



General Assembly

February Session, 2016

***Raised Bill No. 180***

LCO No. 1527



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:  
(KID)

***AN ACT CONCERNING PERMANENCY HEARINGS, YOUTH  
ADVISORY COUNCILS AND FOSTER FAMILIES.***

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 2016 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2016*):

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. If a child is at  
38 least twelve years of age, the Commissioner of Children and Families  
39 shall arrange for the child to be present at such hearing and shall  
40 provide transportation for such child to and from such hearing, if  
41 necessary. The court may excuse a child from attending such hearing  
42 upon the court's determination that (i) the child has received notice of  
43 such hearing pursuant to the provisions of this subparagraph, (ii) the  
44 child has decided not to attend such hearing, and (iii) the child has  
45 consulted with his or her representative or attorney regarding his or  
46 her decision not to attend such hearing.

47 (B) (i) If a child is at least twelve years of age, the child's  
48 permanency plan, and any revision to such plan, shall be developed in

49 consultation with the child. In developing or revising such plan, the  
50 child may consult up to two individuals participating in the  
51 department's case plan regarding such child, neither of whom shall be  
52 the foster parent or caseworker of such child. One individual so  
53 selected by such child may be designated as the child's advisor for  
54 purposes of developing or revising the permanency plan.

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

61 (iii) If a child is at least twelve years of age, such child shall,  
62 whenever possible, identify not more than three adults with whom  
63 such child has a significant relationship and who may serve as a  
64 permanency resource. The identity of such adults shall be recorded in  
65 the case plan of such child.

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

73 (2) At a permanency hearing held in accordance with the provisions  
74 of subdivision (1) of this subsection, the court shall approve a  
75 permanency plan that is in the best interests of the child or youth and  
76 takes into consideration the child's or youth's need for permanency.  
77 The child's or youth's health and safety shall be of paramount concern  
78 in formulating such plan. Such permanency plan may include the goal  
79 of (A) revocation of commitment and reunification of the child or

80 youth with the parent or guardian, with or without protective  
81 supervision; (B) transfer of guardianship or permanent legal  
82 guardianship; (C) filing of termination of parental rights and adoption;  
83 or (D) for a child sixteen years of age or older, another planned  
84 permanent living arrangement ordered by the court, provided the  
85 Commissioner of Children and Families has documented a compelling  
86 reason why it would not be in the best interests of the child or youth  
87 for the permanency plan to include the goals in subparagraphs (A) to  
88 (C), inclusive, of this subdivision. Such other planned permanent  
89 living arrangement shall, whenever possible, include an adult who has  
90 a significant relationship with the child, and who is willing to be a  
91 permanency resource, and may include, but not be limited to,  
92 placement of a youth in an independent living program or long term  
93 foster care with an identified foster parent.

94 (3) If the permanency plan for a child sixteen years of age or older  
95 includes the goal of another planned permanent living arrangement  
96 pursuant to subparagraph (D) of subdivision (2) of this subsection or  
97 subdivision (3) of subsection (c) of section 17a-111b, the department  
98 shall document for the court: (A) The manner and frequency of efforts  
99 made by the department to return the child home or to secure  
100 placement for the child with a fit and willing relative, legal guardian or  
101 adoptive parent; and (B) the steps the department has taken to ensure  
102 (i) the child's foster family home or child care institution is following a  
103 reasonable and prudent parent standard, as defined in section 17a-  
104 114d; and (ii) the child has regular opportunities to engage in age  
105 appropriate and developmentally appropriate activities, as defined in  
106 section 17a-114d.

107 (4) At a permanency hearing held in accordance with the provisions  
108 of subdivision (1) of this subsection, the court shall (A) (i) ask the child  
109 or youth about his or her desired permanency outcome, or (ii) if the  
110 child or youth is unavailable to appear at such hearing, require the  
111 attorney for the child or youth to consult with the child or youth  
112 regarding the child's or youth's desired permanency outcome and

113 report the same to the court, (B) review the status of the child or youth,  
114 (C) review the progress being made to implement the permanency  
115 plan, (D) determine a timetable for attaining the permanency plan, (E)  
116 determine the services to be provided to the parent if the court  
117 approves a permanency plan of reunification and the timetable for  
118 such services, and (F) determine whether the commissioner has made  
119 reasonable efforts to achieve the permanency plan. The court may  
120 revoke commitment if a cause for commitment no longer exists and it  
121 is in the best interests of the child or youth.

