



General Assembly

Substitute Bill No. 7121

January Session, 2017

* _____HB07121HS_____032117_____*

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 Section 17a-59 of the general statutes is repealed and the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 in accordance with subsection (b) of section 17a-60, as
8 amended by this act.

9 (b) The Commissioner of Children and Families shall assume the
10 care and control of the infant immediately upon receipt of notice under
11 subsection (a) of this section. Any infant in the care and control of the
12 commissioner under the provisions of this section shall be considered
13 to be in the custody of the department and the department shall take
14 any action authorized under state law to achieve safety and
15 permanency for the infant, including institution of legal proceedings
16 for guardianship or termination of parental rights. In order to achieve
17 safety and permanency for the infant, the department shall identify a
18 prospective adoptive parent for the infant not later than one business
19 day after receiving such notice from a designated employee, provided
20 a prospective adoptive parent is available. The department shall

21 provide notification of [such] legal proceedings to any parent of an
22 infant when the identity of the parent is known to the department.

23 (c) Except as otherwise provided by statute, unless ordered to do so
24 by a court of competent jurisdiction, the department shall not disclose
25 any information concerning the parentage of an infant in the care and
26 control of the commissioner under the provisions of this section to a
27 prospective 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 Section 17a-60 of the general statutes is repealed and the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 or other family relationship
50 unless ordered to do so by a court of competent jurisdiction.

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, except an employee who has reasonable cause to suspect that an
58 infant has been abused or neglected, as defined in section 46b-120,
59 shall disclose information concerning (1) the facts and circumstances
60 under which the emergency room took physical custody of the infant,
61 (2) a parent or lawful agent, or (3) the infant, unless required to
62 disclose such information pursuant to sections 17a-101a to 17a-101d,
63 inclusive. Notwithstanding the provisions of this subsection, a
64 designated employee of the emergency room shall [(1)] provide (A) to
65 the Commissioner of Children and Families all medical history
66 information provided by the parent, and [(2) provide] (B) to the
67 Commissioner of Public Health [,] the name and date of birth of the
68 infant if the infant's birth has been registered in the state vital records
69 system prior to the surrender of the infant, for the sole purpose of
70 sealing the infant's original birth record. The infant's name and date of
71 birth shall not be disclosed on the report of a foundling child described
72 in section 7-59. Nothing in this subsection shall limit hospital
73 personnel from entering medically relevant information into the
74 infant's medical record or limit any discussion or disclosure that the
75 hospital personnel may have with anyone to the extent that such
76 discussion or disclosure pertains to the medical care and medical
77 treatment of the infant.

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

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

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

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

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

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

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

102 (b) The department, after taking custody of an infant pursuant to
103 section 17a-59 of the general statutes, as amended by this act, and
104 placing the infant in the care and control of a prospective adoptive
105 parent for thirty or more consecutive days, shall not remove the infant
106 from such parent unless: (1) The department is in possession of specific
107 allegations and other verified affirmations of fact that demonstrate
108 there is reasonable cause to believe that (A) the infant is suffering from
109 serious physical illness or serious physical injury or is in immediate
110 physical danger, and (B) immediate removal from such parent is
111 necessary to ensure the infant's safety, (2) the prospective adoptive
112 parent consents to the removal of the infant from his or her care and
113 control, or (3) a biological parent of the infant has been identified and a
114 request for reunification of such parent and the infant has been
115 granted pursuant to an order by a court of competent jurisdiction.

116 Sec. 4. (NEW) (*Effective October 1, 2017*) (a) A prospective adoptive

117 parent who (1) has exercised continuous care and control of an infant
 118 in the custody of the commissioner pursuant to section 17a-59 of the
 119 general statutes, as amended by this act, for thirty or more consecutive
 120 days, and (2) is aggrieved by a decision of the department to remove
 121 such infant from the prospective adoptive parent's home may request
 122 that the department conduct a removal hearing. A prospective
 123 adoptive parent's request for a removal hearing shall be made in
 124 writing to the department not later than ten days after the date on
 125 which the prospective adoptive parent receives written notice of the
 126 department's decision to remove the infant. Upon receiving the request
 127 for a removal hearing, the department shall conduct such hearing not
 128 later than thirty business days after the date of receiving the request.
 129 Except as provided in subsection (b) of section 3 of this act, the infant
 130 shall remain with the prospective adoptive parent pending the
 131 outcome of the removal hearing.

132 (b) The commissioner shall adopt regulations in accordance with the
 133 provisions of chapter 54 of the general statutes to carry out the
 134 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 Legislative Commissioners:

In Section 3(a), "and section 4 of this act" was changed to ", section 4 of this act and section 17a-59 of the general statutes, as amended by this act" and in Section 3(a)(4), ", as used in section 17a-59 of the general statutes, as amended by this act, this section and section 4 of this act," was deleted for statutory consistency.

HS *Joint Favorable Subst.*