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## OLR Bill Analysis

**sSB 1311 (File 89, as amended by Senate "A")\***

### ***AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.***

#### **SUMMARY**

This bill makes various changes in the child welfare laws regarding the Department of Children and Families (DCF), including:

1. explicitly naming the expedited child placement process “emergency placement,” and adding the definition for emergency placement (§ 1);
2. authorizing DCF to allow post-majority age (over 18) youth to voluntarily re-enter DCF care under certain conditions and with juvenile court approval (§ 2);
3. allowing DCF to share records that are otherwise confidential with the Department of Development Services (DDS) for abuse and neglect investigations involving people with intellectual disabilities, and with the Office of Policy and Management (OPM) for labor relations investigations conducted for DCF (§ 3);
4. allowing a child placed at a DCF-licensed facility who requires special education to remain in placement at the facility until they turn 22 (§ 4);
5. requiring the DCF commissioner, in consultation with caregivers, to develop a foster parent bill of rights and incorporate it into department policy (§ 5); and
6. adopting a new Interstate Compact on the Placement of Children, which replaces the current compact when it is adopted by 35 jurisdictions (to date, 18 have adopted the compact; see BACKGROUND) (§ 6).

\*Senate Amendment “A” decreases the number of days (1) from 120 to 60 days before a youth turns 21, by which the youth must request reentry into DCF care and (2) from within 120 to within 60 days of executing the agreement with the youth, for DCF to file a motion for a juvenile court determination of whether reentry into care is in the youth’s best interest.

EFFECTIVE DATE: July 1, 2025, except the interstate compact takes effect when 35 jurisdictions enact it.

## **§ 1 — EMERGENCY CHILD PLACEMENT**

Under current law, a child can be placed with a relative or fictive kin caregiver who is not DCF-licensed or -approved when the placement is deemed in the child’s best interest, as long as DCF does a basic family assessment, including a home visit. As part of this process, the commissioner must order a criminal history and child abuse registry check of anyone 18 years old or older living in the home after the placement is approved.

The bill specifies that these placements are “emergency placements,” defined as the DCF placement of a child in the home of a relative or fictive kin caregiver due to the sudden unavailability of the child’s primary caretaker.

The bill also makes technical and conforming changes.

## **§ 2 — SERVICES POST MAJORITY STATUS**

By law, youth who reach age 18 (majority age) can voluntarily opt to remain in DCF care to continue to receive agency support up to age 21. (DCF refers to this as Services Post Majority status.) The bill allows youth age 18 who have left DCF care to request reentry into agency care, provided they do so at least 60 days before they turn 21.

The DCF commissioner must consider the request under the same statutory conditions under which she would consider a request for a youth still in DCF care who requested to stay in care after turning 18. In addition to the age requirement, the youth must be enrolled (1) full-time in a secondary education program or an approved program for an

equivalent credential, (2) full-time in a postsecondary or vocational educational institution, or (3) in a commissioner-approved program or activity to promote or remove barriers to employment. The commissioner has discretion to waive the requirement for full-time enrollment or participation based on compelling circumstances.

Under the bill, upon determining the youth is eligible, DCF may request that the youth enter into a written agreement detailing the terms of the voluntary reentry.

DCF must seek a determination whether reentry into care is in the youth's best interest by filing a motion in the juvenile court that had jurisdiction over the youth's original case within 60 days of executing the agreement with the youth. The court must determine if there is an appropriate permanency plan, and it may hold a hearing on the motion. (If the court approves reentry, this allows DCF to claim federal Title IV-E reimbursement for the services DCF provides to these youth.)

### **§ 3 — EXCEPTIONS TO DCF RECORD CONFIDENTIALITY RULES**

Generally, under state law, DCF's records are confidential and cannot be disclosed without the permission of the person involved except in limited situations. The bill adds two new situations to the list of statutory exceptions for disclosure without first getting permission.

These new exceptions are for disclosures to (1) DDS for investigations of abuse or neglect of a person with intellectual disabilities and (2) OPM for labor relations investigations conducted for DCF.

