



General Assembly

January Session, 2015

**Raised Bill No. 6964**

LCO No. 4606



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING COURT CONSIDERATION OF THE RIGHTS  
OF A FAMILY UNIT IN ABUSE AND NEGLECT PROCEEDINGS.**

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

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2 repealed and the following is substituted in lieu thereof (*Effective*  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

4 (c) The preliminary hearing on the order of temporary custody or  
5 order to appear or the first hearing on a petition filed pursuant to  
6 subsection (a) of this section shall be held in order for the court to:

7 (1) Advise the parent or guardian of the allegations contained in all  
8 petitions and applications that are the subject of the hearing and the  
9 parent's or guardian's right to counsel pursuant to subsection (b) of  
10 section 46b-135;

11 (2) Ensure that an attorney, and where appropriate, a separate  
12 guardian ad litem has been appointed to represent the child or youth  
13 in accordance with subsection (b) of section 51-296a and sections 46b-

14 129a and 46b-136;

15 (3) Upon request, appoint an attorney to represent the respondent  
16 when the respondent is unable to afford representation, in accordance  
17 with subsection (b) of section 51-296a;

18 (4) Advise the parent or guardian of the right to a hearing on the  
19 petitions and applications, to be held not later than ten days after the  
20 date of the preliminary hearing if the hearing is pursuant to an order of  
21 temporary custody or an order to show cause;

22 (5) Accept a plea regarding the truth of the allegations;

23 (6) [Make] Enter any interim orders, including visitation orders, that  
24 the court determines are in the best interests of the child or youth.  
25 When entering such interim visitation orders, the court shall give due  
26 consideration to the child or youth's ability to have visitation with all  
27 members of a family, including, but not limited to, the child or youth's  
28 parents, grandparents and siblings. The court, after a hearing pursuant  
29 to this subsection, shall order specific steps the commissioner and the  
30 parent or guardian shall take for the parent or guardian to regain or to  
31 retain custody of the child or youth;

32 (7) Take steps to determine the identity of the father of the child or  
33 youth, including, if necessary, inquiring of the mother of the child or  
34 youth, under oath, as to the identity and address of any person who  
35 might be the father of the child or youth and ordering genetic testing,  
36 and order service of the petition and notice of the hearing date, if any,  
37 to be made upon him;

38 (8) If the person named as the father appears and admits that he is  
39 the father, provide him and the mother with the notices that comply  
40 with section 17b-27 and provide them with the opportunity to sign a  
41 paternity acknowledgment and affirmation on forms that comply with  
42 section 17b-27. Such documents shall be executed and filed in  
43 accordance with chapter 815y and a copy delivered to the clerk of the

44 superior court for juvenile matters. The clerk of the superior court for  
45 juvenile matters shall send the original paternity acknowledgment and  
46 affirmation to the Department of Public Health for filing in the  
47 paternity registry maintained under section 19a-42a, and shall  
48 maintain a copy of the paternity acknowledgment and affirmation in  
49 the court file;

50 (9) If the person named as a father appears and denies that he is the  
51 father of the child or youth, order genetic testing to determine  
52 paternity in accordance with section 46b-168. If the results of the  
53 genetic tests indicate a ninety-nine per cent or greater probability that  
54 the person named as father is the father of the child or youth, such  
55 results shall constitute a rebuttable presumption that the person  
56 named as father is the father of the child or youth, provided the court  
57 finds evidence that sexual intercourse occurred between the mother  
58 and the person named as father during the period of time in which the  
59 child was conceived. If the court finds such rebuttable presumption,  
60 the court may issue judgment adjudicating paternity after providing  
61 the father an opportunity for a hearing. The clerk of the court shall  
62 send a certified copy of any judgment adjudicating paternity to the  
63 Department of Public Health for filing in the paternity registry  
64 maintained under section 19a-42a. If the results of the genetic tests  
65 indicate that the person named as father is not the biological father of  
66 the child or youth, the court shall enter a judgment that he is not the  
67 father and the court shall remove him from the case and afford him no  
68 further standing in the case or in any subsequent proceeding regarding  
69 the child or youth;

70 (10) Identify any person or persons related to the child or youth by  
71 blood or marriage residing in this state who might serve as licensed  
72 foster parents or temporary custodians and order the Commissioner of  
73 Children and Families to investigate and report to the court, not later  
74 than thirty days after the preliminary hearing, the appropriateness of  
75 placing the child or youth with such relative or relatives; and

76 (11) In accordance with the provisions of the Interstate Compact on  
77 the Placement of Children pursuant to section 17a-175, identify any  
78 person or persons related to the child or youth by blood or marriage  
79 residing out of state who might serve as licensed foster parents or  
80 temporary custodians, and order the Commissioner of Children and  
81 Families to investigate and determine, within a reasonable time, the  
82 appropriateness of placing the child or youth with such relative or  
83 relatives.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	46b-129(c)

**Statement of Purpose:**

To encourage the protection of family rights in child abuse and neglect proceedings.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*