



General Assembly

**Substitute Bill No. 1007**

January Session, 2015



**AN ACT CONCERNING PERMANENCY PLACEMENTS.**

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

1 Section 1. Subsection (k) 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2 repealed and the following is substituted in lieu thereof (*Effective*  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 (k) (1) (A) Nine months after placement of the child or youth in the  
5 care and custody of the commissioner pursuant to a voluntary  
6 placement agreement, or removal of a child or youth pursuant to  
7 section 17a-101g or an order issued by a court of competent  
8 jurisdiction, whichever is earlier, the commissioner shall file a motion  
9 for review of a permanency plan if the child or youth has not reached  
10 his or her eighteenth birthday. Nine months after a permanency plan  
11 has been approved by the court pursuant to this subsection or  
12 subdivision (5) of subsection (j) of this section, the commissioner shall  
13 file a motion for review of the permanency plan. Any party seeking to  
14 oppose the commissioner's permanency plan, including a relative of a  
15 child or youth by blood or marriage who has intervened pursuant to  
16 subsection (d) of this section and is licensed as a foster parent for such  
17 child or youth or is vested with such child's or youth's temporary  
18 custody by order of the court, shall file a motion in opposition not later  
19 than thirty days after the filing of the commissioner's motion for  
20 review of the permanency plan, which motion shall include the reason

21 therefor. A permanency hearing on any motion for review of the  
22 permanency plan shall be held not later than ninety days after the  
23 filing of such motion. The court shall hold evidentiary hearings in  
24 connection with any contested motion for review of the permanency  
25 plan and credible hearsay evidence regarding any party's compliance  
26 with specific steps ordered by the court shall be admissible at such  
27 evidentiary hearings. The commissioner shall have the burden of  
28 proving that the proposed permanency plan is in the best interests of  
29 the child or youth. After the initial permanency hearing, subsequent  
30 permanency hearings shall be held not less frequently than every  
31 twelve months while the child or youth remains in the custody of the  
32 Commissioner of Children and Families or, if the youth is over  
33 eighteen years of age, while the youth remains in voluntary placement  
34 with the department. The court shall provide notice to the child or  
35 youth, the parent or guardian of such child or youth, and any  
36 intervenor of the time and place of the court hearing on any such  
37 motion not less than fourteen days prior to such hearing.

38 (B) (i) If a child is at least twelve years of age, the child's  
39 permanency plan, and any revision to such plan, shall be developed in  
40 consultation with the child. In developing or revising such plan, the  
41 child may consult up to two individuals participating in the  
42 department's case plan regarding such child, neither of whom shall be  
43 the foster parent or caseworker of such child. One individual so  
44 selected by such child may be designated as the child's advisor for  
45 purposes of developing or revising the permanency plan.

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

52 (iii) If a child is at least twelve years of age, such child shall identify  
53 not more than three adults with whom such child has a significant

54 relationship and who may serve as permanency resource. The identity  
55 of such adults shall be recorded in the case plan of such child.

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

63 (2) At a permanency hearing held in accordance with the provisions  
64 of subdivision (1) of this subsection, the court shall approve a  
65 permanency plan that is in the best interests of the child or youth and  
66 takes into consideration the child's or youth's need for permanency.  
67 The child's or youth's health and safety shall be of paramount concern  
68 in formulating such plan. Such permanency plan may include the goal  
69 of (A) revocation of commitment and reunification of the child or  
70 youth with the parent or guardian, with or without protective  
71 supervision; (B) transfer of guardianship or permanent legal  
72 guardianship; (C) long-term foster care with a relative licensed as a  
73 foster parent; (D) filing of termination of parental rights and adoption;  
74 or (E) in the case of a youth, another planned permanent living  
75 arrangement ordered by the court, provided the Commissioner of  
76 Children and Families has documented a compelling reason why it  
77 would not be in the best interests of the [child or] youth for the  
78 permanency plan to include the goals in subparagraphs (A) to (D),  
79 inclusive, of this subdivision. Such other planned permanent living  
80 arrangement shall, whenever possible, include an adult who has  
81 significant relationship with the youth, and who is willing to be a  
82 permanency resource, and may include, but not be limited to,  
83 placement of a child or youth in an independent living program or  
84 long term foster care with an identified foster parent.

85 (3) If the permanency plan for the youth includes the goal of such  
86 other planned permanent living arrangement pursuant to

87 subparagraph (E) of subdivision (2) of this subsection, the department  
88 shall document for the court the manner and frequency of efforts made  
89 by the department to return the youth home or to secure placement for  
90 the youth with a fit and willing relative, legal guardian or adoptive  
91 parent.