### **§ 4 — YOUTH IN DCF-LICENSED CHILD CARE FACILITIES**

The bill allows an individual placed at a DCF-licensed child care facility who requires special education to remain in the facility receiving services until the end of the school year in which he or she turns 22. This means if the individual turns 22 in January, for example, he or she could finish out the school year. The change conforms with the existing state special education law that requires school boards to provide special education until the child graduates from high school or until the end of the school year when the child reaches age 22, whichever occurs first.

(The special education law was changed in 2023 to conform with the federal court ruling *A.R. v. Connecticut State Board of Education* (5 F.4th 155 (2d Cir., 2021)).)

By law, child care facilities are DCF-licensed congregate residential settings. The DCF commissioner can petition a court for permission to place a child committed to her custody in such a facility if the child cannot be satisfactorily cared for in a foster home because he or she has developmental or physical disabilities, mental illness, emotional issues, or behavioral disorders.

## **§ 5 — FOSTER PARENT BILL OF RIGHTS**

The bill requires the DCF commissioner, in consultation with caregivers, to develop a foster parent bill of rights and incorporate it into department policy by January 1, 2026. The bill of rights must be consistent with applicable federal and state laws and include, at a minimum, (1) a statement of the principles and values that are its basis and (2) the rights and obligations of caregivers, children in foster care, and DCF.

By law, and under the bill, “caregivers” are (1) DCF-licensed foster care providers, (2) people approved by a licensed child placing agency to provide foster care, (3) relative or fictive kin caregivers, or (4) licensed child placing agency operators or officials.

## **§ 6 — INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

The bill replaces the existing Interstate Compact on the Placement of Children with a new one crafted by the Association of Administrators of the Interstate Compact on the Placement of Children (see BACKGROUND). The new compact includes provisions intended to expedite safe placement of children across state lines and spells out responsibilities of child welfare agencies in the sending and receiving states. The new compact differs from the existing one in several areas. The table below provides a comparison of key issues.

**Table: Comparison of Selected Compact Provisions**

<b><i>Current Compact</i></b>	<b><i>Bill's Compact</i></b>
<b><i>Noncustodial Parents</i></b>	
Does not address out-of-state, noncustodial parent placements; does not define noncustodial parent	Clarifies when placement with an out-of-state, noncustodial parent can be made in the context of a dependency proceeding; adds definition of noncustodial parent (Art. II & III (b)(5))
<b><i>Administrative Reviews</i></b>	
Does not include an appeals process for or administrative review of a receiving state's child placement denial	Provides for administrative review of the receiving state's child placement denial to be conducted in the receiving state under its applicable Administrative Procedures Act (Art. VI (c))
<b><i>Compact Rules</i></b>	
No provisions on enacting compact rules	Authorizes the commission to enact rules to implement the compact; requires proposed rules to be published before being finalized; the public must be provided the opportunity to comment and comments will be added to the record and made publicly available (Art. XI)
<b><i>Dispute Resolution and Enforcement</i></b>	
No provisions on dispute resolution or enforcement	<p>Dispute resolution between member states: mediation and binding dispute resolution</p> <p>Enforcement options against defaulting member states: (1) remedial training and technical assistance; (2) written notice of default including a means of addressing the default; and (3) by a majority vote of the members, initiating legal action in federal court (Art. XII (b) &amp; (c))</p>

The new compact also creates the Interstate Commission for the Placement of Children ("commission"), which consists of one commissioner from each member state who is appointed by the executive head of the state child welfare agency (in Connecticut the DCF commissioner). Commissioners representing a member state each have the authority to vote on policy matters governed by the compact binding the state.

The commission oversees the administration of the compact including dispute resolution, compact enforcement and amendment, and commission financing through assessments of member states.

The new compact does not go into effect until it is adopted by 35 jurisdictions (which include U.S. states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern

Mariana Islands, and any other U.S. territory). So far, it has been adopted by 18 states (see BACKGROUND).

The new compact includes 18 articles. The following is a summary of key provisions.

