

Sec. 17a-111a. Commissioner of Children and Families to file petition to terminate parental rights, when. (a) The Commissioner of Children and Families shall file a petition to terminate parental rights pursuant to section 17a-112 if (1) the child has been in the custody of the commissioner for at least fifteen consecutive months, or at least fifteen months during the twenty-two months, immediately preceding the filing of such petition; (2) the child has been abandoned as defined in subsection (j) of section 17a-112; or (3) a court of competent jurisdiction has found that (A) the parent has killed, through deliberate, nonaccidental act, a sibling of the child or has requested, commanded, importuned, attempted, conspired or solicited to commit the killing of the child or a sibling of the child; or (B) the parent has assaulted the child or a sibling of a child, through deliberate, nonaccidental act, and such assault resulted in serious bodily injury to such child.

(b) Notwithstanding the provisions of subsection (a) of this section, the commissioner is not required to file a petition to terminate parental rights in such cases if the commissioner determines that: (1) The child has been placed under the care of a relative of such child; (2) there is a compelling reason to believe that filing such petition is not in the best interests of the child; or (3) the parent has not been offered the services contained in the permanency plan to reunify the parent with the child or such services were not available or reasonably accessible, unless a court has determined that efforts to reunify the parent with the child are not required.

(c) For purposes of this section, (1) a compelling reason to believe that a petition to terminate the parental rights of an incarcerated parent is not in the best interests of the child may include: (A) such parent maintains a meaningful role in the child's life, (B) such parent's incarceration is the primary reason why the child has been in foster care for fifteen of the last twenty-two months, and (C) there is no other applicable ground for filing such petition; and (2) the commissioner's assessment of whether an incarcerated parent maintains a meaningful role in the child's life may include consideration of the following factors: (A) the parent's expressions or acts of manifesting concerns for the child, such as letters, telephone calls, visits and other forms of communication with the child; (B) the parent's efforts to communicate and work with the commissioner or other individuals for the purpose of complying with the case plan developed pursuant to section 17a-15; (C) the

parent's efforts to communicate and work with the commissioner or other individuals for the purpose of repairing, maintaining, or building the parent-child relationship; (D) information provided by individuals or agencies in a reasonable position to assist the commissioner in making this assessment, including, but not limited to, the parent's attorney, correctional and mental health personnel or other individuals providing services to the parent; (E) limitations in the parent's access to family support programs, therapeutic services and visiting opportunities, restrictions to telephone and mail services, inability to participate in case plan review meetings held in accordance with section 17a-15 and difficulty participating meaningfully in court proceedings; and (F) whether the continued involvement of the parent in the child's life is in the child's best interests.