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**Voluntary Admissions to the Department of a Child or Youth in Residential Facilities Administered by, or Under Contract with, or Otherwise Available to the Department**

**Secs. 17a-11-1—17a-11-3.**

Repealed, September 26, 2001.

**Voluntary Services**

**Sec. 17a-11-4. Scope of regulations**

Regulations 17a-11-4 through 17a-11-27, inclusive, apply to voluntary services provided by the Department of Children and Families pursuant to section 17a-11 of the Connecticut General Statutes. The voluntary services program provides services for children or youths requiring community based treatment or temporary residential or other out of home placement who might otherwise be committed as neglected, uncared for, or dependent as provided for in section 46b-129 of the Connecticut General Statutes in order to secure department services. The program is designed to encourage the preservation and enhancement of family relationships and the continuing rights and responsibilities of parents even though limited financial resources prevent them from providing the required care and treatment for their child.

(Adopted effective September 26, 2001)

**Sec. 17a-11-5. Definitions**

As used in sections 17a-11-4 through 17a-11-27, inclusive, of the Regulations of Connecticut State Agencies, the following definitions apply:

- (a) “Case Service Plan” means the treatment plan prescribed by the department.
- (b) “Child” means a person under the age of sixteen.
- (c) “Commissioner” means the commissioner of children and families.
- (d) “Department” means the Department of Children and Families.
- (e) “Treatment Plan” means a written working agreement between the child, parent or guardian, caretaker service provider and the department social worker. The agreement describes and documents the child or family’s service needs as well as what each party agrees is required to address the service needs.
- (f) “Voluntary Admission” means a child or youth afforded access, on a non-compulsory basis, to services offered or administered by or under contract with, or otherwise available to the department.
- (g) “Voluntary Services” means the provision of the services offered or administered by, or under contract with, or otherwise available to the department to a child or youth granted voluntary admission.
- (h) “Youth” means any person sixteen or seventeen years of age.

(Adopted effective September 26, 2001)

**Sec. 17a-11-6. Voluntary admission of a child or youth**

(a) The commissioner may, pursuant to subsection (a) of section 17a-11 of the Connecticut General Statutes, admit a child or youth to the voluntary services program.

(b) Application for Voluntary Services shall be made in writing pursuant to subsection (a) of section 17a-11 of the Connecticut General Statutes.

(Adopted effective September 26, 2001)

**Sec. 17a-11-7. Admission criteria**

(a) A child or youth eligible for the voluntary services program shall meet the criteria prescribed in subdivisions (1) through (4) of this subsection:

(1) The child or youth has an emotional, behavioral or substance use disorder diagnosable under the most recent edition of “Diagnostic and Statistical Manual of Mental Disorders” (DSM). A child or youth with a “V code”, developmental disorder, or mental retardation, as defined in the DSM, shall only be eligible if the child or youth also has an emotional, behavioral or substance use disorder and the alleviation of said emotional, behavioral or substance use disorder is the primary purpose of the request for voluntary services;

(2) The child or youth’s treatment needs cannot be met through services currently available to the parent or guardian;

(3) The child or youth’s disorder or disturbance can be treated with services offered, administered by, or under contract with, or otherwise available to, the department at the time of application; and,

(4) The child or youth has not reached the age of eighteen at the time of referral.

(b) In addition to the criteria in subsection (a) of this section a child or youth eligible for out of home placement through the voluntary services program shall meet the criteria prescribed in subdivisions (1) through (4) of this subsection:

(1) the department has determined that out of home placement is the least restrictive alternative for treating the child or youth’s emotional or behavioral disorder;

(2) An appropriate department approved treatment program or facility is available;

(3) There is a reasonably healthy parent-child relationship, and there is reason to believe that the parent or guardian will continue to maintain a relationship with the child or youth while he is participating in the voluntary services program and will continue to be an active participant in all aspects of the planning and treatment process; and,

(4) There is a reasonable expectation that the child or youth will return to the parent or guardian when the case service plan is completed.

(c) A child or youth who has been committed to the commissioner as a juvenile delinquent and who will require the extension of placement or services on a voluntary basis upon the expiration of the commitment may also be admitted to the voluntary services program at the discretion of the commissioner or his designee.

