established [an Adoption] a Subsidy Review Board to hear appeals under this section, section 17a-118, as amended by this act, and section 17a-120, as amended by this act. The board shall consist of the Commissioner of Children and Families, or the commissioner's designee, and a [licensed] representative of a child-placing agency and an adoptive parent appointed by the Governor. The Governor shall appoint an alternate [licensed] representative of a child-placing agency and an alternate adoptive parent. Such alternative members shall, when seated, have all the powers and duties set forth in this section and sections 17a-118, [and] as amended by this act, 17a-120, as amended by this act, and 17a-126, as amended by this act. Whenever an alternate member serves in place of a member of the board, such alternate member shall represent the same interest as the member in whose place such alternative member

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serves. All decisions of the board shall be based on the best interest of the child. Appeals under this section shall be in accordance with the provisions of chapter 54.

Sec. 8. Subsection (a) of section 17a-118 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) There shall be a biennial review of the subsidy for a child under eighteen years of age and an annual review for a child who is at least eighteen years of age but less than twenty-one years of age. Such reviews shall be conducted by the Commissioner of Children and Families. The adoptive parents shall, at the time of such review, submit a sworn statement that the condition which caused the child to be certified as a special needs child or a related condition continues to exist or has reoccurred and that the adoptive parent or parents are still legally responsible for the support of the child and that the child is receiving support from the adoptive family. A child who is at least eighteen years of age but less than twenty-one years of age shall continue to receive an adoption subsidy, pursuant to section 17a-117, as amended by this act, provided his or her adoptive parent submits, at the time of the review, a sworn statement that the child is (1) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (2) enrolled full time in an institution that provides postsecondary or vocational education; or (3) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. If the subsidy is to be terminated or reduced by the commissioner, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parents and such adoptive parents shall, at least thirty days prior to the imposition of

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said reduction or termination, be given a hearing before the [Adoption] Subsidy Review Board. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the [Adoption] Subsidy Review Board.

Sec. 9. Subsection (b) of section 17a-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(b) There shall be an annual review of the medical expense subsidy set forth in subsection (a) of this section by the Commissioner of Children and Families. If, upon such annual review, the commissioner determines that the child continues to have a condition for which the subsidy was granted or has medical conditions related to such condition, and that the adoptive parent or parents are still legally responsible for the support of the child and that the child is receiving support from the adoptive family, the commissioner shall not terminate or reduce such subsidy. If the condition is corrected and conditions related to it no longer exist, or if the adoptive parent or parents are no longer legally responsible for the support of the child or if the child is no longer receiving any support from the adoptive family, the commissioner may reduce or terminate eligibility for such subsidy. If, following such reduction or termination, such condition or related conditions reoccur, the adopting or adoptive parent or parents may reapply for such subsidy. Upon receipt of such application and determination that such condition or related conditions have reoccurred, the commissioner shall grant such subsidy provided the adoptive parent or parents are still legally responsible for the support of the child or the child is receiving support from the adoptive family. If the subsidy is to be reduced or terminated by said commissioner, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parent or parents and such adoptive parent or parents shall, at least thirty days prior to the imposition of said

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reduction or termination, be given a hearing before the [Adoption] Subsidy Review Board. If such an appeal is taken, the subsidy shall continue without modification or termination until the final decision of the [Adoption] Subsidy Review Board. Eligibility for such subsidy may continue until the child's twenty-first birthday if the condition that caused the child to be certified as a special needs child or related conditions continue to exist or have reoccurred and the child continues to qualify as a dependent of the legal adoptive parent under the Internal Revenue Code. In no case shall the eligibility for such subsidy continue beyond the child's twenty-first birthday.

Sec. 10. Section 17a-126 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) As used in this section, (1) ["relative caregiver" means] "caregiver" means (A) a fictive kin caregiver, as defined in section 17a-114, as amended by this act, who is caring for a child, or (B) a person who is a licensed foster care provider pursuant to section 17a-114, as amended by this act, and is caring for a child who is related to such person, because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future, and (2) "commissioner" means the Commissioner of Children and Families.

(b) The commissioner shall establish a program of subsidized guardianship for the benefit of children [in foster care] who have been in foster care for not less than six consecutive months and who have been living with [relative] (1) caregivers, [who are licensed foster care providers pursuant to section 17a-114, and who have been in foster care for not less than six consecutive months] or (2) foster care providers who have been approved to provide foster care by a child-placing agency licensed pursuant to section 17a-149. A [relative] caregiver may request a guardianship subsidy from the commissioner.

