



## Senate

General Assembly

**File No. 545**

January Session, 2001

Substitute Senate Bill No. 1237

*Senate, May 2, 2001*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS AND YOUTH IN CRISIS.**

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

1 Section 1. Section 46b-148 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 When a child whose family has been adjudicated as a family with  
4 service needs in accordance with section 46b-149, as amended by this  
5 act, violates any valid order [which] that regulates future conduct of  
6 the child made by the court following such an adjudication, a  
7 probation officer, on receipt of a complaint setting forth facts alleging  
8 such a violation, or on [his] the probation officer's own motion on the  
9 basis of [his] knowledge of such a violation, may file a petition with  
10 the court alleging that the child has committed a delinquent act by  
11 reason of having violated a valid court order and setting forth the facts  
12 claimed to constitute such a violation. Such child may be processed as  
13 any other delinquent child under this chapter, except that (1) such

14 child shall not be held in detention prior to a hearing on such petition  
15 for more than seventy-two hours excluding Saturdays, Sundays and  
16 holidays; [and] (2) in entering any order that directs or authorizes  
17 placement in a facility under the auspices of the Office of Alternative  
18 Sanctions or commitment to the Department of Children and Families,  
19 the judge shall make a determination that there is no less restrictive  
20 alternative appropriate to the needs of the child and the community;  
21 and (3) such child shall not be placed in Long Lane School, the  
22 Connecticut Juvenile Training School or in a juvenile detention center  
23 but may be ordered to attend rehabilitative programs specifically  
24 designed to meet the mental health and other specific needs of children  
25 in families with service needs.

26 Sec. 2. Section 46b-149 of the general statutes is repealed and the  
27 following is substituted in lieu thereof:

28 (a) Any selectman, town manager, police officer or welfare  
29 department of any town, city or borough, probation officer,  
30 superintendent of schools, the Commissioner of Children and Families,  
31 any child-caring institution or agency approved or licensed by the  
32 Commissioner of Children and Families, any youth service bureau, a  
33 parent or foster parent of a child, or a child or [his] the child's  
34 representative or attorney, who believes that the acts or omissions of a  
35 child are such that [his] the child's family is a family with service  
36 needs, may file a written complaint setting forth those facts with the  
37 superior court [which] that has venue over that matter.

38 (b) The court shall refer a complaint filed under subsection (a) of  
39 this section to a probation officer, who shall promptly determine  
40 whether it appears that the alleged facts, if true, would be sufficient to  
41 meet the definition of a family with service needs, provided a  
42 complaint alleging that a child is a truant or habitual truant shall not  
43 be determined to be insufficient to meet the definition of a family with  
44 service needs solely because it was filed during the months of April,

45 May or June. If such probation officer so determines, [he] the probation  
46 officer shall promptly either (1) refer the matter, with the consent of  
47 the child and [his] the child's parents or guardian, to a suitable  
48 community-based or other service provider, or (2) file a petition with  
49 the court in the manner prescribed in subsection (c) of this section. In  
50 either case, the probation officer shall inform the complainant in  
51 writing of [his] such action. If it appears that the allegations are not  
52 true, or that the child's family does not meet the definition of a family  
53 with service needs, the probation officer shall inform the complainant  
54 in writing of such finding. In any case in which the probation officer  
55 does not file a petition, [he] the probation officer shall also inform the  
56 complainant of the right of such person to file a petition pursuant to  
57 subsection (c) of this section. Any person who has filed a complaint  
58 pursuant to subsection (a) of this section, and who has been notified by  
59 a probation officer that such officer does not intend to file a petition for  
60 a family with service needs may, within thirty days after mailing of  
61 such notice, file a petition under subsection (c) of this section.

62 (c) A petition alleging that a family constitutes a family with service  
63 needs shall be verified and filed with the Superior Court [which] that  
64 has venue over the matter. The petition shall set forth plainly: (1) The  
65 facts [which] that bring the child within the jurisdiction of the court, (2)  
66 the name, date of birth, sex and residence of the child, (3) the name and  
67 residence of [his] the child's parent or parents, guardian or other  
68 person having control of [him] the child, and (4) a prayer for  
69 appropriate action by the court in conformity with the provisions of  
70 this section.

