



# House of Representatives

**File No. 909**

General Assembly

January Session, 2015

**(Reprint of File No. 160)**

Substitute House Bill No. 6899  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 28, 2015

**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:

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

3 (1) "Caregiver" means (A) a person who holds a license issued by  
4 the Department of Children and Families to provide foster care, (B) a  
5 person who has been approved to provide foster care by a child-  
6 placing agency licensed pursuant to section 17a-149 of the general  
7 statutes, (C) a relative or fictive kin caregiver, as defined in section 17a-  
8 114 of the general statutes, as amended by this act, or (D) an operator  
9 or official of a child-placing agency licensed pursuant to section 17a-  
10 149 of the general statutes in which a child has been placed;

11 (2) "Reasonable and prudent parent standard" means the standard  
12 characterized by careful and sensible parental decisions that maintain

13 the health, safety and best interests of a child;

14 (3) "Normal childhood activities" means extracurricular, enrichment  
15 and social activities that may include, but not be limited to, overnight  
16 activities outside the direct supervision of the caregiver for periods of  
17 up to forty-eight hours; and

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

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

46 (c) (1) A representative of the department shall document the child's  
47 interest in and pursuit of normal childhood activities during regular  
48 home visits and document the child's participation in normal  
49 childhood activities that are age appropriate or developmentally  
50 appropriate in such child's service plan or safety plan.

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

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

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

75 Sec. 2. Subsection (c) of section 17a-111b of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective July*  
77 *1, 2015*):

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

97 Sec. 3. Subsection (k) of section 46b-129 of the general statutes is  
98 repealed and the following is substituted in lieu thereof (*Effective July*  
99 *1, 2015*):

100 (k) (1) (A) Nine months after placement of the child or youth in the  
101 care and custody of the commissioner pursuant to a voluntary  
102 placement agreement, or removal of a child or youth pursuant to  
103 section 17a-101g or an order issued by a court of competent  
104 jurisdiction, whichever is earlier, the commissioner shall file a motion  
105 for review of a permanency plan if the child or youth has not reached  
106 his or her eighteenth birthday. Nine months after a permanency plan  
107 has been approved by the court pursuant to this subsection or  
108 subdivision (5) of subsection (j) of this section, the commissioner shall  
109 file a motion for review of the permanency plan. Any party seeking to  
110 oppose the commissioner's permanency plan, including a relative of a  
111 child or youth by blood or marriage who has intervened pursuant to

112 subsection (d) of this section and is licensed as a foster parent for such  
113 child or youth or is vested with such child's or youth's temporary  
114 custody by order of the court, shall file a motion in opposition not later  
115 than thirty days after the filing of the commissioner's motion for  
116 review of the permanency plan, which motion shall include the reason  
117 therefor. A permanency hearing on any motion for review of the  
118 permanency plan shall be held not later than ninety days after the  
119 filing of such motion. The court shall hold evidentiary hearings in  
120 connection with any contested motion for review of the permanency  
121 plan and credible hearsay evidence regarding any party's compliance  
122 with specific steps ordered by the court shall be admissible at such  
123 evidentiary hearings. The commissioner shall have the burden of  
124 proving that the proposed permanency plan is in the best interests of  
125 the child or youth. After the initial permanency hearing, subsequent  
126 permanency hearings shall be held not less frequently than every  
127 twelve months while the child or youth remains in the custody of the  
128 Commissioner of Children and Families or, if the youth is over  
129 eighteen years of age, while the youth remains in voluntary placement  
130 with the department. The court shall provide notice to the child or  
131 youth, the parent or guardian of such child or youth, and any  
132 intervenor of the time and place of the court hearing on any such  
133 motion not less than fourteen days prior to such hearing.

134 (B) (i) If a child is at least twelve years of age, the child's  
135 permanency plan, and any revision to such plan, shall be developed in  
136 consultation with the child. In developing or revising such plan, the  
137 child may consult up to two individuals participating in the  
138 department's case plan regarding such child, neither of whom shall be  
139 the foster parent or caseworker of such child. One individual so  
140 selected by such child may be designated as the child's advisor for  
141 purposes of developing or revising the permanency plan.

142 (ii) If a child is at least twelve years of age, the commissioner shall  
143 notify the parent or guardian, foster parent and child of any  
144 administrative case review regarding such child's commitment not less  
145 than five days prior to such review and shall make a reasonable effort

146 to schedule such review at a time and location that allows the parent or  
147 guardian, foster parent and child to attend.

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

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

160 (2) At a permanency hearing held in accordance with the provisions  
161 of subdivision (1) of this subsection, the court shall approve a  
162 permanency plan that is in the best interests of the child or youth and  
163 takes into consideration the child's or youth's need for permanency.  
164 The child's or youth's health and safety shall be of paramount concern  
165 in formulating such plan. Such permanency plan may include the goal  
166 of (A) revocation of commitment and reunification of the child or  
167 youth with the parent or guardian, with or without protective  
168 supervision; (B) transfer of guardianship or permanent legal  
169 guardianship; (C) [long-term foster care with a relative licensed as a  
170 foster parent; (D)] filing of termination of parental rights and adoption;  
171 or [(E)] (D) for a child sixteen years of age or older, another planned  
172 permanent living arrangement ordered by the court, provided the  
173 Commissioner of Children and Families has documented a compelling  
174 reason why it would not be in the best interests of the child or youth  
175 for the permanency plan to include the goals in subparagraphs (A) to  
176 [(D)] (C), inclusive, of this subdivision. Such other planned permanent  
177 living arrangement shall, whenever possible, include an adult who has  
178 a significant relationship with the child, and who is willing to be a

179 permanency resource, and may include, but not be limited to,  
180 placement of a [child or] youth in an independent living program or  
181 long term foster care with an identified foster parent.

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

196 [(3)] (4) At a permanency hearing held in accordance with the  
197 provisions of subdivision (1) of this subsection, the court shall (A) (i)  
198 ask the child or youth about his or her desired permanency outcome,  
199 or (ii) if the child or youth is unavailable to appear at such hearing,  
200 require the attorney for the child or youth to consult with the child or  
201 youth regarding the child's or youth's desired permanency outcome  
202 and report the same to the court, (B) review the status of the child [,] or  
203 youth, (C) review the progress being made to implement the  
204 permanency plan, (D) determine a timetable for attaining the  
205 permanency plan, (E) determine the services to be provided to the  
206 parent if the court approves a permanency plan of reunification and  
207 the timetable for such services, and (F) determine whether the  
208 commissioner has made reasonable efforts to achieve the permanency  
209 plan. The court may revoke commitment if a cause for commitment no  
210 longer exists and it is in the best interests of the child or youth.

211 (5) If the permanency plan for a child sixteen years of age or older

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

225 [(4)] (6) If the court approves the permanency plan of adoption: (A)  
226 The Commissioner of Children and Families shall file a petition for  
227 termination of parental rights not later than sixty days after such  
228 approval if such petition has not previously been filed; (B) the  
229 commissioner may conduct a thorough adoption assessment and  
230 child-specific recruitment; and (C) the court may order that the child  
231 be photo-listed within thirty days if the court determines that such  
232 photo-listing is in the best interests of the child or youth. As used in  
233 this subdivision, "thorough adoption assessment" means conducting  
234 and documenting face-to-face interviews with the child or youth,  
235 foster care providers and other significant parties and "child specific  
236 recruitment" means recruiting an adoptive placement targeted to meet  
237 the individual needs of the specific child or youth, including, but not  
238 limited to, use of the media, use of photo-listing services and any other  
239 in-state or out-of-state resources that may be used to meet the specific  
240 needs of the child or youth, unless there are extenuating circumstances  
241 that indicate that such efforts are not in the best interests of the child or  
242 youth.

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

245 (a) (1) Except as otherwise limited by subsection (i) of section 46b-  
246 140 and subdivision (2) of this subsection, commitment of children  
247 convicted as delinquent by the Superior Court to the Department of  
248 Children and Families shall be for (A) an indeterminate time up to a  
249 maximum of eighteen months, or (B) when so convicted for a serious  
250 juvenile offense, up to a maximum of four years at the discretion of the  
251 court, unless extended as hereinafter provided.

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

255 (b) The Commissioner of Children and Families may file a motion  
256 for an extension of the commitment as provided in subparagraph (A)  
257 of subdivision (1) of subsection (a) of this section beyond the eighteen-  
258 month period on the grounds that such extension is for the best  
259 interest of the child or the community. The court shall give notice to  
260 the parent or guardian and to the child at least fourteen days prior to  
261 the hearing upon such motion. The court may, after hearing and upon  
262 finding that such extension is in the best interest of the child or the  
263 community, continue the commitment for an additional period of not  
264 more than eighteen months, except that such additional period shall  
265 not continue beyond the date the child attains the age of twenty. Not  
266 later than twelve months after a child is committed to the Department  
267 of Children and Families in accordance with subparagraph (A) of  
268 subdivision (1) of subsection (a) of this section, the court shall hold a  
269 permanency hearing in accordance with subsection (d) of this section.  
270 After the initial permanency hearing, subsequent permanency hearings  
271 shall be held not less frequently than every twelve months while the  
272 child remains committed to the Department of Children and Families.

273 (c) The court shall hold a permanency hearing in accordance with  
274 subsection (d) of this section for each child convicted as delinquent for  
275 a serious juvenile offense as provided in subparagraph (B) of  
276 subdivision (1) of subsection (a) of this section within twelve months  
277 of commitment to the Department of Children and Families and every

278 twelve months thereafter if the child remains committed to the  
279 Department of Children and Families. Such hearing may include the  
280 submission of a motion to the court by the commissioner to either (1)  
281 modify such commitment, or (2) extend the commitment beyond such  
282 four-year period on the grounds that such extension is for the best  
283 interest of the child or the community. The court shall give notice to  
284 the parent or guardian and to the child at least fourteen days prior to  
285 the hearing upon such motion. The court, after hearing, may modify  
286 such commitment or, upon finding that such extension is in the best  
287 interest of the child or the community, continue the commitment for an  
288 additional period of not more than eighteen months.

289 (d) At least sixty days prior to each permanency hearing required  
290 pursuant to subsection (b) or (c) of this section, the Commissioner of  
291 Children and Families shall file a permanency plan with the court. At  
292 each permanency hearing, the court shall review and approve a  
293 permanency plan that is in the best interest of the child and takes into  
294 consideration the child's need for permanency. Such permanency plan  
295 may include the goal of: (1) Revocation of commitment and placement  
296 of the child with the parent or guardian, (2) transfer of guardianship,  
297 (3) [permanent placement with a relative, (4)] adoption, or [(5)] (4) for  
298 any child sixteen years of age or older, such other planned permanent  
299 living arrangement ordered by the court, provided the Commissioner  
300 of Children and Families has documented a compelling reason why it  
301 would not be in the best interest of the child for the permanency plan  
302 to include the goals in subdivisions (1) to [(4)] (3), inclusive, of this  
303 subsection. Such other planned permanent living arrangement may  
304 include, but not be limited to, placement of the child in an independent  
305 living program. At any such permanency hearing, the court shall also  
306 determine whether the Commissioner of Children and Families has  
307 made reasonable efforts to achieve the permanency plan.

308 (e) (1) If the permanency plan for a child sixteen years of age or  
309 older includes such other planned permanent living arrangement  
310 pursuant to subdivision (4) of subsection (d) of this section, the  
311 department shall document for the court: (A) The manner and

312 frequency of efforts made by the department to return the child home  
313 or secure a placement for the child with a fit and willing relative, legal  
314 guardian or an adoptive parent; and (B) the steps the department has  
315 taken to ensure that (i) the child's foster family home or child care  
316 institution is following a reasonable and prudent parent standard, as  
317 defined in section 1 of this act; and (ii) the child has regular, ongoing  
318 opportunities to engage in age appropriate or developmentally  
319 appropriate activities, as defined in section 1 of this act.