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(c) If a [relative] caregiver who is receiving a guardianship subsidy for a [related] child is also caring for the child's sibling, [who is not related to the caregiver,] the commissioner shall provide a guardianship subsidy to such [relative] caregiver in accordance with regulations adopted by the commissioner pursuant to subsection (e) of this section. For purposes of this subsection, "child's sibling" includes a stepbrother, stepsister, a half-brother or a half-sister.

(d) The commissioner shall provide the following subsidies under the subsidized guardianship program in accordance with this section and the regulations adopted pursuant to subsection (e) of this section: (1) A special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child and shall not exceed two thousand dollars; and (2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program. The subsidized guardianship program shall also provide a monthly subsidy on behalf of the child payable to the [relative] caregiver that is based on the circumstances of the [relative] caregiver and the needs of the child and shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in licensed foster care.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, implementing the subsidized guardianship program established under this section. Such regulations shall include all federal requirements necessary to maximize federal reimbursement available to the state, including, but not limited to, (1) eligibility for the program, (2) the maximum age at which a child is no longer eligible for a guardianship subsidy, including the maximum age, for purposes of claiming federal reimbursement under Title IV-E of the Social Security Act, at which a child is no longer eligible for a guardianship subsidy, and (3) a procedure for determining the types and amounts of the subsidies.

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(f) (1) At a minimum, the guardianship subsidy provided under this section shall continue until the child reaches the age of eighteen or the age of twenty-one if such child is in full-time attendance at a secondary school, technical school or college or is in a state accredited job training program or otherwise meets the criteria set forth in federal law.

(2) A guardianship subsidy may be provided for a child, subject to the commissioner's annual review, through his or her twenty-first birthday, provided: (A) The transfer of guardianship to a successor guardian, as provided in subsection (i) of this section, was finalized on or after October 1, 2013; (B) the child was sixteen years of age or older when such transfer was finalized; and (C) the child is (i) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential, (ii) enrolled full time in an institution that provides postsecondary or vocational education, or (iii) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. To receive a guardianship subsidy pursuant to this subsection, the guardian shall, at the time of the annual review, submit to the commissioner a sworn statement that the child is still meeting the requirements of clause (i), (ii) or (iii) of subparagraph (C) of this subdivision, provided the commissioner, in his or her discretion, may waive such requirements based on compelling circumstances.

(3) Annually, the subsidized guardian shall submit to the commissioner a sworn statement that the child is still living with and receiving support from the guardian. The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child as required by the general statutes.

(g) A guardianship subsidy shall not be included in the calculation

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of household income in determining eligibility for benefits of the [relative] caregiver of the subsidized child or other persons living within the household of the [relative] caregiver.

(h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) Maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the commissioner and to reduce the number of children who would otherwise be placed into nonrelative foster care when there is a [family member] caregiver willing to provide care; (2) maximizes federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the [relative] caregiver of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and interagency coordination in program implementation. The commissioner shall seek all federal waivers and reimbursement as are necessary and appropriate to implement this plan.

(i) In the case of the death, severe disability or serious illness of a [relative] caregiver who is receiving a guardianship subsidy, the commissioner may transfer the guardianship subsidy to a [new relative caregiver who meets the Department of Children and Families foster care safety requirements and] successor guardian who meets the department's foster care safety requirements if such successor guardian has been identified in the subsidy agreement, or an addendum thereto, and such successor guardian is appointed as legal guardian by a court of competent jurisdiction.

(j) Nothing in this section shall prohibit the commissioner from continuing to pay guardianship subsidies to those relative caregivers

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who entered into written subsidy agreements with the Department of Children and Families prior to October 5, 2009.

(k) Not less than thirty days prior to the termination or reduction of a guardianship subsidy, the commissioner shall (1) provide written notice of such reduction or termination to the caregiver receiving such subsidy, and (2) provide such caregiver with a hearing before the Subsidy Review Board. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the Subsidy Review Board.

Sec. 11. Section 17a-10b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) Notwithstanding the provisions of section 17a-28, as amended by this act, if the Commissioner of Children and Families removes a child from the custody of a parent, the commissioner shall [use best efforts] make a reasonable effort to identify and [notify the grandparents of the child not later than fifteen days after the child is removed from the home. A grandparent may provide contact information to the commissioner for the purposes of such notice if the child is the subject of an investigation by the commissioner or has been, or is under, the care or supervision of the commissioner] provide notice, not later than thirty days after the child is removed from the home, to the following relatives: (1) Each grandparent of the child, (2) each parent of any sibling of the child, provided such parent has legal custody of such sibling, and (3) any other adult relative of the child by blood or marriage. For purposes of this subsection, "sibling" includes a stepbrother, stepsister, half-brother, half-sister and any individual who would have been considered a sibling of the child under state law except for a termination or other disruption of parental rights, including, but not limited to, the death of a parent.