71 (d) When a petition is filed under subsection (c) of this section, the  
72 court may issue a summons to the child and [his] the child's parents,  
73 guardian or other person having control of [him] the child to appear in  
74 court at a specified time and place. The summons shall be signed by a  
75 judge or by the clerk or assistant clerk of the court, and a copy of the  
76 petition shall be attached to it. Whenever it appears to the judge that

77 orders addressed to an adult, as set forth in section 46b-121, are  
78 necessary for the welfare of such child, a similar summons shall be  
79 issued and served upon such adult if [he] such adult is not already in  
80 court. Service of summons shall be made in accordance with section  
81 46b-128, as amended by this act. The court may punish for contempt,  
82 as provided in section 46b-121, any parent, guardian or other person so  
83 summoned who fails to appear in court at the time and place so  
84 specified. If a petition is filed under subsection (c) of this section  
85 alleging that a family is a family with service needs because a child is a  
86 truant or habitual truant, the court may not dismiss such petition  
87 solely because it was filed during the months of April, May or June.

88 (e) When a petition is filed under subsection (c) of this section  
89 alleging that a family constitutes a family with service needs because it  
90 includes a child who has been habitually truant, the court shall order  
91 that the local or regional board of education for the town in which the  
92 child resides, or the private school in the case of a child enrolled in a  
93 private school, shall cause an educational evaluation of such child to  
94 be performed if no such evaluation has been performed within the  
95 preceding year. Any costs incurred for the performance of such  
96 evaluation shall be borne by such local or regional board of education  
97 or such private school.

98 (f) If it appears from the allegations of a petition or other sworn  
99 affirmations that there is: (1) A strong probability that the child may do  
100 something that is injurious to himself prior to court disposition; (2) a  
101 strong probability that the child will run away prior to the hearing; or  
102 (3) a need to hold the child for another jurisdiction, a judge may vest  
103 temporary custody of such child in some suitable person or agency. No  
104 nondelinquent juvenile runaway from another state may be held in a  
105 state-operated detention home in accordance with the provisions of  
106 sections 46b-151 to 46b-151g, inclusive, Interstate Compact on  
107 Juveniles. A hearing on temporary custody shall be held not later than  
108 ten days after the date on which a judge signs an order of temporary

109 custody. Following such hearing, the judge may order that the child's  
110 temporary custody continue to be vested in some suitable person or  
111 agency. Any expenses of temporary custody shall be paid in the same  
112 manner as provided in subsection (b) of section 46b-129.

113 (g) If it appears that the interests of the child or the family may be  
114 best served, prior to adjudication, by a referral to community-based or  
115 other services, the judge may permit the matter to be continued for a  
116 period not to exceed three months. If it appears at the conclusion of the  
117 continuance that the matter has been satisfactorily resolved, the judge  
118 may dismiss the petition.

119 (h) If the court finds, based on clear and convincing evidence, that  
120 the family of a child is a family with service needs, the court may, in  
121 addition to issuing any orders under section 46b-121, (1) refer the child  
122 to the Department of Children and Families for any voluntary services  
123 provided by said department or, if the family is a family with service  
124 needs solely as a result of a finding that a child is a truant or habitual  
125 truant, to the authorities of the local or regional school district or  
126 private school for services provided by such school district or such  
127 school, which services may include summer school, or to community  
128 agencies providing child and family services; (2) commit that child to  
129 the care and custody of the Commissioner of Children and Families for  
130 an indefinite period not to exceed eighteen months; (3) order the child  
131 to remain in [his] the child's own home or in the custody of a relative  
132 or any other suitable person (A) subject to the supervision of a  
133 probation officer or (B) in the case of a family [which] that is a family  
134 with service needs solely as a result of a finding that a child is a truant  
135 or habitual truant, subject to the supervision of a probation officer and  
136 the authorities of the local or regional school district or private school;  
137 or (4) if the family is a family with service needs as a result of the child  
138 engaging in sexual intercourse with another person and such other  
139 person is thirteen years of age or older and not more than two years  
140 older or younger than such child, (A) refer the child to a youth service