320 (2) At any such permanency hearing in which the plan for a child  
321 sixteen years of age or older is such other planned permanent living  
322 arrangement pursuant to subdivision (4) of subsection (d) of this  
323 section, the court shall (A) (i) ask the child about his or her desired  
324 permanency outcome, or (ii) if the child is unavailable to appear at  
325 such hearing, require the attorney for the child to consult with the  
326 child regarding the child's desired permanency outcome and report  
327 the same to the court; (B) make a judicial determination that, as of the  
328 date of hearing, such other planned permanent living arrangement is  
329 the best permanency plan for the child; and (C) document the  
330 compelling reasons why it is not in the best interest of the child to  
331 return home or to be placed with a fit and willing relative, legal  
332 guardian or adoptive parent.

333 [(e)] (f) All other commitments of delinquent, mentally deficient or  
334 mentally ill children by the court pursuant to the provisions of section  
335 46b-140 may be for an indeterminate time, except that no such  
336 commitment may be ordered or continued for any child who has  
337 attained the age of twenty. Commitments may be reopened and  
338 terminated at any time by said court, provided the Commissioner of  
339 Children and Families shall be given notice of such proposed  
340 reopening and a reasonable opportunity to present the commissioner's  
341 views thereon. The parents or guardian of such child may apply not  
342 more than twice in any calendar year for such reopening and  
343 termination of commitment. Any order of the court made under the  
344 provisions of this section shall be deemed a final order for purposes of  
345 appeal, except that no bond shall be required and no costs shall be

346 taxed on such appeal.

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

349 (a) As used in this section, (1) "approval" means a person has been  
350 approved to provide foster care by a child-placing agency licensed  
351 pursuant to section 17a-149, (2) "licensed" means a person holds a  
352 license to provide foster care issued by the Department of Children  
353 and Families, [to provide foster care, including foster care of a specific  
354 child, and "special study foster parent"] (3) "fictive kin caregiver"  
355 means a person who is twenty-one years of age or older and [who does  
356 not hold a license issued] who is unrelated to a child by birth, adoption  
357 or marriage but who has an emotionally significant relationship with  
358 such child amounting to a familial relationship and who is not  
359 approved or licensed to provide foster care by the Department of  
360 Children and Families, [to provide foster care] and (4) "regular  
361 unsupervised access" means periodic interaction with a child in the  
362 home for purposes of unsupervised child care, medical or other  
363 services to the child.

364 (b) (1) No child in the custody of the Commissioner of Children and  
365 Families shall be placed in foster care with any person, unless (A) such  
366 person is licensed for that purpose by the department or the  
367 Department of Developmental Services pursuant to the provisions of  
368 section 17a-227, or (B) such person's home is approved by a child  
369 placing agency licensed by the commissioner pursuant to section 17a-  
370 149, or (C) such person has received approval as provided in this  
371 section. Any person licensed by the department may be a prospective  
372 adoptive parent. The commissioner shall adopt regulations, in  
373 accordance with the provisions of chapter 54, to establish the licensing  
374 procedures and standards.

375 (2) The commissioner shall require each applicant for licensure or  
376 approval pursuant to this section and any person sixteen years of age  
377 or older living in the household of such applicant to submit to state

378 and national criminal history records checks prior to issuing a license  
379 or approval to such applicant to accept placement of a child for  
380 purposes of foster care or adoption. Such criminal history records  
381 checks shall be conducted in accordance with section 29-17a. The  
382 commissioner shall also check the state child abuse registry established  
383 pursuant to section 17a-101k for the name of such applicant and for the  
384 name of any person sixteen years of age or older living in the  
385 household of such applicant.

386 (3) The commissioner, at his or her discretion, may require any  
387 person sixteen years of age or older, who is not living in the household  
388 but who has regular unsupervised access to a child in the home of an  
389 applicant for licensure or approval, to submit to state and national  
390 criminal history records checks prior to issuing a license or approval to  
391 such applicant to accept placement of a child. Such criminal history  
392 records checks shall be conducted in accordance with section 29-17a.  
393 The commissioner may also check the state child abuse registry  
394 established pursuant to section 17a-101k for the name of any person  
395 sixteen years of age or older who is not living in the household but  
396 who has regular unsupervised access to a child.

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

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

408 (c) Notwithstanding the requirements of subsection (b) of this  
409 section, the commissioner may place a child with a relative [who is not

410 licensed, a nonrelative, if such child's sibling who is related to the  
411 caregiver is also placed with such caregiver or with a special study  
412 foster parent] or fictive kin caregiver who has not been issued a license  
413 or approval, when such placement is in the best interests of the child,  
414 provided a satisfactory home visit is conducted, a basic assessment of  
415 the family is completed and such relative [, nonrelative or special  
416 study foster parent] or fictive kin caregiver attests that such relative [,  
417 nonrelative or special study foster parent] or fictive kin caregiver and  
418 any adult living within the household has not been convicted of a  
419 crime or arrested for a felony against a person, for injury or risk of  
420 injury to or impairing the morals of a child, or for the possession, use  
421 or sale of a controlled substance. Any such relative [, nonrelative or  
422 special study foster parent] or fictive kin caregiver who accepts  
423 placement of a child shall be subject to licensure by the commissioner,  
424 pursuant to regulations adopted by the commissioner in accordance  
425 with the provisions of chapter 54 to implement the provisions of this  
426 section. The commissioner may grant a waiver from such regulations,  
427 including any standard regarding separate bedrooms or room-sharing  
428 arrangements, for a child placed with a relative or fictive kin caregiver,  
429 on a case-by-case basis, if such placement is otherwise in the best  
430 interests of such child, provided no procedure or standard that is  
431 safety-related may be so waived. The commissioner shall document, in  
432 writing, the reason for granting any waiver from such regulations. [For  
433 purposes of this subsection, "sibling" includes a stepbrother, stepsister,  
434 half-brother or half-sister.]

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

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

441 (a) No person or entity shall care for or board a child without a  
442 license obtained from the Commissioner of Children and Families,

443 except: (1) When a child has been placed by a person or entity holding  
444 a license from the commissioner; (2) any residential educational  
445 institution exempted by the State Board of Education under the  
446 provisions of section 17a-152; (3) residential facilities licensed by the  
447 Department of Developmental Services pursuant to section 17a-227; (4)  
448 facilities providing child day care services, as defined in section 19a-77;  
449 or (5) any home that houses students participating in a program  
450 described in subparagraph (B) of subdivision (8) of section 10a-29. The  
451 person or entity seeking a child care facility license shall file with the  
452 commissioner an application for a license, in such form as the  
453 commissioner furnishes, stating the location where it is proposed to  
454 care for such child, the number of children to be cared for, in the case  
455 of a corporation, the purpose of the corporation and the names of its  
456 chief officers and of the actual person responsible for the child. The  
457 Commissioner of Children and Families is authorized to fix the  
458 maximum number of children to be boarded and cared for in any such  
459 home or institution or by any person or entity licensed by the  
460 commissioner. If the population served at any facility, institution or  
461 home operated by any person or entity licensed under this section  
462 changes after such license is issued, such person or entity shall file a  
463 new license application with the commissioner, and the commissioner  
464 shall notify the chief executive officer of the municipality in which the  
465 facility is located of such new license application, except that no  
466 confidential client information may be disclosed.

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

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

473 (a) The Department of Children and Families may, and is  
474 encouraged to contract with child-placing agencies to arrange for the  
475 adoption of children who are free for adoption. If (1) a child for whom

476 adoption is indicated, cannot, after all reasonable efforts consistent  
477 with the best interests of the child, be placed in adoption through  
478 existing sources because the child is a special needs child, and (2) the  
479 adopting family meets the standards for adoption which any other  
480 adopting family meets, the Commissioner of Children and Families  
481 shall, before adoption of such child by such family, certify such child  
482 as a special needs child and, after adoption, provide one or more of the  
483 following subsidies for the adopting parents: (A) A special-need  
484 subsidy, which is a lump sum payment paid directly to the person  
485 providing the required service, to pay for an anticipated expense  
486 resulting from the adoption when no other resource is available for  
487 such payment; or (B) a periodic subsidy which is a payment to the  
488 adopting family; and (C) in addition to the subsidies granted under  
489 this subsection, any medical benefits which are being provided prior to  
490 final approval of the adoption by the superior court for juvenile  
491 matters or the Probate Court in accordance with the fee schedule and  
492 payment procedures under the state Medicaid program administered  
493 by the Department of Social Services shall continue as long as the child  
494 qualifies as a dependent of the adoptive parent under the provisions of  
495 the Internal Revenue Code. The amount of a periodic subsidy shall not  
496 exceed the current costs of foster maintenance care.

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

510 the provision of full-time enrollment or participation based on  
511 compelling circumstances.

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

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

528 (e) There is established [an Adoption] a Subsidy Review Board to  
529 hear appeals under this section, section 17a-118, as amended by this  
530 act, and section 17a-120, as amended by this act. The board shall  
531 consist of the Commissioner of Children and Families, or the  
532 commissioner's designee, and a [licensed] representative of a  
533 child-placing agency and an adoptive parent appointed by the  
534 Governor. The Governor shall appoint an alternate [licensed]  
535 representative of a child-placing agency and an alternate adoptive  
536 parent. Such alternative members shall, when seated, have all the  
537 powers and duties set forth in this section and sections 17a-118, [and]  
538 as amended by this act, 17a-120, as amended by this act, and 17a-126,  
539 as amended by this act. Whenever an alternate member serves in place  
540 of a member of the board, such alternate member shall represent the  
541 same interest as the member in whose place such alternative member  
542 serves. All decisions of the board shall be based on the best interest of

543 the child. Appeals under this section shall be in accordance with the  
544 provisions of chapter 54.

545 Sec. 8. Subsection (a) of section 17a-118 of the general statutes is  
546 repealed and the following is substituted in lieu thereof (*Effective July*  
547 *1, 2015*):

548 (a) There shall be a biennial review of the subsidy for a child under  
549 eighteen years of age and an annual review for a child who is at least  
550 eighteen years of age but less than twenty-one years of age. Such  
551 reviews shall be conducted by the Commissioner of Children and  
552 Families. The adoptive parents shall, at the time of such review, submit  
553 a sworn statement that the condition which caused the child to be  
554 certified as a special needs child or a related condition continues to  
555 exist or has reoccurred and that the adoptive parent or parents are still  
556 legally responsible for the support of the child and that the child is  
557 receiving support from the adoptive family. A child who is at least  
558 eighteen years of age but less than twenty-one years of age shall  
559 continue to receive an adoption subsidy, pursuant to section 17a-117,  
560 as amended by this act, provided his or her adoptive parent submits, at  
561 the time of the review, a sworn statement that the child is (1) enrolled  
562 in a full-time approved secondary education program or an approved  
563 program leading to an equivalent credential; (2) enrolled full time in  
564 an institution that provides postsecondary or vocational education; or  
565 (3) participating full time in a program or activity approved by the  
566 commissioner that is designed to promote or remove barriers to  
567 employment. The commissioner, in his or her discretion, may waive  
568 the provision of full-time enrollment or participation based on  
569 compelling circumstances. If the subsidy is to be terminated or  
570 reduced by the commissioner, notice of such proposed reduction or  
571 termination shall be given, in writing, to the adoptive parents and such  
572 adoptive parents shall, at least thirty days prior to the imposition of  
573 said reduction or termination, be given a hearing before the  
574 [Adoption] Subsidy Review Board. If such an appeal is taken, the  
575 subsidy shall continue without modification until the final decision of  
576 the [Adoption] Subsidy Review Board.