(b) The notice provided pursuant to subsection (a) of this section

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shall include: (1) A statement that the child has been removed from the custody of a parent; (2) a summary of relative's rights under federal and state law to participate in the care and placement of the child, including any options that may be deemed waived through failure to respond to such notice; (3) a description of the requirements to become licensed or approved as a foster family home and the additional services and supports that are available for a child placed in such home; and (4) a description of how the caregiver of the child may subsequently enter into an agreement with the department to receive subsidies for the provision of foster care.

Sec. 12. Section 17a-114b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

The Commissioner of Children and Families, pursuant to the federal Child and Family Services Improvement and Innovation Act and the federal Preventing Sex Trafficking and Strengthening Families Act, shall request, annually, a free credit report on behalf of each [youth sixteen] child fourteen years of age or older who is in the custody of the commissioner and placed in foster care. Upon receipt of each credit report, the commissioner or a designee of the commissioner shall review the report for evidence of identity theft, as defined in section 53a-129a and provide a copy of the report to [the youth's] such child's attorney or guardian ad litem, if any. Upon receipt of the credit report, if feasible, such attorney or guardian ad litem shall review the report for evidence of identity theft, as defined in section 53a-129a, and, in conjunction with the commissioner or designee, shall assist [the youth] such child in interpreting such report and resolving any inaccuracies contained in such report. If the commissioner or the commissioner's designee finds evidence of identity theft, not later than five business days after receipt of the credit report, the commissioner shall report such findings to the office of the Chief State's Attorney.

Sec. 13. (NEW) (*Effective July 1, 2015*) The Department of Children

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and Families shall report any missing or abducted child who was committed to the custody of the commissioner to the law enforcement authority having jurisdiction over the geographical area from which the child was reported missing or was abducted. The department shall make such report immediately, but in no case later than twenty-four hours after the child is determined to be missing or abducted, to the Federal Bureau of Investigation's National Crime Information Center and to the National Center for Missing and Exploited Children.

Sec. 14. Subsection (a) of section 17a-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The commissioner shall prepare and maintain a written case plan for care, treatment and permanent placement of every child under the commissioner's supervision, which shall include, but not be limited to, a diagnosis of the problems of each child, the proposed plan of treatment services and temporary placement and a goal for permanent placement of the child, which may include reunification with the parent, [long-term foster care with an identified individual,] transfer of guardianship, [another planned permanent living arrangement, or] adoption or, for a child sixteen years of age or older, another planned permanent living arrangement. The child's health and safety shall be the paramount concern in formulating the plan.

Sec. 15. Subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(g) The department shall disclose records, subject to subsections (b) and (c) of this section, without the consent of the person who is the subject of the record, to:

(1) The person named in the record or such person's authorized

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representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

(5) The Child Advocate or the Child Advocate's designee;

(6) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(7) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child

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abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;

(8) A state or federal law enforcement officer for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

(9) A foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

(10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing by any of such committees in the course of such committee's official functions, and upon a majority vote of such committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

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(11) The Office of Early Childhood for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; (C) an investigation conducted pursuant to section 19a-80f; (D) notifying the Department of Public Health when the Department of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry pursuant to section 17a-101k; or (E) notifying the Department of Public Health when the Department of Children and Families possesses information regarding a Department of Public Health regulatory violation committed by an individual licensed or certified by the Department of Public Health;

(12) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's voluntary services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' voluntary services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

(13) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, as amended by this act, 17a-111b, as amended by this act, 46b-129, as amended this act, and 46b-141, as amended by this act;

[(13)] (14) A state agency that licenses or certifies an individual to educate or care for children or youth;

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[(14)] (15) A judge or employee of a [probate court] Probate Court who requires access to such records in order to perform such judge's or employee's official duties;

[(15)] (16) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs;

[(16)] (17) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

[(17)] (18) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

[(18)] (19) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

[(19)] (20) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

[(20)] (21) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

[(21)] (22) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section

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14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

[(22)] (23) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

[(23)] (24) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-11, as amended by this act, 17a-101b, 17a-101c, [and] 17a-101i, 17a-111b, as amended by this act, 46b-129, as amended by this act, and 46b-141, as amended by this act, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

[(24)] (25) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

[(25)] (26) The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided

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such disclosure shall be limited to information that identifies the child or youth, or a member of such child's or youth's immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families;

[(26)] (27) The Court Support Services Division of the Judicial Branch for the purpose of sharing common case records to track recidivism of juvenile offenders; and

[(27)] (28) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure.