141 bureau or other appropriate service agency for participation in a  
142 program such as a teen pregnancy program or a sexually transmitted  
143 disease program and (B) require such child to perform community  
144 service such as service in a hospital, an AIDS prevention program or  
145 an obstetrical and gynecological program. If the court issues any order  
146 [which] that regulates future conduct of the child, parent or guardian,  
147 the child, parent or guardian, shall receive adequate and fair warning  
148 of the consequences of violation of the order at the time it is issued,  
149 and such warning shall be provided to the child, parent or guardian, to  
150 [his] the child's attorney and to [his] the child's legal guardian in  
151 writing and shall be reflected in the court record and proceedings. No  
152 such child shall be placed in Long Lane School, the Connecticut  
153 Juvenile Training School or in a juvenile detention center but may be  
154 ordered to attend rehabilitative programs specifically designed to meet  
155 the mental health and other specific needs of children in families with  
156 service needs.

157 (i) (1) The Commissioner of Children and Families may petition the  
158 court for an extension of a commitment under this section on the  
159 grounds that an extension would be in the best interest of the child.  
160 The court shall give notice to the child and [his] the child's parent or  
161 guardian at least fourteen days prior to the hearing upon that petition.  
162 The court may, after hearing and upon finding that such extension is in  
163 the best interest of the child, continue the commitment for an  
164 additional indefinite period of not more than eighteen months. (2) The  
165 Commissioner of Children and Families may at any time petition the  
166 court to discharge a child, committed under this section, and any child  
167 committed to the commissioner under this section, or the parent or  
168 guardian of such child, may at any time but not more often than once  
169 every six months petition the court [which] that committed the child to  
170 revoke such commitment. The court shall notify the child, [his] parent  
171 or guardian and the commissioner of any petition filed under this  
172 subsection, and of the time when a hearing on such petition will be  
173 held. Any order of the court made under this subsection shall be

174 deemed a final order for purposes of appeal, except that no bond shall  
175 be required nor costs taxed on such appeal.

176 Sec. 3. Section 46b-149c of the general statutes is repealed and the  
177 following is substituted in lieu thereof:

178 With respect to truancy and other family with service needs cases,  
179 the judicial branch shall:

180 (1) Coordinate and develop appropriate programs and services with  
181 other state agencies that establish a continuum of services and  
182 programs exclusively for youth in crisis and children in families with  
183 service needs;

184 (2) Establish protocols in cooperation with the Office of Policy and  
185 Management, the Department of Children and Families and the  
186 Department of Education for referral to community-based intervention  
187 programs prior to referral of a case to the superior court for juvenile  
188 matters;

189 (3) Develop and use procedures to evaluate the risk and service  
190 needs of children whose cases have been referred to the superior court  
191 for juvenile matters; and

192 (4) Collaborate with community-based programs.

**Statement of Legislative Commissioners:**

References to "Long Lane School", which will be but has not yet been renamed "Connecticut Juvenile Training School", were added for accuracy. Section 4 of the bill was deleted because it repeated section 46b-121m of the general statutes.

**KID** Joint Favorable Subst. C/R-LCO JUD

**JUD** Joint Favorable Subst.-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Indeterminate Significant Cost

**Affected Agencies:** Department of Children and Families, Judicial Department

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill prohibits the placement of a youth convicted as delinquent solely due to the violation of a families with service need (FWSN) order in 1) Long Lane School, 2) the Connecticut Juvenile Training School (CJTS), or 3) juvenile detention centers. It instead allows the court to order their attendance at rehabilitative programs. It also requires the Judicial Department to develop a continuum of services and programs with other state agencies exclusively for youth in crisis and FWSN youth.

