



General Assembly

January Session, 2017

***Raised Bill No. 895***

LCO No. 4039



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:  
(KID)

***AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' STANDARDS AND REPORTING REQUIREMENTS.***

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

1 Section 1. Section 17a-101g of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) Upon receiving a report of child abuse or neglect, as provided in  
4 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which  
5 the alleged perpetrator is (1) a person responsible for such child's  
6 health, welfare or care, (2) a person given access to such child by such  
7 responsible person, or (3) a person entrusted with the care of a child,  
8 the Commissioner of Children and Families, or the commissioner's  
9 designee, shall cause the report to be classified and evaluated  
10 immediately. If the report contains sufficient information to warrant an  
11 investigation, the commissioner shall make the commissioner's best  
12 efforts to commence an investigation of a report concerning an  
13 imminent risk of physical harm to a child or other emergency within  
14 two hours of receipt of the report and shall commence an investigation  
15 of all other reports within seventy-two hours of receipt of the report. A

16 report classified by the commissioner, or the commissioner's designee,  
17 as lower risk may be referred for family assessment and services  
18 pursuant to subsection (g) of this section. Any such report may  
19 thereafter be referred for standard child protective services if safety  
20 concerns for the child become evident. A report referred for standard  
21 child protective services may be referred for family assessment and  
22 services at any time if the department determines there is a lower risk  
23 to the child. If the alleged perpetrator is a school employee, as defined  
24 in section 53a-65, or is employed by an institution or facility licensed or  
25 approved by the state to provide care for children, the department  
26 shall notify the Department of Education or the state agency that has  
27 issued such license or approval to the institution or facility of the  
28 report and the commencement of an investigation by the  
29 Commissioner of Children and Families. The department shall  
30 complete any such investigation not later than forty-five calendar days  
31 after the date of receipt of the report. If the report is a report of child  
32 abuse or neglect in which the alleged perpetrator is not a person  
33 specified in subdivision (1), (2) or (3) of this subsection, the  
34 Commissioner of Children and Families shall refer the report to the  
35 appropriate local law enforcement authority for the town in which the  
36 child resides or in which the alleged abuse or neglect occurred.

37 (b) [The investigation] The Commissioner of Children and Families  
38 shall establish protocols for the investigation of reports of child abuse  
39 or neglect of children from birth to three years of age. Such protocols  
40 shall include, but need not be limited to, (1) heightened supervision of  
41 the case during the investigatory period, (2) frequent visitation by  
42 department personnel to such children during the investigatory  
43 period, (3) documentation of case activities relevant to the safety and  
44 well-being of such children, and (4) a case supervision tool specific to  
45 the unique needs and risk status of children from birth to three years  
46 of age. All investigations of a report of child abuse or neglect pursuant  
47 to this section shall include a home visit at which the child and any  
48 siblings are observed, if appropriate, a determination of the nature,

49 extent and cause or causes of the reported abuse or neglect, a  
50 determination of the person or persons suspected to be responsible for  
51 such abuse or neglect, the name, age and condition of other children  
52 residing in the same household and an evaluation of the parents and  
53 the home. The report of such investigation shall be in writing. The  
54 investigation shall also include, but not be limited to, a review of  
55 criminal conviction information concerning the person or persons  
56 alleged to be responsible for such abuse or neglect and previous  
57 allegations of abuse or neglect relating to the child or other children  
58 residing in the household or relating to family violence. After an  
59 investigation into a report of abuse or neglect has been completed, the  
60 commissioner shall determine, based upon a standard of reasonable  
61 cause, whether a child has been abused or neglected, as defined in  
62 section 46b-120. If the commissioner determines that abuse or neglect  
63 has occurred, the commissioner shall also determine whether: [(1)] (A)  
64 There is an identifiable person responsible for such abuse or neglect;  
65 and [(2)] (B) such identifiable person poses a risk to the health, safety  
66 or well-being of children and should be recommended by the  
67 commissioner for placement on the child abuse and neglect registry  
68 established pursuant to section 17a-101k. If the commissioner has  
69 made the determinations in [subdivisions (1) and (2)] subparagraphs  
70 (A) and (B) of this subsection, the commissioner shall issue notice of a  
71 recommended finding to the person suspected to be responsible for  
72 such abuse or neglect in accordance with section 17a-101k.

