



General Assembly

January Session, 2015

**Raised Bill No. 1006**

LCO No. 4153



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:  
(KID)

***AN ACT CONCERNING VOLUNTARY SERVICES WITHIN THE  
DEPARTMENT OF CHILDREN AND FAMILIES.***

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

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 Section 17a-11 of the general statutes is repealed and the  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

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

16 114, or (4) in any court proceeding related to the placement of a minor  
17 relative of the parent.

18 (b) A child or youth voluntarily admitted to the department shall be  
19 deemed to be within the care of the commissioner until such admission  
20 is terminated. The commissioner shall terminate the admission of any  
21 child or youth voluntarily admitted to the department within ten days  
22 after receipt of a written request for termination from a parent or  
23 guardian of any child under fourteen years of age or from a child if  
24 such child is fourteen years of age or older, or youth, unless prior to  
25 the expiration of that time the commissioner has sought and received  
26 from the Superior Court an order of temporary custody as provided by  
27 law. [The] Except as provided in subsection (i) of this section, the  
28 commissioner may terminate the admission of any child or youth  
29 voluntarily admitted to the department after (1) giving reasonable  
30 notice in writing to (A) the parent or guardian of any child [under  
31 fourteen years of age and to a child] or youth, and (B) to the child if  
32 such child is fourteen years of age or older, [and to any] or youth, and  
33 (2) if the commissioner has previously petitioned the probate court  
34 pursuant to subsection (c) of this section, providing notice to the court  
35 of such petition. Any child or youth admitted voluntarily to the  
36 department may be placed in, or transferred to, any resource, facility  
37 or institution within the department or available to the commissioner  
38 except the Connecticut Juvenile Training School, provided the  
39 commissioner shall give written notice to such child or youth and to  
40 the parent or guardian of the child of the commissioner's intention to  
41 make a transfer at least ten days prior to any actual transfer, unless  
42 written notice is waived by those entitled to receive it, or unless an  
43 emergency commitment of such child or youth is made pursuant to  
44 section 17a-502.

45 (c) Not more than one hundred twenty days after admitting a child  
46 or youth on a voluntary basis, the [department] commissioner shall  
47 petition the probate court for the district in which a parent or guardian  
48 of the child or youth resides for a determination as to whether

49 continuation [in] of care is in the child's or youth's best interest and, if  
50 so, whether there is an appropriate case service or permanency plan in  
51 place for such child or youth. A case service plan shall be required for  
52 all children and youths receiving services voluntarily from the  
53 department who are not in an out-of-home placement. A permanency  
54 plan shall be required for all children and youths voluntarily admitted  
55 to the department and placed by the department in a foster home  
56 licensed pursuant to section 17a-114 or a facility licensed pursuant to  
57 section 17a-145. Upon receipt of such [application] petition, the court  
58 shall set a time and place for a hearing to be held within thirty days of  
59 receipt of the [application] petition, unless continued by the court for  
60 cause shown. The court shall order notice of the hearing to be given by  
61 first class mail at least five days prior to the hearing to the  
62 Commissioner of Children and Families, and by first class mail at least  
63 five days prior to the hearing to the parents or guardian of the child or  
64 youth and [the minor, if over twelve] the child, if such child is fourteen  
65 years of age or older, or youth. If the whereabouts of the parent or  
66 guardian are unknown, or if delivery cannot reasonably be effected,  
67 then notice shall be ordered to be given by publication. In making its  
68 determination as to whether there is an appropriate case service plan  
69 for a child or youth, the court shall consider the items specified in  
70 subsection [(d)] (e) of this section. In making its determination as to  
71 whether there is an appropriate permanency plan for a child or youth,  
72 the court shall consider the items specified in subsection (f) of this  
73 section. The court shall possess continuing jurisdiction in proceedings  
74 under this section.

75 (d) (1) If the child or youth is not in an out-of-home placement, the  
76 commissioner may file periodic motions for review of the case service  
77 plan, except the commissioner, the parents or guardian of the child or  
78 youth or the child, if such child is fourteen years of age or older, or  
79 youth, may compel the court to conduct a hearing to review the case  
80 service plan. The court may conduct a hearing on its own motion to  
81 review the case service plan for a child or youth who is not in an out-

82 of-home placement if the court determines that imminent concerns  
83 regarding the health and safety of the child or youth exist. Not later  
84 than ten days prior to the date of such hearing, the court shall provide  
85 notice to the commissioner, the parents or guardian of the child or  
86 youth and to the child, if such child is fourteen years of age or older, or  
87 youth, of the time and place of such hearing. In making its  
88 determination as to whether there is an appropriate case service plan  
89 in place, the court shall consider the items specified in subsection (e) of  
90 this section.

91 (2) At a hearing on a motion to review a case service plan for a child  
92 or youth who is not in an out-of-home placement, the court shall  
93 approve a case service plan that is in the best interests of the child or  
94 youth. The health and safety of the child or youth shall be of  
95 paramount concern in formulating such plan. At such hearing, the  
96 court shall consider among other things: (1) The appropriateness of the  
97 department's plan for service to the child or youth and his or her  
98 family; (2) the treatment and support services that have been offered  
99 and provided to the child or youth to strengthen the family; and (3)  
100 any further efforts which have been or will be made to promote the  
101 best interests of the child or youth. At the conclusion of the hearing,  
102 the court may: (A) Direct that the services being provided be continued  
103 if the court determines that continuation of the child or youth in  
104 services is in the child's or youth's best interests, or (B) direct that the  
105 child's or youth's services be modified to reflect the child's or youth's  
106 best interest.