(Adopted effective September 26, 2001)

**Sec. 17a-11-8. Admission restrictions**

The following types of cases shall not be accepted under the voluntary services program unless the provisions of this section are waived by the commissioner or designee pursuant to section 17a-11-11 of these regulations:

(a) Those in which the department has not been provided with sufficient data to establish eligibility;

(b) The child or youth is the subject of a pending petition alleging that he is neglected, abused or uncared for;

(c) The parent or guardian of a child or youth otherwise eligible for the voluntary services program has an active child protective services case with the department or is the subject of an investigation by the department of an allegation of child abuse or neglect of the child or youth;

(d) The child or youth is: the subject of a pending delinquency petition; has been adjudicated delinquent and is awaiting disposition, on probation, committed to the

department, or on parole; or is currently involved with the adult criminal justice system due to arrest, conviction, probation or parole;

(e) Out of home placement of the child or youth:

(1) was made prior to the request for the voluntary services program;

(2) was made in a program or facility not approved or licensed by the department;

(3) was arranged without the prior approval of the department; or,

(4) is in or would be in a program or facility that does not meet the treatment needs of the child or youth as determined by the department;

(f) There is reasonable cause to believe that the child or youth, or the parents of the child or youth will not cooperate with the case service plan.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-9. Individualized education program**

The program shall not provide or arrange for the provision of any services which are a component of the child or youth's Individualized Education Program (IEP) except as otherwise provided by law.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-10. Parental consent**

Parental or guardian consent is required prior to the provision of mental health services, except when a child or youth seeks services pursuant to section 19a-14c of the Connecticut General Statutes.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-11. Applications for the voluntary services program**

(a) The parent or guardian of a child under the age of fourteen, or a child age fourteen or older or a youth seeking admission to the voluntary services program shall initiate a request for services by contacting the department's centralized intake system.

(b) The parent or guardian of a child under the age of fourteen, or a child age fourteen or older or a youth seeking voluntary services shall complete an application provided by the department, within sixty (60) days of their initial request, and shall provide the department with written reports from service providers and a current psychiatric or psychological evaluation, if such evaluation exists, which addresses the child or youth's treatment needs.

(c) The parent or guardian of a child under the age of fourteen, or a child age fourteen or older or a youth shall complete a financial form provided by the department.

(d) The parent or guardian of a child under the age of fourteen, or a child age fourteen or older or a youth shall sign all release of information forms required by the department.

(e) The commissioner or designee shall complete the assessment of the completed application within fourteen (14) days and notify the parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth or the attorney for said child or youth, in writing of the decision. Said notice shall inform the parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth that he may have a right to a voluntary services hearing if he disagrees with the department's decision.

(f) The commissioner or designee may waive the admission requirements or restrictions of the voluntary services program in the case of unusual circumstances. The burden of proof to show the unusual circumstances shall be upon the parent

or guardian of a child under fourteen years of age or by such person himself if he is a child fourteen years of age or older or a youth.

(g) If the department determines that the child or youth is ineligible for voluntary services, the parent or guardian of a child under the age of fourteen, or a child age fourteen or older or a youth shall be notified within ten (10) days of the department's determination of their right to a voluntary services hearing pursuant to section 17a-11-17 of the Regulations of Connecticut State Agencies.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-12. Termination of services**

(a) A child or youth admitted to the voluntary services program shall be deemed to be within the care of the commissioner until such admission is terminated.

(b) The commissioner shall terminate the admission of any child or youth pursuant to subsection (b) of section 17a-11 of the Connecticut General Statutes.

(c) The commissioner may terminate the admission of any child or youth pursuant to subsection (b) of section 17a-11 of the Connecticut General Statutes.

(d) The commissioner may terminate the admission of any child or youth admitted to the department's voluntary services program:

(1) If he determines that the child or youth and his parent or guardian have been provided services according to the case service plan and can no longer benefit from such services;

(2) If he determines that the child or youth or the parent of such child or youth is not cooperating with the case service plan; or,

(3) If he determines that the parent or guardian of the child or youth has failed, neglected or refused to contribute to the support of the child or youth pursuant to section 17a-11-27 of these regulations.

