



House of Representatives

General Assembly

File No. 617

January Session, 2003

Substitute House Bill No. 5725

House of Representatives, May 1, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING YOUTH IN CRISIS AND CHILDREN OF FAMILIES WITH SERVICE NEEDS.

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

1 Section 1. Section 46b-149b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any police officer or any official of a municipal or community
4 agency, who in the course of his employment under subsection (d) of
5 section 17a-15 or section 46b-120, 46b-121, 46b-149, 46b-149a, 46b-150f,
6 as amended by this act, or 46b-150g, as amended by this act, provides
7 assistance to a child or a family in need thereof, shall not be liable to
8 such child or such family for civil damages for any personal injuries
9 which result from the voluntary termination of service by the child or
10 the family.

11 (b) Each municipal police department and the Division of State
12 Police within the Department of Public Safety shall implement a

13 uniform protocol for providing intervention and assistance in matters
14 involving children thirteen years of age or older who are members of
15 families with service needs. Such uniform protocol shall be developed
16 by the Police Officer Standards and Training Council established
17 under section 7-294b.

18 Sec. 2. Section 46b-150f of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2003*):

20 (a) Any selectman, town manager, police officer or welfare
21 department of any town, city or borough, any probation officer, any
22 superintendent of schools, any child-caring institution or agency
23 approved or licensed by the Commissioner of Children and Families,
24 any youth service bureau, a parent or foster parent of a youth, or a
25 youth or the attorney or other representative of such youth, who
26 believes that the acts or omissions of a youth are such that such youth
27 is a youth in crisis may file a written complaint setting forth those facts
28 with the Superior Court which has venue over [that] the matter.

29 (b) A petition alleging that a youth is a youth in crisis shall be
30 verified and filed with the Superior Court which has venue over the
31 matter. The petition shall set forth plainly: (1) The facts which bring
32 the youth within the jurisdiction of the court; (2) the name, date of
33 birth, sex and residence of the youth; (3) the name and residence of the
34 parent or parents, guardian or other person having control of the
35 youth; and (4) a prayer for appropriate action by the court in
36 conformity with the provisions of this section.

37 (c) Upon determination that a youth is a youth in crisis in
38 accordance with policies established by the Chief Court Administrator,
39 the court may make and enforce orders, including, but not limited to,
40 orders: [(1) Prohibiting the youth in crisis from driving a motor vehicle
41 for a time determined by the court;] (1) Directing the Commissioner of
42 Motor Vehicles to suspend the motor vehicle operator's license of the
43 youth in crisis for a period of time specified in the regulations adopted
44 pursuant to section 4 of this act; (2) requiring work or specified
45 community service; (3) mandating that the youth in crisis attend an

46 educational program in the local community approved by the court;
47 [and] (4) requiring mental health services; (5) placing the youth in
48 crisis on probation; (6) prohibiting the youth in crisis from being
49 eligible for adjudication as a youthful offender pursuant to sections 54-
50 76b to 54-76o, inclusive; (7) prohibiting the youth in crisis from being
51 eligible for participation in the pretrial program for accelerated
52 rehabilitation under section 54-56e; and (8) committing the youth in
53 crisis to a secure community group home. A youth in crisis found to be
54 in violation of any order under this section shall not be considered to
55 be delinquent and shall not be punished by the court by incarceration
56 in any state-operated detention facility or correctional facility.

57 (d) Any program developed by the Court Support Services Division
58 for youth in crisis under this section shall be gender specific, as
59 necessary, and shall comprehensively address the unique needs of a
60 targeted gender group. The Commissioner of Children and Families, in
61 consultation with the Chief Court Administrator, shall adopt
62 regulations, in accordance with the provisions of chapter 54, to
63 establish gender specific criteria for any such program and
64 qualification requirements for participation in such program by youths
65 in crisis.

66 (e) Upon determination that a youth is a youth in crisis in
67 accordance with policies established by the Chief Court Administrator,
68 the court may, after hearing, enter an order declaring that the youth in
69 crisis is emancipated if the court finds that: (1) The youth in crisis and
70 the parents or guardian of the youth in crisis are unable to reach an
71 agreement resolving the matters that caused a petition to be filed
72 pursuant to this section; (2) the programs and services offered by the
73 court have not or will not be effective in resolving such matters; and
74 (3) emancipation is in the best interests of the youth in crisis or the
75 parents or guardian of the youth in crisis. An order of emancipation
76 under this subsection shall have the effects set forth in section 46b-
77 150d.