***Purpose (Art. I)***

The compact's purpose is, among other things, to:

1. provide a process for children (people under age 18) being placed outside of their resident state to be timely placed in safe and suitable homes;
2. facilitate ongoing placement supervision, service delivery, and communication between the states;
3. provide procedures to ensure children are placed in safe and suitable homes;
4. address crafting and enforcing of administrative rules that will implement its provisions, including regulating the relevant activities of the member states;
5. provide for uniform data collection and sharing between member states; and
6. provide for issuing guidelines together with Indian tribes for interstate cases involving Indian children, as federal law allows.

***Definitions (Art. II)***

The following are selected definitions from the new compact.

1. "Approved placement" means the public child placing agency in the receiving state has determined that the child's placement is safe and suitable.
2. "Placement" is the act by a public or private child placing agency intended to arrange for the care or custody of a child in another state.

3. “Private child placing agency” is any private person or agency, foundation, or charitable organization facilitating or involved in a child’s interstate placement that is not part of, or acting for, state or local government.
4. “Public child placing agency” is any government child welfare or child protection agency, or private entity under contract with the agency, facilitating or involved in a child’s interstate placement.

***Applicability (Art. III)***

The compact specifically applies to the interstate placement of a child:

1. under the sending state’s court authority due to allegations or findings of abuse or neglect (but if the placement is to a residential facility, the compact requires only notice to the receiving state before the placement happens);
2. adjudicated delinquent or unmanageable under the sending state’s laws and subject to the sending state’s ongoing court jurisdiction if the child is being placed in (a) a residential facility in another member state and is not covered under another compact or (b) another member state and the determination of whether the placement and services required are safe and suitable are not provided under another compact; or
3. whose placement by a public or private child placing agency is a preliminary step to a possible adoption.

A residential facility is a facility providing care that substitutes for parental responsibility or foster care and is beyond what is needed for assessment or treatment of an acute condition. The definition does not include institutions that are primarily educational, hospitals, or other medical facilities.

The compact specifies various situations in which a child is moved out of his or her original state that are exempt from the compact’s oversight, including when a parent with legal authority over the child places the child with a relative or a nonrelative in the receiving state. For

the nonrelative placement, the exemption applies if the placement does not involve adoption. If the child is placed with a relative who is the noncustodial parent, under the compact the noncustodial parent must prove to the satisfaction of the sending state court that he or she has a substantial relationship with the child and the sending state court makes a written finding that the placement is in the best interests of the child.

A noncustodial parent is a person who, when the court proceedings begin, is not the subject of abuse or neglect allegations and does not have sole legal custody of the child or has joint custody.

***Jurisdiction (Art. IV)***

Under the compact, the sending state generally retains jurisdiction over a child regarding custody matters and disposition of the child's case just as it would have if the child had remained in the sending state. This includes the power to order the return of the child to the sending state.

When an issue of child protection or custody is before a receiving state court, the court must confer with the court of the sending state to determine the most appropriate place for adjudication.

The compact allows a sending state court to relinquish jurisdiction in some situations, including if the child is reunified with the parent in the receiving state who was alleged or found to have committed abuse or neglect, provided the receiving state child placement agency concurs, or, among other things, the child is adopted or reaches the age of majority under the sending state's laws.

If the sending state court terminates its jurisdiction, it must notify the receiving state's court. The compact does not prohibit the receiving state's ability to take emergency jurisdiction for the child's protection.

***Adoption.*** Generally, the relevant laws of the state where an adoption is pending solely govern all adoption-related issues and the court where the adoption proceeding is filed has jurisdiction regarding all substantive adoption issues. But the compact permits some exceptions to this, including when the (1) child is a ward of another



court that established jurisdiction before the child was placed and (2) court in the sending state has otherwise appropriately assumed jurisdiction over the child.

Under the compact, a receiving state's public child placing agency must approve final adoption decrees as approved placements before they can be entered in any jurisdiction.

***Placement Evaluation (Art. V)***

The compact includes requirements for both public and private child placing agencies. It also authorizes the commission to develop standards for assessing the safety and suitability of interstate placements.

***Public Agencies.*** Public agency placements require the public child placing agency to submit a written assessment request to the receiving state. The "assessment" is an evaluation of a prospective receiving state placement by a public child placing agency to determine if the placement meets the child's individual needs, including the child's safety and stability, health and well-being, and mental, emotional, and physical development.