**Prohibition on Placement of FWSN Violators in State Institutions**

In FY 00, an estimated 29 youth convicted of violation of a FWSN order were placed in Long Lane School, while 278 such youth were placed in detention. These figures represented fifteen percent of the admissions to Long Lane and twelve percent of admissions to detention.

No fiscal impact is anticipated to result for the Department of Children and Families. Any reduction in the number of youth ordered by the court into placement at either Long Lane School or the Connecticut Juvenile Training School (which will begin accepting committed delinquents in August 2001) will alleviate chronic overcrowding issues and lengthen the stay of the remaining residents. It should be noted that statute (Section 17a-3 CGS) requires DCF to plan to keep children for at least one year after placement in the CJTS. The current length of stay for residents of Long Lane School is about seven months.

The bill could result in a 12% reduction in the number of children referred to juvenile detention facilities. However, since these facilities are often overcrowded, such reduction would primarily serve to alleviate overcrowding. In addition, the available space in the facilities may result in the court placing other juveniles there that might otherwise have been released without sanction. The change in the average annual census in these facilities, therefore, is uncertain. The average annual cost of a juvenile detention bed is about \$90,000.

The bill also allows the court to order FWSN violators to attend rehabilitative programs specifically designed for children in families with service needs. No funding has been included within sHB 6668 (the FY 02 - FY 03 Appropriations Act, as favorably reported by the Appropriations Committee) under the budget of either DCF or the Judicial Department to expand the capacity of community-based programs of this type. Therefore, any additional referrals would be anticipated to reduce the lengths of stay of other residents in community-based services, until such time that the Judicial Department develops the continuum of services required in Section 3 of the bill (see below).

#### ***Cost of Alternatives to Detention and Continuum of Services***

The bill would also result in a cost to the Judicial Department for

community programs for the juveniles that would no longer be referred to detention. It is estimated that 10-15 community program slots of various types would be needed, the cost of which would exceed \$100,000. The cost of a residential program in the community is about \$70,000, other programs such as outpatient treatment would be significantly less (about \$7,000).

In addition, the bill requires the Judicial Department to establish a continuum of services and programs exclusively for youths in crisis and children in families with service needs. It is uncertain if the current range of services including those funded in sHB 6668 (the state budget for FY 01-03 as favorably reported by the Appropriations Committee)<sup>1</sup> could be considered a continuum under the bill. If the current range of services does not meet the definition of continuum, a cost exceeding \$100,000 would result for various community programs.

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<sup>1</sup> Funding for youths in crisis begins on 7/1/01. Included in the budget is \$1,040,749 in FY 01 and \$1,609,505 in FY 02 for these programs.

**OLR Bill Analysis**

sSB 1237

**AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS AND YOUTH IN CRISIS.****SUMMARY:**

This bill bars the Juvenile Court from placing a family with service needs (FWSN) child in the Connecticut Juvenile Training School (CJTS), Long Lane School, or a juvenile detention center if the child violates the court's orders. Under current law, a FWSN child who violates a court order can be adjudicated as delinquent and, as such, held in detention or sent to Long Lane School (or CJTS when it opens). The bill permits the court to order a FWSN child into a rehabilitation program specifically designed to meet such children's mental health and other needs.

It requires the Judicial Department to develop appropriate programs and services, in coordination with other agencies, that create a continuum of services exclusively for FWSN children (who are under age 16) and youth in crisis (16- and 17-year olds). Current law requires the department to coordinate programs and services with other state agencies with respect to FWSN cases.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****FWSN Orders***

The law permits the Juvenile Court to issue a range of orders concerning a FWSN child. These include referring the child to the Department of Children and Families (DCF) for voluntary services; committing the child to DCF custody for up to 18 months; placing the child under the supervision of a probation officer or, if the child's problem is truancy, under school and probation supervision; or, in

cases involving sexual intercourse, referring the child to a youth service bureau or teen pregnancy program or to perform community service.

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Change of Reference

Yea 12 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0