



General Assembly

Raised Bill No. 125

February Session, 2024

LCO No. 466



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

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

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

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 Section 45a-728 of the general statutes is repealed and the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

3 The Commissioner of Children and Families shall adopt regulations
4 in accordance with chapter 54 concerning [adoption] adoptive
5 placement of children [who have been identified or located] by child-
6 placing agencies, whether such children have been identified or located
7 by prospective adoptive parents or placed for adoption by such
8 agencies. Such regulations shall provide that for adoptions involving an
9 identified [expectant mother] pregnant person, counseling of [the birth
10 mother] such person shall be required [within] not later than seventy-
11 two hours [of] after the birth of the child, or as soon as medically
12 possible after [the] such birth. [, and that permissible payment of
13 expenses for birth parent counseling shall include the cost of

14 transportation.] Such counseling may be provided by a person with a
15 master's or doctoral degree in counseling, psychology, social work or
16 related mental health disciplines from an accredited college or
17 university.

18 Sec. 2. Section 45a-728a of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective July 1, 2024*):

20 Prospective adoptive parents may participate in the labor and birth
21 of the child identified for adoption and may visit with such newborn
22 child, provided the [birth mother] pregnant person, the child-placing
23 agency and [her] the pregnant person's physician agree and such
24 participation and visitation are consistent with the medically necessary
25 procedures of the hospital.

26 Sec. 3. Section 45a-728b of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective July 1, 2024*):

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

45 Sec. 4. Section 45a-728c of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective July 1, 2024*):

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

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

75 (c) A prospective adoptive parent or parents may seek
76 reimbursement for payments or reimbursements provided in
77 accordance with subsection (a) of this section if (1) the person who

78 received such payments or reimbursements was knowingly not
79 pregnant at the time of the receipt of such payments or reimbursements,
80 or (2) such person received payments or reimbursements
81 simultaneously from a separate prospective adoptive parent or parents
82 without the knowledge of such other prospective adoptive parent or
83 parents.

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

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

108 Sec. 5. Section 45a-728d of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective July 1, 2024*):

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

119 Sec. 6. Section 45a-763 of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective July 1, 2024*):

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

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

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

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

136 Sec. 7. Section 17a-102a of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective July 1, 2024*):

138 (a) Each birthing hospital shall provide education and training for
139 nurses and other staff who care for high-risk newborns on the roles and

140 responsibilities of such nurses and other staff as mandated reporters of
141 potential child abuse and neglect under section 17a-101.

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

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

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

172 (e) For purposes of this section:

173 (1) "Birthing hospital" means a health care facility, as defined in
174 section 19a-630, operated and maintained in whole or in part for the
175 purpose of caring for [women] pregnant parents during delivery of a
176 child and for [women] postpartum parents and their newborns
177 following birth;

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	45a-728
Sec. 2	July 1, 2024	45a-728a
Sec. 3	July 1, 2024	45a-728b
Sec. 4	July 1, 2024	45a-728c
Sec. 5	July 1, 2024	45a-728d
Sec. 6	July 1, 2024	45a-763
Sec. 7	July 1, 2024	17a-102a

KID *Joint Favorable*