



General Assembly

February Session, 2000

Raised Bill No. 5028

LCO No. 612

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

An Act Concerning Youth In Crisis And Parental Control Of Education.

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

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows: (1) "Child"
5 means any person under sixteen years of age and, for purposes of
6 delinquency matters, "child" means any person (A) under sixteen years
7 of age or, (B) sixteen years of age or older who, prior to attaining
8 sixteen years of age, has violated any federal or state law or municipal
9 or local ordinance, other than an ordinance regulating behavior of a
10 child in a family with service needs, and, subsequent to attaining
11 sixteen years of age, violates any order of the Superior Court or any
12 condition of probation ordered by the Superior Court with respect to
13 such delinquency proceeding; (2) "youth" means any person sixteen to
14 eighteen years of age; (3) "youth in crisis" means any person sixteen to
15 seventeen years of age who within the last two years (A) has without
16 just cause run away from the parental home or other properly

17 authorized and lawful place of abode; (B) is beyond the control of
18 parents, guardian or other custodian; (C) has been adjudicated by a
19 court of competent jurisdiction to have engaged in illegal conduct; (D)
20 has four unexcused absences from school in any one month or ten
21 unexcused absences in any school year; or (E) while in school, has been
22 continuously and overtly defiant of school rules and regulations; [(3)]
23 (4) "abused" means that a child or youth (A) has [had] been inflicted
24 with physical injury or injuries [inflicted upon him] other than by
25 accidental means, or (B) has injuries which are at variance with the
26 history given of them, or (C) is in a condition which is the result of
27 maltreatment such as, but not limited to, malnutrition, sexual
28 molestation or exploitation, deprivation of necessities, emotional
29 maltreatment or cruel punishment; [(4)] (5) a child may be found
30 "mentally deficient" who, by reason of a deficiency of intelligence,
31 which has existed from birth or from early age, requires, or will
32 require, for his protection or for the protection of others, special care,
33 supervision and control; [(5)] (6) a child may be convicted as
34 "delinquent" who has violated (A) any federal or state law or
35 municipal or local ordinance, other than an ordinance regulating
36 behavior of a child in a family with service needs, (B) any order of the
37 Superior Court or (C) conditions of probation as ordered by the court;
38 [(6)] (7) a child or youth may be found "dependent" whose home is a
39 suitable one for [him] the child or youth, save for the financial inability
40 of [his] parents, parent, guardian or other person maintaining such
41 home, to provide the specialized care [his] the condition of the child or
42 youth requires; [(7)] (8) a "family with service needs" means a family
43 which includes a child who (A) has without just cause run away from
44 [his] the parental home or other properly authorized and lawful place
45 of abode; (B) is beyond the control of [his] parent, parents, guardian or
46 other custodian; (C) has engaged in indecent or immoral conduct; (D)
47 is a truant or habitual truant or who, while in school, has been
48 continuously and overtly defiant of school rules and regulations; or (E)
49 is thirteen years of age or older and has engaged in sexual intercourse
50 with another person and such other person is thirteen years of age or