(e) If a voluntary services petition has been filed with the probate court in accordance with section 17a-11-15 of the Regulations of Connecticut State Agencies, the department shall give notice of the termination to the probate court in which the petition was filed.

(f) If the parent or guardian of a child under the age of fourteen or child age fourteen or more or a youth seeks administrative or judicial review of the department's decision to terminate voluntary services said services shall continue until such time as the administrative hearing officer or court has rendered a decision.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-13. The case service plan**

(a) In cases in which a child or youth is determined to be eligible for voluntary services, the case service plan shall be completed within fifty-five calendar days of the approval of the application.

(b) The parent or guardian of any child or youth and a child or youth age fourteen or older shall participate in the development of the case service plan. The department shall consult with all educational, mental health and medical providers serving the child or youth in the development of the case service plan.

(c) The case service plan shall consist of:

(1) The department's assessment conducted in accordance with section 17a-11-14 of the Regulations of Connecticut State Agencies;

(2) The treatment and support services that have been offered and provided to the child, youth or family to treat the emotional or behavioral disorder and to strengthen and reunite the family;

(3) The efforts that have been made or should be made to evaluate and plan for other modes of care if return home is not likely for the child or youth;

(4) Any further efforts which have been or will be made to promote the best interests of the child or youth; and,

(5) A copy of the child or youth's Individualized Education Program (IEP), if applicable, if residential placement is being sought or contemplated.

(d) If a child or youth admitted to the voluntary services program has a diagnosis of mental retardation as defined by section 1-1g of the Connecticut General Statutes, the case service plan shall be developed by the department in conjunction with the Department of Mental Retardation or other responsible state agencies.

(e) A case service plan shall be signed by the department, the parent or guardian of a child under the age of fourteen, or child or youth age fourteen or more.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-14. Assessment and services to be provided under the voluntary services program**

(a) The department shall complete an assessment of the child or youth which shall be part of the case service plan and which shall include:

(1) A compilation of all available diagnostic and social history material which will constitute the referral packet to be submitted to appropriate placement settings or service providers.

(2) Consultation with the child or youth, or parents or both in securing services appropriate to the child or youth's needs, periodically evaluating the child's progress and planning for the termination of the services and, if the child or youth has been placed out of the home, return of the child or youth to the parent.

(b) Services to be provided by the department may include referral to and utilization of other public and private community services as needed to carry out the case service plan.

(c) Any child or youth admitted to the department through the voluntary services program may be placed in, or transferred to, any resource, facility or institution within the department or available to the commissioner except the Connecticut Juvenile Training School, provided the commissioner shall give written notice to the parent or guardian of a child under the age of fourteen or child age fourteen or more or a youth of his intention to make a transfer at least ten (10) calendar days prior to any actual transfer, unless written notice is waived by those entitled to receive it, or unless an emergency commitment of such child is made pursuant to section 17a-502 of the Connecticut General Statutes.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-15. Petition to probate court**

(a) The department shall petition the probate court not more than one hundred twenty (120) days after a child or youth's admission pursuant to subsection (c) of section 17a-11 of the Connecticut General Statutes.

(b) A voluntary services program petition shall be submitted on forms provided by the probate court.

(c) A voluntary services program petition shall be filed in the probate court for the district in which a parent or guardian of the child or youth resides.

(d) A voluntary services program petition shall include a copy of the child or youth's case service plan.

(e) The petition required in subsection (a) of this section shall not be filed if the child or youth's admission in the voluntary services program has terminated prior

to the one hundred twenty (120) day requirement in subsection (a) of this section, unless a voluntary services hearing is pending.

(f) A hearing shall be scheduled with the probate court as prescribed by subsection (c) of section 17a-11 of the Connecticut General Statutes

(Adopted effective September 26, 2001)

**Sec. 17a-11-16. Dispositional hearing**

The commissioner shall file a motion requesting a dispositional hearing on the status of the child or youth not more than twelve (12) months after a child or youth is admitted to the department through the voluntary services program, and every twelve months thereafter pursuant to subsection (d) of section 17a-11 of the Connecticut General Statutes.

