



General Assembly

Substitute Bill No. 5470

February Session, 2018



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2 2018 supplement to the general statutes is repealed and the following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*