51 older and not more than two years older or younger than such child;
52 [(8)] (9) a child or youth may be found "neglected" who (A) has been
53 abandoned or (B) is being denied proper care and attention, physically,
54 educationally, emotionally or morally or (C) is being permitted to live
55 under conditions, circumstances or associations injurious to [his] the
56 well-being of the child or youth or (D) has been abused; [(9)] (10) a
57 child or youth may be found "uncared for" who is homeless or whose
58 home cannot provide the specialized care which [his] the physical,
59 emotional or mental condition of the child requires. For the purposes
60 of this section the treatment of any child by an accredited Christian
61 Science practitioner in lieu of treatment by a licensed practitioner of
62 the healing arts, shall not of itself constitute neglect or maltreatment;
63 [(10)] (11) "delinquent act" means the violation of any federal or state
64 law or municipal or local ordinance, other than an ordinance
65 regulating the behavior of a child in a family with service needs, or the
66 violation of any order of the Superior Court; [(11)] (12) "serious
67 juvenile offense" means (A) the violation by a child, including attempt
68 or conspiracy to violate sections 21a-277, 21a-278, 29-33, 29-34, 29-35,
69 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
70 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,
71 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101,
72 53a-102a, 53a-103a, 53a-111 to 53a-113, inclusive, subdivision (1) of
73 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of
74 section 53a-123, 53a-134, 53a-135, 53a-136a, 53a-166, 53a-167c,
75 subsection (a) of section 53a-174, 53a-196a, 53a-211, 53a-212, 53a-216 or
76 53a-217b, or (B) running away, without just cause, from any secure
77 placement other than home while referred as a delinquent child to the
78 Office of Alternative Sanctions or committed as a delinquent child to
79 the Commissioner of Children and Families for a serious juvenile
80 offense; [(12)] (13) "serious juvenile offender" means any child
81 convicted as delinquent for commission of a serious juvenile offense;
82 [(13)] (14) "serious juvenile repeat offender" means any child charged
83 with the commission of any felony if such child has previously been
84 convicted delinquent at any age for two violations of any provision of

85 title 21a, 29, 53 or 53a which is designated as a felony; [(14)] (15)
86 "alcohol-dependent child" means any child who has a psychoactive
87 substance dependence on alcohol as that condition is defined in the
88 most recent edition of the American Psychiatric Association's
89 "Diagnostic and Statistical Manual of Mental Disorders"; [(15)] (16)
90 "drug-dependent child" means any child who has a psychoactive
91 substance dependence on drugs as that condition is defined in the
92 most recent edition of the American Psychiatric Association's
93 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
94 be classified as drug dependent who is dependent (A) upon a
95 morphine-type substance as an incident to current medical treatment
96 of a demonstrable physical disorder other than drug dependence, or
97 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
98 or other stimulant and depressant substances as an incident to current
99 medical treatment of a demonstrable physical or psychological
100 disorder, or both, other than drug dependence.

101 Sec. 2. Section 46b-121 of the general statutes is repealed and the
102 following is substituted in lieu thereof:

103 (a) Juvenile matters in the civil session include all proceedings
104 concerning uncared-for, neglected or dependent children and youth
105 within this state, termination of parental rights of children committed
106 to a state agency, matters concerning families with service needs,
107 contested matters involving termination of parental rights or removal
108 of guardian transferred from the Probate Court, [and] the
109 emancipation of minors and youth in crisis, but does not include
110 matters of guardianship and adoption or matters affecting property
111 rights of any child, [or] youth or youth in crisis over which the Probate
112 Court has jurisdiction, provided appeals from probate concerning
113 adoption, termination of parental rights and removal of a parent as
114 guardian shall be included. Juvenile matters in the criminal session
115 include all proceedings concerning delinquent children in the state and
116 persons sixteen years of age and older who are under the supervision
117 of a juvenile probation officer while on probation or a suspended

118 commitment to the Department of Children and Families, for purposes
119 of enforcing any court orders entered as part of such probation or
120 suspended commitment.

121 (b) In juvenile matters, the Superior Court shall have authority to
122 make and enforce such orders directed to parents, including any
123 person who acknowledges before said court paternity of a child born
124 out of wedlock, guardians, custodians or other adult persons owing
125 some legal duty to a child, [or] youth or youth in crisis therein, as it
126 deems necessary or appropriate to secure the welfare, protection,
127 proper care and suitable support of a child, [or] youth or youth in
128 crisis subject to its jurisdiction or otherwise committed to or in the
129 custody of the Commissioner of Children and Families. In addition,
130 with respect to proceedings concerning delinquent children, the
131 Superior Court shall have authority to make and enforce such orders
132 as it deems necessary or appropriate to punish the child, deter the
133 child from the commission of further delinquent acts, assure that the
134 safety of any other person will not be endangered and provide
135 restitution to any victim. Said court shall also have authority to grant
136 and enforce injunctive relief, temporary or permanent in all
137 proceedings concerning juvenile matters. If any order for the payment
138 of money is issued by said court, including any order assessing costs
139 issued under section 46b-134 or 46b-136, the collection of such money
140 shall be made by said court, except orders for support of children
141 committed to any state agency or department, which orders shall be
142 made payable to and collected by the Department of Administrative
143 Services. Where the court after due diligence is unable to collect such
144 moneys within six months, it shall refer such case to the Department of
145 Administrative Services for collection as a delinquent account. In
146 juvenile matters, the court shall have authority to make and enforce
147 orders directed to persons liable hereunder on petition of said
148 Department of Administrative Services made to said court in the same
149 manner as is provided in section 17b-745, in accordance with the
150 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179,
151 section 17a-90, 46b-129 or 46b-130, and all of the provisions of section