78 [(d)] (f) The Judicial Department may use any funds appropriated

79 for purposes of this chapter for costs incurred by the department or the
80 court pursuant to this section.

81 Sec. 3. Section 46b-150g of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2003*):

83 (a) Any police officer who receives a report from the parent or
84 guardian of a youth in crisis [, as defined in section 46b-120, may] shall
85 attempt to locate the youth in crisis. If the officer locates such youth in
86 crisis, such officer [may] shall report the location of the youth to the
87 parent or guardian in accordance with the provisions of federal and
88 state law after such officer determines that such report does not place
89 the youth in any physical or emotional harm. In addition, the police
90 officer [may] shall respond in one of the following ways: (1) Transport
91 the youth in crisis to the home of the child's parent or guardian or [any
92 other person] a suitable and worthy adult; (2) refer the youth in crisis
93 to the superior court for juvenile matters or the probate court in the
94 district where the youth in crisis is located; (3) hold the youth in crisis
95 in protective custody for a maximum period of twelve hours until the
96 officer can determine a more suitable disposition of the matter,
97 provided (A) the youth in crisis is not held in any cell designed or used
98 for adults, and (B) the officer [may] does not release the youth in crisis
99 [at any time without taking further action] to the parent or guardian of
100 the youth in crisis during such twelve-hour period; or (4) transport or
101 refer a youth in crisis to any public or private agency serving children,
102 with or without the agreement of the youth in crisis. If a youth in crisis
103 is transported or referred to an agency pursuant to this section, such
104 agency shall provide temporary services to the youth in crisis unless or
105 until the parent or guardian of the youth in crisis at any time refuses to
106 agree to those services.

107 (b) Any police officer acting in accordance with the provisions of
108 this section shall be deemed to be acting in the course of the police
109 officer's official duties.

110 Sec. 4. (NEW) (*Effective October 1, 2003*) The Commissioner of Motor
111 Vehicles shall adopt regulations, in accordance with the provisions of

112 chapter 54 of the general statutes, setting forth the length of suspension
113 and number of points chargeable against the operator's license of a
114 youth in crisis for whom the court has ordered a license suspension
115 under subsection (c) of section 46b-150f of the general statutes, as
116 amended by this act.

117 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) The Chief Court
118 Administrator shall assign, in each of five districts established under
119 section 46b-142 of the general statutes that have the highest number of
120 families with service needs and youths in crisis, excluding the number
121 of truants and habitual truants, a court services officer who shall be
122 trained in mediation techniques and shall specialize in matters
123 involving youths in crisis or children thirteen years of age or older
124 who are defiant, rebellious and beyond the control of their parents,
125 guardians or other custodians.

126 (b) All judges and personnel appointed for the treatment and
127 handling of juvenile matters within the districts established under
128 section 46b-142 of the general statutes shall receive not less than
129 twenty hours of training per year in handling matters involving youths
130 who are defiant, rebellious and beyond the control of their parents,
131 guardians or other custodians.

132 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) The Court Support
133 Services Division and the Department of Children and Families shall
134 jointly develop and implement a standardized protocol for the
135 screening and assessment of children with behavioral health needs.
136 Such screening and assessment shall be conducted at the time a
137 complaint or petition is filed pursuant to section 46b-149 or 46b-150f of
138 the general statutes, as amended by this act, in order to divert such
139 children from the juvenile justice system to appropriate behavioral
140 health interventions in their communities. Any statements made by a
141 child or youth during the course of such screening and assessment
142 may not be used against such child or youth in any subsequent
143 proceeding regarding such complaint or petition.

144 (b) The Court Support Services Division and the Department of

145 Children and Families shall jointly develop and implement
146 community-based services and programs exclusively for children who
147 are members of families with service needs or are youths in crisis. Such
148 services and programs shall include: (1) A continuum of researched
149 behavioral health treatment approaches that provide treatment in the
150 child's community, provided such approaches shall replicate existing
151 behavioral health treatment approaches for which evidence of
152 successful treatment outcomes can be shown; and (2) appropriate,
153 culturally competent and gender specific community service,
154 mentoring, respite home, truancy reduction and mediation programs.
155 Such services and programs shall be available to probation officers and
156 the court and shall be used to ensure that such children who might
157 otherwise be incarcerated, and their families, receive appropriate
158 services in the community.