73 (c) Except as provided in subsection (d) of this section, no entry of  
74 the recommended finding shall be made on the child abuse or neglect  
75 registry and no information concerning the finding shall be disclosed  
76 by the commissioner pursuant to a check of the child abuse or neglect  
77 registry or request for information by a public or private entity for  
78 employment, licensure, or reimbursement for child care purposes  
79 pursuant to programs administered by the Department of Social  
80 Services or pursuant to any other general statute that requires a check  
81 of the child abuse or neglect registry until the exhaustion or waiver of

82 all administrative appeals available to the person suspected to be  
83 responsible for the abuse or neglect, as provided in section 17a-101k.

84 (d) If the child abuse or neglect resulted in or involves (1) the death  
85 of a child; (2) the risk of serious physical injury or emotional harm of a  
86 child; (3) the serious physical harm of a child; (4) the arrest of a person  
87 due to abuse or neglect of a child; (5) a petition filed by the  
88 commissioner pursuant to section 17a-112 or 46b-129, as amended by  
89 this act; or (6) sexual abuse of a child, entry of the recommended  
90 finding may be made on the child abuse or neglect registry and  
91 information concerning the finding may be disclosed by the  
92 commissioner pursuant to a check of the child abuse or neglect registry  
93 or request for information by a public or private entity for  
94 employment, licensure, or reimbursement for child care purposes  
95 pursuant to programs administered by the Department of Social  
96 Services or pursuant to any other general statute that requires a check  
97 of the child abuse or neglect registry, prior to the exhaustion or waiver  
98 of all administrative appeals available to the person suspected to be  
99 responsible for the abuse or neglect as provided in section 17a-101k.

100 (e) If the Commissioner of Children and Families, or the  
101 commissioner's designee, has probable cause to believe that the child  
102 or any other child in the household is in imminent risk of physical  
103 harm from the child's surroundings and that immediate removal from  
104 such surroundings is necessary to ensure the child's safety, the  
105 commissioner, or the commissioner's designee, shall authorize any  
106 employee of the department or any law enforcement officer to remove  
107 the child and any other child similarly situated from such  
108 surroundings without the consent of the child's parent or guardian.  
109 The commissioner shall record in writing the reasons for such removal  
110 and include such record with the report of the investigation conducted  
111 under subsection (b) of this section.

112 (f) The removal of a child pursuant to subsection (e) of this section  
113 shall not exceed ninety-six hours. During the period of such removal,

114 the commissioner, or the commissioner's designee, shall provide the  
115 child with all necessary care, including medical care, which may  
116 include an examination by a physician or mental health professional  
117 with or without the consent of the child's parents, guardian or other  
118 person responsible for the child's care, provided reasonable attempts  
119 have been made to obtain consent of the child's parents or guardian or  
120 other person responsible for the care of such child. During the course  
121 of a medical examination, a physician may perform diagnostic tests  
122 and procedures necessary for the detection of child abuse or neglect. If  
123 the child is not returned home within such ninety-six-hour period,  
124 with or without protective services, the department shall proceed in  
125 accordance with section 46b-129, as amended by this act.

126 (g) (1) Notwithstanding the provisions of subsections (a) to (f),  
127 inclusive, of this section, the commissioner may establish a program of  
128 family assessment response to reports of child abuse and neglect  
129 whereby the report may be referred to appropriate community  
130 providers for family assessment and services without an investigation  
131 or at any time during an investigation, provided there has been an  
132 initial safety assessment of the circumstances of a family and child and  
133 criminal background checks have been performed on all adults  
134 involved in the report. Services provided through family assessment  
135 response shall include an array of community-based services and  
136 supports designed to meet the individual needs of families, build upon  
137 their strengths, enhance child development, reduce child abuse and  
138 neglect and increase the health, safety and well-being of children.