152 17b-745 shall be applicable to such proceedings. Any judge hearing a
153 juvenile matter may make any other order in connection therewith
154 [within his authority] that a judge of the Superior Court is authorized
155 to grant [as a judge of the Superior Court] and such order shall have
156 the same force and effect as any other order of the Superior Court. In
157 the enforcement of its orders, in connection with any juvenile matter,
158 the court may issue process for the arrest of any person, compel
159 attendance of witnesses and punish for contempt by a fine not
160 exceeding one hundred dollars or imprisonment not exceeding six
161 months. Following an adjudication by the court, a fee of two hundred
162 dollars shall be assessed by the court against the parents, guardian or
163 custodian of any child, [or] youth or youth in crisis whenever the
164 services of the probation staff for juvenile matters is required.

165 Sec. 3. (NEW) (a) Any selectman, town manager, police officer or
166 welfare department of any town, city or borough, probation officer,
167 superintendent of schools, any child-caring institution or agency
168 approved or licensed by the Commissioner of Children and Families,
169 any youth service bureau, a parent or foster parent of a youth, or a
170 representative of youth, who believes that the acts or omissions of a
171 youth are such that such youth is a youth in crisis may file a written
172 complaint setting forth those facts with the Superior Court which has
173 venue over that matter.

174 (b) A petition alleging that a youth is a youth in crisis shall be
175 verified and filed with the Superior Court which has venue over the
176 matter. The petition shall set forth plainly: (1) The facts which bring
177 the youth within the jurisdiction of the court; (2) the name, date of
178 birth, sex and residence of the child; (3) the name and residence of the
179 parent or parents, guardian or other person having control of the
180 youth; and (4) a prayer for appropriate action by the court in
181 conformity with the provisions of this section.

182 (c) Upon determination that a youth is a youth in crisis in
183 accordance with policies established by the Chief Court Administrator,

184 the court may make and enforce orders, including, but not limited to,
185 orders: (1) Prohibiting the youth in crisis from driving a motor vehicle
186 for a time determined by the court; (2) requiring work or specified
187 community service; (3) mandating that the youth in crisis attend an
188 educational program in the local community approved by the court;
189 (4) requiring the youth in crisis to be placed in a community-based
190 residential facility approved by the court; and (5) requiring
191 community-based substance abuse or family counseling or mental
192 health services. A youth in crisis found to be in violation of any order
193 under this section shall not be considered to be delinquent and shall
194 not be punished by the court by incarceration in any state-operated
195 detention facility or correctional facility.

196 Sec. 4. (NEW) (a) Any police officer who receives a report from the
197 parent or guardian of a youth in crisis, as defined in section 46b-120 of
198 the general statutes, as amended by this act, shall promptly attempt to
199 locate the youth in crisis. If the officer locates such youth in crisis, he
200 may report the location of the youth to the parent or guardian in
201 accordance with the provisions of federal and state law after he
202 determines that such report does not place the youth in any physical or
203 emotional harm. In addition the police officer may: (1) Transport the
204 youth in crisis to the home of the child's parent or guardian or any
205 other person; (2) refer the youth in crisis to the Superior Court for
206 juvenile matters in the district where the youth in crisis is located; (3)
207 hold the youth in crisis in protective custody for a maximum period of
208 twelve hours until the officer can determine a more suitable
209 disposition of the matter, provided (A) the youth in crisis is not held in
210 any locked room or cell and (B) the officer may release the youth in
211 crisis at any time without taking further action; or (4) transport or refer
212 a youth in crisis to any public or private agency serving children, with
213 or without the agreement of the youth in crisis. If a youth in crisis is
214 transported or referred to an agency pursuant to this section, such
215 agency may provide services to the youth in crisis unless or until the
216 parent or guardian of the youth in crisis at any time refuses to agree to
217 those services.

