



General Assembly

January Session, 2017

Raised Bill No. 7121

LCO No. 4089



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

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:

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 Section 17a-59 of the general statutes is repealed and the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

3 (a) Not more than twenty-four hours after taking physical custody
4 of the infant the employee designated pursuant to section 17a-57 shall
5 notify, in accordance with the provisions of sections 17a-101a to 17a-
6 101d, inclusive, the Department of Children and Families of such
7 custody.

8 (b) The Commissioner of Children and Families shall assume the
9 care and control of the infant immediately upon receipt of notice under
10 subsection (a) of this section. Any infant in the care and control of the
11 commissioner under the provisions of this section shall be considered
12 to be in the custody of the department and the department shall take
13 any action authorized under state law to achieve safety and
14 permanency for the infant, including institution of legal proceedings

15 for guardianship or termination of parental rights. In order to achieve
16 safety and permanency for the infant, the department shall identify the
17 prospective adoptive family placement options available to the infant
18 upon his or her discharge from the hospital not later than seven
19 business hours after receiving notice from a designated employee. The
20 department shall provide notification of [such] legal proceedings to
21 any parent of an infant when the identity of the parent is known to the
22 department.

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

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 Section 17a-60 of the general statutes is repealed and the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

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

47 indigent. Absent receiving a request for reunification with an infant
48 pursuant to this section, the commissioner may not subject the infant
49 to genetic testing to determine parentage unless ordered to do so by a
50 court.

51 (b) [Information concerning a parent or agent, or an infant
52 surrendered to a designated employee, shall not be disclosed by the
53 designated employee, if so requested by the parent or agent, except
54 that notwithstanding any provision of the general statutes, such
55 employee] No employee of a hospital that operates an emergency
56 room that takes physical custody of an infant pursuant to section 17a-
57 58 shall disclose information concerning (1) the facts and
58 circumstances under which the emergency room took physical custody
59 of the infant, (2) a parent or lawful agent, or (3) the infant unless such
60 employee has reasonable cause to suspect that such infant has been
61 abused or neglected, as defined in section 46b-120. Notwithstanding
62 the provisions of this subsection, a designated employee of the
63 emergency room shall [(1)] provide (A) to the Commissioner of
64 Children and Families all medical history information provided by the
65 parent, and [(2) provide] (B) to the Commissioner of Public Health [,]
66 the name and date of birth of the infant if the infant's birth has been
67 registered in the state vital records system prior to the surrender of the
68 infant, for the sole purpose of sealing the infant's original birth record.
69 The infant's name and date of birth shall not be disclosed on the report
70 of a foundling child described in section 7-59.

71 (c) Possession of a bracelet linking the parent or agent to an infant
72 surrendered to a designated employee if parental rights have not been
73 terminated creates a presumption the parent or agent has standing to
74 participate in a custody hearing for the infant under chapter 319a but
75 does not create a presumption of maternity, paternity or custody.

76 Sec. 3. (NEW) (*Effective October 1, 2017*) (a) As used in this section
77 and section 4 of this act:

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

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

81 (3) "Foster parent" means a person (A) licensed by the department to
82 care for one or more children in a private home, or (B) approved by a
83 child-placing agency licensed by the department to care for one or
84 more children in a private home;

85 (4) "Out-of-home care provider" means a (A) foster parent, or (B)
86 prospective adoptive parent;

87 (5) "Prospective adoptive parent" means a person (A) licensed by the
88 department who is awaiting the placement of, or who has, a child or
89 children placed in his or her home for purposes of adoption, or (B)
90 approved by a child-placing agency licensed by the department who is
91 awaiting the placement of, or who has, a child or children placed in his
92 or her home for purposes of adoption; and

93 (6) "Removal hearing" means an administrative proceeding
94 conducted by the department in accordance with the provisions of
95 chapter 54 of the general statutes to determine if the removal of a child
96 from an out-of-home care provider is in a child's best interest.

97 (b) The department, after taking custody of an infant pursuant to
98 section 17a-59 of the general statutes, as amended by this act, and
99 placing the infant in the care and control of a prospective adoptive
100 parent or a foster parent for thirty or more consecutive days, shall not
101 remove the infant from such parent unless: (1) The department is in
102 possession of specific allegations and other verified affirmations of fact
103 that demonstrate there is reasonable cause to believe that (A) the infant
104 is suffering from serious physical illness or serious physical injury or is
105 in immediate physical danger, and (B) immediate removal from such
106 parent is necessary to ensure the infant's safety, (2) the prospective
107 adoptive parent or foster parent consents to the removal of the infant

108 from his or her care and control, or (3) a biological parent of the infant
109 has been identified and a request for reunification of such parent and
110 the infant has been granted pursuant to court order.

111 Sec. 4. (NEW) (*Effective October 1, 2017*) (a) An out-of-home care
112 provider who (1) has exercised continuous care and control of an
113 infant in the custody of the commissioner pursuant to section 17a-59 of
114 the general statutes, as amended by this act, for thirty or more
115 consecutive days, and (2) is aggrieved by a decision of the department
116 to remove such infant from the provider's home may request that the
117 department conduct a removal hearing. An out-of-home care
118 provider's request for a removal hearing shall be made in writing to
119 the department not later than ten days after the date on which the
120 provider receives written notice of the department's decision to
121 remove the infant. Upon receiving the request for a removal hearing,
122 the department shall conduct such hearing not later than thirty
123 business days after the date of receiving the request. Except as
124 provided in subsection (b) of section 3 of this act, the infant shall
125 remain with the out-of-home care provider pending the outcome of the
126 removal hearing.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	17a-59
Sec. 2	<i>October 1, 2017</i>	17a-60
Sec. 3	<i>October 1, 2017</i>	New section
Sec. 4	<i>October 1, 2017</i>	New section

Statement of Purpose:

To strengthen protections for individuals caring for infants who are considered to be in the custody of the Department of Children and Families under the state's safe haven program.

[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.]