159 (c) The Court Support Services Division and the Department of
160 Children and Families shall jointly arrange for an independent and
161 appropriate evaluation of the screening protocol required by
162 subsection (a) of this section and the services and programs required
163 by subsection (b) of this section to determine their effectiveness in
164 reducing recidivism, incarceration and disproportionate minority
165 confinement.

166 Sec. 7. (NEW) (*Effective October 1, 2003*) (a) Notwithstanding the
167 provisions of sections 46b-150f and 46b-150g of the general statutes, as
168 amended by this act, the Probate Court Administrator shall establish a
169 pilot program in the probate district of Middletown for the purpose of
170 exercising jurisdiction over and administering youth in crisis cases
171 arising in said district in which the youths in crisis are not truants.

172 (b) On or before January 1, 2005, the Probate Court Administrator
173 shall report, in accordance with section 11-4a of the general statutes, to
174 the joint standing committee of the General Assembly having
175 cognizance of matters relating to the judiciary and the select committee
176 of the General Assembly having cognizance of matters relating to
177 children, with respect to the status and effectiveness of the pilot

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:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Type | FY 04 \$ | FY 05 \$ |
|--|---|---------------|---------------|
| Police Officer Std. & Training Council; Public Safety, Dept. | GF - None | None | None |
| Judicial Dept. | GF - Cost | Significant | Significant |
| Probate Court | Probate Court Administration Fund and General Fund - Cost | Indeterminate | Indeterminate |
| Motor Vehicle Dept. | GF - None | None | None |
| Children & Families, Dept. | GF - Cost | Significant | Significant |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 04 \$ | FY 05 \$ |
|------------------------------|--------|----------|----------|
| Municipal Police Departments | None | None | None |

Explanation

Section 1 of the bill requires the Division of State Police and municipal police departments to implement a “youth in crisis” protocol that would be developed by the Police Officers Training and Standards Council. Passage of this portion would result in additional workload for the aforementioned entities but would not require additional resources.

Section 2 permits the court to place a youth in crisis into a secure group home. The Judicial Department does not presently contract with a secure group home facility. Consequently, either the Judicial Department or the Department of Children and Families (it is unclear which) would need to provide for the establishment of at least one group home at an estimated, annual cost of \$500,000.

Section 2 also requires the Judicial Department to make available gender-specific programs for youths in crisis. This would result in a significant annual cost to provide more programming space and staff. The Department of Children and Families would be able to adopt regulations pursuant to this section within existing resources.

Sections 2 and 4 of the bill allow the court to direct the Department of Motor Vehicles (DMV) to suspend the motor vehicle license of "youths in crisis" for a period of time specified in regulations; and requires the DMV to adopt regulations setting guidelines for the length of suspension and the number of points chargeable against the operator's license of a youth in crisis. It is anticipated that the number of license suspensions and the adoption of regulations resulting from these requirements can be handled by staff without the need for an additional appropriation. An indeterminate revenue gain to the Transportation Fund is anticipated from the \$100 restoration fee.

Section 5 requires the Judicial Department to provide trained mediators in each of the five districts that have the highest number of families with service needs and youths in crisis. Three additional staff would be needed to fulfill this requirement at an annual cost of approximately \$250,000, including salaries and related expenses.

Section 6 requires the Judicial Department and DCF to develop and implement a standardized screening and assessment protocol for children with behavioral health needs. If indicated through this screening process, children are to be diverted from the juvenile justice system to community behavioral health services. The Court Support Services Division (CSSD) and DCF would also be required to develop and implement evidence-based behavioral health services for families with service needs (FWSNs) or youths in crisis (YICs) and community services to include mentoring, respite home, truancy reduction and mediation programs. If this is construed to require the state to establish a service system for FWSNs and YICs that duplicates programming provided under the Connecticut Community KidCare initiative, a significant cost will result. Additionally, an annual cost of

approximately \$20,000 will result to secure an independent evaluation of the screening protocol and community-based programs.

Section 7 of the bill establishes a “youth in crisis” pilot program in the Middletown Probate District. Passage of this portion of the bill would result in indeterminate costs to the Probate Court Administration Fund, which is a non-General Fund account.

Section 8 requires DCF to establish a safe harbor group home in East Hampton for young women determined to be YICs. Services provided at the home must include substance abuse treatment and counseling, educational programs, mental health services and other services as determined by the court. At a projected per diem cost of \$275, a group home having a capacity of 6 - 15 beds would cost \$0.6 - \$1.5 million annually. Partially offsetting federal revenues may result, to the extent that eligible youth are placed in the group home. Additionally, local school boards may incur additional costs for special education services.