218 (b) Any police officer acting in accordance with the provisions of
219 this section shall be deemed to be acting in the course of official duties.

220 Sec. 5. (NEW) If a child sixteen years of age and over and under
221 eighteen years of age has four unexcused absences from school in any
222 one month or ten unexcused absences from school in one year, school
223 personnel shall use all reasonable efforts to notify the parent or other
224 person in control of the child of the absences. School personnel and the
225 parent or other person having control of the child shall meet to
226 determine if the parent or other person consents to the nonattendance
227 of a child in school.

228 Sec. 6. Section 10-184 of the general statutes is repealed and the
229 following is substituted in lieu thereof:

230 All parents and those who have the care of children shall bring them
231 up in some lawful and honest employment and instruct them or cause
232 them to be instructed in reading, writing, spelling, English grammar,
233 geography, arithmetic and United States history and in citizenship,
234 including a study of the town, state and federal governments. Subject
235 to the provisions of this section and section 10-15c, each parent or other
236 person having control of a child five years of age and over and under
237 ~~[sixteen]~~ eighteen years of age shall cause such child to attend a public
238 school regularly during the hours and terms the public school in the
239 district in which such child resides is in session, unless such child is a
240 high school graduate or the parent or person having control of such
241 child is able to show that the child is elsewhere receiving equivalent
242 instruction in the studies taught in the public schools. The parent or
243 person having control of a child five years of age shall have the option
244 of not sending the child to school until the child is six years of age and
245 the parent or person having control of a child six years of age shall
246 have the option of not sending the child to school until the child is
247 seven years of age. The parent or person shall exercise such option by
248 personally appearing at the school district office and signing an option
249 form. The school district shall provide the parent or person with

250 information on the educational opportunities available in the school
251 system. Notwithstanding the provisions of this section, a child sixteen
252 years of age and over and under eighteen years of age shall not be
253 required to attend public school if the parent or other person having
254 control of the child consents to nonattendance. School personnel shall
255 use all reasonable efforts to determine if the parent or other person in
256 control of the child consents to nonattendance. School personnel and
257 the parent or other person having control of the child shall meet to
258 determine if the parent or other person consents to the nonattendance
259 of a child in school. Any person who, in good faith, gives or fails to
260 give notice pursuant to this section shall be immune from any liability,
261 civil or criminal, which might otherwise be incurred or imposed and
262 shall have the same immunity with respect to any judicial proceeding
263 which results from such notice or failure to give notice.

264 Sec. 7. Section 10-198a of the general statutes is repealed and the
265 following is substituted in lieu thereof:

266 (a) For purposes of this section, "truant" means a child age five to
267 [~~sixteen~~] eighteen, inclusive, who is not a high school graduate and is
268 enrolled in a public or private school and has four unexcused absences
269 from school in any one month or ten unexcused absences from school
270 in any school year.

271 (b) Each local and regional board of education shall adopt and
272 implement policies and procedures concerning truants who are
273 enrolled in schools under the jurisdiction of such board of education.
274 Such policies and procedures shall include, but need not be limited to,
275 the following: (1) The holding of a meeting with the parent of each
276 child who is a truant, or other person having control of such child, and
277 appropriate school personnel to review and evaluate the reasons for
278 the child being a truant, provided such meeting shall be held not later
279 than ten school days after the child's fourth unexcused absence in a
280 month or tenth unexcused absence in a school year, (2) coordinating
281 services with and referrals of children to community agencies