The assessment procedures and the assessment request must contain the required information and be in a form that commission rules require. Also, the public child placing agency placement approval must be done as required by the rules. The compact allows either the sending state or the receiving state to request more information before finalizing a placement.

***Private Agencies.*** Regarding placements by a private child placing agency, the compact requires a request for approval of the placement and specifies content to accompany the request. This required content includes (1) a request of approval, signed by the requestor, identifying the child, one or both birth parents, one or both adoptive parents, and the supervising agency; (2) a home study; and (3) certifications by an attorney or the appropriate adoption agency official that the consent and relinquishment comply with law.

***Placement Authority (Art. VI)***

Under the compact, a child may not be placed in the receiving state if that state's public child placing agency does not approve the placement. The receiving state must provide written documentation, as required by the commission rules, if the agency does not approve of the proposed placement, and any interested party has standing to ask for an administrative review of the determination. The review and any further judicial appeal are conducted in the receiving state under the state's Administrative Procedures Act.

If a decision to deny a placement is overturned in review, the placement is deemed approved if all administrative or judicial remedies have been exhausted.

***Placing Agency Responsibilities (Art. VII)***

The compact outlines the financial responsibilities of the sending and receiving states in interstate placements.

The public child placing agency in the sending state is responsible for the ongoing financial support and maintenance for the child during the placement, unless otherwise provided by the receiving state. It is also financially responsible for services for the child, as determined by the sending state's public child placing agency, beyond those for which the child is eligible in the receiving state.

The compact requires that the receiving state only have financial responsibility for (1) any assessment it conducts and (2) supervision at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending states.

It also specifies (1) the financial responsibility regarding placements by private child placing agencies before a possible adoption and (2) certain duties of public child placing agencies in the receiving state, such as timely reports and assessments during the placement.

***Duties of all Member States.*** Each member state must (1) establish a central state compact office that is responsible for state compliance with the compact and the commission rules and (2) provide for

coordination among its government branches on participating in, and complying with, the compact and commission activities through a new advisory council or an existing body or board.

***Interstate Commission for the Placement of Children (Arts. VIII & X)***

The compact creates the commission, which consists of one commissioner from each member state who is appointed by the executive head of the state child welfare agency (in Connecticut, the DCF commissioner). Commissioners have the authority to vote on policy matters governed by the compact and binding the state.

The compact addresses other organizational and procedural aspects of the commission, including the requirement for an executive committee with authority to administer the commission's day-to-day operations and specifics regarding quorums and additional, non-voting members of the commission (the commission may, through bylaws, identify interested organizations who may have non-voting members on the commission).

The commission elects from among its members a chairperson and a vice chairperson of the executive committee and other necessary officers. The officers each have authority and duties as may be stated in the bylaws.

***Commission Powers, Duties, Organization, and Operation (Arts. IX & X)***

***Powers and Duties.*** The compact charges the commission with the authority to make rules and take necessary actions to achieve the goals and obligations detailed in the compact, including enforcing compact compliance and providing dispute resolution among the member states.

The compact gives the commission specified organizational powers including to (1) establish a budget and make expenditures, (2) accept donations and grants, and (3) adopt a seal and governing bylaws. It also requires the commission to annually report to member states' legislatures, governors, judicial branches, and state advisory councils on its activities during the preceding year.

**Organization and Operation.** The compact requires the commission to adopt bylaws within the first year, which must include provisions on how the commission will make its information and records available to the public. It requires the commission to meet at least once each calendar year and allows the chairperson to call additional meetings and requires the chairperson to call an additional meeting if a majority of the member states requests it. It requires the commission meetings to be publicly noticed and open to the public, except for situations that require closed meetings, as allowed under the compact.

The compact authorizes the commission's executive committee to appoint a staff director who will serve as commission secretary and not be a voting member. The director may hire staff as the commission authorizes.

The compact provides the director and staff with immunity from civil suits and liability regarding any claim for damage, loss, or personal injury relating to actions occurring due to employment with the commission, with exceptions for criminal acts or willful and wanton misconduct. The commission will defend the director, employees, and members in civil liability action. Also, employees will be held harmless, to the extent not covered by the state involved or the commission, in the event of a settlement or judgement.

