



General Assembly

Substitute Bill No. 6231

January Session, 2003

**AN ACT CONCERNING DEFIANT, REBELLIOUS AND
NONDELINQUENT TEENS BETWEEN THE AGES OF THIRTEEN AND
EIGHTEEN.**

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 Section 46b-120 of the general statutes is repealed and the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 (*Effective October 1, 2003*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows:

5 (1) "Child" means any person under [~~sixteen~~] eighteen years of age;
6 [and, for purposes of delinquency matters, "child"]

7 (2) "Delinquent child" means any person [(A) under sixteen years of
8 age, or (B) sixteen years of age or older] who, prior to attaining
9 [~~sixteen~~] eighteen years of age, has violated any federal or state law or
10 municipal or local ordinance, other than an ordinance regulating
11 behavior of a child in a family with service needs, and [, subsequent to
12 attaining sixteen years of age,] who violates any order of the Superior
13 Court or any condition of probation ordered by the Superior Court
14 with respect to such delinquency proceeding;

15 [(2) "youth"] (3) "Youth" means any person sixteen or seventeen
16 years of age;

17 [(3) "youth in crisis"] (4) "Youth in crisis" means any youth who,
18 within the last two years, (A) has without just cause run away from the
19 parental home or other properly authorized and lawful place of abode,
20 (B) is beyond the control of parents, guardian or other custodian, or (C)
21 has four unexcused absences from school in any one month or ten
22 unexcused absences in any school year;

23 [(4) "abused"] (5) "Abused" means that a child or youth (A) has been
24 inflicted with physical injury or injuries other than by accidental
25 means, or (B) has injuries that are at variance with the history given of
26 them, or (C) is in a condition that is the result of maltreatment such as,
27 but not limited to, malnutrition, sexual molestation or exploitation,
28 deprivation of necessities, emotional maltreatment or cruel
29 punishment;

30 [(5) a] (6) A child may be found "mentally deficient" who, by reason
31 of a deficiency of intelligence that has existed from birth or from early
32 age, requires, or will require, for his protection or for the protection of
33 others, special care, supervision and control;

34 [(6) a] (7) A child may be convicted as "delinquent" who has
35 violated (A) any federal or state law or municipal or local ordinance,
36 other than an ordinance regulating behavior of a child in a family with
37 service needs, (B) any order of the Superior Court, or (C) conditions of
38 probation as ordered by the court;

39 [(7) a] (8) A child or youth may be found "dependent" whose home
40 is a suitable one for the child or youth, save for the financial inability of
41 parents, parent, guardian or other person maintaining such home, to
42 provide the specialized care the condition of the child or youth
43 requires;

44 [(8) "family with service needs"] (9) "Family with service needs"
45 means a family that includes a child who (A) has without just cause
46 run away from the parental home or other properly authorized and
47 lawful place of abode, (B) is beyond the control of parent, parents,
48 guardian or other custodian, (C) has engaged in indecent or immoral

49 conduct, (D) is a truant or habitual truant or who, while in school, has
50 been continuously and overtly defiant of school rules and regulations,
51 or (E) is thirteen years of age or older and has engaged in sexual
52 intercourse with another person and such other person is thirteen
53 years of age or older and not more than two years older or younger
54 than such child;

55 [(9) a] (10) A child or youth may be found "neglected" who (A) has
56 been abandoned, or (B) is being denied proper care and attention,
57 physically, educationally, emotionally or morally, or (C) is being
58 permitted to live under conditions, circumstances or associations
59 injurious to the well-being of the child or youth, or (D) has been
60 abused;

61 [(10) a] (11) A child or youth may be found "uncared for" who is
62 homeless or whose home cannot provide the specialized care that the
63 physical, emotional or mental condition of the child requires. For the
64 purposes of this section, the treatment of any child by an accredited
65 Christian Science practitioner in lieu of treatment by a licensed
66 practitioner of the healing arts, shall not of itself constitute neglect or
67 maltreatment;

68 [(11) "delinquent act"] (12) "Delinquent act" means the violation of
69 any federal or state law or municipal or local ordinance, other than an
70 ordinance regulating the behavior of a child in a family with service
71 needs, or the violation of any order of the Superior Court;

72 [(12) "serious juvenile offense"] (13) "Serious juvenile offense" means
73 (A) the violation, [by a child,] including attempt or conspiracy to
74 violate, [sections] by a child of section 21a-277, 21a-278, 29-33, 29-34,
75 29-35, 53-21, 53-80a, 53-202b [,] or 53-202c, sections 53-390 to 53-392,
76 inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, or
77 53a-70 to 53a-71, inclusive, section 53a-72b [,] or 53a-86, sections 53a-92
78 to 53a-94a, inclusive, section 53a-95, 53a-101, 53a-102a [,] or 53a-103a,
79 sections 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a)
80 of section 53a-122, subdivision (3) of subsection (a) of section 53a-123,

81 section 53a-134, 53a-135, 53a-136a, 53a-166 [,] or 53a-167c, subsection
82 (a) of section 53a-174 [,] or section 53a-196a, 53a-211, 53a-212, 53a-216
83 or 53a-217b, or (B) running away, without just cause, from any secure
84 placement other than home while referred as a delinquent child to the
85 Court Support Services Division or committed as a delinquent child to
86 the Commissioner of Children and Families for a serious juvenile
87 offense;

88 [(13) "serious juvenile offender"] (14) "Serious juvenile offender"
89 means any child convicted as delinquent for commission of a serious
90 juvenile offense;

91 [(14) "serious juvenile repeat offender"] (15) "Serious juvenile repeat
92 offender" means any child charged with the commission of any felony
93 if such child has previously been convicted delinquent at any age for
94 two violations of any provision of title 21a, 29, 53 or 53a that is
95 designated as a felony;

