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## OLR Bill Analysis

### SB 125

#### ***AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES RELATIVE TO IDENTIFIED ADOPTIONS AND REVISIONS TO CERTAIN TERMINOLOGY.***

#### **SUMMARY**

This bill makes several changes to the laws on identified adoption procedures in Connecticut. (An identified adoption, which must be approved by the probate court, is one in which the child being placed for adoption was identified or located by the prospective adoptive parents.) Among other things, the bill does the following:

1. adds certain social workers to the list of professionals who may provide required post-delivery counseling to the person who gave birth;
2. specifically allows representatives of alleged genetic parents and legal representatives of prospective adoptive parents seeking an identified adoption to advertise through public media;
3. eliminates current law's \$1,500 cap on payments or reimbursements that prospective adoptive parents may make to the person giving birth, and instead requires that the payments and reimbursements be reasonable and limited to a specific duration;
4. requires prospective adoptive parents to first file a sworn affidavit about the expenses with the probate court for approval, exempts payments and reimbursements up to \$2,000 if they are reasonable and necessary to protect the health or well-being of the person who gave birth and the child, and limits the circumstances under which the prospective adoptive parents

may be reimbursed;

5. specifies that existing Department of Children and Families (DCF) regulations for the placement of children in identified adoptions apply whether the child was identified or located by the prospective adoptive parents or placed for adoption by the child placement agency; and
6. conforms the statutes on identified adoption to the Connecticut Parentage Act (PA 21-15) by replacing certain gender-specific terms.

The bill requires the governor to appoint to the Adoption Review Board a representative of a child-placing agency, rather than an officer of a child-placing agency as current law requires.

The bill also replaces the term “plans of safe care” with the term “family care plans” in reference to the written plans that, under existing law, providers must create with birth parents of newborns with symptoms indicating prenatal substance exposure or fetal alcohol syndrome.

Lastly, it also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

### **POST-DELIVERY COUNSELING**

The law requires that a person who gives birth in an identified adoption case receive counseling within 72 hours after the birth or as soon as medically possible after giving birth. Current law allows the counseling to be provided by individuals with a master’s or doctoral degree in counseling, psychology, or related mental health disciplines from an accredited college or university. The bill expands the list of professionals who may provide the counseling by including individuals who have a master’s or doctoral degree in social work.

### **ADVERTISING**

Current law allows a birth parent (“alleged genetic parent” under the

bill) and prospective adoptive parents seeking an identified adoption placement to advertise through public media. The bill (1) specifically allows the parties' legal representatives to advertise on their behalf, (2) removes current law's restriction that the advertisements be in-state only, and (3) specifies that these provisions also apply to adoptions through a child-placing agency.

### **PAYMENT OF EXPENSES BY PROSPECTIVE ADOPTIVE PARENTS** ***Permissible Expenses, Fees, and Services***

The bill broadens the expenses prospective adoptive parents may choose to pay or reimburse the person giving birth in cases where the child was identified or located by the prospective adoptive parents. It also establishes timeframes for making the payments and reimbursements.

Current law caps the payment or reimbursement for living expenses at \$1,500 or, in unusual circumstances, an amount approved by the probate court for the district where the child-placing agency is located or where the prospective adoptive parents live. Current law also specifically allows payment or reimbursement for (1) reasonable telephone and maternity clothing expenses and (2) post-delivery counseling expenses, including transportation costs.

The bill instead allows adoptive parents to pay or reimburse the person giving birth for reasonable pregnancy- or adoption-related expenses, fees, and services. This includes living, medical, or legal expenses as determined by the child-placing agency. The payments or reimbursements (1) must be made within 180 days before the expected date of birth and 60 days after the child's birth and (2) are subject to approval by the probate court where the adoption agreement or application was or will be filed.

### ***Affidavit Filing Requirement and Exception***

With one exception (see below), the bill requires the prospective adoptive parents, before making any payments or reimbursements, to file a sworn affidavit with the probate court in which an adoption application and agreement was or will be filed. The affidavit must

contain a list of all expenses, fees, and services for which the prospective adoptive parents intend to pay or reimburse.

The bill allows prospective adoptive parents to pay or reimburse a maximum of \$2,000 of the expenses described above, without filing an affidavit, if the child-placing agency determines the payments or reimbursements are reasonable and necessary to protect the pregnant person's or child's health or well-being.

***Probate Court Approval***

The bill requires the probate court to approve reasonable payments and reimbursements ex parte (i.e., without prior notice or a hearing). If the probate court determines that a payment or reimbursement is unreasonable, it must schedule a hearing on the affidavit to be held within 30 days after it was filed. Within 30 days after the hearing, the court must approve or disapprove each payment or reimbursement based on specific findings of fact.

***Reimbursement to Prospective Adoptive Parent***

Under the bill, the alleged genetic parents are not obligated to place the child for adoption just because they accepted payments or reimbursements from the prospective adoptive parents. If the alleged genetic parents do not place the child for adoption after birth, the prospective adoptive parents are generally not entitled to reimbursement of the payments or expenses reimbursements they made.

The bill allows prospective adoptive parents to seek reimbursement of the payments or reimbursements if the person received the money (1) when knowingly not pregnant or (2) simultaneously from separate prospective adoptive parents without the others' knowledge.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 11    Nay 6    (02/29/2024)