

2017 Legislative Session

Adoption –Related Public Acts

Public Act 17-** S.B. 893 “An Act Concerning Revisions to Certain Statutes Regarding the Department of Children and Families”. This Act makes various changes to the laws governing the Department of Children and Families.

Under certain circumstances, DCF may provide subsidies to 1) parents who adopt children with special needs and 2) relative caregivers who are acting as foster parents. This act makes changes to the statutes governing these subsidies by:

- 1) Eliminating the Subsidy Review Board and instead providing recipients aggrieved by a department decision related to a subsidy the opportunity for an administrative hearing in accordance with the Uniform Administrative Procedures Act;
- 2) Subjecting all guardianship subsidies to the Commissioner’s annual review;
- 3) Permitting, rather than requiring, DCF to provide subsidies for youths age 18 to 20 who fulfill certain requirements; and
- 4) Allowing DCF to require subsidy recipients to submit additional documentation as part of the annual or biennial process.

The act adds to the list of entities to whom DCF, under certain circumstances, must, or may, disclose its records without the subject’s consent. It allows the department to charge a reasonable fee for any record disclosure over 100 pages, but the fee must be waived if the requester is indigent.

The act also requires DCF to notify the appropriate credentialing agency of the results of an investigation into child abuse or neglect by a school employee or staff member of a child care facility.

Additionally, the act 1) requires the DCF commissioner to adopt regulations related to child care facilities it licenses and 2) makes several technical and conforming changes.

EFFECTIVE July 1, 2017

Adoption and Guardianship subsidies

By law, DCF provides subsidies through its subsidized guardianship program to relative caregivers in cases where the child has been in foster care for at least six consecutive months and neither parental reunification nor adoption is an appropriate permanency goal. Under certain circumstances, the department also provides one-time or periodic subsidies, or both, to parents who adopt a child with special needs.

Subsidy Review Board

The act eliminates the Subsidy Review Board tasked with hearing appeals of DCF decisions regarding adoption or guardianship subsidies. Current law 1) requires the Board to consist of the Commissioner or her designee, a child-placing agency representative, and an adoptive parent appointed by the Governor; 2) permits licensed child-placing agencies and adoptive parents to appeal to the Board any subsidy decision the Commissioner makes; 3) requires DCF to provide subsidy recipients aggrieved by a department decision a hearing before the Board within specified timeframes. Under this act, such an aggrieved recipient must instead be provided a hearing before the department that is held in accordance with Uniform Administrative Procedures Act.

Subsidy Review Requirements

By law, adoption subsidies for children between the ages of 18 and 21 are subject to annual review by the department, and adoption subsidies for children under 18 are subject to biennial review. The Act permits DCF, as part of the subsidy review process, to require adoptive parents to submit any additional documentation it deems necessary to complete the review.

By law, a subsidized guardian must annually submit a sworn statement to the Commissioner that the child is still living with and receiving support from the guardian. The act permits DCF to require the guardian to submit any additional documentation it deems necessary to verify this information.

Public Act 17-6 H.B. 6297 “AN Act Establishing a Task Force to Study Voluntary Admissions to the Department of Children and Families”.

The act establishes a task force to study the voluntary services program operated by the Department of Children and Families. The task force shall consider and make recommendations concerning 1) whether the general statutes should be amended to prohibit the Commissioner of DCF from requesting or requiring that the parent or guardian of a child or youth admitted to the department on a voluntary basis terminate such parent or guardian’s parental rights or transfer legal custody of the child or youth to the department, 2) methods of increasing access to voluntary services provided by the

department, including, but not limited to, closing gaps in private insurance coverage that prevent children and youth from accessing such services and aiding parents and guardians in accessing such services on behalf of children and youth without relinquishing custody of such children and youth to the department, 3) methods of improving voluntary services provided by the department, 4) methods of improving the department's case management services and communication with other state agencies regarding case management, and 5) the ability of service providers that provide such voluntary services to meet the needs of children and youth admitted to the department on a voluntary basis, included, but not limited to, whether the number of available service providers is adequate to meet such needs.

The task force shall consist of the following members:

- 1) Two appointed by the Speaker of the House of Representatives, one of whom shall be a pediatrician who serves adolescents and one of whom shall be a representative of a school-based health center;
- 2) Two appointed by the President Pro Tempore of the Senate, one of whom shall be a child psychiatrist and one of whom shall be a primary care provider who serves children and youth;
- 3) Two appointed by the Majority Leader of the House of Representatives, one of whom shall be a school psychologist and one of whom shall be a representative of a community health center;
- 4) Two appointed by the Majority Leader of the Senate, one of whom shall be a Judge of Probate and one of whom shall be a parent or guardian of a child or youth who has utilized the department's voluntary services program;
- 5) Two appointed by the Minority Leader of the House of Representatives, one of whom shall be a representative of an organization that specializes in the issue of custody relinquishment prevention and one of whom a representative of an organization that advocates for consumers of the department's voluntary services program;
- 6) Two appointed by the Minority Leader of the Senate, one of whom shall be a health insurer and one of whom shall be a representative of a service provider that provides voluntary services through the department;
- 7) One appointed by the Governor, who shall be a representative of a child advocacy organization;
- 8) The Commissioner of the Department of Children and Families or the designee;
- 9) The Commissioner of the Department of Mental Health and Addiction Services, or the designee;
- 10) The Commissioner of Public Health, or the designee;
- 11) The Commissioner of Education, or the designee;
- 12) The Commissioner of Developmental Services, or the designee;
- 13) The Insurance Commissioner, or the designee;
- 14) The Child Advocate, or the designee.