92 (4) If the permanency plan for the youth includes the goal of such  
93 other planned permanent living arrangement pursuant to  
94 subparagraph (E) of subdivision (2) of this subsection, the court shall  
95 (A) ask the youth about his or her desired permanency outcome; (B)  
96 make a judicial determination that, as of the date of hearing, such other  
97 planned permanent living arrangement is the best permanency plan  
98 for the youth; and (C) document the compelling reasons why it is not  
99 in the best interest of the youth to return home or to be placed with a  
100 fit and willing relative, legal guardian or adoptive parent.

101 ~~[(3)]~~ (5) At a permanency hearing held in accordance with the  
102 provisions of subdivision (1) of this subsection, the court shall review  
103 the status of the child or youth, the progress being made to implement  
104 the permanency plan, determine a timetable for attaining the  
105 permanency plan, determine the services to be provided to the parent  
106 if the court approves a permanency plan of reunification and the  
107 timetable for such services, and determine whether the commissioner  
108 has made reasonable efforts to achieve the permanency plan. The court  
109 may revoke commitment if a cause for commitment no longer exists  
110 and it is in the best interests of the child or youth.

111 ~~[(4)]~~ (6) If the court approves the permanency plan of adoption: (A)  
112 The Commissioner of Children and Families shall file a petition for  
113 termination of parental rights not later than sixty days after such  
114 approval if such petition has not previously been filed; (B) the  
115 commissioner may conduct a thorough adoption assessment and  
116 child-specific recruitment; and (C) the court may order that the child or  
117 youth be photo-listed within thirty days if the court determines that  
118 such photo-listing is in the best interests of the child or youth. As used  
119 in this subdivision, "thorough adoption assessment" means conducting

120 and documenting face-to-face interviews with the child or youth,  
121 foster care providers and other significant parties and "child specific  
122 recruitment" means recruiting an adoptive placement targeted to meet  
123 the individual needs of the specific child or youth, including, but not  
124 limited to, use of the media, use of photo-listing services and any other  
125 in-state or out-of-state resources that may be used to meet the specific  
126 needs of the child or youth, unless there are extenuating circumstances  
127 that indicate that such efforts are not in the best interests of the child or  
128 youth.

129 Sec. 2. Section 17a-10a of the general statutes is repealed and the  
130 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

141 (c) If such child has an existing relationship with a sibling and is  
142 separated from such sibling as a result of intervention by the  
143 commissioner including, but not limited to, placement in a foster home  
144 or in the home of a relative, the commissioner shall, based upon  
145 consideration of the best interests of the child, ensure that such child  
146 has access to and visitation rights with such sibling throughout the  
147 duration of such placement. In determining the number, frequency  
148 and duration of sibling visits, the commissioner shall consider the best  
149 interests of each sibling, given each child's age and developmental  
150 level and the continuation of the sibling relationship. If the child and  
151 his or her sibling both reside within the state and within fifty miles of

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

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

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

174 Sec. 3. Section 45a-715 of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective October 1, 2015*):

176 (a) Any of the following persons may petition the Court of Probate  
177 to terminate parental rights of all persons who may have parental  
178 rights regarding any minor child or for the termination of parental  
179 rights of only one parent provided the application so states: (1) Either  
180 or both parents, including a parent who is a minor; (2) the guardian of  
181 the child; (3) the selectmen of any town having charge of any  
182 foundling child; (4) a duly authorized officer of any child care facility  
183 or child-placing agency or organization or any children's home or

184 similar institution approved by the Commissioner of Children and  
185 Families; (5) a relative of the child if the parent or parents have  
186 abandoned or deserted the child; (6) the Commissioner of Children  
187 and Families, provided the custodial parent of such minor child has  
188 consented to the termination of parental rights and the child has not  
189 been committed to the commissioner, and no application for  
190 commitment has been made; provided in any case hereunder where  
191 the child with respect to whom the petition is brought has attained the  
192 age of twelve, the child shall join in the petition.

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

212 (c) If the information required under subdivisions (2) and (6) of  
213 subsection (b) of this section is not stated, the petition shall be  
214 dismissed. If any other facts required under subdivision (1), (3), (4), (5)  
215 or (7) of subsection (b) of this section are not known or cannot be  
216 ascertained by the petitioner, he shall so state in the petition. If the

217 whereabouts of either parent or the putative father named under  
218 subdivision (3) of subsection (b) of this section are unknown, the  
219 petitioner shall diligently search for any such parent or putative father.  
220 The petitioner shall file an affidavit with the petition indicating the  
221 efforts used to locate the parent or putative father.

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

236 (e) A petition under this section shall be filed in the court of probate  
237 for the district in which the petitioner or the child resides or, in the  
238 case of a minor who is under the guardianship of any child care facility  
239 or child-placing agency, in the court of probate for the district in which  
240 the main office or any local office of the agency is located. If the  
241 petition is filed with respect to a child born out of wedlock, the petition  
242 shall state whether there is a putative father to whom notice shall be  
243 given under subdivision (2) of subsection (b) of section 45a-716.

