



House of Representatives

General Assembly

File No. 38

January Session, 2015

House Bill No. 6723

House of Representatives, March 10, 2015

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.

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

1 Section 1. Subsection (j) of section 17a-112 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (j) The Superior Court, upon notice and hearing as provided in
5 sections 45a-716 and 45a-717, may grant a petition filed pursuant to
6 this section if it finds by clear and convincing evidence that (1) the
7 Department of Children and Families has made reasonable efforts to
8 locate the parent and to reunify the child with the parent in accordance
9 with subsection (a) of section 17a-111b, unless the court finds in this
10 proceeding that the parent is unable or unwilling to benefit from
11 reunification efforts, except that such finding is not required if the
12 court has determined at a hearing pursuant to section 17a-111b, or
13 determines at trial on the petition, that such efforts are not required, (2)
14 termination is in the best interest of the child, and (3) (A) the child has

15 been abandoned by the parent in the sense that the parent has failed to
16 maintain a reasonable degree of interest, concern or responsibility as to
17 the welfare of the child; (B) the child (i) has been found by the Superior
18 Court or the Probate Court to have been neglected, abused or uncared
19 for in a prior proceeding, or (ii) is found to be neglected, abused or
20 uncared for and has been in the custody of the commissioner for at
21 least fifteen months and the parent of such child has been provided
22 specific steps to take to facilitate the return of the child to the parent
23 pursuant to section 46b-129 and has failed to achieve such degree of
24 personal rehabilitation as would encourage the belief that within a
25 reasonable time, considering the age and needs of the child, such
26 parent could assume a responsible position in the life of the child; (C)
27 the child has been denied, by reason of an act or acts of parental
28 commission or omission including, but not limited to, sexual
29 molestation or exploitation, severe physical abuse or a pattern of
30 abuse, the care, guidance or control necessary for the child's physical,
31 educational, moral or emotional well-being, except that nonaccidental
32 or inadequately explained serious physical injury to a child shall
33 constitute prima facie evidence of acts of parental commission or
34 omission sufficient for the termination of parental rights; (D) there is
35 no ongoing parent-child relationship, which means the relationship
36 that ordinarily develops as a result of a parent having met on a day-to-
37 day basis the physical, emotional, moral and educational needs of the
38 child and to allow further time for the establishment or
39 reestablishment of such parent-child relationship would be
40 detrimental to the best interest of the child; (E) the parent of a child
41 under the age of seven years who is neglected, abused or uncared for,
42 has failed, is unable or is unwilling to achieve such degree of personal
43 rehabilitation as would encourage the belief that within a reasonable
44 period of time, considering the age and needs of the child, such parent
45 could assume a responsible position in the life of the child and such
46 parent's parental rights of another child were previously terminated
47 pursuant to a petition filed by the Commissioner of Children and
48 Families; (F) the parent has killed through deliberate, nonaccidental act
49 another child of the parent or has requested, commanded, importuned,

50 attempted, conspired or solicited such killing or has committed an
51 assault, through deliberate, nonaccidental act that resulted in serious
52 bodily injury of another child of the parent; or (G) the parent was
53 convicted as an adult or a delinquent by a court of competent
54 jurisdiction of a sexual assault resulting in the conception of the child,
55 except a conviction for a violation of section 53a-71 or 53a-73a,
56 provided the court may terminate such parent's parental rights to such
57 child at any time after such conviction.

58 Sec. 2. Subsection (g) of section 45a-717 of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective from*
60 *passage*):