Sec. 16. Section 17a-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The Commissioner of Children and Families shall (1) require each applicant for a position with the department to state in writing whether such person has ever been convicted of a crime or whether criminal charges are pending against such person at the time such person submits an application, and (2) require each applicant to submit to state and national criminal history records checks, 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.

(b) The Commissioner of Children and Families shall require each vendor or contractor of the department and each employee of such

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vendor or contractor who provides direct services to children or youths in the care and custody of the department or who has access to the department's records to submit to state and national criminal history records checks, 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 vendor or contractor and each employee of such vendor or contractor who has access to records or clients of the department.

Sec. 17. Section 17a-10a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The Commissioner of Children and Families shall ensure that a child placed in the care and custody of the commissioner pursuant to an order of temporary custody or an order of commitment is provided visitation with such child's parents and siblings, unless otherwise ordered by the court.

(b) The commissioner shall ensure that such child's visits with his or her parents shall occur as frequently as reasonably possible, based upon consideration of the best interests of the child, including the age and developmental level of the child, and shall be sufficient in number and duration to ensure continuation of the relationship.

(c) If such child has an existing relationship with a sibling and is separated from such sibling as a result of intervention by the commissioner including, but not limited to, placement in a foster home or in the home of a relative, the commissioner shall, based upon consideration of the best interests of the child, ensure that such child has access to and visitation rights with such sibling throughout the duration of such placement. In determining the number, frequency and duration of sibling visits, the commissioner shall consider the best interests of each sibling, given each child's age and developmental level and the continuation of the sibling relationship. If the child and

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his or her sibling both reside within the state and within fifty miles of each other, the commissioner shall, within available appropriations, ensure that such child's visits with his or her sibling occur, on average, not less than once per week, unless the commissioner finds that the frequency of such visitation is not in the best interests of each sibling.

(d) The commissioner shall include in each child's plan of treatment information relating to the factors considered in making visitation determinations pursuant to this section. If the commissioner determines that such visits are not in the best interests of the child, that the occurrence of, on average, not less than one visit per week with his or her sibling is not in the best interests of each sibling, or that the number, frequency or duration of the visits requested by the child's attorney or guardian ad litem is not in the best interests of the child, the commissioner shall include the reasons for such determination in the child's plan of treatment.

(e) On or before October first of each year, the commissioner shall report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to children, data sufficient to demonstrate compliance with subsections (a), (c) and (d) of this section. Such data shall include the total annual number of children in out-of-home placements who have siblings, the total number of child cases with documented sibling visitation and the number of individual siblings involved in each case.

Sec. 18. Section 45a-715 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Any of the following persons may petition the [Court of] Probate Court to terminate parental rights of all persons who may have parental rights regarding any minor child or for the termination of parental rights of only one parent provided the application so states: (1) Either or both parents, including a parent who is a minor; (2) the

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guardian of the child; (3) the selectmen of any town having charge of any foundling child; (4) a duly authorized officer of any child care facility or child-placing agency or organization or any children's home or similar institution approved by the Commissioner of Children and Families; (5) a relative of the child if the parent or parents have abandoned or deserted the child; (6) the Commissioner of Children and Families, provided the custodial parent of such minor child has consented to the termination of parental rights and the child has not been committed to the commissioner, and no application for commitment has been made; provided in any case hereunder where the child with respect to whom the petition is brought has attained the age of twelve, the child shall join in the petition.

(b) A petition for termination of parental rights shall be entitled "In the interest of ... (Name of child), a person under the age of eighteen years", and shall set forth with specificity: (1) The name, sex, date and place of birth, and present address of the child; (2) the name and address of the petitioner, and the nature of the relationship between the petitioner and the child; (3) the names, dates of birth and addresses of the parents of the child, if known, including the name of any putative father named by the mother, and the tribe and reservation of an American Indian parent; (4) if the parent of the child is a minor, the names and addresses of the parents or guardian of the person of such minor; (5) the names and addresses of: (A) The guardian of the person of the child; (B) any guardians ad litem appointed in a prior proceeding; (C) the tribe and reservation of an American Indian child; and (D) the child-placing agency which placed the child in his current placement; (6) the facts upon which termination is sought, the legal grounds authorizing termination, the effects of a termination decree and the basis for the jurisdiction of the court; (7) the name of the persons or agencies which have agreed to accept custody or guardianship of the child's person upon disposition.