The home must be established as of October 1, 2005 and is to be within available appropriations. If future appropriations are not made for this purpose one of four outcomes will likely occur: (1) DCF will proceed with the development of the group home, and will require a deficiency appropriation during FY 06; (2) DCF will delay the establishment of the group home pending the approval of additional appropriations to meet this mandate in future fiscal years; (3) DCF will shift resources from other department priorities, thereby impacting other departmental programs; or (4) DCF will not establish the group home.

OLR Bill Analysis

sHB 5725

AN ACT CONCERNING YOUTH IN CRISIS AND CHILDREN OF FAMILIES WITH SERVICE NEEDS

SUMMARY:

This bill:

1. gives Juvenile Court judges four new sanctions to use in dealing with youths in crisis (YICs), revises an existing sanction on driving, and allows judges to emancipate YICs in certain situations;
2. requires police officers to look for runaway YICs and tell their parents where they are if they find them;
3. requires Judicial Department programs for YICs to be gender specific;
4. requires the Judicial Department's Court Services Support Division and the Department of Children and Families (DCF) jointly to develop and implement (a) standardized screening and assessment tools for children with behavioral health needs and (b) programs exclusively for YICs and children in families with service needs (FWSNs);
5. requires (a) assigning court services officers trained in mediation to work with defiant and rebellious children and youth in certain judicial districts and (b) juvenile court judges and staff to receive annually 20 hours of training in dealing with such youth;
6. requires the Police Officer Standards and Training Council to develop a uniform protocol that state and local police must follow when dealing with 13, 14, and 15-year old FWSN children;
7. establishes a pilot program giving the Middletown Probate Court jurisdiction over YICs who are not truants;
8. requires DCF to establish a group home in or near East Hampton for female YICs; and

9. allows a youth or his attorney to ask the court for YIC status, while continuing to permit some other person representing the youth to do this.

EFFECTIVE DATE: October 1, 2003, except for the requirement for DCF to establish a group home, which is effective October 1, 2005.

YOUTH IN CRISIS

By law, a YIC is a 16- or 17-year old who, within the past two years, has (1) run away from home without just cause, (2) is beyond his parents' control, or (3) has four unexcused absences from school in a month or 10 in a year. Parents, local and school officials, and others can ask the Juvenile Court to find that the youth needs court intervention, in which case the court can issue orders and impose sanctions on the youth.

Court Sanctions

The bill gives the court four new sanctions it can impose on a YIC through a court order: (1) place him on probation, (2) prohibit him from being given youthful offender status, (3) prohibit him from participating in the accelerated pretrial rehabilitation program, and (4) commit him to a secure community group home.

It also modifies the existing sanction on driving, which, under current law is an order prohibiting the youth from driving for a period the court sets. Under the bill, the court issues an order to the motor vehicle commissioner directing him to suspend the youth's driver's license for a period prescribed in regulations the bill requires him to adopt. The regulations must also establish the number of points the commissioner must charge against the youth's license because of the suspension.

Emancipation

The bill allows the Juvenile Court to emancipate a YIC. It can do this if it finds at a hearing that (1) the youth and his parents or guardian cannot resolve the matters that led to the petition for YIC status, (2) the programs and services the court offered have not been or will not be effective in resolving them, and (3) emancipation is in the best

interests of either the youth or his parents or guardian.

Police Responsibilities

The bill requires, rather than permits, police officers to (1) look for a YIC who a parent or guardian reports has run away from home and (2) tell the parent or guardian where he is if they find him. It also requires police to choose among four alternatives in dealing with a YIC they locate; current law allows them to respond in one of these ways or do nothing. The alternatives are:

1. bring the youth home or to the home of a suitable adult (under current law, they may bring him to his own or anyone else's home);
2. refer him to Superior or probate court (presumably just the Middletown Probate Court in which the bill establishes a pilot program for certain YICs; no other probate courts have jurisdiction over this population);
3. bring or refer him to a public or private child service agency; or
4. hold him for up to 12 hours in protective custody.

If police take the last option, the bill prohibits them from releasing the youth to his parents or guardian during the 12-hour period.

Gender Specific YIC Programs

The bill requires any programs the Judicial Department's Court Support Services Division (CSSD) develops for YICs to be gender specific, if this is necessary, and comprehensively address the unique needs of the targeted gender. Under current law, any program CSSD develops to prevent or reduce delinquency and crime among juvenile offenders must meet these criteria. The bill requires DCF, in consultation with the chief court administrator, to adopt regulations establishing gender specific and participation qualification criteria for YIC programs.