139 (2) In response to an accepted family assessment report, the  
140 department shall conduct a comprehensive family assessment that  
141 shall include a safety and risk assessment and an assessment of family  
142 strengths and needs. Such assessment shall include personal  
143 interviews with the child and the child's parent or primary caretaker,  
144 an evaluation of the home environment and the performance of  
145 criminal background checks on all adults residing in the same  
146 household. Such assessment may include, as appropriate, personal

147 interviews with other children or adults residing in the same  
148 household as well as any other caregivers, family members and  
149 collateral contacts. In conducting such assessment, the department  
150 shall consider the age and vulnerability of the child, family  
151 functioning, family history of abuse and neglect and family history of  
152 involvement with the department. The department shall, upon  
153 securing any necessary releases, request any relevant out-of-state  
154 history of child abuse or neglect involving any adults residing in the  
155 same household.

156 (3) The following reports of suspected child abuse or neglect shall  
157 not be referred for family assessment response: (A) Sexual abuse, (B)  
158 abuse or neglect occurring in an out-of-home placement, (C) abuse or  
159 neglect resulting in the death or serious physical or mental injury of a  
160 child, or (D) where the department's safety assessment reveals that the  
161 child is unsafe. A case supervisor or manager shall approve all  
162 referrals to family assessment response.

163 (4) Prior to referring a report to an appropriate community  
164 provider, the department shall develop a service plan designed to meet  
165 the family's immediate needs for services and supports and to guide  
166 the community provider's development of a long-term plan of care for  
167 the family.

168 (5) Following a referral pursuant to subdivision (1) of this  
169 subsection, a community provider shall schedule an in-person meeting  
170 with the family and shall develop a plan of care. Such plan of care shall  
171 be developed in consultation with the family and shall include (A) a  
172 review of the department's family assessment and service plan and any  
173 services and supports the family is currently receiving, and (B) an  
174 identification of the family's ongoing needs and the services and  
175 supports that may be available to meet such needs. Such plan of care  
176 shall identify the family's strengths and needs and describe the  
177 services and supports to be offered to (i) address the family's needs, (ii)  
178 build upon the family's strengths, and (iii) increase the health, safety

179 and well-being of the child. The provider shall monitor the family's  
180 participation and progress with the plan of care.

181 (6) The community provider shall maintain ongoing contact with  
182 the family through in-person meetings, visits to the home, child and  
183 family team meetings and phone calls. If at any time following the  
184 referral or during the implementation of the plan of care, the provider  
185 has reasonable cause to suspect or believe that any child under  
186 eighteen years of age (A) has been abused or neglected, as defined in  
187 section 46b-120, (B) has suffered a nonaccidental physical injury or an  
188 injury that is at variance with the history given for such injury, or (C) is  
189 placed at imminent risk of serious harm, the provider shall report or  
190 cause a report to be made in accordance with the provisions of sections  
191 17a-101b to 17a-101d, inclusive.

192 (7) The community provider shall schedule an in-person meeting  
193 with the family prior to the end of services. The determination to end  
194 services shall be based upon the family's preference and progress in  
195 meeting the goals outlined in the plan of care. The community  
196 provider shall submit individual child and family specific data and  
197 administrative service data to the department not later than thirty days  
198 after ending services. Such data shall identify the needs of the family,  
199 the services and supports made available to address those needs, the  
200 family's met and unmet treatment goals, the final disposition at the  
201 time of ending services and the reasons for the family's discharge from  
202 services, including, but not limited to, met treatment goals, family  
203 relocation, the receipt of a new report by the department or transfer of  
204 the family to another provider.

