



Substitute House Bill No. 7121

Public Act No. 17-18

AN ACT CONCERNING REVISIONS TO THE STATE'S SAFE HAVEN LAWS.

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

Section 1. Section 17a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) Not more than twenty-four hours after taking physical custody of the infant the employee designated pursuant to section 17a-57 shall notify [, in accordance with the provisions of sections 17a-101a to 17a-101d, inclusive,] the Department of Children and Families of such custody in accordance with subsection (b) of section 17a-60, as amended by this act.

(b) The Commissioner of Children and Families shall assume the care and control of the infant immediately upon receipt of notice under subsection (a) of this section. Any infant in the care and control of the commissioner under the provisions of this section shall be considered to be in the custody of the department and the department shall take any action authorized under state law to achieve safety and permanency for the infant, including institution of legal proceedings for guardianship or termination of parental rights. In order to achieve safety and permanency for the infant, the department shall identify a

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prospective adoptive parent for the infant not later than one business day after receiving such notice from a designated employee, provided a prospective adoptive parent is available. The department shall provide notification of [such] legal proceedings to any parent of an infant when the identity of the parent is known to the department.

(c) Except as otherwise provided by statute, unless ordered to do so by a court of competent jurisdiction, the department shall not disclose any information concerning the parentage of an infant in the care and control of the commissioner under the provisions of this section to a prospective adoptive parent or foster parent.

Sec. 2. Section 17a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) If a person claiming to be a parent or lawful agent of an infant surrendered to a designated employee under section 17a-58 submits a request to the Commissioner of Children and Families for reunification with the infant, the commissioner may identify, contact and investigate such [person] parent or lawful agent to determine if such reunification is appropriate or if the parental rights of the parent should be terminated. If, not more than thirty days after the date of surrender of the infant, the commissioner receives a request for reunification with the infant from a person claiming to be a parent or lawful agent of the infant, the commissioner may require that such person and the infant submit to genetic tests, which shall mean deoxyribonucleic acid tests, to be performed by a hospital, accredited laboratory, qualified physician or other qualified person designated by the commissioner to determine parentage. The person requesting reunification shall be responsible for the cost of any genetic test performed pursuant to this section, except the Department of Children and Families shall pay such cost for any person who is determined by the commissioner to be indigent. Absent receiving a request for reunification with an infant pursuant to this section, the commissioner may not subject the infant

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to genetic testing to determine parentage or other family relationship unless ordered to do so by a court of competent jurisdiction.

(b) [Information concerning a parent or agent, or an infant surrendered to a designated employee, shall not be disclosed by the designated employee, if so requested by the parent or agent, except that notwithstanding any provision of the general statutes, such employee] No employee of a hospital that operates an emergency room that takes physical custody of an infant pursuant to section 17a-58, except an employee who has reasonable cause to suspect that an infant has been abused or neglected, as defined in section 46b-120, shall disclose information concerning (1) the facts and circumstances under which the emergency room took physical custody of the infant, (2) a parent or lawful agent, or (3) the infant, unless required to disclose such information pursuant to sections 17a-101a to 17a-101d, inclusive. Notwithstanding the provisions of this subsection, a designated employee of the emergency room shall [(1)] provide (A) to the Commissioner of Children and Families all medical history information provided by the parent, and [(2) provide] (B) to the Commissioner of Public Health [] the name and date of birth of the infant if the infant's birth has been registered in the state vital records system prior to the surrender of the infant, for the sole purpose of sealing the infant's original birth record. The infant's name and date of birth shall not be disclosed on the report of a foundling child described in section 7-59. Nothing in this subsection shall limit hospital personnel from entering medically relevant information into the infant's medical record or limit any discussion or disclosure that the hospital personnel may have with anyone to the extent that such discussion or disclosure pertains to the medical care and medical treatment of the infant.

(c) Possession of a bracelet linking the parent or agent to an infant surrendered to a designated employee if parental rights have not been

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terminated creates a presumption the parent or agent has standing to participate in a custody hearing for the infant under chapter 319a but does not create a presumption of maternity, paternity or custody.

Sec. 3. (NEW) (*Effective October 1, 2017*) (a) As used in this section, section 4 of this act and section 17a-59 of the general statutes, as amended by this act:

(1) "Commissioner" means the Commissioner of Children and Families;

(2) "Department" means the Department of Children and Families;

(3) "Foster parent" means a person who, pursuant to section 17a-114 of the general statutes, is (A) licensed by the department to care for one or more children in a private home, or (B) approved by a child-placing agency licensed by the department to care for one or more children in a private home;

(4) "Prospective adoptive parent" means a foster parent who is awaiting the placement of, or who has, a child or children placed in his or her home pursuant to section 17a-59 of the general statutes, as amended by this act, for purposes of adoption; and

(5) "Removal hearing" means an administrative proceeding conducted by the department in accordance with the provisions of chapter 54 of the general statutes to determine if the removal of a child from a prospective adoptive parent is in a child's best interest.

(b) The department, after taking custody of an infant pursuant to section 17a-59 of the general statutes, as amended by this act, and placing the infant in the care and control of a prospective adoptive parent for thirty or more consecutive days, shall not remove the infant from such parent unless: (1) The department is in possession of specific allegations and other verified affirmations of fact that demonstrate

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there is reasonable cause to believe that (A) the infant is suffering from serious physical illness or serious physical injury or is in immediate physical danger, and (B) immediate removal from such parent is necessary to ensure the infant's safety, (2) the prospective adoptive parent consents to the removal of the infant from his or her care and control, or (3) a biological parent of the infant has been identified and a request for reunification of such parent and the infant has been granted pursuant to an order by a court of competent jurisdiction.

Sec. 4. (NEW) (*Effective October 1, 2017*) (a) A prospective adoptive parent who (1) has exercised continuous care and control of an infant in the custody of the commissioner pursuant to section 17a-59 of the general statutes, as amended by this act, for thirty or more consecutive days, and (2) is aggrieved by a decision of the department to remove such infant from the prospective adoptive parent's home may request that the department conduct a removal hearing. A prospective adoptive parent's request for a removal hearing shall be made in writing to the department not later than ten days after the date on which the prospective adoptive parent receives written notice of the department's decision to remove the infant. Upon receiving the request for a removal hearing, the department shall conduct such hearing not later than thirty business days after the date of receiving the request. Except as provided in subsection (b) of section 3 of this act, the infant shall remain with the prospective adoptive parent pending the outcome of the removal hearing.

(b) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes to carry out the provisions of this section.