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(c) If the information required under subdivisions (2) and (6) of subsection (b) of this section is not stated, the petition shall be dismissed. If any other facts required under subdivision (1), (3), (4), (5) or (7) of subsection (b) of this section are not known or cannot be ascertained by the petitioner, he shall so state in the petition. If the whereabouts of either parent or the putative father named under subdivision (3) of subsection (b) of this section are unknown, the petitioner shall diligently search for any such parent or putative father. The petitioner shall file an affidavit with the petition indicating the efforts used to locate the parent or putative father.

(d) If a petition indicates that either or both parents consent to the termination of their parental rights, or if at any time following the filing of a petition and before the entry of a decree a parent consents to the termination of his parental rights, each consenting parent shall acknowledge such consent on a form promulgated by the Office of the Chief Court Administrator evidencing to the satisfaction of the court that the parent has voluntarily and knowingly consented to the termination of his parental rights. No consent to termination by a mother shall be executed within forty-eight hours immediately after the birth of her child. A parent who is a minor shall have the right to consent to termination of parental rights and such consent shall not be voidable by reason of such minority. A guardian ad litem shall be appointed by the court to assure that such minor parent is giving an informed and voluntary consent.

(e) A petition under this section shall be filed in the [court of probate] Probate Court for the district in which the petitioner or the child resides or, in the case of a minor who is under the guardianship of any child care facility or child-placing agency, in the [court of probate] Probate Court for the district in which the main office or any local office of the agency is located. If the petition is filed with respect to a child born out of wedlock, the petition shall state whether there is

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a putative father to whom notice shall be given under subdivision (2) of subsection (b) of section 45a-716.

(f) If any petitioner under subsection (a) is a minor or incompetent, the guardian ad litem, appointed by the court in accordance with section 45a-708, must approve the petition in writing, before action by the court.

(g) Before a hearing on the merits in any case in which a petition for termination of parental rights is contested in a [court of probate] Probate Court, the [court of probate] Probate Court shall, on the motion of any legal party except the petitioner, or may on its own motion or that of the petitioner, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the [probate court] Probate Court may, on the court's own motion or that of any interested party, transfer any termination of parental rights case to a regional children's probate court established pursuant to section 45a-8a. If the case is transferred, the clerk of the [Court of] Probate Court shall transmit to the clerk of the Superior Court or the regional children's probate court to which the case was transferred, the original files and papers in the case. The Superior Court or the regional children's probate court to which the case was transferred, upon hearing after notice as provided in sections 45a-716 and 45a-717, may grant the petition as provided in section 45a-717.

(h) Either or both birth parents and an intended adoptive parent may enter into a cooperative postadoption agreement regarding communication or contact between either or both birth parents and the adopted child. Such an agreement may be entered into if: (1) [The child is in the custody of the Department of Children and Families; (2) an] An order terminating parental rights has not yet been entered; and [(3)] (2) either or both birth parents agree to a voluntary termination of parental rights, including an agreement in a case which began as an

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involuntary termination of parental rights. The postadoption agreement shall be applicable only to a birth parent who is a party to the agreement. Such agreement shall be in addition to those under common law. Counsel for the child and any guardian ad litem for the child may be heard on the proposed cooperative postadoption agreement. There shall be no presumption of communication or contact between the birth parents and an intended adoptive parent in the absence of a cooperative postadoption agreement.

(i) If the [Court of Probate] court determines that the child's best interests will be served by postadoption communication or contact with either or both birth parents, the court shall so order, stating the nature and frequency of the communication or contact. A court may grant postadoption communication or contact privileges if: (1) Each intended adoptive parent consents to the granting of communication or contact privileges; (2) the intended adoptive parent and either or both birth parents execute a cooperative agreement and file the agreement with the court; (3) consent to postadoption communication or contact is obtained from the child, if the child is at least twelve years of age; and (4) the cooperative postadoption agreement is approved by the court.

(j) A cooperative postadoption agreement shall contain the following: (1) An acknowledgment by either or both birth parents that the termination of parental rights and the adoption is irrevocable, even if the adoptive parents do not abide by the cooperative postadoption agreement; and (2) an acknowledgment by the adoptive parents that the agreement grants either or both birth parents the right to seek to enforce the cooperative postadoption agreement.

(k) The terms of a cooperative postadoption agreement may include the following: (1) Provision for communication between the child and either or both birth parents; (2) provision for future contact between either or both birth parents and the child or an adoptive parent; and (3)

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maintenance of medical history of either or both birth parents who are a party to the agreement.