205 (8) Subdivisions (5) to (7), inclusive, of this subsection shall apply to  
206 all community provider service contracts in effect on June 9, 2016, to  
207 the extent they are not in conflict with such contracts, and shall apply  
208 to all contracts entered into, amended, extended or renewed on or after  
209 June 9, 2016.

210 (9) The commissioner shall adopt procedures to establish a method  
211 for the department to monitor the progress of the child and family  
212 referred to a community provider pursuant to subdivision (1) of this  
213 subsection and to set standards for reopening an investigation  
214 pursuant to this section. Such standards shall include, but need not be  
215 limited to, provisions for the reassignment of a report referred for  
216 family assessment response for an immediate investigation based on  
217 (A) a reassessment of the initial report of child abuse or neglect or the  
218 discovery of new or additional facts indicating that the child is unsafe,  
219 or (B) a determination that the report meets the criteria of subdivision  
220 (3) of this subsection and, as a result, does not qualify for family  
221 assessment response. Not later than January 1, 2017, the commissioner  
222 shall submit a report regarding such procedures and standards, in  
223 accordance with the provisions of section 11-4a, to the joint standing  
224 committee of the General Assembly having cognizance of matters  
225 relating to children.

226 (10) Consistent with the provisions of section 17a-28, the  
227 department shall disclose all relevant information in its possession  
228 concerning the child and family, including prior child protection  
229 activity, to each provider to whom a report has been referred for use  
230 by the provider in the assessment, diagnosis and treatment of unique  
231 needs of the family and the prevention of future reports. Each provider  
232 who has received a report of child abuse or neglect referred pursuant  
233 to this subsection shall disclose to the department, consistent with the  
234 provisions of section 17a-28, all relevant information gathered during  
235 assessment, diagnosis and treatment of the child and family. The  
236 department may use such information solely to monitor and ensure  
237 the continued safety and well-being of the child or children.

238 (11) Not later than July 1, 2016, and annually thereafter, the  
239 department shall submit a report, in accordance with the provisions of  
240 section 11-4a, to the joint standing committee of the General Assembly  
241 having cognizance of matters relating to children for inclusion in the  
242 annual report card prepared pursuant to section 2-53m on the status of



243 family assessment response. Such report shall include data from the  
244 previous calendar year, including, but not limited to: (A) The number  
245 of accepted reports of child abuse or neglect, and the percentage of  
246 reports assigned to the family assessment response track; (B) the  
247 disposition of families assigned a family assessment response; (C) for  
248 cases assigned to the family assessment response track, a breakdown  
249 by reporter type; (D) the number and percentage of family assessment  
250 response cases that changed track to investigations; (E) an analysis of  
251 the department's prior or subsequent involvement with a family that  
252 has been assigned to family assessment response, if applicable; (F) an  
253 analysis of the department's prior or subsequent involvement with a  
254 family that has been assigned to a community partner agency; (G) a  
255 description of services that are commonly provided to families referred  
256 to the community support for families program; (H) a description of  
257 the department's staff development and training practices relating to  
258 intake; (I) the number and percentage of referred families who were  
259 ultimately enrolled in the community support for families program; (J)  
260 the number and percentage of families receiving a family assessment  
261 response broken down by race and ethnicity; (K) the reason for  
262 discharge from the community support for families program, as  
263 identified in subdivision (7) of this subsection, broken down by race  
264 and ethnicity; and (L) a comparison of the needs identified and the  
265 needs addressed for families referred to the community support for  
266 families program.

