



General Assembly

Amendment

February Session, 2024

LCO No. 4855



Offered by:
SEN. WINFIELD, 10th Dist.

To: Subst. Senate Bill No. 324

File No. 525

Cal. No. 301

"AN ACT CONCERNING PROBATE COURT OPERATIONS AND ADMINISTRATION."

1 In line 17, bracket "45a-479" and after the closing bracket insert "45a-
2 579"

3 Strike section 5 in its entirety and renumber the remaining sections
4 and internal references accordingly

5 After the last section, add the following and renumber sections and
6 internal references accordingly:

7 "Sec. 501. Section 45a-728 of the general statutes is repealed and the
8 following is substituted in lieu thereof (*Effective July 1, 2024*):

9 The Commissioner of Children and Families shall adopt regulations
10 in accordance with chapter 54 concerning [adoption] adoptive
11 placement of children [who have been identified or located] by child-
12 placing agencies, whether such children have been identified or located
13 by prospective adoptive parents or placed for adoption by such

14 agencies. Such regulations shall provide that for adoptions involving an
15 identified expectant mother, counseling of the birth mother shall be
16 required [within] not later than seventy-two hours [of] after the birth of
17 the child, or as soon as medically possible after [the] such birth. [, and
18 that permissible payment of expenses for birth parent counseling shall
19 include the cost of transportation.] Such counseling may be provided by
20 a person with a master's or doctoral degree in counseling, psychology,
21 social work or related mental health disciplines from an accredited
22 college or university.

23 Sec. 502. Section 45a-728b of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2024*):

25 Any licensed hospital discharging a newborn infant identified for
26 adoption to a child-placing agency shall arrange for the physical transfer
27 of custody of such infant to take place in a safe, secure and private room
28 on the hospital premises. The prospective adoptive parent or parents
29 may be present at the discharge with the approval of the child-placing
30 agency. At the time of discharge, the hospital shall provide such
31 prospective adoptive parent or parents or child-placing agency with any
32 nonidentifying information customarily provided to [birth] any alleged
33 genetic parents upon discharge concerning the care, feeding and health
34 of the infant. The hospital shall provide the child-placing agency with
35 the medical information concerning the birth mother and the infant
36 within a reasonable time. Such prospective adoptive parent or parents
37 shall be permitted to participate in any program of instruction regarding
38 infant care and child development that is made available by such
39 licensed hospital to [birth] any alleged genetic parents, provided such
40 prospective adoptive parent or parents pay the cost of such participation
41 in such program.

42 Sec. 503. Section 45a-728c of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective July 1, 2024*):

44 (a) With respect to [adoption] adoptive placement of [children who
45 have been] a child identified or located by a prospective adoptive parent

46 or parents, payment [for the living expenses of the birth mother by the
47 prospective adoptive parents shall be permitted in an amount not to
48 exceed one thousand five hundred dollars or such amount as may be
49 approved in unusual circumstances by the probate court for the district
50 where the child-placing agency is located or where the prospective
51 adoptive parents reside. In addition to the payment of living expenses,
52 payment by the prospective adoptive parents of reasonable telephone
53 and maternity clothing expenses of the birth mother shall be permitted.]
54 or reimbursement by such adoptive parent or parents such child's birth
55 mother for reasonable expenses, fees and services relating to the
56 pregnancy or adoption, including, but not limited to, living, medical or
57 legal expenses, as determined by the child-placing agency, shall be
58 permitted. Any such payments or reimbursements shall be made not
59 earlier than one hundred eighty days prior to the expected date of birth
60 of such child and not later than sixty days after such birth. Any such
61 payments or reimbursements are subject to approval by the Probate
62 Court in which an application and agreement for adoption pursuant to
63 section 45a-727 has been or will be filed.

64 (b) Except as provided in subsection (c) of this section, payments or
65 reimbursements provided by a prospective adoptive parent or parents
66 in accordance with subsection (a) of this section shall not obligate any
67 alleged genetic parent or parents to place such child for adoption. If such
68 alleged genetic parent or parents do not place such child for adoption
69 after such child's birth, the prospective adoptive parent or parents who
70 provided such payments or reimbursements shall have no right to
71 reimbursement for such payments or reimbursements.

72 (c) A prospective adoptive parent or parents may seek
73 reimbursement for payments or reimbursements provided in
74 accordance with subsection (a) of this section if (1) the recipient of such
75 payments or reimbursements was knowingly not pregnant at the time
76 of the receipt of such payments or reimbursements, or (2) such recipient
77 received payments or reimbursements simultaneously from a separate
78 prospective adoptive parent or parents without the knowledge of such
79 other prospective adoptive parent or parents.

80 (d) Except as provided in subsection (e) of this section, prior to the
81 provision of payment or reimbursement in accordance with subsection
82 (a) of this section, the prospective adoptive parent or parents providing
83 such payment or reimbursement shall file, with the Probate Court in
84 which an application and agreement for adoption pursuant to section
85 45a-727 has been or will be filed, a sworn affidavit containing a list of all
86 expenses, fees and services that such parent or parents intend to pay or
87 for which such parent or parents intend to reimburse. The Probate Court
88 shall, ex parte and without prior notice, approve reasonable payments
89 and reimbursements for such expenses, fees and services. If the Probate
90 Court determines that a payment or reimbursement is unreasonable, the
91 Probate Court shall schedule a hearing on such affidavit to occur not
92 later than thirty days after such affidavit is filed. Not later than thirty
93 days after such hearing, the court shall issue an order approving or
94 disapproving each payment or reimbursement based on specific
95 findings of fact.

