



# House of Representatives

General Assembly

**File No. 117**

January Session, 2019

Substitute House Bill No. 6403

*House of Representatives, March 25, 2019*

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING A CHILDREN IN CARE BILL OF RIGHTS AND EXPECTATIONS AND THE SIBLING BILL OF RIGHTS.***

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) There is created a  
2 Children in Care Bill of Rights and Expectations, which shall pertain to  
3 each child placed in out-of-home care by the Commissioner of  
4 Children and Families pursuant to an order of temporary custody or  
5 commitment.

6 (b) The Children in Care Bill of Rights and Expectations ensures  
7 that, absent extraordinary circumstances related to a child's health or  
8 safety or unless otherwise indicated in a case plan prepared pursuant  
9 to section 17a-15 of the general statutes for a child, any child placed in  
10 out-of-home care by the Commissioner of Children and Families  
11 pursuant to an order of temporary custody or commitment has the  
12 right to:

13 (1) Develop and maintain the child's own values, hopes, goals,

14 religion, spirituality and identity, including, but not limited to, racial,  
15 sexual and gender identity, in a safe and caring environment;

16 (2) Visitation or ongoing contact with the child's parents, siblings,  
17 extended family and friends, and assistance in connecting or  
18 reconnecting with the child's birth family if desired;

19 (3) Be placed in a safe environment in the child's home community  
20 and preplacement visits to such placement when possible;

21 (4) Meaningful participation in the development of the child's case  
22 plan pursuant to section 17a-15 of the general statutes and permanency  
23 plan pursuant to sections 17a-11, 17a-111b and 46b-129 of the general  
24 statutes, including, but not limited to, the ability to participate in and  
25 select individuals of the child's choice to participate in meetings  
26 concerning such plans;

27 (5) Meaningful and regular in-person contact with the child's  
28 caseworker, who shall respond to the child's telephone calls and  
29 correspondence in a timely manner; and

30 (6) Stability and support in all aspects of the child's education.

31 (c) The Children in Care Bill of Rights and Expectations ensures  
32 that, absent extraordinary circumstances related to a child's health or  
33 safety or unless otherwise indicated in a child's case plan, the guardian  
34 or guardians of each child placed in out-of-home care by the  
35 Commissioner of Children and Families pursuant to an order of  
36 temporary custody or commitment shall:

37 (1) Maintain a healthy relationship with the child by emphasizing  
38 trust, understanding, empathy and communication;

39 (2) Set appropriate boundaries with respect to curfews, homework  
40 and household responsibilities in order to provide a stable living  
41 environment;

42 (3) Assist the child in building life skills, including, but not limited

43 to, grocery shopping and cooking meals, personal financial  
44 management and washing laundry;

45 (4) Assist the child in obtaining legal documents and licenses,  
46 including, but not limited to, a birth certificate, Social Security card,  
47 state identification card and motor vehicle operator's license;

48 (5) Assist the child in participating in extracurricular and personal  
49 enrichment activities and obtaining networking and employment  
50 skills;

51 (6) Apply the same age-appropriate household rules and provide  
52 the same opportunities to all children residing in the home, including,  
53 but not limited to, participation in family activities and vacations;

54 (7) Participate in therapy sessions with the child upon request or  
55 when appropriate;

56 (8) Participate in additional foster parent training programs when  
57 possible; and

58 (9) Permit the child to have age-appropriate personal privacy and  
59 privacy with respect to personal items and communications, including,  
60 but not limited to, journals, diaries, letters, electronic mail, telephone  
61 calls and text messages.