267 Sec. 2. Subsection (b) of section 46b-129 of the general statutes is  
268 repealed and the following is substituted in lieu thereof (*Effective July*  
269 *1, 2017*):

270 (b) If it appears from the specific allegations of the petition and  
271 other verified affirmations of fact accompanying the petition and  
272 application, or subsequent thereto, that there is reasonable cause to  
273 believe that (1) the child or youth is suffering from serious physical  
274 illness or serious physical injury or is in immediate physical danger  
275 from the child's or youth's surroundings, and (2) as a result of said

276 conditions, the child's or youth's safety is endangered and immediate  
277 removal from such surroundings is necessary to ensure the child's or  
278 youth's safety, the court shall either (A) issue an order to the parents or  
279 other person having responsibility for the care of the child or youth to  
280 appear at such time as the court may designate to determine whether  
281 the court should vest the child's or youth's temporary care and custody  
282 in a person related to the child or youth by blood or marriage or in  
283 some other person or suitable agency pending disposition of the  
284 petition, or (B) issue an order ex parte vesting the child's or youth's  
285 temporary care and custody in a person related to the child or youth  
286 by blood or marriage or in some other person or suitable agency. A  
287 preliminary hearing on any ex parte custody order or order to appear  
288 issued by the court shall be held not later than ten days after the  
289 issuance of such order. The service of such orders may be made by any  
290 officer authorized by law to serve process, or by any probation officer  
291 appointed in accordance with section 46b-123, investigator from the  
292 Department of Administrative Services, state or local police officer or  
293 indifferent person. Such orders shall include a conspicuous notice to  
294 the respondent written in clear and simple language containing at least  
295 the following information: (i) That the order contains allegations that  
296 conditions in the home have endangered the safety and welfare of the  
297 child or youth; (ii) that a hearing will be held on the date on the form;  
298 (iii) that the hearing is the opportunity to present the parents' position  
299 concerning the alleged facts; (iv) that an attorney will be appointed for  
300 parents who cannot afford an attorney; (v) that such parents may  
301 apply for a court-appointed attorney by going in person to the court  
302 address on the form and are advised to go as soon as possible in order  
303 for the attorney to prepare for the hearing; (vi) that such parents, or a  
304 person having responsibility for the care and custody of the child or  
305 youth, may request the Commissioner of Children and Families to  
306 investigate placing the child or youth with a person related to the child  
307 or youth by blood or marriage who might serve as a licensed foster  
308 parent or temporary custodian for such child or youth. The  
309 commissioner [, where practicable,] shall investigate [such] any

310 relative or relatives proposed to serve as a licensed foster parent or  
311 temporary custodian for such child or youth prior to the preliminary  
312 hearing and provide a preliminary report to the court at such hearing  
313 as to such relative's suitability and any potential barriers to licensing  
314 such relative as a foster parent or granting temporary custody of such  
315 child or youth to such relative; and (vii) that if such parents have any  
316 questions concerning the case or appointment of counsel, any such  
317 parent is advised to go to the court or call the clerk's office at the court  
318 as soon as possible. Upon application for appointed counsel, the court  
319 shall promptly determine eligibility and, if the respondent is eligible,  
320 promptly appoint counsel. The expense for any temporary care and  
321 custody shall be paid by the town in which such child or youth is at  
322 the time residing, and such town shall be reimbursed for such expense  
323 by the town found liable for the child's or youth's support, except that  
324 where a state agency has filed a petition pursuant to the provisions of  
325 subsection (a) of this section, the agency shall pay such expense. The  
326 agency shall give primary consideration to placing the child or youth  
327 in the town where such child or youth resides. The agency shall file in  
328 writing with the clerk of the court the reasons for placing the child or  
329 youth in a particular placement outside the town where the child or  
330 youth resides. Upon issuance of an ex parte order, the court shall  
331 provide to the commissioner and the parent or guardian specific steps  
332 necessary for each to take to address the ex parte order for the parent  
333 or guardian to retain or regain custody of the child or youth. Upon the  
334 issuance of such order, or not later than sixty days after the issuance of  
335 such order, the court shall make a determination whether the  
336 Department of Children and Families made reasonable efforts to keep  
337 the child or youth with his or her parents or guardian prior to the  
338 issuance of such order and, if such efforts were not made, whether  
339 such reasonable efforts were not possible, taking into consideration the  
340 child's or youth's best interests, including the child's or youth's health  
341 and safety. Any person or agency in which the temporary care and  
342 custody of a child or youth is vested under this section shall have the  
343 following rights and duties regarding the child or youth: (I) The

344 obligation of care and control; (II) the authority to make decisions  
345 regarding emergency medical, psychological, psychiatric or surgical  
346 treatment; and (III) such other rights and duties that the court having  
347 jurisdiction may order.

