



# Senate

General Assembly

**File No. 14**

February Session, 2016

Substitute Senate Bill No. 74

*Senate, March 9, 2016*

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING SECOND PARENT ADOPTION.***

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

1 Section 1. Section 45a-733 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Notwithstanding the provisions of section 45a-727, in the case of  
4 a child sought to be adopted by a stepparent or a person who shares  
5 parental responsibility with the parent of such child pursuant to  
6 subdivision (3) of subsection (a) of section 45a-724, the [Court of]  
7 Probate Court may waive all requirements of notice to the  
8 Commissioner of Children and Families and shall waive, unless good  
9 cause is shown for an investigation and report, all requirements for  
10 investigation and report by the Commissioner of Children and  
11 Families or by a child-placing agency. Upon receipt of the application  
12 and agreement, the [Court of] Probate Court may set a day for a  
13 hearing upon the agreement and shall give reasonable notice of the  
14 hearing to the parties to the agreement and to the child, if over twelve

15 years of age.

16 (b) At the hearing the court may deny the application, enter a final  
17 decree approving the adoption if it is satisfied that the adoption is in  
18 the best interests of the child, or, for good cause shown, order an  
19 investigation by the Commissioner of Children and Families or a child-  
20 placing agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	45a-733

**KID**      *Joint Favorable Subst.*

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

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Children & Families, Dept.	GF - Savings	less than \$500	less than \$500

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

There is a Department of Children and Families (DCF) savings of less than \$500 annually associated with requiring the Probate Court to waive a home study requirement for a second-parent adoption, unless good cause is shown. Four second-parent home studies are performed by DCF annually on average. Savings are associated with reduced fuel expenses.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 74*****AN ACT CONCERNING SECOND PARENT ADOPTION.*****SUMMARY:**

This bill generally requires the Probate Court to waive investigation and report requirements in child adoption proceedings where the person seeking to adopt shares parental responsibility with a child's biological parent ("second-parent adoption"). It also allows the court to forgo notifying the Department of Children and Families (DCF) in such cases. These provisions already apply when a stepparent seeks to adopt. In either a second-parent or stepparent adoption, however, the court may order an investigation and report if it finds sufficient reason to do so.

It also makes a technical change.

EFFECTIVE DATE: October 1, 2016

**BACKGROUND*****Adoption Investigations***

State law generally requires the Probate Court, when it receives an adoption application, to ask DCF or an adoption agency to conduct an investigation to ensure that the adoption is in the child's best interests (CGS § 45a-727(b)).

DCF or the adoption agency must investigate and report on the child's physical and mental condition and other facts relevant to the proposed adoption, including the physical, mental, genetic, and educational history of the child and the physical, mental, social, and financial condition of the adopting and biological parents. The report also must include a history of any physical, sexual, or emotional abuse, and may reach a conclusion on whether the adoption is in the child's

best interests. The investigator must submit a written report to the court within 60 days after being assigned the case.

***Second-Parent Adoptions and Rights of Co-Parents***

By law, the parent of a minor child may agree in writing with someone who shares parental responsibility for that child that the other person adopt or join in adopting the child. Such an adoption cannot take place unless the parental rights of the child's other parent have been terminated (CGS § 45a-724(a)(3)). Such a second-parent adoption, also called a co-parent adoption, gives a co-parent full legal rights with regard to the child.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 11    Nay 0    (02/25/2016)