61 (g) At the adjourned hearing or at the initial hearing where no
62 investigation and report has been requested, the court may approve a
63 petition terminating the parental rights and may appoint a guardian of
64 the person of the child, or, if the petitioner requests, the court may
65 appoint a statutory parent, if it finds, upon clear and convincing
66 evidence, that (1) the termination is in the best interest of the child, and
67 (2) (A) the child has been abandoned by the parent in the sense that the
68 parent has failed to maintain a reasonable degree of interest, concern
69 or responsibility as to the welfare of the child; (B) the child has been
70 denied, by reason of an act or acts of parental commission or omission,
71 including, but not limited to sexual molestation and exploitation,
72 severe physical abuse or a pattern of abuse, the care, guidance or
73 control necessary for the child's physical, educational, moral or
74 emotional well-being. Nonaccidental or inadequately explained
75 serious physical injury to a child shall constitute prima facie evidence
76 of acts of parental commission or omission sufficient for the
77 termination of parental rights; (C) there is no ongoing parent-child
78 relationship which is defined as the relationship that ordinarily
79 develops as a result of a parent having met on a continuing, day-to-
80 day basis the physical, emotional, moral and educational needs of the
81 child and to allow further time for the establishment or
82 reestablishment of the parent-child relationship would be detrimental
83 to the best interests of the child; (D) the parent of a child who (i) has

84 been found by the Superior Court or the Probate Court to have been
 85 neglected, abused or uncared for in a prior proceeding, or (ii) is found
 86 to be neglected, abused or uncared for and has been in the custody of
 87 the commissioner for at least fifteen months and such parent has been
 88 provided specific steps to take to facilitate the return of the child to the
 89 parent pursuant to section 46b-129 and has failed to achieve such
 90 degree of personal rehabilitation as would encourage the belief that
 91 within a reasonable time, considering the age and needs of the child,
 92 such parent could assume a responsible position in the life of the child;
 93 (E) the parent of a child, under the age of seven years who is neglected,
 94 abused or uncared for, has failed, is unable or is unwilling to achieve
 95 such degree of personal rehabilitation as would encourage the belief
 96 that within a reasonable amount of time, considering the age and
 97 needs of the child, such parent could assume a responsible position in
 98 the life of the child and such parent's parental rights of another child
 99 were previously terminated pursuant to a petition filed by the
 100 Commissioner of Children and Families; (F) the parent has killed
 101 through deliberate, nonaccidental act another child of the parent or has
 102 requested, commanded, importuned, attempted, conspired or solicited
 103 such killing or has committed an assault, through deliberate,
 104 nonaccidental act that resulted in serious bodily injury of another child
 105 of the parent; or (G) the parent was convicted as an adult or a
 106 delinquent by a court of competent jurisdiction of sexual assault
 107 resulting in the conception of a child except for a violation of section
 108 53a-71 or 53a-73a provided the court may terminate such parent's
 109 parental rights to such child at any time after such conviction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-112(j)
Sec. 2	<i>from passage</i>	45a-717(g)

KID *Joint Favorable*

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

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

The bill, which makes a technical change conforming statute to current practice, does not result in a fiscal impact.

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

OLR Bill Analysis**HB 6723*****AN ACT CONCERNING GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.*****SUMMARY:**

By law, the Superior Court or probate court may terminate parental rights when it is in the child's best interest and the child, due to severe physical abuse or a pattern of abuse, has been denied care, guidance, or control necessary for his or her physical, educational, moral, or emotional well-being.

This bill specifically addresses three instances involving abuse. It allows the court to terminate parental rights, when it is in the child's best interest and the child:

1. has been found by the Superior Court or probate court in a prior proceeding to have been abused;
2. is found to be abused and has been in the custody of the children and families (DCF) commissioner for at least 15 months and the child's parent has not rehabilitated enough to encourage the reasonable belief, based on the child's age and needs, that he or she could assume a responsible position in the child's life; or
3. is abused and under age seven, and his or her parent has not rehabilitated, as described above, and had parental rights for another child terminated by a DCF petition.

The law already gives the court the power to terminate parental rights under these same three circumstances based on findings of neglect. Prior to passage of PA 11-240, a court finding of neglect could include a finding of abuse and thus these three provisions applied to

conduct that amounted to neglect or abuse. But PA 11-240 removed abusive conduct from the definition of neglect, limiting these findings to cases involving neglect. The bill clarifies that the court has the same powers relating to termination of parental rights based on findings of abuse as it did prior to passage of PA 11-240.

By law, the court may also terminate parental rights under other circumstances.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 10 Nay 0 (02/26/2015)