(Adopted effective September 26, 2001)

**Sec. 17a-11-17. Voluntary services hearing**

(a) The department shall conduct a Voluntary Services Hearing when admission to the voluntary services program is denied and the parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth or the attorney for such child or youth requests a Voluntary Services Hearing. Such hearing shall be conducted in accordance with Chapter 54 of the Connecticut General Statutes.

(b) The department shall conduct a Voluntary Services Hearing when admission to the voluntary services program is terminated and the parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth or the attorney for such child or youth requests a Voluntary Services Hearing and a petition pursuant to section 17a-11-15 of the Regulations of Connecticut State Agencies has not been filed in the probate court. Such hearing shall be conducted in accordance with Chapter 54 of the Connecticut General Statutes.

(c) The issue at the voluntary services hearing shall be whether the department properly applied the admissions criteria set forth in section 17a-11-7, the admission restrictions set forth in section 17a-11-8 or the provisions for termination of services set forth in section 17a-11-12 of the Regulations of Connecticut State Agencies.

(Adopted effective September 26, 2001)

**Sec. 17a-11-18. Voluntary services hearing procedures**

(a) The written notice given to the parent or guardian of a child under the age of fourteen or a child aged fourteen or more or a youth or the attorney for said child or youth pursuant to subsection (a) of this section shall include:

(1) a copy of sections 17a-11-4 through 17a-11-27, inclusive, of the Regulations of Connecticut State Agencies;

(2) the department's reason for the denial or termination;

(3) the right of a parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth to a Voluntary Services Hearing;

(4) how the parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth shall apply for a Voluntary Services Hearing;

(5) the time in which a request for a Voluntary Services Hearing shall be made.

(b) A copy of the notice provided to the parent or guardian of a child under the age of fourteen or a child age fourteen or more or a youth shall be maintained in the case record, and furnished to the hearings unit by the department, upon request of a hearing officer.

(c) A request for a Voluntary Services Hearing shall be made in writing to the Administrative Hearings Unit within fourteen (14) calendar days of receipt of notice of the denial or receipt of the notice of the termination of voluntary services.

(d) If a Voluntary Services Hearing is requested, the department shall refer the applicant to the manager of the hearings unit for technical assistance. The hearing officer assigned to the hearing shall not provide technical assistance on the hearing. Nothing in this section shall require the department to provide legal assistance to the applicant.

(e) A request for a Voluntary Services Hearing shall be stayed, denied or dismissed by the administrative hearings unit if court proceedings are pending in any court which may address the issue of services to be provided to the child or youth.

(f) Denial or termination of voluntary services shall not give rise to any administrative remedy offered by the department other than a Voluntary Services Hearing.

(g) Prior to a Voluntary Services Hearing if any party requests, the department shall hold an informal case review as provided for in section 17a-11(e) of the Connecticut General Statutes.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-19. Scheduling the voluntary services hearing**

(a) The Voluntary Services Hearing shall be scheduled by the hearing unit within thirty (30) calendar days of the date the request is received by the manager of the Administrative Hearings Unit. A Voluntary Services Hearing may be continued or postponed for good cause at the discretion of the hearing officer or with agreement of all parties.

(b) The Voluntary Services Hearing shall be held in the regional office of the department or, if agreeable to all the parties, another location designated by the hearing officer. Hearings requiring the presence of a child or youth shall be held at a time that does not interfere with the child or youth's education.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-20. Pre-hearing conference for a voluntary services hearing**

(a) The hearing officer may involve the parties and their representatives in a pre-hearing conference preceding the Voluntary Services Hearing for the purpose of:

- (1) simplification and consolidation of issues;
- (2) identification and limitation of the number of witnesses;
- (3) considering any other matters that will promote the quality of the proceedings.

(b) The hearing officer shall identify and recite on the Voluntary Services Hearing record any agreements made, or actions taken, by the parties at the conference.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-21. Conduct of the voluntary services hearing**

(a) The Voluntary Services Hearing shall be conducted by a hearing officer designated by the commissioner, or designee.

(b) The hearing officer shall have the power to administer oaths and affirmations, subpoena witnesses and require the production of records, physical evidence, papers and documents to any hearing held in the case.

(c) The hearing officer has the final authority to limit witnesses and take any other necessary actions that will facilitate the hearing process.