282 providing child and family services, (3) annually at the beginning of
283 the school year and upon any enrolment during the school year,
284 notifying the parent or other person having control of each child
285 enrolled in a grade from kindergarten to eight, inclusive, in the public
286 schools in writing of the obligations of the parent or such other person
287 pursuant to section 10-184, as amended by this act, (4) annually at the
288 beginning of the school year and upon any enrolment during the
289 school year, obtaining from the parent or other person having control
290 of each child in a grade from kindergarten to eight, inclusive, a
291 telephone number or other means of contacting such parent or such
292 other person during the school day and (5) a system of monitoring
293 individual unexcused absences of children in grades kindergarten to
294 eight, inclusive, which shall provide that whenever a child enrolled in
295 school in any such grade fails to report to school on a regularly
296 scheduled school day and no indication has been received by school
297 personnel that the child's parent or other person having control of the
298 child is aware of the pupil's absence, a reasonable effort to notify, by
299 telephone, the parent or such other person shall be made by school
300 personnel or volunteers under the direction of school personnel. Any
301 person who, in good faith, gives or fails to give notice pursuant to
302 subdivision (5) of this subsection shall be immune from any liability,
303 civil or criminal, which might otherwise be incurred or imposed and
304 shall have the same immunity with respect to any judicial proceeding
305 which results from such notice or failure to give such notice.

306 (c) If the parent or other person having control of a child who is a
307 truant fails to attend the meeting held pursuant to subdivision (1) of
308 subsection (b) of this section or if such parent or other person
309 otherwise fails to cooperate with the school in attempting to solve the
310 truancy problem, such policies and procedures shall require the
311 superintendent of schools to file for each such truant enrolled in the
312 schools under his or her jurisdiction a written complaint with the
313 Superior Court pursuant to section 46b-149 alleging the belief that the
314 acts or omissions of the child who is a truant are such that [his] the
315 child's family is a family with service needs.

316 (d) Nothing in subsections (a) to (c), inclusive, of this section shall
317 preclude a local or regional board of education from adopting policies
318 and procedures pursuant to this section which exceed the
319 requirements of said subsections.

320 (e) The provisions of this section shall not apply to any child
321 receiving equivalent instruction pursuant to section 10-184, as
322 amended by this act.

323 Sec. 8. Section 10-200 of the general statutes is repealed and the
324 following is substituted in lieu thereof:

325 Each city and town may adopt ordinances, in accordance with this
326 section, concerning habitual truants from school and children between
327 the ages of five and [sixteen] eighteen years wandering about its streets
328 or public places, having no lawful occupation and not attending
329 school; and may make such ordinances respecting such children as
330 shall conduce to their welfare and to public order, imposing penalties,
331 not exceeding twenty dollars, for any one breach thereof. The police in
332 any town, city or borough and bailiffs, constables, sheriffs and deputy
333 sheriffs in their respective precincts shall arrest all such children found
334 anywhere beyond the proper control of their parents or guardians,
335 during the usual school hours of the school terms, and may stop any
336 child under [sixteen] eighteen years of age during such hours and
337 ascertain whether such child is a truant from school, and, if such child
338 is, shall send such child to school. For purposes of this section,
339 "habitual truant" means a child age five to [sixteen] eighteen, inclusive,
340 who is not a high school graduate and who is enrolled in a public or
341 private school [who] and has twenty unexcused absences within a
342 school year. The provisions of this section shall not apply to children
343 who have graduated from high school.

344 Sec. 9. Subsection (a) of section 10-220 of the general statutes is
345 repealed and the following is substituted in lieu thereof:

346 (a) Each local or regional board of education shall maintain good

347 public elementary and secondary schools, implement the educational
348 interests of the state as defined in section 10-4a and provide such other
349 educational activities as in its judgment will best serve the interests of
350 the school district; provided any board of education may secure such
351 opportunities in another school district in accordance with provisions
352 of the general statutes and shall give all the children of the school
353 district as nearly equal advantages as may be practicable; shall provide
354 an appropriate learning environment for its students which includes
355 (1) adequate instructional books, supplies, materials, equipment,
356 staffing, facilities and technology, (2) equitable allocation of resources
357 among its schools, and (3) a safe school setting; shall have charge of the
358 schools of its respective school district; shall make a continuing study
359 of the need for school facilities and of a long-term school building
360 program and from time to time make recommendations based on such
361 study to the town; shall report annually to the Commissioner of
362 Education on the condition of its facilities and the action taken to
363 implement its long-term school building program, which report the
364 commissioner shall use to prepare an annual report that [he] the
365 commissioner shall submit in accordance with section 11-4a to the joint
366 standing committee of the General Assembly having cognizance of
367 matters relating to education; shall advise the Commissioner of
368 Education of the relationship between any individual school building
369 project pursuant to chapter 173 and such long-term school building
370 program; shall have the care, maintenance and operation of buildings,
371 lands, apparatus and other property used for school purposes and at
372 all times shall insure all such buildings and all capital equipment
373 contained therein against loss in an amount not less than eighty per
374 cent of replacement cost; shall determine the number, age and
375 qualifications of the pupils to be admitted into each school; shall
376 develop and implement a written plan for minority staff recruitment
377 for purposes of subdivision (3) of section 10-4a; shall employ and
378 dismiss the teachers of the schools of such district subject to the
379 provisions of sections 10-151 and 10-158a; shall designate the schools
380 which shall be attended by the various children within the school

381 district; shall make such provisions as will enable each child of school
382 age, residing in the district to attend some public day school for the
383 period required by law and provide for the transportation of children
384 wherever transportation is reasonable and desirable, and for such
385 purpose may make contracts covering periods of not more than five
386 years; may place in an alternative school program or other suitable
387 educational program a pupil enrolling in school who is nineteen years
388 of age or older and cannot acquire a sufficient number of credits for
389 graduation by age twenty-one; may arrange with the board of
390 education of an adjacent town for the instruction therein of such
391 children as can attend school in such adjacent town more conveniently;
392 shall cause each child five years of age and over and under [sixteen]
393 eighteen years of age living in the school district who is not a high
394 school graduate to attend school in accordance with the provisions of
395 section 10-184, as amended by this act, and shall perform all acts
396 required of it by the town or necessary to carry into effect the powers
397 and duties imposed by law.

398 Sec. 10. Section 45a-604 of the general statutes, as amended by
399 section 4 of public act 99-84, is repealed and the following is
400 substituted in lieu thereof:

401 As used in sections 45a-603 to 45a-622, inclusive:

402 (1) "Mother" means (A) a woman who can show proof by means of a
403 birth certificate or other sufficient evidence of having given birth to a
404 child and (B) an adoptive mother as shown by a decree of a court of
405 competent jurisdiction or otherwise;

406 (2) "Father" means a man who is a father under the law of this state
407 including a man who, in accordance with section 46b-172, executes a
408 binding acknowledgment of paternity and a man determined to be a
409 father under chapter 815y;

410 (3) "Parent" means a mother as defined in subdivision (1) of this
411 section or a "father" as defined in subdivision (2) of this section;

412 (4) "Minor" or "minor child" means a person under the age of
413 eighteen;

414 (5) "Guardianship" means guardianship of the person of a minor,
415 and includes: (A) The obligation of care and control; and (B) the
416 authority to make major decisions affecting the minor's education and
417 welfare, including, but not limited to, consent determinations
418 regarding marriage, enlistment in the armed forces and major medical,
419 psychiatric or surgical treatment, except as otherwise provided by law;

420 (6) "Guardian" means one who has the authority and obligations of
421 "guardianship" as defined in subdivision (5) of this section;

422 (7) "Termination of parental rights" means the complete severance
423 by court order of the legal relationship, with all its rights and
424 responsibilities, between the child and the child's parent or parents so
425 that the child is free for adoption, except that it shall not affect the right
426 of inheritance of the child or the religious affiliation of the child.

427 Sec. 11. This act shall take effect July 1, 2000.

Statement of Purpose:

To extend the Families With Special Needs (FWSN) program to youth in crisis and to require parents and school personnel to meet to determine if a child over sixteen has dropped out of school.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]