348 Sec. 3. Subsection (j) of section 46b-129 of the general statutes is  
349 repealed and the following is substituted in lieu thereof (*Effective July*  
350 *1, 2017*):

351 (j) (1) For the purposes of this subsection and subsection (k) of this  
352 section, (A) "permanent legal guardianship" means a permanent  
353 guardianship, as defined in section 45a-604, and (B) "caregiver" means  
354 (i) a fictive kin caregiver, as defined in section 17a-114, who is caring  
355 for a child, (ii) a relative caregiver, as defined in section 17a-126, or (iii)  
356 a person who is licensed or approved to provide foster care pursuant  
357 to section 17a-114.

358 (2) Upon finding and adjudging that any child or youth is uncared  
359 for, neglected or abused the court may (A) commit such child or youth  
360 to the Commissioner of Children and Families, and such commitment  
361 shall remain in effect until further order of the court, except that such  
362 commitment may be revoked or parental rights terminated at any time  
363 by the court; (B) vest such child's or youth's legal guardianship in any  
364 private or public agency that is permitted by law to care for neglected,  
365 uncared for or abused children or youths or with any other person or  
366 persons found to be suitable and worthy of such responsibility by the  
367 court, including, but not limited to, any relative of such child or youth  
368 by blood or marriage; (C) vest such child's or youth's permanent legal  
369 guardianship in any person or persons found to be suitable and  
370 worthy of such responsibility by the court, including, but not limited  
371 to, any relative of such child or youth by blood or marriage in  
372 accordance with the requirements set forth in subdivision (5) of this  
373 subsection; or (D) place the child or youth in the custody of the parent  
374 or guardian with protective supervision by the Commissioner of  
375 Children and Families subject to conditions established by the court.

376       (3) Not later than thirty days after a child or youth is committed to  
377 the Commissioner of Children and Families pursuant to this section,  
378 such commissioner shall issue a report to the court containing such  
379 commissioner's assessment of the suitability of such child's or youth's  
380 placement and any potential barriers to the licensing of such  
381 placement, including whether a waiver from licensure requirements  
382 pursuant to the provisions of section 17a-114 is required to effectuate  
383 such child's or youth's placement or the licensure of such child's or  
384 youth's placement. Such commissioner shall report on an ongoing  
385 basis to the superior court for juvenile matters regarding any identified  
386 safety concerns or risk factors, including new allegations of abuse or  
387 neglect, that arise with respect to a child or youth committed to the  
388 commissioner for whom a petition alleging abuse or neglect has been  
389 filed in such court.

390       (4) Not later than sixty days after a child or youth is committed to  
391 the Commissioner of Children and Families pursuant to this section,  
392 such commissioner shall issue a report to the court describing the  
393 child's or youth's medical, developmental, educational and treatment  
394 needs and such commissioner's timeline for ensuring that such needs  
395 are met.

396       [[3]] (5) If the court determines that the commitment should be  
397 revoked and the child's or youth's legal guardianship or permanent  
398 legal guardianship should vest in someone other than the respondent  
399 parent, parents or former guardian, or if parental rights are terminated  
400 at any time, there shall be a rebuttable presumption that an award of  
401 legal guardianship or permanent legal guardianship upon revocation  
402 to, or adoption upon termination of parental rights by, any caregiver  
403 or person or who is, pursuant to an order of the court, the temporary  
404 custodian of the child or youth at the time of the revocation or  
405 termination, shall be in the best interests of the child or youth and that  
406 such caregiver is a suitable and worthy person to assume legal  
407 guardianship or permanent legal guardianship upon revocation or to  
408 adopt such child or youth upon termination of parental rights. The

409 presumption may be rebutted by a preponderance of the evidence that  
410 an award of legal guardianship or permanent legal guardianship to, or  
411 an adoption by, such caregiver would not be in the child's or youth's  
412 best interests and such caregiver is not a suitable and worthy person.  
413 The court shall order specific steps that the parent must take to  
414 facilitate the return of the child or youth to the custody of such parent.

