



General Assembly

Substitute Bill No. 1009

January Session, 2023



AN ACT CONCERNING IDENTIFIED ADOPTIONS.

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 Section 45a-728 of the general statutes is repealed and the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, 2023*):

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 Section 45a-728a of the general statutes is repealed and the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, 2023*):

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 Section 45a-728b of the general statutes is repealed and the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, 2023*):

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, 2023*):

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 for reasonable expenses, fees and services relating to the
59 pregnancy or adoption, including, but not limited to, living, medical or
60 legal expenses, as determined by the child-placing agency, shall be
61 permitted. Any such payments or reimbursements shall be made not
62 earlier than one hundred eighty days prior to the expected date of birth
63 of such child and not later than sixty days after the birth of such child.
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, 2023*):

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 parent's child for the purposes of
113 identified adoption or adoption through a child-placing agency. Any
114 prospective adoptive parent, or such prospective adoptive parent's legal

115 representative, may advertise through any public media [in this state]
116 for placement of a child into his or her care for the purposes of identified
117 adoption or adoption through a child-placing agency.

118 Sec. 6. Subsection (a) of section 45a-763 of the general statutes is
119 repealed and the following is substituted in lieu thereof (*Effective July 1,*
120 *2023*):

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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	45a-728
Sec. 2	<i>July 1, 2023</i>	45a-728a
Sec. 3	<i>July 1, 2023</i>	45a-728b
Sec. 4	<i>July 1, 2023</i>	45a-728c
Sec. 5	<i>July 1, 2023</i>	45a-728d
Sec. 6	<i>July 1, 2023</i>	45a-763(a)

KID *Joint Favorable Subst.*

JUD *Joint Favorable*