577 Sec. 9. Subsection (b) of section 17a-120 of the general statutes is  
578 repealed and the following is substituted in lieu thereof (*Effective July*  
579 *1, 2015*):

580 (b) There shall be an annual review of the medical expense subsidy  
581 set forth in subsection (a) of this section by the Commissioner of  
582 Children and Families. If, upon such annual review, the commissioner  
583 determines that the child continues to have a condition for which the  
584 subsidy was granted or has medical conditions related to such  
585 condition, and that the adoptive parent or parents are still legally  
586 responsible for the support of the child and that the child is receiving  
587 support from the adoptive family, the commissioner shall not  
588 terminate or reduce such subsidy. If the condition is corrected and  
589 conditions related to it no longer exist, or if the adoptive parent or  
590 parents are no longer legally responsible for the support of the child or  
591 if the child is no longer receiving any support from the adoptive  
592 family, the commissioner may reduce or terminate eligibility for such  
593 subsidy. If, following such reduction or termination, such condition or  
594 related conditions reoccur, the adopting or adoptive parent or parents  
595 may reapply for such subsidy. Upon receipt of such application and  
596 determination that such condition or related conditions have  
597 reoccurred, the commissioner shall grant such subsidy provided the  
598 adoptive parent or parents are still legally responsible for the support  
599 of the child or the child is receiving support from the adoptive family.  
600 If the subsidy is to be reduced or terminated by said commissioner,  
601 notice of such proposed reduction or termination shall be given, in  
602 writing, to the adoptive parent or parents and such adoptive parent or  
603 parents shall, at least thirty days prior to the imposition of said  
604 reduction or termination, be given a hearing before the [Adoption]  
605 Subsidy Review Board. If such an appeal is taken, the subsidy shall  
606 continue without modification or termination until the final decision of  
607 the [Adoption] Subsidy Review Board. Eligibility for such subsidy may  
608 continue until the child's twenty-first birthday if the condition that  
609 caused the child to be certified as a special needs child or related  
610 conditions continue to exist or have reoccurred and the child continues

611 to qualify as a dependent of the legal adoptive parent under the  
612 Internal Revenue Code. In no case shall the eligibility for such subsidy  
613 continue beyond the child's twenty-first birthday.

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

616 (a) As used in this section, (1) ["relative caregiver" means]  
617 "caregiver" means (A) a fictive kin caregiver, as defined in section 17a-  
618 114, as amended by this act, who is caring for a child, or (B) a person  
619 who is a licensed foster care provider pursuant to section 17a-114, as  
620 amended by this act, and is caring for a child who is related to such  
621 person, because the parent of the child has died or become otherwise  
622 unable to care for the child for reasons that make reunification with the  
623 parent and adoption not viable options within the foreseeable future,  
624 and (2) "commissioner" means the Commissioner of Children and  
625 Families.

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

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

642 (d) The commissioner shall provide the following subsidies under

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

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

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

671 (2) A guardianship subsidy may be provided for a child, subject to  
672 the commissioner's annual review, through his or her twenty-first  
673 birthday, provided: (A) The transfer of guardianship to a successor  
674 guardian, as provided in subsection (i) of this section, was finalized on  
675 or after October 1, 2013; (B) the child was sixteen years of age or older

676 when such transfer was finalized; and (C) the child is (i) enrolled in a  
677 full-time approved secondary education program or an approved  
678 program leading to an equivalent credential, (ii) enrolled full time in  
679 an institution that provides postsecondary or vocational education, or  
680 (iii) participating full time in a program or activity approved by the  
681 commissioner that is designed to promote or remove barriers to  
682 employment. The commissioner, in his or her discretion, may waive  
683 the provision of full-time enrollment or participation based on  
684 compelling circumstances. To receive a guardianship subsidy pursuant  
685 to this subsection, the guardian shall, at the time of the annual review,  
686 submit to the commissioner a sworn statement that the child is still  
687 meeting the requirements of clause (i), (ii) or (iii) of subparagraph (C)  
688 of this subdivision, provided the commissioner, in his or her  
689 discretion, may waive such requirements based on compelling  
690 circumstances.

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

696 (g) A guardianship subsidy shall not be included in the calculation  
697 of household income in determining eligibility for benefits of the  
698 [relative] caregiver of the subsidized child or other persons living  
699 within the household of the [relative] caregiver.

700 (h) Payments for guardianship subsidies shall be made from  
701 moneys available from any source to the commissioner for child  
702 welfare purposes. The commissioner shall develop and implement a  
703 plan that: (1) Maximizes use of the subsidized guardianship program  
704 to decrease the number of children in the legal custody of the  
705 commissioner and to reduce the number of children who would  
706 otherwise be placed into nonrelative foster care when there is a [family  
707 member] caregiver willing to provide care; (2) maximizes federal  
708 reimbursement for the costs of the subsidized guardianship program,

709 provided whatever federal maximization method is employed shall  
710 not result in the [relative] caregiver of a child being subject to work  
711 requirements as a condition of receipt of benefits for the child or the  
712 benefits restricted in time or scope other than as specified in subsection  
713 (c) of this section; and (3) ensures necessary transfers of funds between  
714 agencies and interagency coordination in program implementation.  
715 The commissioner shall seek all federal waivers and reimbursement as  
716 are necessary and appropriate to implement this plan.

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

726 (j) Nothing in this section shall prohibit the commissioner from  
727 continuing to pay guardianship subsidies to those relative caregivers  
728 who entered into written subsidy agreements with the Department of  
729 Children and Families prior to October 5, 2009.

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

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

739 (a) Notwithstanding the provisions of section 17a-28, as amended  
740 by this act, if the Commissioner of Children and Families removes a

741 child from the custody of a parent, the commissioner shall [use best  
742 efforts] make a reasonable effort to identify and [notify the  
743 grandparents of the child not later than fifteen days after the child is  
744 removed from the home. A grandparent may provide contact  
745 information to the commissioner for the purposes of such notice if the  
746 child is the subject of an investigation by the commissioner or has  
747 been, or is under, the care or supervision of the commissioner] provide  
748 notice, not later than thirty days after the child is removed from the  
749 home, to the following relatives: (1) Each grandparent of the child, (2)  
750 each parent of any sibling of the child, provided such parent has legal  
751 custody of such sibling, and (3) any other adult relative of the child by  
752 blood or marriage. For purposes of this subsection, "sibling" includes a  
753 stepbrother, stepsister, half-brother, half-sister and any individual who  
754 would have been considered a sibling of the child under state law  
755 except for a termination or other disruption of parental rights,  
756 including, but not limited to, the death of a parent.

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

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

770 The Commissioner of Children and Families, pursuant to the federal  
771 Child and Family Services Improvement and Innovation Act and the  
772 federal Preventing Sex Trafficking and Strengthening Families Act,  
773 shall request, annually, a free credit report on behalf of each [youth

774 sixteen] child fourteen years of age or older who is in the custody of  
775 the commissioner and placed in foster care. Upon receipt of each credit  
776 report, the commissioner or a designee of the commissioner shall  
777 review the report for evidence of identity theft, as defined in section  
778 53a-129a and provide a copy of the report to [the youth's] such child's  
779 attorney or guardian ad litem, if any. Upon receipt of the credit report,  
780 if feasible, such attorney or guardian ad litem shall review the report  
781 for evidence of identity theft, as defined in section 53a-129a, and, in  
782 conjunction with the commissioner or designee, shall assist [the youth]  
783 such child in interpreting such report and resolving any inaccuracies  
784 contained in such report. If the commissioner or the commissioner's  
785 designee finds evidence of identity theft, not later than five business  
786 days after receipt of the credit report, the commissioner shall report  
787 such findings to the office of the Chief State's Attorney.

788 Sec. 13. (NEW) (*Effective July 1, 2015*) The Department of Children  
789 and Families shall report any missing or abducted child who was  
790 committed to the custody of the commissioner to the law enforcement  
791 authority having jurisdiction over the geographical area from which  
792 the child was reported missing or was abducted. The department shall  
793 make such report immediately, but in no case later than twenty-four  
794 hours after the child is determined to be missing or abducted, to the  
795 Federal Bureau of Investigation's National Crime Information Center  
796 and to the National Center for Missing and Exploited Children.

797 Sec. 14. Subsection (a) of section 17a-15 of the general statutes is  
798 repealed and the following is substituted in lieu thereof (*Effective July*  
799 *1, 2015*):

800 (a) The commissioner shall prepare and maintain a written case plan  
801 for care, treatment and permanent placement of every child under the  
802 commissioner's supervision, which shall include, but not be limited to,  
803 a diagnosis of the problems of each child, the proposed plan of  
804 treatment services and temporary placement and a goal for permanent  
805 placement of the child, which may include reunification with the  
806 parent, [long-term foster care with an identified individual,] transfer of

807 guardianship, [another planned permanent living arrangement, or]  
808 adoption or, for a child sixteen years of age or older, another planned  
809 permanent living arrangement. The child's health and safety shall be  
810 the paramount concern in formulating the plan.

811 Sec. 15. Subsection (g) of section 17a-28 of the general statutes is  
812 repealed and the following is substituted in lieu thereof (*Effective July*  
813 *1, 2015*):

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

817 (1) The person named in the record or such person's authorized  
818 representative, provided such disclosure shall be limited to  
819 information (A) contained in the record about such person or about  
820 such person's biological or adoptive minor child, if such person's  
821 parental rights to such child have not been terminated; and (B)  
822 identifying an individual who reported abuse or neglect of the person,  
823 including any tape recording of an oral report pursuant to section 17a-  
824 103, if a court determines that there is reasonable cause to believe the  
825 reporter knowingly made a false report or that the interests of justice  
826 require disclosure;

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

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

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

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

836 (6) The Chief Public Defender or the Chief Public Defender's

837 designee for purposes of ensuring competent representation by the  
838 attorneys with whom the Chief Public Defender contracts to provide  
839 legal and guardian ad litem services to the subjects of such records and  
840 for ensuring accurate payments for services rendered by such  
841 attorneys;

842 (7) The Chief State's Attorney or the Chief State's Attorney's  
843 designee for purposes of investigating or prosecuting (A) an allegation  
844 related to child abuse or neglect, (B) an allegation that an individual  
845 made a false report of suspected child abuse or neglect, or (C) an  
846 allegation that a mandated reporter failed to report suspected child  
847 abuse or neglect in accordance with section 17a-101a, provided such  
848 prosecuting authority shall have access to records of a child charged  
849 with the commission of a delinquent act, who is not being charged  
850 with an offense related to child abuse, only while the case is being  
851 prosecuted and after obtaining a release;

852 (8) A state or federal law enforcement officer for purposes of  
853 investigating (A) an allegation related to child abuse or neglect, (B) an  
854 allegation that an individual made a false report of suspected child  
855 abuse or neglect, or (C) an allegation that a mandated reporter failed to  
856 report suspected child abuse or neglect in accordance with section 17a-  
857 101a;

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

866 (10) The Governor, when requested in writing in the course of the  
867 Governor's official functions, the Legislative Program Review and  
868 Investigations Committee, the joint standing committee of the General

869 Assembly having cognizance of matters relating to human services, the  
870 joint standing committee of the General Assembly having cognizance  
871 of matters relating to the judiciary or the joint standing committee of  
872 the General Assembly having cognizance of matters relating to  
873 children, when requested in writing by any of such committees in the  
874 course of such committee's official functions, and upon a majority vote  
875 of such committee, provided no name or other identifying information  
876 is disclosed unless such information is essential to the gubernatorial or  
877 legislative purpose;

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

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

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

907 ~~[(13)]~~ (14) A state agency that licenses or certifies an individual to  
908 educate or care for children or youth;

909 ~~[(14)]~~ (15) A judge or employee of a ~~[probate court]~~ Probate Court  
910 who requires access to such records in order to perform such judge's or  
911 employee's official duties;

912 ~~[(15)]~~ (16) A judge of the Superior Court for purposes of  
913 determining the appropriate disposition of a child convicted as  
914 delinquent or a child who is a member of a family with service needs;

915 ~~[(16)]~~ (17) A judge of the Superior Court in a criminal prosecution  
916 for purposes of in camera inspection whenever (A) the court has  
917 ordered that the record be provided to the court; or (B) a party to the  
918 proceeding has issued a subpoena for the record;

919 ~~[(17)]~~ (18) A judge of the Superior Court and all necessary parties in  
920 a family violence proceeding when such records concern family  
921 violence with respect to the child who is the subject of the proceeding  
922 or the parent of such child who is the subject of the proceeding;

