



# House of Representatives

General Assembly

**File No. 450**

February Session, 2018

Substitute House Bill No. 5470

*House of Representatives, April 12, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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:

1 Section 1. Subdivision (4) of subsection (j) of section 46b-129 of the  
2 2018 supplement to the general statutes is repealed and the following  
3 is substituted in lieu thereof (*Effective October 1, 2018*):

4 (4) The commissioner shall be the guardian of such child or youth  
5 for the duration of the commitment, provided the child or youth has  
6 not reached the age of eighteen years, or until another guardian has  
7 been legally appointed, and in like manner, upon such vesting of the  
8 care of such child or youth, such other public or private agency or  
9 individual shall be the guardian of such child or youth until such child  
10 or youth has reached the age of eighteen years or, in the case of a child  
11 or youth in full-time attendance in a secondary school, a technical

12 education and career school, a college or a state-accredited job training  
13 program, until such child or youth has reached the age of twenty-one  
14 years or until another guardian has been legally appointed. The  
15 commissioner may place any child or youth so committed to the  
16 commissioner in a suitable foster home or in the home of a fictive kin  
17 caregiver, relative caregiver, or in a licensed child-caring institution or  
18 in the care and custody of any accredited, licensed or approved child-  
19 caring agency, within or without the state, provided a child shall not  
20 be placed outside the state except for good cause and unless the  
21 parents or guardian of such child are notified in advance of such  
22 placement and given an opportunity to be heard, or in a receiving  
23 home maintained and operated by the [Commissioner of Children and  
24 Families] commissioner. When placing such child or youth, the  
25 commissioner shall provide written notification of the placement,  
26 including the name, address and other relevant contact information  
27 relating to the placement, to any attorney or guardian ad litem  
28 appointed to represent the child or youth pursuant to subsection (c) of  
29 this section. The commissioner shall provide written notification to  
30 such attorney or guardian ad litem of any change in placement of such  
31 child or youth, including a hospitalization or respite placement, and if  
32 the child or youth absconds from care. The commissioner shall provide  
33 such written notification not later than ten business days prior to the  
34 date of change of placement in a nonemergency situation, or not later  
35 than two business days following the date of a change of placement in  
36 an emergency situation. In placing such child or youth, the  
37 commissioner shall, if possible, select a home, agency, institution or  
38 person of like religious faith to that of a parent of such child or youth,  
39 if such faith is known or may be ascertained by reasonable inquiry,  
40 provided such home conforms to the standards of [said] the  
41 commissioner and the commissioner shall, when placing siblings, if  
42 possible, place such children together. Upon the issuance of an order  
43 committing the child or youth to the [Commissioner of Children and  
44 Families] commissioner, or not later than sixty days after the issuance  
45 of such order, the court shall determine whether the [Department of  
46 Children and Families] department made reasonable efforts to keep

47 the child or youth with his or her parents or guardian prior to the  
48 issuance of such order and, if such efforts were not made, whether  
49 such reasonable efforts were not possible, taking into consideration the  
50 child's or youth's best interests, including the child's or youth's health  
51 and safety.

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

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

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

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

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

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

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

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

101 (b) The Commissioner of Children and Families shall establish  
102 protocols for the investigation of and response to reports of child abuse  
103 or neglect of children from birth to three years of age. Such protocols  
104 shall include, but need not be limited to, (1) appropriate supervision of  
105 the case, (2) appropriate visitation by department personnel to such  
106 children, (3) documentation of case activities relevant to the safety and  
107 well-being of such children, and (4) a case supervision tool specific to  
108 the unique needs and risk status of children from birth to three years  
109 of age. All investigations of a report of child abuse or neglect pursuant  
110 to this section shall include a home visit at which the child and any  
111 siblings are observed, if appropriate, a determination of the nature,  
112 extent and cause or causes of the reported abuse or neglect, a