(l) The order approving a cooperative postadoption agreement shall be made part of the final order terminating parental rights. The finality of the termination of parental rights and of the adoption shall not be affected by implementation of the provisions of the postadoption agreement, nor is the cooperative postadoption contingent upon the finalization of an adoption. Such an agreement shall not affect the ability of the adoptive parents and the child to change their residence within or outside this state.

(m) A disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the termination of parental rights or the adoption and shall not serve as a basis for orders affecting the custody of the child. The court shall not act on a petition to change or enforce the agreement unless the petitioner had participated, or attempted to participate, in good faith in mediation or other appropriate dispute resolution proceedings to resolve the dispute and allocate any cost for such mediation or dispute resolution proceedings.

(n) An adoptive parent, guardian ad litem for the child or the court on its own motion may, at any time, petition for review of communication or contact ordered pursuant to subsection (i) of this section, if the adoptive parent believes that the best interests of the child are being compromised. The court may order the communication or contact be terminated, or order such conditions in regard to communication or contact as the court deems to be in the best interest of the adopted child.

(o) For any child who is the subject of a petition for adoption under this chapter, the court shall consider the appropriateness of postadoption communication or contact with a sibling of such child,

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including, but not limited to, visitation, written correspondence or telephone calls. If the court determines such postadoption communication or contact is in the best interest of the child, the court shall order that such child has access to and visitation rights with such sibling until the child reaches eighteen years of age.

(p) The court shall consider the following factors in determining whether postadoption communication or contact with a sibling is in the best interest of the child: (1) The age of the child and his or her sibling; (2) the extent of the existing relationship between the child and his or her sibling; (3) the physical, emotional and psychological needs, including any special needs, and stability of the child and his or her sibling; (4) the child's opinion and the opinion of his or her sibling regarding such postadoption communication or contact; (5) the opinion of the adoptive parent regarding such postadoption communication or contact; (6) opinions of experts, including any individuals who may have provided services to the child or his or her sibling; (7) the long-term plans for the child and his or her sibling; and (8) any relevant logistical concerns.

(q) Any determination of the court pursuant to subsection (o) of this section shall be included in the final adoption order, but such determination shall not affect the validity of the adoption. Nothing in this subsection shall limit the authority of the court to enforce its orders in any manner permitted by law.

(r) An adoptive parent may, at any time, petition the court to review its determination regarding postadoption communication or contact between a child and his or her sibling. Upon receiving such petition, the court shall conduct a review of its determination using the factors listed in subsection (p) of this section and may order the communication or contact to be terminated or modified if the court determines that such termination or modification is in the best interest of the child. If any dispute arises pursuant to such review, the court

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may order the parties to engage in mediation.

(s) The court shall not, pursuant to the review required under subsection (r) of this section, increase communication or contact between the adopted child and his or her sibling unless the court (1) receives consent from the adoptive parent; and (2) inquires about and considers the opinion of the child regarding such increase.

Sec. 19. Section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The commissioner may, in the commissioner's discretion, admit to the department on a voluntary basis any child or youth who, in the commissioner's opinion, could benefit from any of the services offered or administered by, or under contract with, or otherwise available to, the department. Application for voluntary admission shall be made in writing by the parent or guardian of a child under fourteen years of age or by such person himself or herself if he or she is a child fourteen years of age or older or a youth. The fact that a parent has applied for services or received services for his or her child through voluntary admission shall not be used against the parent (1) in any investigation conducted by the department in accordance with section 17a-101g, (2) when making placement decisions for the child, (3) when making foster care licensing determinations in accordance with section 17a-114, as amended by this act, or (4) in any court proceeding related to the placement of a minor relative of the parent.

(b) A child or youth voluntarily admitted to the department shall be deemed to be within the care of the commissioner until such admission is terminated. The commissioner shall terminate the admission of any child or youth voluntarily admitted to the department within ten days after receipt of a written request for termination from a parent or guardian of any child under fourteen years of age or from a child if such child is fourteen years of age or older, or youth, unless prior to

