



Substitute House Bill No. 5470

Public Act No. 18-186

AN ACT CONCERNING THE PROVISION OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY OR GUARDIAN AD LITEM REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER.

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

Section 1. Subdivision (4) of subsection (j) of section 46b-129 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(4) The commissioner shall be the guardian of such child or youth for the duration of the commitment, provided the child or youth has not reached the age of eighteen years, or until another guardian has been legally appointed, and in like manner, upon such vesting of the care of such child or youth, such other public or private agency or individual shall be the guardian of such child or youth until such child or youth has reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical education and career school, a college or a state-accredited job training program, until such child or youth has reached the age of twenty-one years or until another guardian has been legally appointed. The commissioner may place any child or youth so committed to the commissioner in a suitable foster home or in the home of a fictive kin

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caregiver, relative caregiver, or in a licensed child-caring institution or in the care and custody of any accredited, licensed or approved child-caring agency, within or without the state, provided a child shall not be placed outside the state except for good cause and unless the parents or guardian of such child are notified in advance of such placement and given an opportunity to be heard, or in a receiving home maintained and operated by the [Commissioner of Children and Families] commissioner. When placing such child or youth, the commissioner shall provide written notification of the placement, including the name, address and other relevant contact information relating to the placement, to any attorney or guardian ad litem appointed to represent the child or youth pursuant to subsection (c) of this section. The commissioner shall provide written notification to such attorney or guardian ad litem of any change in placement of such child or youth, including a hospitalization or respite placement, and if the child or youth absconds from care. The commissioner shall provide such written notification not later than ten business days prior to the date of change of placement in a nonemergency situation, or not later than two business days following the date of a change of placement in an emergency situation. In placing such child or youth, the commissioner shall, if possible, select a home, agency, institution or person of like religious faith to that of a parent of such child or youth, if such faith is known or may be ascertained by reasonable inquiry, provided such home conforms to the standards of [said] the commissioner and the commissioner shall, when placing siblings, if possible, place such children together. Upon the issuance of an order committing the child or youth to the [Commissioner of Children and Families] commissioner, or not later than sixty days after the issuance of such order, the court shall determine whether the [Department of Children and Families] department made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the

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child's or youth's best interests, including the child's or youth's health and safety.

Sec. 2. Subparagraph (B) of subdivision (1) of subsection (k) of section 46b-129 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(B) (i) If a child is at least twelve years of age, the child's permanency plan, and any revision to such plan, shall be developed in consultation with the child. In developing or revising such plan, the child may consult up to two individuals participating in the department's case plan regarding such child, neither of whom shall be the foster parent or caseworker of such child. One individual so selected by such child may be designated as the child's advisor for purposes of developing or revising the permanency plan. Regardless of the child's age, the commissioner shall provide not less than five days' advance written notice of any permanency team meeting concerning the child's permanency plan to an attorney or guardian ad litem appointed to represent the child pursuant to subsection (c) of this section.

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

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

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

Sec. 3. Subsection (b) of section 17a-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(b) The commissioner shall at least every six months, review the written case plan of each child under the commissioner's supervision for the purpose of determining whether such plan is appropriate and make any appropriate modifications to such plan. If the child is represented by an attorney or guardian ad litem, the commissioner shall notify the child's attorney or guardian ad litem in writing not less than twenty-one days prior to the date of any administrative meeting to review the plan.

Sec. 4. Subsection (b) of section 17a-101g of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(b) The Commissioner of Children and Families shall establish protocols for the investigation of and response to reports of child abuse or neglect of children from birth to three years of age. Such protocols shall include, but need not be limited to, (1) appropriate supervision of the case, (2) appropriate visitation by department personnel to such children, (3) documentation of case activities relevant to the safety and well-being of such children, and (4) a case supervision tool specific to the unique needs and risk status of children from birth to three years of age. All investigations of a report of child abuse or neglect pursuant

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to this section shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person or persons suspected to be responsible for such abuse or neglect, the name, age and condition of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. If the commissioner determines that abuse or neglect has occurred, the commissioner shall also determine whether: (A) There is an identifiable person responsible for such abuse or neglect; and (B) such identifiable person poses a risk to the health, safety or well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in subparagraphs (A) and (B) of this subsection, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k. If the child is represented by an attorney or guardian ad litem, the commissioner shall notify the child's attorney or guardian ad litem in writing not less than five days prior to the date of any meeting in which the department is considering removing the child from the household, except, if the commissioner, or the commissioner's designee, has authorized the immediate removal of a child from his or her household pursuant to the provisions of subsection (e) of this section, the commissioner, or the

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commissioner's designee, shall not be required to provide advance written notice of such removal to the child's attorney or guardian ad litem.

Approved June 14, 2018