923 ~~[(18)]~~ (19) The Auditors of Public Accounts, or their representative,  
924 provided no information identifying the subject of the record is  
925 disclosed unless such information is essential to an audit conducted  
926 pursuant to section 2-90;

927 ~~[(19)]~~ (20) A local or regional board of education, provided the  
928 records are limited to educational records created or obtained by the  
929 state or Connecticut Unified School District #2, established pursuant to  
930 section 17a-37;

931 ~~[(20)]~~ (21) The superintendent of schools for any school district for

932 the purpose of determining the suitability of a person to be employed  
933 by the local or regional board of education for such school district  
934 pursuant to subsection (a) of section 10-221d;

935 [(21)] (22) The Department of Motor Vehicles for the purpose of  
936 criminal history records checks pursuant to subsection (e) of section  
937 14-44, provided information disclosed pursuant to this subdivision  
938 shall be limited to information included on the Department of  
939 Children and Families child abuse and neglect registry established  
940 pursuant to section 17a-101k, subject to the provisions of sections 17a-  
941 101g and 17a-101k concerning the nondisclosure of findings of  
942 responsibility for abuse and neglect;

943 [(22)] (23) The Department of Mental Health and Addiction Services  
944 for the purpose of treatment planning for young adults who have  
945 transitioned from the care of the Department of Children and Families;

946 [(23)] (24) The superintendent of a public school district or the  
947 executive director or other head of a public or private institution for  
948 children providing care for children or a private school (A) pursuant to  
949 sections 17a-11, as amended by this act, 17a-101b, 17a-101c, [and] 17a-  
950 101i, 17a-111b, as amended by this act, 46b-129, as amended by this act,  
951 and 46b-141, as amended by this act, or (B) when the Department of  
952 Children and Families places an individual employed by such  
953 institution or school on the child abuse and neglect registry pursuant  
954 to section 17a-101k;

955 [(24)] (25) The Department of Social Services for the purpose of (A)  
956 determining the suitability of a person for payment from the  
957 Department of Social Services for providing child care; (B) promoting  
958 the health, safety and welfare of a child or youth receiving services  
959 from either department; or (C) investigating allegations of fraud  
960 provided no information identifying the subject of the record is  
961 disclosed unless such information is essential to any such  
962 investigation;

963 [(25)] (26) The Court Support Services Division of the Judicial

964 Branch, to allow the division to determine the supervision and  
965 treatment needs of a child or youth, and provide appropriate  
966 supervision and treatment services to such child or youth, provided  
967 such disclosure shall be limited to information that identifies the child  
968 or youth, or a member of such child's or youth's immediate family, as  
969 being or having been (A) committed to the custody of the  
970 Commissioner of Children and Families as delinquent, (B) under the  
971 supervision of the Commissioner of Children and Families, or (C)  
972 enrolled in the voluntary services program operated by the  
973 Department of Children and Families;

974 [(26)] (27) The Court Support Services Division of the Judicial  
975 Branch for the purpose of sharing common case records to track  
976 recidivism of juvenile offenders; and

977 [(27)] (28) The birth-to-three program's referral intake office for the  
978 purpose of (A) determining eligibility of, (B) facilitating enrollment for,  
979 and (C) providing services to (i) substantiated victims of child abuse  
980 and neglect with suspected developmental delays, and (ii) newborns  
981 impacted by withdrawal symptoms resulting from prenatal drug  
982 exposure.

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

985 (a) The Commissioner of Children and Families shall (1) require  
986 each applicant for a position with the department to state in writing  
987 whether such person has ever been convicted of a crime or whether  
988 criminal charges are pending against such person at the time such  
989 person submits an application, and (2) require each applicant to submit  
990 to state and national criminal history records checks, in accordance  
991 with section 29-17a. The commissioner shall also check the state child  
992 abuse registry established pursuant to section 17a-101k for the name of  
993 such applicant.

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

996 vendor or contractor who provides direct services to children or  
997 youths in the care and custody of the department or who has access to  
998 the department's records to submit to state and national criminal  
999 history records checks, in accordance with section 29-17a. The  
1000 commissioner shall also check the state child abuse registry established  
1001 pursuant to section 17a-101k for the name of such vendor or contractor  
1002 and each employee of such vendor or contractor who has access to  
1003 records or clients of the department.

1004 Sec. 17. Section 17a-10a of the general statutes is repealed and the  
1005 following is substituted in lieu thereof (*Effective October 1, 2015*):

1006 (a) The Commissioner of Children and Families shall ensure that a  
1007 child placed in the care and custody of the commissioner pursuant to  
1008 an order of temporary custody or an order of commitment is provided  
1009 visitation with such child's parents and siblings, unless otherwise  
1010 ordered by the court.

1011 (b) The commissioner shall ensure that such child's visits with his or  
1012 her parents shall occur as frequently as reasonably possible, based  
1013 upon consideration of the best interests of the child, including the age  
1014 and developmental level of the child, and shall be sufficient in number  
1015 and duration to ensure continuation of the relationship.

1016 (c) If such child has an existing relationship with a sibling and is  
1017 separated from such sibling as a result of intervention by the  
1018 commissioner including, but not limited to, placement in a foster home  
1019 or in the home of a relative, the commissioner shall, based upon  
1020 consideration of the best interests of the child, ensure that such child  
1021 has access to and visitation rights with such sibling throughout the  
1022 duration of such placement. In determining the number, frequency  
1023 and duration of sibling visits, the commissioner shall consider the best  
1024 interests of each sibling, given each child's age and developmental  
1025 level and the continuation of the sibling relationship. If the child and  
1026 his or her sibling both reside within the state and within fifty miles of  
1027 each other, the commissioner shall, within available appropriations,

1028 ensure that such child's visits with his or her sibling occur, on average,  
1029 not less than once per week, unless the commissioner finds that the  
1030 frequency of such visitation is not in the best interests of each sibling.

1031 (d) The commissioner shall include in each child's plan of treatment  
1032 information relating to the factors considered in making visitation  
1033 determinations pursuant to this section. If the commissioner  
1034 determines that such visits are not in the best interests of the child, that  
1035 the occurrence of, on average, not less than one visit per week with his  
1036 or her sibling is not in the best interests of each sibling, or that the  
1037 number, frequency or duration of the visits requested by the child's  
1038 attorney or guardian ad litem is not in the best interests of the child,  
1039 the commissioner shall include the reasons for such determination in  
1040 the child's plan of treatment.

1041 (e) On or before October first of each year, the commissioner shall  
1042 report, in accordance with the provisions of section 11-4a, to the joint  
1043 standing committee of the General Assembly having cognizance of  
1044 matters relating to children, data sufficient to demonstrate compliance  
1045 with subsections (a), (c) and (d) of this section. Such data shall include  
1046 the total annual number of children in out-of-home placements who  
1047 have siblings, the total number of child cases with documented sibling  
1048 visitation and the number of individual siblings involved in each case.

1049 Sec. 18. Section 45a-715 of the general statutes is repealed and the  
1050 following is substituted in lieu thereof (*Effective October 1, 2015*):

1051 (a) Any of the following persons may petition the [Court of] Probate  
1052 Court to terminate parental rights of all persons who may have  
1053 parental rights regarding any minor child or for the termination of  
1054 parental rights of only one parent provided the application so states:  
1055 (1) Either or both parents, including a parent who is a minor; (2) the  
1056 guardian of the child; (3) the selectmen of any town having charge of  
1057 any foundling child; (4) a duly authorized officer of any child care  
1058 facility or child-placing agency or organization or any children's home  
1059 or similar institution approved by the Commissioner of Children and

1060 Families; (5) a relative of the child if the parent or parents have  
1061 abandoned or deserted the child; (6) the Commissioner of Children  
1062 and Families, provided the custodial parent of such minor child has  
1063 consented to the termination of parental rights and the child has not  
1064 been committed to the commissioner, and no application for  
1065 commitment has been made; provided in any case hereunder where  
1066 the child with respect to whom the petition is brought has attained the  
1067 age of twelve, the child shall join in the petition.

1068 (b) A petition for termination of parental rights shall be entitled "In  
1069 the interest of ... (Name of child), a person under the age of eighteen  
1070 years", and shall set forth with specificity: (1) The name, sex, date and  
1071 place of birth, and present address of the child; (2) the name and  
1072 address of the petitioner, and the nature of the relationship between  
1073 the petitioner and the child; (3) the names, dates of birth and addresses  
1074 of the parents of the child, if known, including the name of any  
1075 putative father named by the mother, and the tribe and reservation of  
1076 an American Indian parent; (4) if the parent of the child is a minor, the  
1077 names and addresses of the parents or guardian of the person of such  
1078 minor; (5) the names and addresses of: (A) The guardian of the person  
1079 of the child; (B) any guardians ad litem appointed in a prior  
1080 proceeding; (C) the tribe and reservation of an American Indian child;  
1081 and (D) the child-placing agency which placed the child in his current  
1082 placement; (6) the facts upon which termination is sought, the legal  
1083 grounds authorizing termination, the effects of a termination decree  
1084 and the basis for the jurisdiction of the court; (7) the name of the  
1085 persons or agencies which have agreed to accept custody or  
1086 guardianship of the child's person upon disposition.

1087 (c) If the information required under subdivisions (2) and (6) of  
1088 subsection (b) of this section is not stated, the petition shall be  
1089 dismissed. If any other facts required under subdivision (1), (3), (4), (5)  
1090 or (7) of subsection (b) of this section are not known or cannot be  
1091 ascertained by the petitioner, he shall so state in the petition. If the  
1092 whereabouts of either parent or the putative father named under  
1093 subdivision (3) of subsection (b) of this section are unknown, the

1094 petitioner shall diligently search for any such parent or putative father.  
1095 The petitioner shall file an affidavit with the petition indicating the  
1096 efforts used to locate the parent or putative father.

1097 (d) If a petition indicates that either or both parents consent to the  
1098 termination of their parental rights, or if at any time following the  
1099 filing of a petition and before the entry of a decree a parent consents to  
1100 the termination of his parental rights, each consenting parent shall  
1101 acknowledge such consent on a form promulgated by the Office of the  
1102 Chief Court Administrator evidencing to the satisfaction of the court  
1103 that the parent has voluntarily and knowingly consented to the  
1104 termination of his parental rights. No consent to termination by a  
1105 mother shall be executed within forty-eight hours immediately after  
1106 the birth of her child. A parent who is a minor shall have the right to  
1107 consent to termination of parental rights and such consent shall not be  
1108 voidable by reason of such minority. A guardian ad litem shall be  
1109 appointed by the court to assure that such minor parent is giving an  
1110 informed and voluntary consent.

1111 (e) A petition under this section shall be filed in the [court of  
1112 probate] Probate Court for the district in which the petitioner or the  
1113 child resides or, in the case of a minor who is under the guardianship  
1114 of any child care facility or child-placing agency, in the [court of  
1115 probate] Probate Court for the district in which the main office or any  
1116 local office of the agency is located. If the petition is filed with respect  
1117 to a child born out of wedlock, the petition shall state whether there is  
1118 a putative father to whom notice shall be given under subdivision (2)  
1119 of subsection (b) of section 45a-716.

1120 (f) If any petitioner under subsection (a) is a minor or incompetent,  
1121 the guardian ad litem, appointed by the court in accordance with  
1122 section 45a-708, must approve the petition in writing, before action by  
1123 the court.

1124 (g) Before a hearing on the merits in any case in which a petition for  
1125 termination of parental rights is contested in a [court of probate]

1126 Probate Court, the [court of probate] Probate Court shall, on the  
1127 motion of any legal party except the petitioner, or may on its own  
1128 motion or that of the petitioner, transfer the case to the Superior Court  
1129 in accordance with rules adopted by the judges of the Supreme Court.  
1130 In addition to the provisions of this section, the [probate court] Probate  
1131 Court may, on the court's own motion or that of any interested party,  
1132 transfer any termination of parental rights case to a regional children's  
1133 probate court established pursuant to section 45a-8a. If the case is  
1134 transferred, the clerk of the [Court of] Probate Court shall transmit to  
1135 the clerk of the Superior Court or the regional children's probate court  
1136 to which the case was transferred, the original files and papers in the  
1137 case. The Superior Court or the regional children's probate court to  
1138 which the case was transferred, upon hearing after notice as provided  
1139 in sections 45a-716 and 45a-717, may grant the petition as provided in  
1140 section 45a-717.

