



General Assembly

Substitute Bill No. 1237

January Session, 2001

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 Section 46b-148 of the general statutes is repealed and the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 Section 46b-149 of the general statutes is repealed and the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