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the expiration of that time the commissioner has sought and received from the Superior Court an order of temporary custody as provided by law. [The] Except as provided in subsection (i) of this section, the commissioner may terminate the admission of any child or youth voluntarily admitted to the department after (1) giving reasonable notice in writing to (A) the parent or guardian of any child [under fourteen years of age and to a child] or youth, and (B) the child if such child is fourteen years of age or older, [and to any] or youth, and (2) if the commissioner has previously petitioned the Probate Court pursuant to subsection (c) of this section, providing notice to the Probate Court of such petition. Any child or youth admitted voluntarily to the department may be placed in, or transferred to, any resource, facility or institution within the department or available to the commissioner except the Connecticut Juvenile Training School, provided the commissioner shall give written notice to such child or youth and to the parent or guardian of the child of the commissioner's intention to make a transfer at least ten days prior to any actual transfer, unless written notice is waived by those entitled to receive it, or unless an emergency commitment of such child or youth is made pursuant to section 17a-502. Any child or youth admitted voluntarily to the department may be transferred to the supervision of the Department of Mental Health and Addiction Services or the Department of Developmental Services, in collaboration with the commissioner of the department to which the child is transferred. The Commissioner of Children and Families shall provide written notice of his or her intention to make a transfer at least ten days prior to any actual transfer to a child fourteen years of age or older, or youth, and to the parent or guardian of the child or youth being transferred. If the department has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall provide notice of such petition to the court. The Commissioner of Children and Families may continue to provide services to the child or youth in collaboration with the department to which the child or youth has

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been transferred or may terminate the voluntary services if, in the commissioner's discretion, the department to which the child or youth has been transferred provides adequate services. The commissioner shall provide written notice of his or her intention to terminate services following a transfer to another department to a child fourteen years of age or older, or youth, and to the parent or guardian of such child or youth. If the department has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall provide notice of such petition to the court.

(c) Not more than one hundred twenty days after admitting a child or youth on a voluntary basis, the [department] commissioner shall petition the [probate court] Probate Court for the district in which a parent or guardian of the child or youth resides for a determination as to whether continuation [in] of care is in the child's or youth's best interest and, if so, whether there is an appropriate case service or permanency plan in place for such child or youth. A case service plan shall be required for all children and youths receiving services voluntarily from the department who are not in an out-of-home placement. A permanency plan shall be required for all children and youths voluntarily admitted to the department and placed by the department in a foster home licensed pursuant to section 17a-114, as amended by this act, or a facility licensed pursuant to section 17a-145, as amended by this act. Upon receipt of such [application] petition, the court shall set a time and place for a hearing to be held within thirty days of receipt of the [application] petition, unless continued by the court for cause shown. The court shall order notice of the hearing to be given by first class mail at least five days prior to the hearing to the Commissioner of Children and Families, and by first class mail at least five days prior to the hearing to the parents or guardian of the child or youth and [the minor, if over twelve] the child, if such child is fourteen years of age or older, or youth. If the whereabouts of the parent or guardian are unknown, or if delivery cannot reasonably be effected,

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then notice shall be ordered to be given by publication. In making its determination as to whether there is an appropriate case service plan for a child or youth, the court shall consider the items specified in subdivision (2) of subsection (d) of this section. In making its determination as to whether there is an appropriate permanency plan for a child or youth, the court shall consider the items specified in subsection (f) of this section. The court shall possess continuing jurisdiction in proceedings under this section.

(d) (1) If the child or youth is not in an out-of-home placement, the commissioner shall not be required to file periodic motions for review of the case service plan, provided the court shall conduct a hearing to review the case service plan on motion of the commissioner, a parent or guardian of the child or youth or a child fourteen years of age or older, or youth. The court may conduct a hearing on its own motion to review the case service plan for a child or youth who is not in an out-of-home placement if the court determines that imminent concerns regarding the health and safety of the child or youth require a hearing. The court shall provide notice of the time and place of the hearing on such motion to the commissioner, the parents or guardian of the child or youth and to the child, if such child is fourteen years of age or older, or youth, not later than ten days prior to the date of such hearing. In making its determination as to whether there is an appropriate case service plan, the court shall consider the items specified in subdivision (2) of this subsection.

(2) At a hearing on a motion to review a case service plan for a child or youth who is not in an out-of-home placement, the court shall approve a case service plan that is in the best interests of the child or youth. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her

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family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen the family; and (C) any further efforts which have been or will be made to promote the best interests of the child or youth. At the conclusion of the hearing, the court may: (i) Direct that the services being provided be continued if the court determines that continuation of the child or youth in services is in the child's or youth's best interests, or (ii) direct that the child's or youth's services be modified to reflect the child's or youth's best interest.

[(d) (1)] (e) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner and remains placed (1) in a foster home licensed pursuant to section 17a-114, as amended by this act, (2) in a foster home approved by a child-placing agency licensed pursuant to section 17a-149, or (3) in a facility licensed pursuant to section 17a-145, as amended by this act, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. [The] Not later than ten days prior to the date of such hearing, the court shall provide notice to the commissioner, the parents or guardian of the child or youth and [such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing] to the child, if such child is fourteen years of age or older, or youth, of the time and place of such hearing. In making its determination as to whether there is an appropriate permanency plan in place, the court shall consider the items specified in subsection (f) of this section.