(d) Each party shall be afforded the opportunity to:

- (1) inspect and copy relevant and material records, papers and documents;
- (2) at a hearing, to respond, to cross-examine other parties, intervenors, and witnesses and to present evidence and argument on all issues involved.

(e) Any oral or documentary evidence may be received provided:

(1) the hearing officer shall limit or exclude any evidence which is irrelevant, immaterial or unduly repetitious;

(2) the hearing officer shall recognize statutes, regulations and rules of practice governing confidential, privileged and professional communications;

(3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties shall be given an opportunity to compare the copy with the original;

(5) notice may be taken of generally recognized technical or scientific facts within common knowledge or the agency's specialized knowledge;

(6) parties shall be notified in a timely manner of any material noticed, including any agency memoranda or data, and they shall be afforded an opportunity to contest the material so noticed;

(7) the agency's experience, technical compliance, and specialized knowledge may be used in the evaluation of the evidence;

(8) all parties and their attorney shall be permitted to examine all records and documents introduced by the parties to the hearing. Should any record or document, which a party was not permitted to examine in advance of the hearing, be introduced, that party may request a continuance, which may be granted at the discretion of the hearing officer, to allow the requesting party an opportunity to prepare a response to the record or document;

(9) a party may conduct cross-examinations required for a full and true disclosure of the facts.

(f) The full proceedings of Voluntary Services Hearings shall be audio recorded.

(g) The person aggrieved by the department's decision shall have the burden of proof. The standard of review in an administrative hearing is a preponderance of the evidence.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-22. Party and intervenor status in voluntary services hearings**

(a) Parties to the Voluntary Services Hearing shall be the parent or guardian of a child under the age of fourteen or a child or youth over the age of fourteen and the department. Parties may be represented by an attorney.

(b) The parents or guardians of a child or youth age fourteen years or older may request to intervene in any voluntary services hearing concerning the child or youth. Any such request shall be made in writing and sent to the manager of the administrative hearings unit.

(Adopted effective September 26, 2001)

### **Sec. 17a-11-23. The voluntary services hearing record**

(a) The record shall include:

(1) written notices related to the case;

(2) all petitions, pleadings, motions and intermediate rulings, if any;

(3) evidence received or considered;

(4) questions and offers of proof, objections and rulings thereon;

(5) the official recording of the proceedings;

(6) the final decision.

(b) Any recording or stenographic record of the proceeding shall be transcribed on request of any party. The requesting party shall pay the cost of such transcript.

(Adopted effective September 26, 2001)

**Sec. 17a-11-24. The voluntary services hearing decision**

(a) The hearing officer shall be responsible for preparing the memorandum of decision which shall be mailed within thirty (30) calendar days of the conclusion of the hearing to the parties and their attorney.

(b) The memorandum of decision shall contain:

- (1) the names of the persons present;
- (2) the provisions of law, regulation and policy applicable to the case;
- (3) evidence relied on in making the decision;
- (4) findings of fact;
- (5) a statement of the reasoning on which the decision is based.

(c) Any additional recommendations by the hearing officer pertaining to follow up actions to be taken by the parties shall be submitted in separate correspondence to all parties.

(Adopted effective September 26, 2001)

**Sec. 17a-11-25. Continuing care**

A person who has passed his eighteenth birthday but has not yet reached his twenty-first birthday, may be permitted to remain voluntarily in the Voluntary Services program pursuant to subsection (g) of section 17a-11 of the Connecticut General Statutes.

(Adopted effective September 26, 2001)

**Sec. 17a-11-26. Transition to other services**

The department shall provide a plan for the transition of a child or youth from the voluntary services program to adult services provided by one or more state agencies, if such services are available, as may be necessary for the child or youth.

(Adopted effective September 26, 2001)

**Sec. 17a-11-27. Parental liability**

(a) The parent of any child or youth receiving assistance through the voluntary services program may be liable for the support of the child or youth in accordance with sections 4a-12 and 4-66d of the Connecticut General Statutes.

(b) Upon acceptance of a child or youth for voluntary services, the parents of said child or youth shall be assessed an amount of money they shall be obligated to contribute to the support of the child or youth pursuant to section 4a-12 of the Connecticut General Statutes.

(Adopted effective September 26, 2001; amended May 30, 2002)