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

248 (g) Before a hearing on the merits in any case in which a petition for

249 termination of parental rights is contested in a court of probate, the  
250 court of probate shall, on the motion of any legal party except the  
251 petitioner, or may on its own motion or that of the petitioner, transfer  
252 the case to the Superior Court in accordance with rules adopted by the  
253 judges of the Supreme Court. In addition to the provisions of this  
254 section, the probate court may, on the court's own motion or that of  
255 any interested party, transfer any termination of parental rights case to  
256 a regional children's probate court established pursuant to section 45a-  
257 8a. If the case is transferred, the clerk of the Court of Probate shall  
258 transmit to the clerk of the Superior Court or the regional children's  
259 probate court to which the case was transferred, the original files and  
260 papers in the case. The Superior Court or the regional children's  
261 probate court to which the case was transferred, upon hearing after  
262 notice as provided in sections 45a-716 and 45a-717, may grant the  
263 petition as provided in section 45a-717.

264 (h) Either or both birth parents and an intended adoptive parent  
265 may enter into a cooperative postadoption agreement regarding  
266 communication or contact between either or both birth parents and the  
267 adopted child. Such an agreement may be entered into if: (1) The child  
268 is in the custody of the Department of Children and Families; (2) an  
269 order terminating parental rights has not yet been entered; and (3)  
270 either or both birth parents agree to a voluntary termination of  
271 parental rights, including an agreement in a case which began as an  
272 involuntary termination of parental rights. The postadoption  
273 agreement shall be applicable only to a birth parent who is a party to  
274 the agreement. Such agreement shall be in addition to those under  
275 common law. Counsel for the child and any guardian ad litem for the  
276 child may be heard on the proposed cooperative postadoption  
277 agreement. There shall be no presumption of communication or  
278 contact between the birth parents and an intended adoptive parent in  
279 the absence of a cooperative postadoption agreement.

280 (i) If the Court of Probate determines that the child's best interests  
281 will be served by postadoption communication or contact with either

282 or both birth parents, the court shall so order, stating the nature and  
283 frequency of the communication or contact. A court may grant  
284 postadoption communication or contact privileges if: (1) Each intended  
285 adoptive parent consents to the granting of communication or contact  
286 privileges; (2) the intended adoptive parent and either or both birth  
287 parents execute a cooperative agreement and file the agreement with  
288 the court; (3) consent to postadoption communication or contact is  
289 obtained from the child, if the child is at least twelve years of age; and  
290 (4) the cooperative postadoption agreement is approved by the court.

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

298 (k) The terms of a cooperative postadoption agreement may include  
299 the following: (1) Provision for communication between the child and  
300 either or both birth parents; (2) provision for future contact between  
301 either or both birth parents and the child or an adoptive parent; and (3)  
302 maintenance of medical history of either or both birth parents who are  
303 a party to the agreement.

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

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

314 termination of parental rights or the adoption and shall not serve as a  
315 basis for orders affecting the custody of the child. The court shall not  
316 act on a petition to change or enforce the agreement unless the  
317 petitioner had participated, or attempted to participate, in good faith  
318 in mediation or other appropriate dispute resolution proceedings to  
319 resolve the dispute and allocate any cost for such mediation or dispute  
320 resolution proceedings.

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

329 (o) For any child who is (1) in the custody of the Commissioner of  
330 Children and Families due to the termination of parental rights  
331 pursuant to section 45a-717; and (2) the subject of a petition for  
332 adoption under this chapter, the court shall consider the  
333 appropriateness of postadoption communication or contact with a  
334 sibling of such child, including, but not limited to, visitation, written  
335 correspondence or telephone calls. If the court determines such  
336 postadoption communication or contact is in the best interest of the  
337 child, the court shall ensure that such child has access to and visitation  
338 rights with such sibling throughout the duration of such adoption.

339 (p) The court shall consider the following factors in determining  
340 whether postadoption communication or contact with a sibling is in  
341 the best interest of the child: (1) The age of the child and his or her  
342 sibling; (2) the extent of the existing relationship between the child and  
343 his or her sibling; (3) the physical, emotional and psychological needs,  
344 including any special needs, and stability of the child and his or her  
345 sibling; (4) the child's opinion and the opinion of his or her sibling  
346 regarding such postadoption communication or contact; (5) the

347 opinion of the adoptive parent regarding such postadoption  
348 communication or contact; (6) opinions of experts, including any  
349 individuals who may have provided services to the child or his or her  
350 sibling; (7) the long-term plans for the child and his or her sibling; and  
351 (8) any relevant logistical concerns.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	46b-129(k)
Sec. 2	October 1, 2015	17a-10a
Sec. 3	October 1, 2015	45a-715

**KID**      *Joint Favorable Subst.*