113 determination of the person or persons suspected to be responsible for  
 114 such abuse or neglect, the name, age and condition of other children  
 115 residing in the same household and an evaluation of the parents and  
 116 the home. The report of such investigation shall be in writing. The  
 117 investigation shall also include, but not be limited to, a review of  
 118 criminal conviction information concerning the person or persons  
 119 alleged to be responsible for such abuse or neglect and previous  
 120 allegations of abuse or neglect relating to the child or other children  
 121 residing in the household or relating to family violence. After an  
 122 investigation into a report of abuse or neglect has been completed, the  
 123 commissioner shall determine, based upon a standard of reasonable  
 124 cause, whether a child has been abused or neglected, as defined in  
 125 section 46b-120. If the commissioner determines that abuse or neglect  
 126 has occurred, the commissioner shall also determine whether: (A)  
 127 There is an identifiable person responsible for such abuse or neglect;  
 128 and (B) such identifiable person poses a risk to the health, safety or  
 129 well-being of children and should be recommended by the  
 130 commissioner for placement on the child abuse and neglect registry  
 131 established pursuant to section 17a-101k. If the commissioner has  
 132 made the determinations in subparagraphs (A) and (B) of this  
 133 subsection, the commissioner shall issue notice of a recommended  
 134 finding to the person suspected to be responsible for such abuse or  
 135 neglect in accordance with section 17a-101k. If the child is represented  
 136 by an attorney or guardian ad litem, the commissioner shall notify the  
 137 child's attorney or guardian ad litem in writing not less than five days  
 138 prior to the date of any meeting in which the department is  
 139 considering removing the child from the household.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	46b-129(j)(4)
Sec. 2	October 1, 2018	46b-129(k)(1)(B)
Sec. 3	October 1, 2018	17a-15(b)
Sec. 4	October 1, 2018	17a-101g(b)

**Statement of Legislative Commissioners:**

In Section 1, "necessitated by an emergency" was changed to "in an emergency situation" for consistency and clarity and in Sections 3 and 4, the phrase "or guardian ad litem" was added for consistency with the provisions of Sections 1 and 2.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which makes child/youth placement notification requirements of the Department of Children and Families, does not result in a fiscal impact to the agency as it has the expertise necessary to fulfill these requirements.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sHB 5470**

***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.***

**SUMMARY**

This bill requires the Department of Children and Families (DCF) to provide written notice to an attorney or guardian ad litem (GAL) representing a child before any:

1. meeting in which the department is considering removing a child from his or her home on the basis of abuse or neglect,
2. placement or placement change of a child who is in DCF custody, and
3. administrative or permanency team meeting to review the child's permanency plan.

The bill establishes timeframes for each of these notice requirements.

The bill also requires DCF to provide notice to any attorney or GAL appointed to represent a child when he or she absconds from care, but it does not specify a timeframe for the notification.

EFFECTIVE DATE: October 1, 2018

**NOTICE OF MEETING TO DISCUSS REMOVAL**

The bill requires DCF to provide notice to any attorney or GAL representing a child at least five days before the date of any meeting in which the department is considering removing the child from the



household. But existing law, unchanged by the bill, permits a DCF employee or law enforcement officer, with DCF authorization, to remove a child from a home immediately if there is probable cause to believe (1) that the child or any other child in the household is in imminent risk of physical harm from his or her surroundings and (2) the immediate removal is necessary to ensure the child's safety (CGS § 17a-101g(e)).

### **PLACEMENT NOTIFICATION**

The bill requires DCF, when placing a child or youth committed to its care (e.g., in a foster home), to provide written notice to any attorney or GAL appointed by the court to represent the child. The notice must include the name, address, and other relevant contact information related to the placement. The commissioner must also provide written notice to the attorney or GAL of any change in placement, including a hospitalization or respite placement. The notice must be provided (1) within ten business days prior to the change of placement in a nonemergency situation or (2) no later than two days after a change of placement in an emergency situation.

### **PERMANENCY PLAN NOTIFICATION**

By law, the DCF commissioner must prepare and maintain a plan for the care, treatment, and permanent placement (i.e., permanency plan) for each child under her care and she must review the plan at least every six months to (1) determine if it is appropriate and (2) make any appropriate modifications. The bill requires DCF to provide written notice to the child's attorney or GAL at least 21 days before the date of any administrative meeting to review the plan.

Additionally, under the bill, the commissioner must provide written notice to any attorney or GAL the court appointed for the child, regardless of the child's age, at least five days in advance of any permanency team meeting concerning the child's plan (see BACKGROUND).

### **BACKGROUND**

**Permanency Teams**

Under DCF policy, permanency teams are multidisciplinary teams that serve as the decision-making groups for selecting an adoptive family, approving relative adoption or guardianship for children in placement for less than six months, or approving another planned permanent living arrangement for a child under age 14 (DCF Policy 48-14-6.1).

**BACKGROUND**

**Related Bill**

sSB 323 (File 137), reported favorably by the Children’s Committee, generally requires DCF to provide written notice to any child or youth being transferred to a new placement and his or her attorney at least 10 days before the transfer.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable  
Yea 39 Nay 0 (03/28/2018)