The task force shall submit a report not later than February 1, 2018 on its findings and recommendations to the Governor, Speaker of the House, President Pro Tempore of the Senate, Minority Leader of the House, Minority Leader of the Senate and the Appropriations, Children, Education, Human Services, Insurance and Public Health Committees of the General Assembly.

Effective date: From Passage.

Public Act 17-18 H.B.7121 “An Act Concerning Revisions to the State’s Safe Haven Laws”.

This act makes various changes to the state’s safe haven law, which requires hospitals to designate a place in their emergency rooms where a parent or a parent’s legal agent can surrender an infant up to 30 days old without facing arrest for abandonment. Among its changes, the act:

- 1) requires DCF to identify a prospective adoptive parent for a safe haven infant within one business day of receiving notice of the infant’s surrender to the hospital if such parent is available;
- 2) specifies circumstances in which the DCF Commissioner may require DNA tests to determine the infant’s parentage and otherwise requires the department to get a court order for such testing;
- 3) limits the circumstances in which DCF may remove a safe haven infant from a prospective adoptive parent’s home if the infant has been in his or her care for at least 30 days and allows the prospective adoptive parent to request a hearing before removal.;
- 4) clarifies the information a hospital employee may disclose about a safe haven surrender if he or she believes the infant was neglected or abused;
- 5) prohibits DCF from disclosing information about the parents of a safe haven infant to a prospective adoptive parent or foster parent without a court order unless otherwise required by law.

The act also makes minor , technical and conforming changes.

Effective date: October 1, 2017

Two bills were presented this session to have outside oversight of the Department of Children and Families:

S.B.397 “An Act Establishing an Independent Department of Children and Families Ombudsman” and S.B.894, “An Act to establish a Child Welfare Oversight Council”. Neither bill passed both houses of the legislature.

S.B. 977 “An Act to Access Original Birth Certificates by Adult Adopted Persons” had many sponsors and supporters, but it did not pass this session.

H.B. 7111, “An Act Concerning Restraint, Seclusion and Placing in Time-out of Students by School Employees” did not pass in this session.

S.B.912, “An Act Concerning Revisions To Staff Qualification Requirements for Early Education” establishes that at least one person in an early childhood setting should have at least a Bachelor’s Degree; the deadline for that requirement was established by an amendment for 2021. This is now **Public Act 17-41**.

H.B. 7112, “An Act Concerning Children’s Advocacy Centers” defines a children’s advocacy center and permits centers to assist multi-disciplinary teams to investigate child abuse and neglect and trafficking. This bill passed and is now **Public Act 17-****

H.B. 7309 “An Act Concerning Human Trafficking” defines human trafficking and is amended to make it a Class A felony to enslave a child. This bill passed and is now **Public Act 17-32**.

Federal Congress

The Adoption Tax Credit may be eliminated. It is presently part of the Obamacare Health bill that is being challenged by this administration. Families are urged to contact your legislators in Congress to tell your personal stories of how this tax credit enabled you to adopt.

The “Families First Prevention Services Act” has a questionable future. It failed to pass in the last Congress because it would cut funding for non-family foster care settings,

and those states with a high number of children in congregate care did not want to lose funding. Parts of this bill are being presented as separate bills this year.

In May, the “Supporting Grandparents Raising Grandchildren Act” was introduced as S. 1091. This would create a task force to:

Identify and disseminate information about federal resources, information and best practices to help families where grandparents and other relatives are raising children.

Submit a report to Congress on best practices, resources and other information for the families and on gaps in services to meet families’ needs.

The Social Services Block Grant is targeted for elimination as well as a cut to TANF funds of \$1.7 Billion. Cuts may also come to the SNAP (Food Stamps) , Pell grants for college students and to SSI (funding for disability). The Social Services grants allowed states to decide how the funds would be used in their state among 30 program choices. This will cause some jurisdictions to lose their services.

The Modernizing the Interstate Placement of Children in Foster Care Act is also known as the National Electronic Interstate Compact Enterprise Project. This was a part of the Families First legislation last year. It would provide some funds to states to modernize their Interstate Compact system.

The Health Care Act will be watched as it does not have a good review by the Congressional Budget Office.