### ***Rulemaking (Art. XI)***

The compact requires the commission to make and publish binding rules with a rule becoming binding on the date specified with the publishing of the final version of the rule. Before finalizing a rule, the commission must publish a proposed rule and invite the public to comment on it.

Specifically, among other items, the rules must address:

1. transition rules;
2. forms and procedures;
3. visitation;

4. progress reports and supervision;
5. mediation, arbitration, and dispute resolution; and
6. enforcement.

The compact also provides conditions when the commission may issue emergency rules.

Under the compact, the rules governing the existing compact remain in effect for 24 months after the first meeting of the commission created under the bill. At 24 months following the first meeting, the existing compact rules become null and void.

### ***Oversight, Dispute Resolution, and Enforcement (Art. XII)***

***Oversight.*** The compact charges the commission with overseeing the administration and operation of the compact.

The executive, legislative, and judicial branches of state government in each member state must enforce the compact and the commission's rules and take necessary actions to fulfill the compact's purposes and intent. The bill states the compact and its rules are binding in the compacting states as provided for in the compact. Additionally, courts must take judicial notice of the compact and the rules in any proceeding in a member state related to the compact's subject matter.

***Dispute Resolution.*** The commission must, upon the request of a member state, attempt to resolve disputes relevant to the compact that arise among member states and between member and nonmember states. The commission must create a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of the mediation or dispute resolution will be the responsibility of the parties to the dispute.

***Enforcement.*** The compact provides the commission with tools to address member states that have defaulted in their obligations or responsibilities under the compact. These include (1) remedial training and technical assistance; (2) written notice of default including a means

of addressing the default; or (3) by a majority vote of the members, initiating legal action in federal court against a defaulting member. The legal action can seek injunctive relief and damages.

### ***Financing the Commission (Art. XIII)***

The commission may levy and collect an annual assessment from each member state to cover the cost of its operations and activities, including its staff. The commission's annual budget must be approved by its members each year. The aggregate annual assessment amount will be allocated based upon a formula the commission will develop.

The commission is prohibited from (1) incurring obligations before securing the funds needed to meet them or (2) pledging the credit of any member state, except with the authority of the member state.

Its receipts and disbursements are subject to the audit and accounting procedures established under its bylaws and must be annually audited by a certified or licensed public accountant.

### ***Member States and Compact Amendments (Art. XIV)***

Under the compact, any state may become a member state and the compact takes effect when at least 35 states have enacted it. The commission may propose amendments to the compact, but an amendment will be made only when the member states unanimously enact it into law.

### ***Withdrawal and Dissolution and Severability (Arts. XV & XVI)***

The compact addresses how a state can withdraw from the compact (by legislation repealing the statute that enacted the compact into law) and related steps needed for withdrawal.

The compact is dissolved and null and void when the withdrawal or default by a state means there is only one state remaining as a member.

The compact's provisions are severable, meaning if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions continue to be enforceable.

***Effect of Compact on Other Laws (Art. XVII)***

The compact specifies that it does not prevent the enforcement of any other law of a member state provided the law is consistent with the compact.

All lawful actions of the commission, including its rules and bylaws and all agreements between the commission and the member states, are binding on the member states.

If any provision of the compact exceeds the constitutional limits imposed on a member state's legislature, the provision is deemed ineffective to the extent of the conflict with the provision in question.

***Indian Tribes (Art. XVIII)***

The compact allows the commission to craft guidelines to permit Indian tribes to use the compact to fully participate in it.

**BACKGROUND*****Association of Administrators of the Interstate Compact on the Placement of Children***

The association is an organization of members from the 50 states, the District of Columbia, and the U.S. Virgin Islands; it carries out the rules and terms of the compact.

***Member States***

To date, the following states have adopted the interstate compact:

Alaska	Kentucky	New Hampshire
Colorado	Louisiana	New Mexico
Delaware	Maine	Ohio
Florida	Minnesota	Oklahoma
Georgia	Missouri	Vermont
Indiana	Nebraska	Wisconsin

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 17    Nay 0    (02/25/2025)