1141 (h) Either or both birth parents and an intended adoptive parent  
1142 may enter into a cooperative postadoption agreement regarding  
1143 communication or contact between either or both birth parents and the  
1144 adopted child. Such an agreement may be entered into if: (1) [The child  
1145 is in the custody of the Department of Children and Families; (2) an]  
1146 An order terminating parental rights has not yet been entered; and  
1147 [(3)] (2) either or both birth parents agree to a voluntary termination of  
1148 parental rights, including an agreement in a case which began as an  
1149 involuntary termination of parental rights. The postadoption  
1150 agreement shall be applicable only to a birth parent who is a party to  
1151 the agreement. Such agreement shall be in addition to those under  
1152 common law. Counsel for the child and any guardian ad litem for the  
1153 child may be heard on the proposed cooperative postadoption  
1154 agreement. There shall be no presumption of communication or  
1155 contact between the birth parents and an intended adoptive parent in  
1156 the absence of a cooperative postadoption agreement.

1157 (i) If the [Court of Probate] court determines that the child's best  
1158 interests will be served by postadoption communication or contact  
1159 with either or both birth parents, the court shall so order, stating the

1160 nature and frequency of the communication or contact. A court may  
1161 grant postadoption communication or contact privileges if: (1) Each  
1162 intended adoptive parent consents to the granting of communication  
1163 or contact privileges; (2) the intended adoptive parent and either or  
1164 both birth parents execute a cooperative agreement and file the  
1165 agreement with the court; (3) consent to postadoption communication  
1166 or contact is obtained from the child, if the child is at least twelve years  
1167 of age; and (4) the cooperative postadoption agreement is approved by  
1168 the court.

1169 (j) A cooperative postadoption agreement shall contain the  
1170 following: (1) An acknowledgment by either or both birth parents that  
1171 the termination of parental rights and the adoption is irrevocable, even  
1172 if the adoptive parents do not abide by the cooperative postadoption  
1173 agreement; and (2) an acknowledgment by the adoptive parents that  
1174 the agreement grants either or both birth parents the right to seek to  
1175 enforce the cooperative postadoption agreement.

1176 (k) The terms of a cooperative postadoption agreement may include  
1177 the following: (1) Provision for communication between the child and  
1178 either or both birth parents; (2) provision for future contact between  
1179 either or both birth parents and the child or an adoptive parent; and (3)  
1180 maintenance of medical history of either or both birth parents who are  
1181 a party to the agreement.

1182 (l) The order approving a cooperative postadoption agreement shall  
1183 be made part of the final order terminating parental rights. The finality  
1184 of the termination of parental rights and of the adoption shall not be  
1185 affected by implementation of the provisions of the postadoption  
1186 agreement, nor is the cooperative postadoption contingent upon the  
1187 finalization of an adoption. Such an agreement shall not affect the  
1188 ability of the adoptive parents and the child to change their residence  
1189 within or outside this state.

1190 (m) A disagreement between the parties or litigation brought to  
1191 enforce or modify the agreement shall not affect the validity of the

1192 termination of parental rights or the adoption and shall not serve as a  
1193 basis for orders affecting the custody of the child. The court shall not  
1194 act on a petition to change or enforce the agreement unless the  
1195 petitioner had participated, or attempted to participate, in good faith  
1196 in mediation or other appropriate dispute resolution proceedings to  
1197 resolve the dispute and allocate any cost for such mediation or dispute  
1198 resolution proceedings.

1199 (n) An adoptive parent, guardian ad litem for the child or the court  
1200 on its own motion may, at any time, petition for review of  
1201 communication or contact ordered pursuant to subsection (i) of this  
1202 section, if the adoptive parent believes that the best interests of the  
1203 child are being compromised. The court may order the communication  
1204 or contact be terminated, or order such conditions in regard to  
1205 communication or contact as the court deems to be in the best interest  
1206 of the adopted child.

1207 (o) For any child who is the subject of a petition for adoption under  
1208 this chapter, the court shall consider the appropriateness of  
1209 postadoption communication or contact with a sibling of such child,  
1210 including, but not limited to, visitation, written correspondence or  
1211 telephone calls. If the court determines such postadoption  
1212 communication or contact is in the best interest of the child, the court  
1213 shall order that such child has access to and visitation rights with such  
1214 sibling until the child reaches eighteen years of age.

1215 (p) The court shall consider the following factors in determining  
1216 whether postadoption communication or contact with a sibling is in  
1217 the best interest of the child: (1) The age of the child and his or her  
1218 sibling; (2) the extent of the existing relationship between the child and  
1219 his or her sibling; (3) the physical, emotional and psychological needs,  
1220 including any special needs, and stability of the child and his or her  
1221 sibling; (4) the child's opinion and the opinion of his or her sibling  
1222 regarding such postadoption communication or contact; (5) the  
1223 opinion of the adoptive parent regarding such postadoption  
1224 communication or contact; (6) opinions of experts, including any

1225 individuals who may have provided services to the child or his or her  
1226 sibling; (7) the long-term plans for the child and his or her sibling; and  
1227 (8) any relevant logistical concerns.

1228 (q) Any determination of the court pursuant to subsection (o) of this  
1229 section shall be included in the final adoption order, but such  
1230 determination shall not affect the validity of the adoption. Nothing in  
1231 this subsection shall limit the authority of the court to enforce its  
1232 orders in any manner permitted by law.

1233 (r) An adoptive parent may, at any time, petition the court to review  
1234 its determination regarding postadoption communication or contact  
1235 between a child and his or her sibling. Upon receiving such petition,  
1236 the court shall conduct a review of its determination using the factors  
1237 listed in subsection (p) of this section and may order the  
1238 communication or contact to be terminated or modified if the court  
1239 determines that such termination or modification is in the best interest  
1240 of the child. If any dispute arises pursuant to such review, the court  
1241 may order the parties to engage in mediation.

1242 (s) The court shall not, pursuant to the review required under  
1243 subsection (r) of this section, increase communication or contact  
1244 between the adopted child and his or her sibling unless the court (1)  
1245 receives consent from the adoptive parent; and (2) inquires about and  
1246 considers the opinion of the child regarding such increase.

1247 Sec. 19. Section 17a-11 of the general statutes is repealed and the  
1248 following is substituted in lieu thereof (*Effective October 1, 2015*):

1249 (a) The commissioner may, in the commissioner's discretion, admit  
1250 to the department on a voluntary basis any child or youth who, in the  
1251 commissioner's opinion, could benefit from any of the services offered  
1252 or administered by, or under contract with, or otherwise available to,  
1253 the department. Application for voluntary admission shall be made in  
1254 writing by the parent or guardian of a child under fourteen years of  
1255 age or by such person himself or herself if he or she is a child fourteen  
1256 years of age or older or a youth. The fact that a parent has applied for

1257 services or received services for his or her child through voluntary  
1258 admission shall not be used against the parent (1) in any investigation  
1259 conducted by the department in accordance with section 17a-101g, (2)  
1260 when making placement decisions for the child, (3) when making  
1261 foster care licensing determinations in accordance with section 17a-  
1262 114, as amended by this act, or (4) in any court proceeding related to  
1263 the placement of a minor relative of the parent.

1264 (b) A child or youth voluntarily admitted to the department shall be  
1265 deemed to be within the care of the commissioner until such admission  
1266 is terminated. The commissioner shall terminate the admission of any  
1267 child or youth voluntarily admitted to the department within ten days  
1268 after receipt of a written request for termination from a parent or  
1269 guardian of any child under fourteen years of age or from a child if  
1270 such child is fourteen years of age or older, or youth, unless prior to  
1271 the expiration of that time the commissioner has sought and received  
1272 from the Superior Court an order of temporary custody as provided by  
1273 law. [The] Except as provided in subsection (i) of this section, the  
1274 commissioner may terminate the admission of any child or youth  
1275 voluntarily admitted to the department after (1) giving reasonable  
1276 notice in writing to (A) the parent or guardian of any child [under  
1277 fourteen years of age and to a child] or youth, and (B) the child if such  
1278 child is fourteen years of age or older, [and to any] or youth, and (2) if  
1279 the commissioner has previously petitioned the Probate Court  
1280 pursuant to subsection (c) of this section, providing notice to the  
1281 Probate Court of such petition. Any child or youth admitted  
1282 voluntarily to the department may be placed in, or transferred to, any  
1283 resource, facility or institution within the department or available to  
1284 the commissioner except the Connecticut Juvenile Training School,  
1285 provided the commissioner shall give written notice to such child or  
1286 youth and to the parent or guardian of the child of the commissioner's  
1287 intention to make a transfer at least ten days prior to any actual  
1288 transfer, unless written notice is waived by those entitled to receive it,  
1289 or unless an emergency commitment of such child or youth is made  
1290 pursuant to section 17a-502. Any child or youth admitted voluntarily

1291 to the department may be transferred to the supervision of the  
1292 Department of Mental Health and Addiction Services or the  
1293 Department of Developmental Services, in collaboration with the  
1294 commissioner of the department to which the child is transferred. The  
1295 Commissioner of Children and Families shall provide written notice of  
1296 his or her intention to make a transfer at least ten days prior to any  
1297 actual transfer to a child fourteen years of age or older, or youth, and  
1298 to the parent or guardian of the child or youth being transferred. If the  
1299 department has previously filed a petition with the Probate Court  
1300 under subsection (c) of this section, the commissioner shall provide  
1301 notice of such petition to the court. The Commissioner of Children and  
1302 Families may continue to provide services to the child or youth in  
1303 collaboration with the department to which the child or youth has  
1304 been transferred or may terminate the voluntary services if, in the  
1305 commissioner's discretion, the department to which the child or youth  
1306 has been transferred provides adequate services. The commissioner  
1307 shall provide written notice of his or her intention to terminate services  
1308 following a transfer to another department to a child fourteen years of  
1309 age or older, or youth, and to the parent or guardian of such child or  
1310 youth. If the department has previously filed a petition with the  
1311 Probate Court under subsection (c) of this section, the commissioner  
1312 shall provide notice of such petition to the court.

1313 (c) Not more than one hundred twenty days after admitting a child  
1314 or youth on a voluntary basis, the [department] commissioner shall  
1315 petition the [probate court] Probate Court for the district in which a  
1316 parent or guardian of the child or youth resides for a determination as  
1317 to whether continuation [in] of care is in the child's or youth's best  
1318 interest and, if so, whether there is an appropriate case service or  
1319 permanency plan in place for such child or youth. A case service plan  
1320 shall be required for all children and youths receiving services  
1321 voluntarily from the department who are not in an out-of-home  
1322 placement. A permanency plan shall be required for all children and  
1323 youths voluntarily admitted to the department and placed by the  
1324 department in a foster home licensed pursuant to section 17a-114, as

1325 amended by this act, or a facility licensed pursuant to section 17a-145<sub>z</sub>,  
1326 as amended by this act. Upon receipt of such [application] petition, the  
1327 court shall set a time and place for a hearing to be held within thirty  
1328 days of receipt of the [application] petition, unless continued by the  
1329 court for cause shown. The court shall order notice of the hearing to be  
1330 given by first class mail at least five days prior to the hearing to the  
1331 Commissioner of Children and Families, and by first class mail at least  
1332 five days prior to the hearing to the parents or guardian of the child or  
1333 youth and [the minor, if over twelve] the child, if such child is fourteen  
1334 years of age or older, or youth. If the whereabouts of the parent or  
1335 guardian are unknown, or if delivery cannot reasonably be effected,  
1336 then notice shall be ordered to be given by publication. In making its  
1337 determination as to whether there is an appropriate case service plan  
1338 for a child or youth, the court shall consider the items specified in  
1339 subdivision (2) of subsection (d) of this section. In making its  
1340 determination as to whether there is an appropriate permanency plan  
1341 for a child or youth, the court shall consider the items specified in  
1342 subsection (f) of this section. The court shall possess continuing  
1343 jurisdiction in proceedings under this section.