415       [(4)] (6) The commissioner shall be the guardian of such child or  
416 youth for the duration of the commitment, provided the child or youth  
417 has not reached the age of eighteen years, or until another guardian  
418 has been legally appointed, and in like manner, upon such vesting of  
419 the care of such child or youth, such other public or private agency or  
420 individual shall be the guardian of such child or youth until such child  
421 or youth has reached the age of eighteen years or, in the case of a child  
422 or youth in full-time attendance in a secondary school, a technical high  
423 school, a college or a state-accredited job training program, until such  
424 child or youth has reached the age of twenty-one years or until another  
425 guardian has been legally appointed. The commissioner may place any  
426 child or youth so committed to the commissioner in a suitable foster  
427 home or in the home of a fictive kin caregiver, relative caregiver, or in  
428 a licensed child-caring institution or in the care and custody of any  
429 accredited, licensed or approved child-caring agency, within or  
430 without the state, provided a child shall not be placed outside the state  
431 except for good cause and unless the parents or guardian of such child  
432 are notified in advance of such placement and given an opportunity to  
433 be heard, or in a receiving home maintained and operated by the  
434 Commissioner of Children and Families. In placing such child or  
435 youth, the commissioner shall, if possible, select a home, agency,  
436 institution or person of like religious faith to that of a parent of such  
437 child or youth, if such faith is known or may be ascertained by  
438 reasonable inquiry, provided such home conforms to the standards of  
439 said commissioner and the commissioner shall, when placing siblings,  
440 if possible, place such children together. Upon the issuance of an order  
441 committing the child or youth to the Commissioner of Children and

442 Families, or not later than sixty days after the issuance of such order,  
443 the court shall determine whether the Department of Children and  
444 Families made reasonable efforts to keep the child or youth with his or  
445 her parents or guardian prior to the issuance of such order and, if such  
446 efforts were not made, whether such reasonable efforts were not  
447 possible, taking into consideration the child's or youth's best interests,  
448 including the child's or youth's health and safety.

449 [(5)] (7) A youth who is committed to the commissioner pursuant to  
450 this subsection and has reached eighteen years of age may remain in  
451 the care of the commissioner, by consent of the youth and provided the  
452 youth has not reached the age of twenty-one years of age, if the youth  
453 is (A) enrolled in a full-time approved secondary education program  
454 or an approved program leading to an equivalent credential; (B)  
455 enrolled full time in an institution which provides postsecondary or  
456 vocational education; or (C) participating full time in a program or  
457 activity approved by said commissioner that is designed to promote or  
458 remove barriers to employment. The commissioner, in his or her  
459 discretion, may waive the provision of full-time enrollment or  
460 participation based on compelling circumstances. Not more than one  
461 hundred twenty days after the youth's eighteenth birthday, the  
462 department shall file a motion in the superior court for juvenile  
463 matters that had jurisdiction over the youth's case prior to the youth's  
464 eighteenth birthday for a determination as to whether continuation in  
465 care is in the youth's best interest and, if so, whether there is an  
466 appropriate permanency plan. The court, in its discretion, may hold a  
467 hearing on said motion.