62 (d) The caseworker of any child placed in an out-of-home placement  
63 by the Commissioner of Children and Families pursuant to an order of  
64 temporary custody or commitment shall meet in private with the child  
65 annually and any time the child is placed in a new out-of-home  
66 placement, provided the child is of an appropriate age. At such  
67 meeting, the caseworker shall: (1) Provide the child with a copy of the  
68 Children in Care Bill of Rights and Expectations, (2) review the  
69 Children in Care Bill of Rights and Expectations with the child, (3)  
70 explain to the child that the child may contact the caseworker, the  
71 child's attorney, the Department of Children and Families regional  
72 office, the Department of Children and Families Office of the  
73 Ombudsman or the Office of the Child Advocate if the child feels that

74 his or her rights have been violated or expectations have not been met  
75 under the Children in Care Bill of Rights and Expectations, and  
76 provide the child with contact information for such caseworker, such  
77 regional office, the Department of Children and Families Office of the  
78 Ombudsman and the Office of the Child Advocate, and (4) explain to  
79 the child that if the child is in physical danger or experiences a medical  
80 emergency, the child may dial or send a text message to 9-1-1. The  
81 caseworker shall certify to the commissioner on a form prescribed by  
82 the commissioner that such caseworker has complied with the  
83 provisions of this subsection.

84 Sec. 2. Section 17a-10c of the general statutes is repealed and the  
85 following is substituted in lieu thereof (*Effective July 1, 2019*):

86 (a) For purposes of this section, "Youth Advisory Board" means a  
87 board established by each Department of Children and Families  
88 regional office that is comprised of youth in out-of-home care.

89 (b) The Commissioner of Children and Families shall meet with the  
90 members of each Youth Advisory Board to gather recommendations  
91 for and to draft a "Sibling Bill of Rights", which may include, but not be  
92 limited to, ways to protect the relationships of siblings separated as a  
93 result of said commissioner's intervention and an affirmation by the  
94 department of its commitment to preserve the relationships between  
95 siblings who have been separated from each other while under  
96 department care. On or before October 1, 2013, the commissioner and  
97 members of the Youth Advisory Boards shall submit the Sibling Bill of  
98 Rights to the joint standing committee of the General Assembly having  
99 cognizance of matters relating to children for consideration of possible  
100 legislative action.

101 (c) The Commissioner of Children and Families shall incorporate the  
102 final version of the Sibling Bill of Rights into department policy. [and  
103 share such policy with each child placed in the care and custody of the  
104 commissioner pursuant to an order of temporary custody or an order  
105 of commitment.]

106        (d) On and after January 1, 2020, the caseworker of any child placed  
 107 in an out-of-home placement by the Commissioner of Children and  
 108 Families pursuant to an order of temporary custody or commitment  
 109 shall meet in private with the child annually and any time the child is  
 110 placed in a new out-of-home placement, provided the child is of an  
 111 appropriate age. At such meeting, the caseworker shall: (1) Provide the  
 112 child with a copy of the Sibling Bill of Rights, (2) review the Sibling Bill  
 113 of Rights with the child, and (3) explain to the child that the child may  
 114 contact the caseworker, the child's attorney, the Department of  
 115 Children and Families regional office, the Department of Children and  
 116 Families Office of the Ombudsman or the Office of the Child Advocate  
 117 if the child feels that his or her rights under the Sibling Bill of Rights  
 118 have been violated, and provide the child with contact information for  
 119 such caseworker, such regional office, the Department of Children and  
 120 Families Office of the Ombudsman and the Office of the Child  
 121 Advocate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section
Sec. 2	July 1, 2019	17a-10c

**Statement of Legislative Commissioners:**

In Section 2(d), subdivision (4) was deleted to avoid repetition.

**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: (1) establishes a bill of rights for children placed in the Department of Children and Families (DCF) out-of-home care, and (2) requires each child's caseworker to meet with the child in private to provide and explain these rights any time the child is transferred to a new out-of-home placement, as well as annually, does not result in a fiscal impact to the State or municipalities. It is anticipated that DCF case workers will be able to meet the provisions of the bill in the course of their regular activities.