122 (5) If the permanency plan for a child sixteen years of age or older  
123 includes the goal of another planned permanent living arrangement  
124 pursuant to subparagraph (D) of subdivision (2) of this subsection, the  
125 court shall (A) (i) ask the child about his or her desired permanency  
126 outcome, or (ii) if the child is unavailable to appear at a permanency  
127 hearing held in accordance with the provisions of subdivision (1) of  
128 this subsection, require the attorney for the child to consult with the  
129 child regarding the child's desired permanency outcome and report  
130 the same to the court; (B) make a judicial determination that, as of the  
131 date of hearing, another planned permanent living arrangement is the  
132 best permanency plan for the child; and (C) document the compelling  
133 reasons why it is not in the best interest of the child to return home or  
134 to be placed with a fit and willing relative, legal guardian or adoptive  
135 parent.

136 (6) If the court approves the permanency plan of adoption: (A) The  
137 Commissioner of Children and Families shall file a petition for  
138 termination of parental rights not later than sixty days after such  
139 approval if such petition has not previously been filed; (B) the  
140 commissioner may conduct a thorough adoption assessment and  
141 child-specific recruitment; and (C) the court may order that the child  
142 be photo-listed within thirty days if the court determines that such  
143 photo-listing is in the best interests of the child or youth. As used in  
144 this subdivision, "thorough adoption assessment" means conducting  
145 and documenting face-to-face interviews with the child or youth,

146 foster care providers and other significant parties and "child specific  
147 recruitment" means recruiting an adoptive placement targeted to meet  
148 the individual needs of the specific child or youth, including, but not  
149 limited to, use of the media, use of photo-listing services and any other  
150 in-state or out-of-state resources that may be used to meet the specific  
151 needs of the child or youth, unless there are extenuating circumstances  
152 that indicate that such efforts are not in the best interests of the child or  
153 youth.

154 Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section:

155 (1) "Child" or "children" means any person or persons under  
156 eighteen years of age, except as otherwise specified, or any person or  
157 persons under twenty-one years of age who is or are in full-time  
158 attendance in a secondary school, a technical school, a college or a  
159 state-accredited job training program; and

160 (2) "Child care facility" has the same meaning as provided in section  
161 17a-93 of the general statutes.

162 (b) Not later than January 1, 2017, the Commissioner of Children  
163 and Families shall require each child care facility that has the capacity  
164 to house not less than ten children to establish a youth advisory  
165 council. Each youth advisory council shall (1) create leadership  
166 opportunities for children residing in such child care facility, (2) enable  
167 children residing in such child care facility an opportunity to express  
168 and address grievances, (3) encourage open communication with staff  
169 members of such child care facility, and (4) enable children residing in  
170 such child care facility to develop skills, including, but not limited to,  
171 peer advocacy, public speaking and conflict resolution.

172 (c) The Commissioner of Children and Families shall establish  
173 procedures to enable each youth advisory council to report, not less  
174 than quarterly, to each youth advisory board established pursuant to  
175 section 17a-10c of the general statutes to offer recommendations for  
176 policy and practice reforms to be used in child care facilities.

177 Sec. 3. Subsection (b) of section 17a-114 of the 2016 supplement to  
178 the general statutes is repealed and the following is substituted in lieu  
179 thereof (*Effective October 1, 2016*):

180 (b) (1) No child in the custody of the Commissioner of Children and  
181 Families shall be placed in foster care with any person, unless (A) (i)  
182 such person is licensed for that purpose by the department or the  
183 Department of Developmental Services pursuant to the provisions of  
184 section 17a-227, or [(B)] (ii) such person's home is approved by a child  
185 placing agency licensed by the commissioner pursuant to section 17a-  
186 149, or [(C)] (iii) such person has received approval as provided in this  
187 section, and (B) on and after January 1, 2017, for a child twelve years of  
188 age or older, such child has received a foster family profile in  
189 accordance with the provisions of section 4 of this act. Any person  
190 licensed by the department may be a prospective adoptive parent. The  
191 commissioner shall adopt regulations, in accordance with the  
192 provisions of chapter 54, to establish the licensing procedures and  
193 standards.