468 [(6)] (8) Prior to issuing an order for permanent legal guardianship,  
469 the court shall provide notice to each parent that the parent may not  
470 file a motion to terminate the permanent legal guardianship, or the  
471 court shall indicate on the record why such notice could not be  
472 provided, and the court shall find by clear and convincing evidence  
473 that the permanent legal guardianship is in the best interests of the  
474 child or youth and that the following have been proven by clear and

475 convincing evidence:

476 (A) One of the statutory grounds for termination of parental rights  
477 exists, as set forth in subsection (j) of section 17a-112, or the parents  
478 have voluntarily consented to the establishment of the permanent legal  
479 guardianship;

480 (B) Adoption of the child or youth is not possible or appropriate;

481 (C) (i) If the child or youth is at least twelve years of age, such child  
482 or youth consents to the proposed permanent legal guardianship, or  
483 (ii) if the child is under twelve years of age, the proposed permanent  
484 legal guardian is: (I) A relative, (II) a caregiver, or (III) already serving  
485 as the permanent legal guardian of at least one of the child's siblings, if  
486 any;

487 (D) The child or youth has resided with the proposed permanent  
488 legal guardian for at least a year; and

489 (E) The proposed permanent legal guardian is (i) a suitable and  
490 worthy person, and (ii) committed to remaining the permanent legal  
491 guardian and assuming the right and responsibilities for the child or  
492 youth until the child or youth attains the age of majority.

493 [(7)] (9) An order of permanent legal guardianship may be reopened  
494 and modified and the permanent legal guardian removed upon the  
495 filing of a motion with the court, provided it is proven by a fair  
496 preponderance of the evidence that the permanent legal guardian is no  
497 longer suitable and worthy. A parent may not file a motion to  
498 terminate a permanent legal guardianship. If, after a hearing, the court  
499 terminates a permanent legal guardianship, the court, in appointing a  
500 successor legal guardian or permanent legal guardian for the child or  
501 youth shall do so in accordance with this subsection.

502 Sec. 4. (NEW) (*Effective July 1, 2017*) Not later than January 1, 2018,  
503 and annually thereafter, the Commissioner of Children and Families



504 shall report, in accordance with the provisions of section 11-4a, to the  
 505 joint standing committee of the General Assembly having cognizance  
 506 of matters relating to children, regarding Department of Children and  
 507 Families foster care licensing practices. Such report shall include, but  
 508 need not be limited to, (1) such department's methods of ensuring that  
 509 it complies with statutory and regulatory foster care licensing  
 510 regulations; (2) such department's methods of assessing the needs of  
 511 children and youths in foster care and providing support for foster  
 512 parents to enable such parents to meet the needs of such children and  
 513 youths; (3) the safeguards employed by such department when it seeks  
 514 to license a relative caregiver with a history of child abuse or neglect or  
 515 psychiatric illness or a criminal record; (4) such department's process  
 516 for reversing a substantiated finding of child abuse or neglect or a  
 517 child abuse and neglect registry finding with respect to a prospective  
 518 relative caregiver; (5) the number of reports of child abuse or neglect  
 519 made within the previous twelve months regarding children and  
 520 youths residing in foster homes licensed by such department and the  
 521 number of such reports that were substantiated; (6) the number of  
 522 foster home licenses revoked and foster home license applications  
 523 denied by such department in the previous twelve months; (7) the  
 524 results of such department's random audits of its licensing practices;  
 525 and (8) information regarding the number and type of safety concerns  
 526 identified by such department with respect to licensed foster home  
 527 placements through such department's assessment of regulatory  
 528 compliance system and any corresponding corrective actions taken.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	17a-101g
Sec. 2	<i>July 1, 2017</i>	46b-129(b)
Sec. 3	<i>July 1, 2017</i>	46b-129(j)
Sec. 4	<i>July 1, 2017</i>	New section

***Statement of Purpose:***

To (1) require the Commissioner of Children and Families to establish protocols for the investigation of reports of child abuse or neglect of children from birth to three years of age, (2) issue certain reports to the Superior Court when a child or youth is committed to such commissioner, and (3) report annually to the joint standing committee of the General Assembly having cognizance of matters relating to children regarding foster care licensing practices.

*[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.]*