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

**OLR Bill Analysis****sHB 6403*****AN ACT CONCERNING A CHILDREN IN CARE BILL OF RIGHTS AND EXPECTATIONS AND THE SIBLING BILL OF RIGHTS.*****SUMMARY**

This bill establishes a bill of rights and expectations for children placed in Department of Children and Families (DCF) out-of-home care pursuant to a temporary custody or commitment order. It ensures certain rights for such children, absent extraordinary circumstances related to the child's health or safety or unless otherwise indicated in his or her case plan. It requires each child's caseworker, if the child is of an appropriate age, to meet with him or her in private and provide and explain these rights annually and at any time the child is placed in a new out-of-home placement. (The bill does not specify what constitutes "appropriate age" for these purposes.)

The bill also requires the caseworker to provide and explain the Sibling Bill of Rights annually and at any time the child is placed in a new out-of-home placement, beginning January 1, 2020.

The DCF Sibling Bill of Rights was developed by DCF's Youth Advisory Board and lists ways to protect the relationships of siblings separated as a result of DCF intervention. This bill of rights, which is incorporated in DCF policy, gives siblings certain rights, including the right to (1) placement with siblings, (2) consistent and regular contact with siblings, and (3) notification of a sibling's change of placement.

EFFECTIVE DATE: July 1, 2019

**CHILDREN IN CARE BILL OF RIGHTS AND EXPECTATIONS**

The Children in Care Bill of Rights and Expectations the bill establishes gives children placed in DCF out-of-home care certain

rights, and assigns certain responsibilities to their guardians.

### ***Children's Rights***

The bill of rights gives children and youth DCF places in out-of-home care the right to:

1. develop and maintain their own values, hopes, goals, religion, spirituality, and identity, including racial, sexual, and gender identity, in a safe and caring environment;
2. visitation or ongoing contact with their parents, siblings, extended family and friends, and assistance in connecting or reconnecting with their birth family if desired;
3. placement in a safe environment in their home community, and preplacement visits to such placement when possible;
4. meaningful participation in the development of their case and permanency plans, including the ability to select individuals to participate in meetings concerning those plans;
5. meaningful and regular in-person contact with their caseworker, who must respond to their phone calls and correspondence in a timely manner; and
6. stability and support in all aspects of their education.

### ***Guardian Responsibilities***

The bill of rights requires guardians of children placed in out-of-home care to:

1. emphasize trust, understanding, empathy, and communication to maintain a healthy relationship with the child;
2. set appropriate boundaries with respect to curfews, homework, and household responsibilities to provide a stable living environment;



3. assist the child in building life skills, including grocery shopping, cooking meals, personal financial management, and washing laundry;
4. assist the child in obtaining legal documents and licenses, including a birth certificate, Social Security card, state identification card, and driver's license;
5. assist the child in participating in extracurricular and enrichment activities and obtaining networking and employment skills;
6. apply the same age-appropriate household rules and provide the same opportunities to all children residing in the home, including participation in family activities and vacations;
7. participate in therapy sessions with the child upon request or when appropriate;
8. participate in additional foster parent training programs when possible; and
9. allow the child to have age-appropriate personal privacy and privacy with respect to personal items and communications, including journals, letters, emails, phone calls, and text messages.

### **CASEWORKER RESPONSIBILITIES**

During the meetings required between a child and his or her case worker under the bill, the caseworker must:

1. provide the child with a copy of the Children in Care Bill of Rights and Expectations and, starting January 1, 2020, the Sibling Bill of Rights;
2. review the rights with the child;

3. (a) explain to the child that he or she may contact the caseworker, his or her attorney, the DCF regional or ombudsman’s office, or the Office of the Child Advocate if the child feels that his or her rights have not been met or have been violated, and (b) provide the necessary contact information; and
4. explain to the child that he or she may dial or send a text message to 9-1-1 if he or she is in physical danger or experiences a medical emergency.

The caseworker must certify to the commissioner on a form she prescribes that he or she complied with the bill’s requirements.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 14 Nay 0 (03/07/2019)