107 [(d) (1)] (e) Ten months after admitting a child or youth on a  
108 voluntary basis and annually thereafter if the child or youth remains in  
109 the custody of the commissioner and remains placed in a foster home  
110 licensed pursuant to section 17a-114 or a facility licensed pursuant to  
111 section 17a-145, the commissioner shall file a motion for review of a  
112 permanency plan. A hearing on such motion shall be held not later  
113 than thirty days after the filing of such motion. [The] Not later than ten  
114 days prior to the date of such hearing, the court shall provide notice to

115 the commissioner, the parents or guardian of the child or youth and  
116 [such child's or youth's parent or guardian of the time and place of the  
117 hearing on such motion not less than ten days prior to the date of such  
118 hearing] to the child, if such child is fourteen years of age or older, or  
119 youth, of the time and place of such hearing. In making its  
120 determination as to whether there is an appropriate permanency plan  
121 in place, the court shall consider the items specified in subsection (f) of  
122 this section.

123       [(2)] (f) (1) At a [permanency hearing held in accordance with the  
124 provisions of subdivision (1) of this subsection] hearing to review a  
125 permanency plan for a child or youth who is placed in a foster home  
126 licensed pursuant to section 17a-114 or facility licensed pursuant to  
127 section 17a-145, the court shall approve a permanency plan that is in  
128 the best interests of the child or youth and takes into consideration the  
129 child's or youth's need for permanency. The health and safety of the  
130 child or youth shall be of paramount concern in formulating such plan.  
131 At such hearing, the court shall consider among other things: (A) The  
132 appropriateness of the department's plan for service to the child or  
133 youth and his or her family; (B) the treatment and support services that  
134 have been offered and provided to the child or youth to strengthen  
135 and reunite the family; (C) if return home is not likely for the child or  
136 youth, the efforts that have been made or should be made to evaluate  
137 and plan for other modes of care; and (D) any further efforts which  
138 have been or will be made to promote the best interests of the child or  
139 youth.

140       [(3)] (2) The permanency plan [pursuant to subdivision (2) of this  
141 subsection] may include the goal of (A) placement of the child or youth  
142 with the parent or guardian, (B) transfer of guardianship, (C) long-  
143 term foster care with a relative licensed as a foster parent or certified as  
144 a relative caregiver, (D) termination of parental rights and adoption, or  
145 (E) such other planned permanent living arrangement ordered by the  
146 court provided the commissioner has documented a compelling reason  
147 why it would not be in the best interest of the child or youth for the

148 permanency plan to include the goals in subparagraphs (A) to (D),  
149 inclusive, of this subdivision. Such other planned permanent living  
150 arrangement may include, but not be limited to, placement of a child  
151 or youth in an independent living program or long-term foster care  
152 with an identified foster parent.

153 ~~[(4)]~~ (3) At a [permanency] hearing on a motion to review a  
154 permanency plan, the court shall review the status of the child or  
155 youth and the progress being made to implement the permanency  
156 plan, determine a timetable for attaining the permanency prescribed  
157 by the plan and determine whether the commissioner has made  
158 reasonable efforts to achieve the permanency plan. At the conclusion  
159 of the hearing, the court may: (A) Direct that the services being  
160 provided, or the placement of the child or youth and reunification  
161 efforts, be continued if the court, after hearing, determines that  
162 continuation of the child or youth in services or placement is in the  
163 child's or youth's best interests, or (B) direct that the child's or youth's  
164 services or placement be modified to reflect the child's or youth's best  
165 interest.

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

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

175 (i) Any parent or guardian of a child or youth or any child, if such  
176 child is fourteen years of age or older, or youth, who is aggrieved by a  
177 termination of admission pursuant to subsection (b) of this section may  
178 (1) request an administrative hearing in accordance with the

179 regulations adopted by the commissioner pursuant to subsection (g) of  
180 this section, or (2) request a hearing before the probate court. If, upon  
181 such hearing, the probate court finds that the termination of admission  
182 was made in accordance with the applicable regulations adopted by  
183 the commissioner, the court shall uphold such termination. If the court  
184 finds that the termination of admission was not made in accordance  
185 with the applicable regulations, the court may order the continuation  
186 of services and specify a time for the determination of a new case  
187 service or permanency plan.

188       [(g)] (j) Notwithstanding any provision of sections 17a-1 to 17a-26,  
189 inclusive, and 17a-28 to 17a-49, inclusive, any person already under the  
190 care and supervision of the Commissioner of Children and Families  
191 who has passed such person's eighteenth birthday but has not yet  
192 reached such person's twenty-first birthday may be permitted to  
193 remain voluntarily under the supervision of the commissioner,  
194 provided the commissioner, in the commissioner's discretion,  
195 determines that such person would benefit from further care and  
196 support from the Department of Children and Families. Any person  
197 remaining voluntarily under the supervision of the commissioner  
198 pursuant to this subsection shall be entitled to a written plan for care  
199 and treatment, and review of such plan, in accordance with section  
200 17a-15.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	17a-11

**Statement of Purpose:**

To clarify the responsibilities of the Commissioner of Children and Families and the probate court in the context of children and youth who are admitted to the Department of Children and Families on a voluntary basis.

*[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.]*