1344 (d) (1) If the child or youth is not in an out-of-home placement, the  
1345 commissioner shall not be required to file periodic motions for review  
1346 of the case service plan, provided the court shall conduct a hearing to  
1347 review the case service plan on motion of the commissioner, a parent  
1348 or guardian of the child or youth or a child fourteen years of age or  
1349 older, or youth. The court may conduct a hearing on its own motion to  
1350 review the case service plan for a child or youth who is not in an out-  
1351 of-home placement if the court determines that imminent concerns  
1352 regarding the health and safety of the child or youth require a hearing.  
1353 The court shall provide notice of the time and place of the hearing on  
1354 such motion to the commissioner, the parents or guardian of the child  
1355 or youth and to the child, if such child is fourteen years of age or older,  
1356 or youth, not later than ten days prior to the date of such hearing. In  
1357 making its determination as to whether there is an appropriate case  
1358 service plan, the court shall consider the items specified in subdivision

1359 (2) of this subsection.

1360 (2) At a hearing on a motion to review a case service plan for a child  
1361 or youth who is not in an out-of-home placement, the court shall  
1362 approve a case service plan that is in the best interests of the child or  
1363 youth. The health and safety of the child or youth shall be of  
1364 paramount concern in formulating such plan. At such hearing, the  
1365 court shall consider among other things: (A) The appropriateness of  
1366 the department's plan for service to the child or youth and his or her  
1367 family; (B) the treatment and support services that have been offered  
1368 and provided to the child or youth to strengthen the family; and (C)  
1369 any further efforts which have been or will be made to promote the  
1370 best interests of the child or youth. At the conclusion of the hearing,  
1371 the court may: (i) Direct that the services being provided be continued  
1372 if the court determines that continuation of the child or youth in  
1373 services is in the child's or youth's best interests, or (ii) direct that the  
1374 child's or youth's services be modified to reflect the child's or youth's  
1375 best interest.

1376 [(d) (1)] (e) Ten months after admitting a child or youth on a  
1377 voluntary basis and annually thereafter if the child or youth remains in  
1378 the custody of the commissioner and remains placed (1) in a foster  
1379 home licensed pursuant to section 17a-114, as amended by this act, (2)  
1380 in a foster home approved by a child-placing agency licensed pursuant  
1381 to section 17a-149, or (3) in a facility licensed pursuant to section 17a-  
1382 145, as amended by this act, the commissioner shall file a motion for  
1383 review of a permanency plan. A hearing on such motion shall be held  
1384 not later than thirty days after the filing of such motion. [The] Not later  
1385 than ten days prior to the date of such hearing, the court shall provide  
1386 notice to the commissioner, the parents or guardian of the child or  
1387 youth and [such child's or youth's parent or guardian of the time and  
1388 place of the hearing on such motion not less than ten days prior to the  
1389 date of such hearing] to the child, if such child is fourteen years of age  
1390 or older, or youth, of the time and place of such hearing. In making its  
1391 determination as to whether there is an appropriate permanency plan  
1392 in place, the court shall consider the items specified in subsection (f) of

1393 this section.

1394 [(2)] (f) (1) At a [permanency hearing held in accordance with the  
1395 provisions of subdivision (1) of this subsection] hearing to review a  
1396 permanency plan for a child or youth who is placed in a foster home  
1397 licensed pursuant to section 17a-114, as amended by this act, or facility  
1398 licensed pursuant to section 17a-145, as amended by this act, the court  
1399 shall approve a permanency plan that is in the best interests of the  
1400 child or youth and takes into consideration the child's or youth's need  
1401 for permanency. The health and safety of the child or youth shall be of  
1402 paramount concern in formulating such plan. At such hearing, the  
1403 court shall consider among other things: (A) The appropriateness of  
1404 the department's plan for service to the child or youth and his or her  
1405 family; (B) the treatment and support services that have been offered  
1406 and provided to the child or youth to strengthen and reunite the  
1407 family; (C) if return home is not likely for the child or youth, the efforts  
1408 that have been made or should be made to evaluate and plan for other  
1409 modes of care; and (D) any further efforts [which] that have been or  
1410 will be made to promote the best interests of the child or youth.

1411 [(3)] (2) The permanency plan [pursuant to subdivision (2) of this  
1412 subsection] may include the goal of (A) placement of the child or youth  
1413 with the parent or guardian, (B) transfer of guardianship, (C) [long-  
1414 term foster care with a relative licensed as a foster parent or certified as  
1415 a relative caregiver, (D)] termination of parental rights and adoption,  
1416 or [(E)] (D) for a youth, such other planned permanent living  
1417 arrangement ordered by the court, provided the commissioner has  
1418 documented a compelling reason why it would not be in the best  
1419 interest of the [child or] youth for the permanency plan to include the  
1420 goals in subparagraphs (A) to [(D)] (C), inclusive, of this subdivision.  
1421 Such other planned permanent living arrangement may include, but  
1422 not be limited to, placement of a [child or] youth in an independent  
1423 living program or long-term foster care with an identified foster  
1424 parent.

1425 [(4)] (3) At a [permanency] hearing on a motion to review a

1426 permanency plan, the court shall review the status of the child or  
1427 youth and the progress being made to implement the permanency  
1428 plan, determine a timetable for attaining the permanency prescribed  
1429 by the plan and determine whether the commissioner has made  
1430 reasonable efforts to achieve the permanency plan. At the conclusion  
1431 of the hearing, the court may: (A) Direct that the services being  
1432 provided, or the placement of the child or youth and reunification  
1433 efforts, be continued if the court, after hearing, determines that  
1434 continuation of the child or youth in services or placement is in the  
1435 child's or youth's best interests, or (B) direct that the child's or youth's  
1436 services or placement be modified to reflect the child's or youth's best  
1437 interest.

1438 (4) If the permanency plan for a youth includes the goal of such  
1439 other planned permanent living arrangement pursuant to  
1440 subparagraph (D) of subdivision (2) of this subsection, the department  
1441 shall document for the court: (A) The manner and frequency of efforts  
1442 made by the department to return the youth home or to secure  
1443 placement for the youth with a fit and willing relative, legal guardian  
1444 or adoptive parent; and (B) the steps the department has taken to  
1445 ensure (i) the youth's foster family home or child care institution is  
1446 following a reasonable and prudent parent standard, as defined in  
1447 section 1 of this act; and (ii) the youth has regular opportunities to  
1448 engage in age appropriate and developmentally appropriate activities,  
1449 as defined in section 1 of this act.

1450 (5) If the permanency plan for a youth includes the goal of such  
1451 other planned permanent living arrangement pursuant to  
1452 subparagraph (D) of subdivision (2) of this subsection, the court shall  
1453 (A) (i) ask the youth about his or her desired permanency outcome, or  
1454 (ii) if the youth is unavailable to appear at a hearing held in accordance  
1455 with the provisions of subdivision (1) of this subsection, require the  
1456 attorney for the youth to consult with the youth regarding the youth's  
1457 desired permanency outcome and report the same to the court; (B)  
1458 make a judicial determination that, as of the date of hearing, such other  
1459 planned permanent living arrangement is the best permanency plan

1460 for the youth; and (C) document the compelling reasons why it is not  
1461 in the best interest of the youth to return home or to be placed with a  
1462 fit and willing relative, legal guardian or adoptive parent.

1463 [(e)] (g) The commissioner shall adopt regulations in accordance  
1464 with chapter 54 [describing the documentation required for]  
1465 concerning (1) applications for voluntary admission, [and for] (2) the  
1466 grant or denial of services, (3) informal administrative case review,  
1467 [upon request, of any denial of an application for voluntary admission]  
1468 and (4) termination of voluntary admission.

1469 [(f)] (h) Any person aggrieved by a decision of the commissioner  
1470 denying voluntary services may appeal such decision through an  
1471 administrative hearing held pursuant to chapter 54.

1472 (i) Any parent or guardian of a child or youth, or any child fourteen  
1473 years of age or older, who is aggrieved by a termination of admission  
1474 pursuant to subsection (b) of this section may (1) request an  
1475 administrative hearing in accordance with the regulations adopted by  
1476 the commissioner pursuant to subsection (g) of this section, or (2)  
1477 request a hearing before the Probate Court. If, upon such hearing, the  
1478 Probate Court finds that the termination of admission was made in  
1479 accordance with the applicable regulations adopted by the  
1480 commissioner, the court shall uphold such termination. If the court  
1481 finds that the termination of admission was not made in accordance  
1482 with the applicable regulations, the court may order the continuation  
1483 of services and specify a time for the determination of a new case  
1484 service or permanency plan.

1485 [(g)] (j) Notwithstanding any provision of sections 17a-1 to 17a-26,  
1486 inclusive, and 17a-28 to 17a-49, inclusive, as amended by this act, any  
1487 person already under the care and supervision of the Commissioner of  
1488 Children and Families who has passed such person's eighteenth  
1489 birthday but has not yet reached such person's twenty-first birthday  
1490 may be permitted to remain voluntarily under the supervision of the  
1491 commissioner, provided the commissioner, in the commissioner's

1492 discretion, determines that such person would benefit from further  
1493 care and support from the Department of Children and Families. Any  
1494 person remaining voluntarily under the supervision of the  
1495 commissioner pursuant to this subsection shall be entitled to a written  
1496 plan for care and treatment, and review of such plan, in accordance  
1497 with section 17a-15, as amended by this act.

1498 [(h)] (k) Upon motion of any interested party in a Probate Court  
1499 proceeding under this section, the probate court of record may transfer  
1500 the file for cause shown to a [probate court] Probate Court for a district  
1501 other than the district in which the initial or permanency hearing was  
1502 held. The file shall be transferred by the [probate court] Probate Court  
1503 of record making copies of all recorded documents in the court file,  
1504 certifying each of them, and delivering the certified copies to the  
1505 [probate court] Probate Court to which the matter is transferred.

1506 Sec. 20. (NEW) (*Effective October 1, 2015*) Any appearance filed for  
1507 any party in the Probate Court shall continue in the superior court for  
1508 juvenile matters unless (1) a motion to withdraw is filed in the Probate  
1509 Court within five days of the filing of the motion to transfer, and the  
1510 motion to withdraw is granted by the Probate Court, (2) a motion to  
1511 withdraw is filed by such party's counsel and granted by the superior  
1512 court for juvenile matters, or (3) another counsel files an "in lieu of"  
1513 appearance on behalf of the party. If the party represented is indigent  
1514 or is the child subject to the proceedings, new counsel shall be assigned  
1515 from the list of Public Defender Services assigned counsel and shall be  
1516 paid by the Public Defender Services Commission. The superior court  
1517 for juvenile matters may request that the Division of Public Defender  
1518 Services contract with probate counsel for representation if continued  
1519 representation would be in the best interest of the client. Counsel for  
1520 indigent parties or minor children appointed by the Probate Court  
1521 who remain on the case in superior court for juvenile matters shall be  
1522 paid by the Public Defender Services Commission according to its  
1523 policies at the rate of pay established by the commission.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section
Sec. 2	<i>July 1, 2015</i>	17a-111b(c)
Sec. 3	<i>July 1, 2015</i>	46b-129(k)
Sec. 4	<i>July 1, 2015</i>	46b-141
Sec. 5	<i>July 1, 2015</i>	17a-114
Sec. 6	<i>July 1, 2015</i>	17a-145
Sec. 7	<i>July 1, 2015</i>	17a-117
Sec. 8	<i>July 1, 2015</i>	17a-118(a)
Sec. 9	<i>July 1, 2015</i>	17a-120(b)
Sec. 10	<i>July 1, 2015</i>	17a-126
Sec. 11	<i>July 1, 2015</i>	17a-10b
Sec. 12	<i>July 1, 2015</i>	17a-114b
Sec. 13	<i>July 1, 2015</i>	New section
Sec. 14	<i>July 1, 2015</i>	17a-15(a)
Sec. 15	<i>July 1, 2015</i>	17a-28(g)
Sec. 16	<i>July 1, 2015</i>	17a-6a
Sec. 17	<i>October 1, 2015</i>	17a-10a
Sec. 18	<i>October 1, 2015</i>	45a-715
Sec. 19	<i>October 1, 2015</i>	17a-11
Sec. 20	<i>October 1, 2015</i>	New section

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

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill implements provisions of the federal Preventing Sex Trafficking and Strengthening Families Act and broadens guardianship opportunities for “fictive kin.” It also broadens the requirements related to background checks for contractors as well as credit checks for certain children. These changes do not result in a fiscal impact, as expanded guardianship opportunities shift costs from foster care to adoption accounts, and the bill's other changes are already the current practice of the agency.