194 (2) The commissioner shall require each applicant for licensure or  
195 approval pursuant to this section and any person sixteen years of age  
196 or older living in the household of such applicant to submit to state  
197 and national criminal history records checks prior to issuing a license  
198 or approval to such applicant to accept placement of a child for  
199 purposes of foster care or adoption. Such criminal history records  
200 checks shall be conducted in accordance with section 29-17a. The  
201 commissioner shall also check the state child abuse registry established  
202 pursuant to section 17a-101k for the name of such applicant and for the  
203 name of any person sixteen years of age or older living in the  
204 household of such applicant.

205 (3) The commissioner, at his or her discretion, may require any  
206 person sixteen years of age or older, who is not living in the household  
207 but who has regular unsupervised access to a child in the home of an  
208 applicant for licensure or approval, to submit to state and national

209 criminal history records checks prior to issuing a license or approval to  
210 such applicant to accept placement of a child. Such criminal history  
211 records checks shall be conducted in accordance with section 29-17a.  
212 The commissioner may also check the state child abuse registry  
213 established pursuant to section 17a-101k for the name of any person  
214 sixteen years of age or older who is not living in the household but  
215 who has regular unsupervised access to a child.

216 (4) The commissioner shall require each individual licensed or  
217 approved pursuant to this section and any person sixteen years of age  
218 or older living in the household of such individual to submit to state  
219 and national criminal history records checks prior to renewing a  
220 license or approval for any individual providing foster care.

221 (5) The commissioner, at his or her discretion, may require any  
222 person sixteen years of age or older who is not living in the household  
223 but who has regular unsupervised access to a child in the home of any  
224 individual licensed or approved pursuant to this section to submit to  
225 state and national criminal history records checks prior to renewing a  
226 license or approval for such individual providing foster care.

227 Sec. 4. (NEW) (*Effective from passage*) (a) On and after January 1,  
228 2017, the Commissioner of Children and Families shall create a foster  
229 family profile on each foster family, as defined in section 17a-93 of the  
230 general statutes, for distribution to each child twelve years of age or  
231 older who is placed in foster care pursuant to section 17a-114 of the  
232 general statutes, as amended by this act. Such foster family profile  
233 shall be distributed to such child not less than seven days prior to such  
234 child being placed with such foster family and shall contain  
235 information including, but not limited to, the name and location of the  
236 school the child will attend, the name, age and gender of each  
237 individual living in the household, the sleeping arrangements in the  
238 household, information on the presence of pets in the household and a  
239 brief summary of household expectations. The provisions of this  
240 subsection shall not apply to a child placed with a fictive kin caregiver,

241 as defined in section 17a-114 of the general statutes, as amended by  
242 this act, relative caregiver or special study foster parent.

243 (b) Not later than January 1, 2017, the Department of Children and  
244 Families shall develop or approve a foster care family survey for  
245 distribution to each child seven years of age or older who is removed  
246 from or leaves a foster family. On and after January 1, 2017, the  
247 department shall (1) distribute a foster family survey to a child not  
248 later than fifteen days after such child is removed from or leaves a  
249 foster home, and (2) catalogue the results of such foster family surveys  
250 to gather data that may be used by the department to recruit, train and  
251 retain high-quality foster families.

252 (c) Not later than January 1, 2018, the Commissioner of Children  
253 and Families shall submit a report, in accordance with the provisions  
254 of section 11-4a of the general statutes, to the joint standing committee  
255 of the General Assembly having cognizance of matters relating to  
256 children on the status of the initiatives prescribed in subsections (a)  
257 and (b) of this section.

|   |                        |             |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2016</i> | 46b-129(k)  |
| Sec. 2  | <i>from passage</i>    | New section |
| Sec. 3  | <i>October 1, 2016</i> | 17a-114(b)  |
| Sec. 4  | <i>from passage</i>    | New section |

**Statement of Purpose:**

To enable children twelve years of age and older who are under the custody of the Department of Children and Families to have a more prominent voice during permanency hearings, to require youth advisory councils at certain child care facilities, to require the department to provide foster care family profiles to foster children and to solicit feedback from certain foster children to better recruit, train and retain high-quality foster parents.

*[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.]*