96 (e) A prospective adoptive parent or parents may make payments or
97 reimbursements, in accordance with subsection (a) of this section, of not
98 more than two thousand dollars total, without filing a sworn affidavit
99 in accordance with subsection (d) of this section, provided the child-
100 placing agency determines (1) there is a demonstrated need for such
101 payments or reimbursements to protect the health or well-being of the
102 birth mother or child, and (2) such payments or reimbursements are
103 reasonable.

104 Sec. 504. Section 45a-728d of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective July 1, 2024*):

106 Any [birth] alleged genetic parent, or such parent's legal
107 representative, may advertise through any public media [in this state]
108 for the placement of [his or her] such alleged genetic parent's child for
109 the purposes of identified adoption or adoption through a child-placing
110 agency. Any prospective adoptive parent, or such prospective adoptive
111 parent's legal representative, may advertise through any public media
112 [in this state] for placement of a child into [his or her] such prospective

113 adoptive parent's care for the purposes of identified adoption or
114 adoption through a child-placing agency.

115 Sec. 505. Section 45a-763 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective July 1, 2024*):

117 (a) An Adoption Review Board is established, to consist of the
118 Commissioner of Children and Families or [his] the commissioner's
119 designee, the Probate Court Administrator or [his] the administrator's
120 designee, and [an officer] a representative of a child-placing agency
121 which is located in the state and licensed by the Commissioner of
122 Children and Families, who shall be appointed by the Governor to serve
123 for a term of four years from the date of [his] such appointment.

124 (b) Each designee or [officer] representative shall be a person who is
125 familiar with and experienced in adoption procedures, policies and
126 practices.

127 (c) The members of the board shall select a [chairman] chairperson
128 from among their membership who shall serve for a term of two years
129 from his election or until his successor is elected.

130 (d) The members of the board shall receive no compensation for their
131 services as such.

132 Sec. 506. Section 17a-102a of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective July 1, 2024*):

134 (a) Each birthing hospital shall provide education and training for
135 nurses and other staff who care for high-risk newborns on the roles and
136 responsibilities of such nurses and other staff as mandated reporters of
137 potential child abuse and neglect under section 17a-101.

138 (b) The Department of Children and Families shall coordinate with
139 each birthing hospital in the state to disseminate information regarding
140 (1) procedures for the principal providers of daily direct care of high-
141 risk newborns in birthing hospitals to participate in the discharge
142 planning process, and (2) ongoing department functions concerning

143 high-risk newborns.

144 (c) Not later than January 1, [2019] 2025, the Commissioner of
145 Children and Families shall, in consultation with other departments,
146 agencies or entities concerned with the health and well-being of
147 children, develop guidelines for the safe care of newborns who exhibit
148 physical, neurological or behavioral symptoms consistent with prenatal
149 substance exposure, withdrawal symptoms from prenatal substance
150 exposure or fetal alcohol spectrum disorder. Such guidelines shall
151 include, but are not limited to, instructions to providers regarding such
152 providers' participation in the discharge planning process, including the
153 creation of written [plans of safe care] family care plans, which shall be
154 developed between such providers and [mothers] the parents of such
155 newborns as part of such process.

156 (d) A provider involved in the delivery or care of a newborn who, in
157 the estimation of such provider, exhibits physical, neurological or
158 behavioral symptoms consistent with prenatal substance exposure,
159 withdrawal symptoms from prenatal substance exposure or fetal
160 alcohol spectrum disorder shall notify the Department of Children and
161 Families of such condition in such newborn. Such notice shall be made
162 in a form and manner prescribed by the Commissioner of Children and
163 Families and in addition to any applicable reporting requirements
164 pursuant to chapter 319a. [On and after January 15, 2019, such] Such
165 notice shall include a copy of the [plan of safe care] family care plan
166 created pursuant to the guidelines developed pursuant to subsection (c)
167 of this section.

168 (e) For purposes of this section:

169 (1) "Birthing hospital" means a health care facility, as defined in
170 section 19a-630, operated and maintained in whole or in part for the
171 purpose of caring for women during delivery of a child and for women
172 and their newborns following birth;

173 (2) "High-risk newborn" means any newborn identified as such under
174 any regulation or policy of the Department of Children and Families;

175 and

176 (3) "Provider" means any person licensed pursuant to chapter 370, 377
177 or 378."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2024</i>	45a-728
Sec. 502	<i>July 1, 2024</i>	45a-728b
Sec. 503	<i>July 1, 2024</i>	45a-728c
Sec. 504	<i>July 1, 2024</i>	45a-728d
Sec. 505	<i>July 1, 2024</i>	45a-763
Sec. 506	<i>July 1, 2024</i>	17a-102a