



General Assembly

February Session, 2016

Raised Bill No. 5605

LCO No. 2822



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE TERMINATION OF PARENTAL RIGHTS.

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

1 Section 1. Subsection (j) of section 17a-112 of the 2016 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2016*):

4 (j) The Superior Court, upon notice and hearing as provided in
5 sections 45a-716 and 45a-717, as amended by this act, may grant a
6 petition filed pursuant to this section if it finds by clear and convincing
7 evidence that (1) the Department of Children and Families has made
8 reasonable efforts to locate the parent and to reunify the child with the
9 parent in accordance with subsection (a) of section 17a-111b, unless the
10 court finds in this proceeding that the parent is unable or unwilling to
11 benefit from reunification efforts, except that such finding is not
12 required if the court has determined at a hearing pursuant to section
13 17a-111b, or determines at trial on the petition, that such efforts are not
14 required, (2) termination is in the best interest of the child, and (3) (A)
15 the child has been abandoned by the parent in the sense that the parent
16 has failed to maintain a reasonable degree of interest, concern or

17 responsibility as to the welfare of the child; (B) the child (i) has been
18 found by the Superior Court or the Probate Court to have been
19 neglected, abused or uncared for in a prior proceeding, or (ii) is found
20 to be neglected, abused or uncared for and has been in the custody of
21 the commissioner for at least fifteen months and the parent of such
22 child has been provided specific steps to take to facilitate the return of
23 the child to the parent pursuant to section 46b-129 and has failed to
24 achieve such degree of personal rehabilitation as would encourage the
25 belief that within a reasonable time, considering the age and needs of
26 the child, such parent could assume a responsible position in the life of
27 the child; (C) the child has been denied, by reason of an act or acts of
28 parental commission or omission including, but not limited to, sexual
29 molestation or exploitation, severe physical abuse or a pattern of
30 abuse, the care, guidance or control necessary for the child's physical,
31 educational, moral or emotional well-being, except that nonaccidental
32 or inadequately explained serious physical injury to a child shall
33 constitute prima facie evidence of acts of parental commission or
34 omission sufficient for the termination of parental rights; (D) there is
35 no ongoing parent-child relationship, which means the relationship
36 that ordinarily develops as a result of a parent having met on a day-to-
37 day basis the physical, emotional, moral and educational needs of the
38 child and to allow further time for the establishment or
39 reestablishment of such parent-child relationship would be
40 detrimental to the best interest of the child; (E) the parent of a child
41 under the age of seven years who is neglected, abused or uncared for,
42 has failed, is unable or is unwilling to achieve such degree of personal
43 rehabilitation as would encourage the belief that within a reasonable
44 period of time, considering the age and needs of the child, such parent
45 could assume a responsible position in the life of the child and such
46 parent's parental rights of another child were previously terminated
47 pursuant to a petition filed by the Commissioner of Children and
48 Families; (F) the parent has killed through deliberate, nonaccidental act
49 another child of the parent or has requested, commanded, importuned,
50 attempted, conspired or solicited such killing or has committed an

51 assault, through deliberate, nonaccidental act that resulted in serious
52 bodily injury of another child of the parent; or (G) the parent [was
53 convicted as an adult or a delinquent by a court of competent
54 jurisdiction of a sexual assault resulting in the conception of the child,
55 except a conviction for a violation of section 53a-71 or 53a-73a,
56 provided the court may terminate such parent's parental rights to such
57 child at any time after such conviction] has committed a sexual assault
58 resulting in the conception of a child.

59 Sec. 2. Subsection (g) of section 45a-717 of the 2016 supplement to
60 the general statutes is repealed and the following is substituted in lieu
61 thereof (*Effective October 1, 2016*):

62 (g) At the adjourned hearing or at the initial hearing where no
63 investigation and report has been requested, the court may approve a
64 petition terminating the parental rights and may appoint a guardian of
65 the person of the child, or, if the petitioner requests, the court may
66 appoint a statutory parent, if it finds, upon clear and convincing
67 evidence, that (1) the termination is in the best interest of the child, and
68 (2) (A) the child has been abandoned by the parent in the sense that the
69 parent has failed to maintain a reasonable degree of interest, concern
70 or responsibility as to the welfare of the child; (B) the child has been
71 denied, by reason of an act or acts of parental commission or omission,
72 including, but not limited to sexual molestation and exploitation,
73 severe physical abuse or a pattern of abuse, the care, guidance or
74 control necessary for the child's physical, educational, moral or
75 emotional well-being. Nonaccidental or inadequately explained
76 serious physical injury to a child shall constitute prima facie evidence
77 of acts of parental commission or omission sufficient for the
78 termination of parental rights; (C) there is no ongoing parent-child
79 relationship which is defined as the relationship that ordinarily
80 develops as a result of a parent having met on a continuing, day-to-
81 day basis the physical, emotional, moral and educational needs of the
82 child and to allow further time for the establishment or
83 reestablishment of the parent-child relationship would be detrimental

84 to the best interests of the child; (D) a child of the parent (i) was found
85 by the Superior Court or the Probate Court to have been neglected,
86 abused or uncared for, as those terms are defined in section 46b-120, in
87 a prior proceeding, or (ii) is found to be neglected, abused or uncared
88 for and has been in the custody of the commissioner for at least fifteen
89 months and such parent has been provided specific steps to take to
90 facilitate the return of the child to the parent pursuant to section 46b-
91 129 and has failed to achieve such degree of personal rehabilitation as
92 would encourage the belief that within a reasonable time, considering
93 the age and needs of the child, such parent could assume a responsible
94 position in the life of the child; (E) a child of the parent, who is under
95 the age of seven years is found to be neglected, abused or uncared for,
96 and the parent has failed, is unable or is unwilling to achieve such
97 degree of personal rehabilitation as would encourage the belief that
98 within a reasonable amount of time, considering the age and needs of
99 the child, such parent could assume a responsible position in the life of
100 the child and such parent's parental rights of another child were
101 previously terminated pursuant to a petition filed by the
102 Commissioner of Children and Families; (F) the parent has killed
103 through deliberate, nonaccidental act another child of the parent or has
104 requested, commanded, importuned, attempted, conspired or solicited
105 such killing or has committed an assault, through deliberate,
106 nonaccidental act that resulted in serious bodily injury of another child
107 of the parent; or (G) the parent [was convicted as an adult or a
108 delinquent by a court of competent jurisdiction of sexual assault
109 resulting in the conception of a child except for a violation of section
110 53a-71 or 53a-73a provided the court may terminate such parent's
111 parental rights to such child at any time after such conviction] has
112 committed a sexual assault resulting in the conception of a child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	17a-112(j)
Sec. 2	October 1, 2016	45a-717(g)

Statement of Purpose:

To permit the termination of parental rights in cases involving clear and convincing evidence that a parent has committed a sexual assault resulting in the conception of a child.

[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.]