



PA 19-44—sHB 6403
Committee on Children

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

SUMMARY: This act establishes a bill of rights and expectations for children placed by the Department of Children and Families (DCF) in out-of-home care pursuant to a temporary custody or commitment order (i.e., the “Children in Care Bill of Rights and Expectations”). It ensures certain rights for such children absent extraordinary circumstances related to their health or safety or unless otherwise indicated in their case plan.

The act also requires each such child’s caseworker, if the child is an appropriate age, to meet privately with him or her and provide and explain the bill of rights and expectations annually and at any time he or she is placed in a new out-of-home placement. (The act does not specify what constitutes an “appropriate age” for these purposes.)

Beginning July 1, 2019, the act removes the requirement that DCF share a copy of its “Siblings Bill of Rights” (see BACKGROUND) with each child placed in DCF custody. However, beginning January 1, 2020, it institutes a similar requirement for caseworkers, when applicable and appropriate, to provide and explain the Sibling Bill of Rights to each such child annually and at any time the child is placed in a new out-of-home placement. Caseworkers must certify their compliance with the act’s requirements.

EFFECTIVE DATE: July 1, 2019

CHILDREN IN CARE BILL OF RIGHTS AND EXPECTATIONS

The Children in Care Bill of Rights and Expectations established under the act gives certain rights to children placed by DCF in out-of-home care and assigns certain responsibilities to their guardians. These provisions apply unless (1) there are extraordinary circumstances related to the child’s health or safety or (2) the child’s case plan indicates otherwise.

Children’s Rights

The bill of rights and expectations gives these children 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;
3. assistance in connecting or reconnecting with their birth family if desired;

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4. placement in a safe environment in their home community and preplacement visits to such places when possible;
5. meaningful participation in developing their case and permanency plans, including the ability to select individuals to participate in meetings about those plans;
6. meaningful and regular in-person contact with their caseworker, who must respond to their phone calls and correspondence in a timely manner; and
7. stability and support in all aspects of their education.

Guardian's Responsibilities

The bill of rights and expectations requires these children's guardians to:

1. emphasize trust, understanding, empathy, and communication to maintain a healthy relationship with the child;
2. set appropriate boundaries for curfews, homework, and household responsibilities to provide a stable living environment;
3. assist the child in (a) building life skills, including grocery shopping, cooking meals, personal financial management, and washing laundry; (b) obtaining legal documents and licenses, including a birth certificate, Social Security card, state identification card, and driver's license; and (c) participating in extracurricular and enrichment activities and obtaining networking and employment skills;
4. 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;
5. participate in therapy sessions with the child upon request or when appropriate;
6. participate in additional foster parent training programs when possible; and
7. allow the child to have age-appropriate personal privacy and privacy in their personal items and communications, including journals, letters, emails, phone calls, and text messages.

CASEWORKER RESPONSIBILITIES

During the meetings between a child and his or her caseworker required under the act, the caseworker must provide the child with a copy of the Children in Care Bill of Rights and Expectations and also, starting January 1, 2020, the Sibling Bill of Rights, if applicable and appropriate. Prior law required DCF to share the Sibling Bill of Rights with such children, but the act pauses this requirement from July 1, 2019, through December 31, 2019.

Additionally, the caseworker must do the following at the initial and any subsequent annual meeting with the child:

1. review the child's rights under the bills;
2. (a) inform the child that he or she may contact the caseworker, an attorney, the DCF regional or ombudsman's office, or the Office of the

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Child Advocate if these rights have not been met or have been violated and (b) provide the necessary contact information; and

3. inform the child that he or she may dial or send a text message to 9-1-1 if in physical danger or experiencing a medical emergency.

The caseworker must certify compliance with these requirements on a commissioner-prescribed form. The form must include (1) an acknowledgement for the child to sign, if appropriate, that the caseworker provided him or her with copies of the rights and reviewed them and (2) notice that if the child refuses to sign the acknowledgement, the caseworker must indicate that on the form.

BACKGROUND

Sibling Bill of Rights

State law required DCF, with the help of its Youth Advisory Board, to develop a Sibling Bill of Rights that lists ways to protect the relationships of siblings separated as a result of DCF intervention (CGS § 17a-10c). This bill of rights, which is incorporated in DCF policy, gives siblings certain rights absent extraordinary circumstances or certain exclusions in law. It includes the right to (1) placement with siblings, (2) consistent and regular contact with siblings, and (3) notification of a sibling's change of placement.