Additionally, the bill makes several technical changes that conforms statute to current practice regarding the Probate Court and Superior Court.

House Amendment “A” strikes the underlying bill and associated fiscal impact and results in the fiscal impact described above.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 6899 (as amended by House "A")\******AN ACT EXPANDING GUARDIANSHIP OPPORTUNITIES FOR CHILDREN AND IMPLEMENTING PROVISIONS OF THE FEDERAL PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT.*****SUMMARY:**

This bill makes changes in several Department of Children and Families (DCF)-related statutes.

Principally, the bill:

1. permits caregivers to allow children with service or safety plans to participate in "normal childhood activities" (i.e., extracurricular, enrichment, and social activities, including overnight activities outside the caregiver's direct supervision for up to 48 hours) without prior department or court approval (§ 1);
2. limits permanency plan goals involving certain planned permanent living arrangements (such as placement in an independent living program) to children age 16 or older, establishes certain requirements for these arrangements, and eliminates certain other permanency plan goals (§§ 2-4 & 19);
3. defines "fictive kin caregivers," allows child placement with one of these individuals, makes such caregivers eligible for guardianship subsidies, and allows for the transfer of such subsidies from one caregiver to a successor caregiver (§§ 5 - 10);
4. requires foster care providers, relative and fictive kin caregivers, and child care facilities to use a "reasonable and prudent parent

- standard” (i.e., careful and sensible parental decisions that maintain a child’s health, safety, and best interests) (§§ 5 & 6);
5. gives the probate court the authority to order post-adoption sibling visitation rights for adoptions that take place in that venue and requires the court to consider certain factors before making such a decision (§ 18);
  6. sets out a hearing process for individuals who believe they are harmed by a DCF decision to terminate voluntary services and modifies the notice and regulation adoption requirements DCF must follow for such terminations (§ 19);
  7. allows the DCF commissioner to transfer a child or youth receiving voluntary services to the supervision of the mental health and addiction services (DMHAS) or developmental services department (DDS) (§ 19);
  8. specifies that the court does not need to review case service plans annually (i.e., plans for children receiving DCF services who are not in out-of-home placements) and makes other minor changes to the plan review process (§ 19);
  9. broadens the (a) circumstances in which DCF must disclose records to specified parties without the subject's consent and (b) list of individuals who must submit to criminal history and child abuse registry checks (§§ 5, 15, & 16);
  10. adopts rules for the appointment of counsel when certain cases involving children or youths are transferred from probate to Superior Court (§ 20);
  11. adds to the list of individuals the DCF commissioner must notify when (a) she removes a child from parental custody and extends the amount of time DCF has to provide the notice or (b) a child committed to DCF custody is missing or abducted (§§ 11 & 13);

12. increases the number of children for whom DCF must request an annual credit report (§ 12); and
13. specifies data DCF must annually submit to the Children's Committee pertaining to sibling visitation statutes (§ 17).

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

\*House Amendment "A" (1) adds the provisions pertaining to postadoption sibling visitation, court and inter-department transfers, case service plans, and voluntary service termination hearings; (2) modifies provisions pertaining to permanency plan requirements; (3) narrows the circumstances in which the bill allows caregivers to permit children in their care under a service or safety plan to participate in "normal childhood activities;" (4) shortens, from 72 hours to 48 hours, the amount of time away from a caregiver that qualifies as such activity; and (5) makes several other minor and technical changes.

EFFECTIVE DATE: July 1, 2015, except provisions pertaining (1) to permanency plans for children receiving voluntary services, (2) court transfers, (3) DCF data gathering requirements, and (4) postadoption sibling visitation, are effective October 1, 2015.

### **§ 1 – NORMAL CHILDHOOD ACTIVITIES**

The bill permits a caregiver to allow a child in his or her care under a DCF or court-ordered service or safety plan to participate in normal childhood activities without prior DCF or court approval. The activities must (1) comply with the service or safety plan and (2) be age or developmentally appropriate based on a reasonably prudent parent standard. If applicable, the child's parent or guardian must be given an opportunity to provide input into the development of the child's service or safety plan.

The DCF commissioner must (1) establish department policy to guide caregivers on the reasonable and prudent parent standard and (2) notify each caregiver of this policy. The policy must list factors for

the caregiver to consider before allowing a child to participate in age or developmentally appropriate activities, including the child's age, maturity, mental and physical health, developmental level, behavioral propensities, and aptitude.

A DCF representative, during home visits and meetings with parents, must document the child's (1) interest in and pursuit of normal childhood activities and (2) participation in such activities in the child's service and safety plans. The representative must also communicate to the caregiver the parents' opinions on the child's participation in normal childhood activities so that the caregiver may consider them when providing the child's care.

### **Definitions**

For purposes of these provisions, the bill defines:

1. a "caregiver" as a (a) DCF-licensed foster care provider, (b) person approved by a licensed child-placing agency to provide foster care, (c) relative or fictive kin caregiver (see definition below), or (d) licensed child placing agency operator or official;
2. "reasonable and prudent parent standard" as careful and sensible parental decisions that maintain a child's health, safety, and best interests; and
3. "age appropriate or developmentally appropriate" as (a) activities or items generally accepted as suitable for children of the same age or maturity level or determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities typical for his or her age or age group or (b) in the case of a specific child, activities or items that are suitable based on his or her cognitive, emotional, physical, and behavioral capabilities.

### **Liability**

The bill makes the department, caregiver, child-placing agency, child care facility, or any other state-contracted private entity immune

from liability for any injury a child sustains as the result of a caregiver allowing him or her to participate in normal childhood activities under these provisions, unless the injury was due to the person's or entity's gross, willful, or wanton negligence. This provision of the bill does not remove or limit existing liability protection.

### ***Private Contractor Policies***

The bill requires private entities that contract with DCF to place children in department custody to have policies consistent with the above provisions. Such policies are not consistent if they are incompatible with, contradictory to, or more restrictive than these provisions.

### **§§ 2-4, 19 – PERMANENCY PLANS**

The law requires DCF to establish and periodically revise permanency plans for children in its care or custody, which include abused and neglected children, delinquents, and children in its voluntary services program (i.e., children whose mental health needs could not otherwise be met). The bill makes several changes to the permanency plan requirements for these children.

### ***Goals***

Under current law, a child's permanency plan may include certain goals depending on the grounds for commitment. In general, these goals include parental or guardian reunification; guardianship transfer; long-term foster care with a licensed relative (or if the child is a delinquent, permanent placement with a relative); or termination of parental rights and adoption. If the court has documented compelling reason that these goals are not in the child's best interest, the goal may instead be another planned permanent living arrangement such as an independent living program or long-term foster care with an identified foster parent.

The bill eliminates (1) permanent placement with a relative from the list of allowable permanency plan goals for delinquents and (2) long-term foster care with a licensed or certified relative as a permanency

plan goal for children committed to DCF voluntarily or for abuse or neglect (though DCF must still make efforts to place a child with a relative under other permanency plan provisions, as described below). It also limits the permanency plan goal of “another planned permanent living arrangement” to children age 16 and over.

Under the bill, if such a child’s permanency plan goal is another planned permanent living arrangement, DCF must document for the court the:

1. manner and frequency of its efforts to return the child to his or her home or a secure placement with a fit and willing relative, legal guardian, or adoptive parent; and
2. steps it has taken to ensure the (a) child’s foster family home or child care institution is following a reasonable and prudent parent standard and (b) child has regular opportunities to engage in age and developmentally appropriate activities.

### ***Child Involvement in Planning Process***

The bill requires DCF to consult with any child age 12 and older in department custody, when developing the child's permanency plan or plan revisions. The bill allows the child to consult with up to two people who participate in his or her case plan, but not the child's foster parent or caseworker. One of the consultants may be designated the child's permanency plan development and revision advisor.

The child must, if possible, also identify up to three adults with whom he or she has a significant relationship who may serve as permanency resources. Their names must be recorded in the child's case plan.

Additionally, if the child is age 12 or older, the DCF commissioner must (1) notify the parent or guardian, foster parent, and child of any administrative case review regarding the child’s commitment at least five days before the review and (2) make a reasonable effort to schedule the review at a time and location that allows all the parties to

attend.

At a permanency plan hearing, the bill specifies that the court must ask the child or youth about his or her desired outcome. If the child is unavailable, it requires the child's attorney to consult with the child and report to the court the child's desired outcome. Additionally, if the child is age sixteen or older and the goal in his or her plan is another planned permanent living arrangement, the bill requires the court to:

1. make a judicial determination that, as of the hearing date, the arrangement is the best permanency plan for the youth; and
2. document the compelling reasons why it is not in the child's best interest to return home or be placed with a fit and willing relative, legal guardian, or adoptive parent.

### ***Report Requirement***

The bill requires DCF, by January 1, 2016, to begin annually reporting to the Children's and Judiciary committees 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.

### **§§ 5 & 6 – FICTIVE KIN CAREGIVERS AND CHILD PLACEMENT**

The bill renames "special study foster parents" as "fictive kin caregivers" and narrows the category of individuals who qualify as such. Under current law, a special study foster parent is a person age 21 or older not licensed by DCF to provide foster care. Under the bill, a fictive kin caregiver must additionally (1) be unrelated to a child by birth, adoption, or marriage; (2) have an emotionally significant relationship with the child similar to a family relationship; and (3) not be approved by DCF to provide foster care.

Currently, DCF may place a child in foster care with a person if (1) he or she is licensed by DCF or DDS to provide such care or (2) his or her home is approved by a licensed child placing agency. The bill additionally allows DCF to place a child in foster care with a person

who has received approval to provide foster care by a child-placing agency, which conforms to a current practice.

Currently, DCF may also place a child, if it is in his or her best interest, with (1) an unlicensed relative; (2) a nonrelative, if the child's sibling who is related to the caregiver is also placed with the caregiver; or (3) a special study foster parent. The bill eliminates the last two placement options but allows placement with a fictive kin caregiver if it is in the child's best interest. The fictive kin caregiver is subject to the same home visitation, criminal background check, and licensure requirements already in law for such placements.

### ***Reasonable and Prudent Parent Standard***

The bill requires relative and fictive kin caregivers and licensed or approved foster care providers to use a reasonable and prudent parent standard on the child's behalf. Licensed child care facilities must designate an on-site staff member to apply the standard on a child's behalf.

## **§§ 7-10 – GUARDIANSHIP SUBSIDY**

### ***Eligibility***

The bill shortens the name of the Adoption Subsidy Review Board to the Subsidy Review Board and makes several conforming changes. It also eliminates the requirement that the board member representing a child-placing agency and his or her alternate be licensed.

The bill broadens eligibility for, and the beneficiaries of, DCF's subsidized guardianship program. Currently, the program provides subsidies to licensed foster care relatives who have cared for a child for at least six months because the child's parent died or was otherwise unable to care for the child for reasons that make parental reunification and adoption not viable options in the foreseeable future.

The bill makes fictive kin caregivers and foster care providers approved by licensed child-placement agencies eligible for the subsidized guardianship program under the same circumstances.