JOINT SCREENING TOOLS AND PROGRAMS

The bill requires DCF and CSSD jointly to develop and implement (1) standardized screening and assessment tools for children (but not

youth) with behavioral health needs and (2) community-based programs and services exclusively for YICs and FWSNs. It requires screening and assessments to be done when a FWSN or YIC complaint or petition is filed. (A parent, police, school, or some other authority files a complaint to bring a child to the court's attention. A probation officer investigates the complaint and can either dismiss it, refer the child and family for services, or petition the court to hold a hearing.)

The bill bars using any statement a child or youth makes during the screening and assessment process in any subsequent proceeding on the complaint or petition. Under current law, any statement, admission, or confession a child makes to a Juvenile Court officer is inadmissible in delinquency proceedings unless a parent or guardian is present and both they and the child have been advised (1) of the right to counsel and to refuse to make statements and (2) that any statements the child makes may be used as evidence (CGS § 46b-137).

The bill requires joint development and implementation of community-based services and programs exclusively for children who are FWSNs and YICs (but, by definition, children cannot be YICs). The programs and services must include:

1. a continuum of behavioral health treatment approaches, which must replicate those that have shown successful treatment outcomes and
2. appropriate, culturally competent, gender specific community service, mentoring, truancy reduction, and mediation programs.

These services and programs must be available to the court and probation officers apparently to help those FWSNs and YICs who might otherwise be incarcerated and their families. (FWSNs can be incarcerated for violating a court order, but the law prohibits YICs from being incarcerated for this reason.)

DCF and CSSD must jointly arrange for an independent and appropriate evaluation of the screening protocol and the YIC services and programs to determine if they are effective in reducing recidivism, incarceration, and disproportionate minority confinement.

JUVENILE COURT STAFFING AND TRAINING

The bill requires the chief court administrator to assign a court services officer trained in mediation techniques to each of the five Juvenile Courts that have the greatest number of non-truancy-related FWSN and YIC cases. The officers must specialize in matter involving YICs or 13- to 15-year olds who are defiant, rebellious, or beyond their parents', guardians', or other custodians' control (apparently regardless of whether they are the subject of a FWSN complaint or petition).

The bill also requires all juvenile court judges and staff who treat and handle juvenile matters to receive at least 20 hours of training yearly in handling matters involving 16- and 17-year olds who are defiant, rebellious, or beyond their parents', guardians', or other custodians' control.

PROBATE COURT YIC PILOT PROGRAM

The bill requires the probate court administrator to establish a pilot program in which the Middletown probate court exercises jurisdiction over and administers cases of YICs who are not truants. Since under current law YIC complaints can be filed only in Superior Court and there appears to be no statutory authority to transfer such complaints to probate court, it is not clear how the Middletown probate court would receive YIC cases. Nor do the statutes authorize probate judges to issue order in YIC cases.

The bill requires the probate court administrator to report to the Judiciary and Children's committees by January 1, 2005 on the status and effectiveness of the pilot program.

GROUP HOME FOR WOMEN YICS

The bill requires DCF, within available appropriations, to establish a "safe harbor" (which the bill does not define) group home in or near East Hampton for women determined to be YICs. The home is to be called "Makalya's House." Its residents must receive those substance abuse treatment and counseling, education, mental health, and other services the court determines.

BACKGROUND

Accelerated Rehabilitation

Accelerated rehabilitation (AR) is a pretrial diversion program for people accused of offenses “not of a serious nature.” Those accused of class A and B felonies are ineligible, while those accused of class C felonies are only eligible for “good cause.” The court must also believe the defendant will probably not offend again, and the crime victim is notified and given an opportunity to comment.

AR participants waive their right to a speedy trial. The court places them under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges and erases the person’s record.

Youthful Offender Status

The court can grant youthful offender (YO) status to 16- and 17-year olds who are first offenders and charged with less serious crimes. A youth is ineligible if he or she is charged with a class A felony or a serious sexual assault crime, was previously granted YO or AR, or was previously convicted of a felony or adjudged a serious juvenile offender or serious juvenile repeat offender. YO status allows the court to erase the records of youths who successfully complete a court-imposed sentence such as probation or community service.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 13 Nay 0

Judiciary Committee

Joint Favorable Substitute
Yea 40 Nay 1