[(2)] (f) (1) At a [permanency hearing held in accordance with the provisions of subdivision (1) of this subsection] hearing to review a permanency plan for a child or youth who is placed in a foster home licensed pursuant to section 17a-114, as amended by this act, or facility

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licensed pursuant to section 17a-145, as amended by this act, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (C) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (D) any further efforts [which] that have been or will be made to promote the best interests of the child or youth.

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

[(4)] (3) At a [permanency] hearing on a motion to review a permanency plan, the court shall review the status of the child or youth and the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed

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by the plan and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. At the conclusion of the hearing, the court may: (A) Direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child's or youth's best interests, or (B) direct that the child's or youth's services or placement be modified to reflect the child's or youth's best interest.

(4) If the permanency plan for a youth includes the goal of such other planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the youth home or to secure placement for the youth with a fit and willing relative, legal guardian or adoptive parent; and (B) the steps the department has taken to ensure (i) the youth's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 1 of this act; and (ii) the youth has regular opportunities to engage in age appropriate and developmentally appropriate activities, as defined in section 1 of this act.

(5) If the permanency plan for a youth includes the goal of such other planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the court shall (A) (i) ask the youth about his or her desired permanency outcome, or (ii) if the youth is unavailable to appear at a hearing held in accordance with the provisions of subdivision (1) of this subsection, require the attorney for the youth to consult with the youth regarding the youth's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, such other planned permanent living arrangement is the best permanency plan

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for the youth; and (C) document the compelling reasons why it is not in the best interest of the youth to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(e)] (g) The commissioner shall adopt regulations in accordance with chapter 54 [describing the documentation required for] concerning (1) applications for voluntary admission, [and for] (2) the grant or denial of services, (3) informal administrative case review, [upon request, of any denial of an application for voluntary admission] and (4) termination of voluntary admission.

[(f)] (h) Any person aggrieved by a decision of the commissioner denying voluntary services may appeal such decision through an administrative hearing held pursuant to chapter 54.

(i) Any parent or guardian of a child or youth, or any child fourteen years of age or older, who is aggrieved by a termination of admission pursuant to subsection (b) of this section may (1) request an administrative hearing in accordance with the regulations adopted by the commissioner pursuant to subsection (g) of this section, or (2) request a hearing before the Probate Court. If, upon such hearing, the Probate Court finds that the termination of admission was made in accordance with the applicable regulations adopted by the commissioner, the court shall uphold such termination. If the court finds that the termination of admission was not made in accordance with the applicable regulations, the court may order the continuation of services and specify a time for the determination of a new case service or permanency plan.

[(g)] (j) Notwithstanding any provision of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, as amended by this act, any person already under the care and supervision of the Commissioner of Children and Families who has passed such person's eighteenth birthday but has not yet reached such person's twenty-first birthday

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may be permitted to remain voluntarily under the supervision of the commissioner, provided the commissioner, in the commissioner's discretion, determines that such person would benefit from further care and support from the Department of Children and Families. Any person remaining voluntarily under the supervision of the commissioner pursuant to this subsection shall be entitled to a written plan for care and treatment, and review of such plan, in accordance with section 17a-15, as amended by this act.

[(h)] (k) Upon motion of any interested party in a Probate Court proceeding under this section, the probate court of record may transfer the file for cause shown to a [probate court] Probate Court for a district other than the district in which the initial or permanency hearing was held. The file shall be transferred by the [probate court] Probate Court of record making copies of all recorded documents in the court file, certifying each of them, and delivering the certified copies to the [probate court] Probate Court to which the matter is transferred.

Sec. 20. (NEW) (*Effective October 1, 2015*) Any appearance filed for any party in the Probate Court shall continue in the superior court for juvenile matters unless (1) a motion to withdraw is filed in the Probate Court within five days of the filing of the motion to transfer, and the motion to withdraw is granted by the Probate Court, (2) a motion to withdraw is filed by such party's counsel and granted by the superior court for juvenile matters, or (3) another counsel files an "in lieu of" appearance on behalf of the party. If the party represented is indigent or is the child subject to the proceedings, new counsel shall be assigned from the list of Public Defender Services assigned counsel and shall be paid by the Public Defender Services Commission. The superior court for juvenile matters may request that the Division of Public Defender Services contract with probate counsel for representation if continued representation would be in the best interest of the client. Counsel for indigent parties or minor children appointed by the Probate Court

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who remain on the case in superior court for juvenile matters shall be paid by the Public Defender Services Commission according to its policies at the rate of pay established by the commission.

Approved July 2, 2015