### ***Subsidy Transfers***

Current law allows a guardianship subsidy to be transferred from one relative caregiver to another if the subsidy recipient dies or becomes severely disabled or ill. The bill additionally allows such transfers to and from fictive kin guardians and foster care providers as well as relative caregivers (i.e., successor guardians). To be eligible for the subsidy transfer, the successor guardian must (1) be the child's court-appointed legal guardian, (2) be identified in the subsidy agreement, and (3) meet DCF's foster care safety requirements.

By law, the subsidy may continue until the child turns age (1) 18 or (2) 21, if he or she (a) attends a secondary school, technical school, or college full-time; (b) is in a state accredited job training program, or (c) meets other federal law requirements. Under the bill, the subsidy may be provided to a successor, subject to annual review, through the child's 21<sup>st</sup> birthday if the:

1. transfer was finalized after September 30, 2013;
2. child was at least age 16 when the transfer was finalized;
3. 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 a postsecondary or vocational institution, or (c) participating full time in a commissioner-approved program or activity designed to promote or remove barriers to employment.

The bill allows the commissioner, at her discretion, to waive the enrollment or participation requirements based on compelling circumstances. In order to receive the transferred subsidy, the guardian must, at the commissioner's annual review time, submit to her a sworn statement that the child is still meeting the education or participation requirement unless the requirement was waived.

The bill also requires the commissioner, at least 30 days before terminating or reducing a subsidy, to provide written notice to the

subsidy recipient and a hearing before the Subsidy Review Board. The subsidy must continue unmodified during any appeal and until the board issues its decision.

## **§ 18 – POSTADOPTION ARRANGEMENTS**

### ***Cooperative Postadoption Agreements***

The bill broadens the circumstances in which birth parents and an intended adoptive parent may enter into a cooperative postadoption agreement regarding communication or contact between the birth parents and adopted child. Currently, the parties may only enter into such an agreement if (1) the child is in DCF custody, (2) an order terminating parental rights has not been entered, and (3) either or both birth parents agree to voluntary parental rights termination. The bill eliminates the requirement that the child must be in DCF custody.

### ***Postadoption Sibling Visitation***

By law, the Superior Court or probate court both have authority to preside over adoption petitions. For those that take place in probate court, the bill requires the court to consider if post-adoption communication or contact with a sibling is appropriate for each child who is the subject of an adoption petition. The communication or contact may include visitation, written correspondence, or telephone calls. If the court determines post-adoption communication or contact is in the child's best interest, the court must order that the child has access to and visitation rights with his or her sibling until the child turns 18. When making that determination, the court must consider the child's and sibling's:

1. age and the extent of their existing relationship;
2. physical, emotional, and psychological needs, including any special needs and their stability; and
3. opinions about post-adoption communication or contact.

The court must also consider (1) the adoptive parent's opinion about post-adoption communication or contact; (2) expert opinions,

including from anyone who provided services to the child or sibling; (3) long-term plans for the child and sibling; and (4) any relevant logistical concerns.

Any decision the court makes about sibling visitation must be included in the final adoption order, but the determination does not affect the adoption's validity or limit the court's authority to legally enforce its orders.

The bill allows an adoptive parent, at any time, to petition the probate court to review its decision on post-adoption sibling communication or contact. The court, upon receiving the petition, must review the factors described above and may order that the communication or contact be terminated or modified, if doing so is in the child's best interest. The court may order the parties to engage in mediation if any dispute arises during the review.

Under the bill, the court cannot increase the communication or contact between the adopted child and his or her sibling unless the court (1) receives consent from the adopted parent and (2) inquires about and considers the child's opinion about the increase.

## **§ 19 – TERMINATION OF VOLUNTARY SERVICES**

Currently, the commissioner may not terminate a child's or youth's voluntary admission to the department without first giving reasonable notice to the (1) child's parent or guardian if the child is under age 14, and (2) to the child or youth, if he or she is age 14 or older. The bill expands the notice requirement to include parents or guardians of children age 14 or older. If the commissioner previously petitioned the Probate Court for a determination of whether continued DCF care is in the child's or youth's best interest, the bill additionally requires the commissioner to provide notice to the probate court of the petition before terminating voluntary services.

### ***Termination Hearing***

The bill sets out a hearing process for individuals who believe they

are harmed by a DCF decision to terminate voluntary services. It allows parents or guardians, or a child age 14 or older, to seek (1) an administrative hearing according to regulations the commissioner adopts under the bill (see below) or (2) a probate court hearing.

If the latter, and the probate court finds DCF terminated voluntary services according to DCF's regulations, the court must uphold the termination. If the court finds DCF did not terminate the services according to its regulations, it may order that services continue, and specify a time to determine a new case service plan (for people receiving services at home) or permanency plan (for people receiving out-of-home services).

### ***Adoption of Regulations***

Current law requires the commissioner to adopt regulations (1) on the documentation required for voluntary admission and (2) for informal administrative case review, on request, of denials of applications for voluntary admission.

The bill expands the regulations that the commissioner must adopt related to voluntary admission, to include (1) granting or denying voluntary services and (2) termination of voluntary admission. It expands the requirement that the regulations address informal administrative case review to include review of all cases, regardless of whether the review has been requested.

### **§ 19 – INTER-DEPARTMENT TRANSFERS**

The bill allows the DCF commissioner to transfer a child or youth receiving voluntary services to the supervision of DMHAS or DDS, in collaboration with the respective commissioner. The DCF commissioner must provide written notice of the transfer to the (1) child age 14 or older and his or her parent or guardian at least ten days before the transfer and (2) probate court if she has already petitioned the court for a determination of whether continued DCF care is in the child's best interest.

DCF may (1) continue to provide services to the child or youth in collaboration with the department to which the child is transferred or (2) terminate services if, in her discretion, the other department provides adequate services. She must provide written notice of her intention to terminate services in such circumstances to the (1) child, if he or she is age 14 or older, (2) child's or youth's parent or guardian, and (3) probate court if she has already petitioned the court for a determination of whether continued DCF care is in the child's best interest.

### **§ 19 – CASE SERVICE PLANS**

By law, DCF must have a case service plan for any child receiving voluntary services who is not in an out-of-home placement. The bill specifies that the commissioner is not required to file periodic motions to review the plan, but it allows the commissioner; parents or guardians of a child or youth; child, if 14 or older, or youth, to compel the probate court to conduct a hearing to review a case service plan.

Under the bill, the court also may conduct such a hearing on its own if it finds "imminent concerns" for the child's or youth's health or safety. The court must notify the commissioner, child over age 14 or youth, and the child's or youth's parents or guardians, as appropriate, of the time and place of the hearing at least 10 days before the hearing takes place.

The court must approve a case service plan that is in the child's or youth's best interests. The child's or youth's health and safety must be the court's primary concern in formulating the plan. At the hearing, the court must consider:

1. the plan's appropriateness for the child or youth, and his or her family;
2. the treatment and support services offered and provided to the child or youth to strengthen the family; and
3. any further efforts that have been or will be made to promote

the child's or youth's best interests.

At the end of the hearing, the court may direct services to be (1) continued or (2) modified to reflect the child's or youth's best interests.

### **§ 16 – RECORDS DISCLOSURE**

The bill expands the circumstances in which DCF must disclose records about a person to specified parties without the person's consent. Under the bill, DCF must disclose records without consent to any individual or entity to identify resources that will promote a child's or youth's court-approved permanency plan.

The bill also requires DCF to make such disclosures to the public school superintendent or head of a public or private child care institution or private school pursuant to the child's permanency plan.

### **§§ 5 & 16 – CRIMINAL RECORDS CHECKS**

By law, DCF must (1) require all applicants for employment with DCF or foster care licensure to submit to state and national criminal history records checks and (2) check the child abuse registry for the applicant's name. The bill broadens the entities that must submit to the criminal history and registry checks to include:

1. all vendors or contractors and their employees who (a) provide direct services to children in DCF custody or (b) have access to DCF records, and
2. at the commissioner's discretion, anyone age 16 or older who is not living in the household but has regular unsupervised access to a child (i.e., periodic interaction to provide child care, medical or other services) in a licensed or approved applicant's home. (The bill also specifies that foster care applicants may be eligible if they are either licensed by DCF or approved by a DCF-licensed child care facility.)

The bill also requires the following individuals to submit to a state and national criminal history records check before a foster care license

or approval may be renewed:

1. the person seeking a foster care license or approval renewal and anyone age 16 or older living in the household and
2. at the commissioner's discretion, anyone age 16 or older who is not living in the household of the person seeking foster care license or approval renewal, but who has regular unsupervised access to a child in the home.

## **§ 20 – COURT TRANSFERS**

The bill requires attorneys to continue representing their clients when a case is transferred from Probate Court to the superior court for juvenile matters (juvenile court) unless (1) the Probate Court grants a motion to withdraw, which the attorney must file, within 5 days of the transfer motion's filing, (2) the juvenile court grants a motion to withdraw, or (3) another attorney files an "in lieu of" (in place of) appearance on behalf of the client.

The juvenile court must assign an attorney from the Public Defender Services' list of assigned counsel for a (1) party who cannot afford counsel or (2) child subject to the court proceedings. The bill requires the Public Defender Services Commission to pay the attorney.

As with current court rules, the bill requires the Public Defender Services Commission to pay probate court-appointed attorneys who continue their representation in juvenile court according to the commission's policies and pay schedule. The bill also allows the juvenile court to request that the Division of Public Defender Services contract with probate counsel for these purposes.

## **§ 11 – RELATIVE NOTIFICATION OF CHILD REMOVAL FROM PARENTAL CUSTODY**

Currently, DCF must use its best efforts to notify the child's grandparents within 15 days of the child's removal from the home. The bill instead requires DCF to make a reasonable effort to provide notice within 30 days to the grandparents as well as to (1) each parent

with legal custody of one or more of the child's siblings, and (2) any other adult related to the child by blood or marriage. "Sibling" includes a stepbrother, stepsister, half-brother, half-sister, anyone else who would be considered the child's sibling if not for parental rights termination or disruption, including the parent's death.

The commissioner must include in the notice a:

1. statement that the child has been removed from parental custody;
2. summary of the relative's rights under federal and state law to participate in the child's care and placement, including any options that may be deemed waived if the recipient fails to respond;
3. description of requirements to become licensed or approved as a foster family home and additional supports and services available for a child placed in the home; and
4. description of how the child's caregiver may subsequently enter into an agreement with DCF to receive foster care subsidies.

### **§ 13 – REPORT OF MISSING OR ABDUCTED CHILD**

The bill requires DCF to report any child committed to the department who is abducted or missing to the law enforcement authority with jurisdiction over the location where the child was abducted or reported missing. DCF must also report immediately, or within 24 hours after the child is missing or abducted, to the FBI's National Crime Information Center and to the National Center for Missing and Exploited Children.

### **§ 12 – CREDIT REPORTS**

The bill increases the number of children who are in DCF custody and placed in foster care on whose behalf the commissioner must annually request a free credit report, from those age 16 and older to those age 14 and older. By law, DCF must review the reports for signs

of identity theft, provide it to the child's attorney or guardian ad litem for review, assist a child in resolving any inaccuracies in the report, and report any evidence of identity theft to the chief state's attorney.

### **§ 17 – DATA COLLECTION**

The law requires DCF to annually report to the Children's Committee data sufficient to demonstrate compliance with certain sibling visitation statutes. The bill specifies that the data in the report must include the (1) total annual number of children in out-of-home placements who have siblings, (2) the total number of child cases with documented sibling visitation, and (3) number of individual siblings involved in each case.

### **BACKGROUND**

#### ***Preventing Sex Trafficking and Strengthening Families Act***

The federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) makes several changes to the requirements child foster care and adoption agencies must meet to receive certain federal funds. Among its provisions, the act requires such agencies to:

1. develop a reasonable and prudent parent standard for a foster child's participation in certain activities;
2. limit certain permanency plan goals to children age 16 or older;
3. allow children age 14 and older to participate in certain aspects of case planning; and
4. immediately report missing or abducted children to the FBI.

### **COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 13 Nay 0 (03/05/2015)

Judiciary Committee

Joint Favorable

Yea 28 Nay 9 (04/20/2015)