



# Senate

General Assembly

**File No. 137**

February Session, 2018

Substitute Senate Bill No. 323

*Senate, March 29, 2018*

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT REQUIRING NOTICE PRIOR TO THE TRANSFER OF A CHILD TO A NEW OUT-OF-HOME PLACEMENT.***

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2 2018 supplement to the general statutes is repealed and the following  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 July 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. In placing such child or youth, the commissioner shall, if  
 25 possible, select a home, agency, institution or person of like religious  
 26 faith to that of a parent of such child or youth, if such faith is known or  
 27 may be ascertained by reasonable inquiry, provided such home  
 28 conforms to the standards of said commissioner and the commissioner  
 29 shall, when placing siblings, if possible, place such children together.  
 30 At least ten days prior to transferring a child or youth to a second or  
 31 subsequent placement, the commissioner shall give written notice to  
 32 such child or youth and such child or youth's attorney of said  
 33 commissioner's intention to make such transfer, unless an emergency  
 34 or risk to such child or youth's well-being necessitates the immediate  
 35 transfer of such child and renders such notice impossible. Upon the  
 36 issuance of an order committing the child or youth to the  
 37 Commissioner of Children and Families, or not later than sixty days  
 38 after the issuance of such order, the court shall determine whether the  
 39 Department of Children and Families made reasonable efforts to keep  
 40 the child or youth with his or her parents or guardian prior to the  
 41 issuance of such order and, if such efforts were not made, whether  
 42 such reasonable efforts were not possible, taking into consideration the  
 43 child's or youth's best interests, including the child's or youth's health  
 44 and safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	46b-129(j)(4)

**KID** Joint Favorable Subst.

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***

This bill, which requires the Department of Children and Families (DCF) to provide written notice in non-emergent situations,<sup>1</sup> at least 10 days before the transfer, to any child/youth being transferred to a new out-of-home placement, as well as her/his attorney, does not result a fiscal impact to the agency. This requirement can be fulfilled within the agencies' existing resources.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

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<sup>1</sup>There is an exception for when immediate transfer is necessary due to an emergency, or risk to the child's well-being.

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**OLR Bill Analysis**

**sSB 323**

***AN ACT REQUIRING NOTICE PRIOR TO THE TRANSFER OF A CHILD TO A NEW OUT-OF-HOME PLACEMENT.***

**SUMMARY**

This bill requires the Department of Children and Families to provide written notice to any child or youth being transferred to a new out-of-home placement and his or her attorney at least 10 days before the transfer, except when immediate transfer is necessary due to an emergency or risk to the child's well-being.

EFFECTIVE DATE: July 1, 2018

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 12    Nay 0    (03/15/2018)