96 [(15) "alcohol-dependent child"] (16) "Alcohol-dependent child"
97 means any child who has a psychoactive substance dependence on
98 alcohol as that condition is defined in the most recent edition of the
99 American Psychiatric Association's "Diagnostic and Statistical Manual
100 of Mental Disorders"; and

101 [(16) "drug-dependent child"] (17) "Drug-dependent child" means
102 any child who has a psychoactive substance dependence on drugs as
103 that condition is defined in the most recent edition of the American
104 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
105 Disorders", [No] provided no child shall be classified as drug
106 dependent who is dependent (A) upon a morphine-type substance as
107 an incident to current medical treatment of a demonstrable physical
108 disorder other than drug dependence, or (B) upon amphetamine-type,
109 ataractic, barbiturate-type, hallucinogenic or other stimulant and
110 depressant substances as an incident to current medical treatment of a
111 demonstrable physical or psychological disorder, or both, other than
112 drug dependence.

113 Sec. 2. Subsection (a) of section 46b-121 of the general statutes is
114 repealed and the following is substituted in lieu thereof (*Effective*
115 *October 1, 2003*):

116 (a) (1) Juvenile matters in the civil session include:

117 (A) Except as provided in subparagraph (B) of this subdivision, all
118 proceedings concerning uncared-for, neglected or dependent children
119 and youth within this state, termination of parental rights of children
120 committed to a state agency, matters concerning families with service
121 needs, contested matters involving termination of parental rights or
122 removal of guardian transferred from the Probate Court, the
123 emancipation of minors and youth in crisis, but does not include
124 matters of guardianship and adoption or matters affecting property
125 rights of any child, youth or youth in crisis over which the Probate
126 Court has jurisdiction, provided appeals from probate concerning
127 adoption, termination of parental rights and removal of a parent as
128 guardian shall be included; and

129 (B) All proceedings (i) concerning children thirteen years of age or
130 older who are beyond the control of their parents, guardians or other
131 custodians, and the families of such children, and (ii) not involving a
132 commitment to the Department of Children and Families or a
133 termination of parental or custodial rights. All proceedings under this
134 subparagraph shall be heard in a docket separate from other juvenile
135 matters in the civil session.

136 (2) Juvenile matters in the criminal session include all proceedings
137 concerning delinquent children in the state and persons [sixteen]
138 eighteen years of age and older who are under the supervision of a
139 juvenile probation officer while on probation or a suspended
140 commitment to the Department of Children and Families, for purposes
141 of enforcing any court orders entered as part of such probation or
142 suspended commitment.

143 Sec. 3. Section 46b-121b of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2003*):

145 (a) The Division of Criminal Justice shall have charge of all
146 proceedings concerning juvenile matters in the criminal session of the
147 Superior Court and all proceedings concerning families with service
148 needs in the civil session of the Superior Court, but not including any
149 proceedings under subparagraph (B) of subdivision (1) of subsection
150 (a) of section 46b-121, as amended by this act.

151 (b) The Attorney General shall have charge of all proceedings
152 concerning juvenile matters in the civil session of the Superior Court,
153 except as provided in subsection (a) of this section.

154 Sec. 4. Section 46b-121i of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective October 1, 2003*):

156 (a) The Judicial Department shall:

157 (1) Coordinate programs and services of the juvenile justice system
158 with other state and municipal agencies, boards and commissions;

159 (2) Develop and use intake and assessment procedures for the
160 evaluation of juveniles;

161 (3) Provide case management for juveniles;

162 (4) Provide pretrial diversion and postconviction programs;

163 (5) Coordinate community-based services for juveniles and their
164 families which promote appropriate reintegration of the juvenile with
165 his family, school and community; and

166 (6) Provide other programs and services necessary to the juvenile
167 justice system.

168 (b) In developing its programs, the Judicial Department shall:

169 (1) Develop risk and assessment instruments for use in determining
170 the need for detention or other placement at the time a juvenile enters
171 the system;

172 (2) Develop a case classification process to include the establishment
173 of classification program levels and case management standards for
174 each program level. A program level is based on the needs of the
175 juvenile, his potential to be dangerous and his risk of offending
176 further;

177 (3) Develop a purchase-of-care system, which will facilitate the
178 development of a state-wide community-based continuum of care,
179 with the involvement of the private sector and the local public sector.
180 Care services may be purchased from private providers to provide a
181 wider diversity of services. This system shall include accessing Title
182 IV-E funds of the federal Social Security Act, as amended, new
183 Medicaid funds and other funding sources to support eligible
184 community-based services. Such services developed and purchased
185 shall include, but not be limited to, evaluation services which shall be
186 available on a geographically accessible basis across the state.

187 (c) The Judicial Department shall, within available appropriations,
188 prepare and make available to the public a pamphlet describing the
189 rights of parents and children and the power of the court with respect
190 to children thirteen years of age or older who are beyond the control of
191 their parents, guardians or other custodians.

192 (d) The Judicial Department shall establish a protocol for matters
193 before the court involving children thirteen years of age or older who
194 are beyond the control of their parents, guardians or other custodians.
195 Such protocol shall include, but not be limited to: (1) Mandatory
196 referral for substance abuse assessment, if warranted; (2) referral to the
197 appropriate school district for a planning and placement team meeting,
198 if warranted; and (3) referral for psychological evaluation of the child
199 and the parent or parents, with the interaction of both child and
200 parent, and, if feasible, family therapy with the agreement of the child
201 and the parent or parents.

202 Sec. 5. Section 46b-123 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective October 1, 2003*):

204 (a) The judges of the Superior Court, or in the discretion of the Chief
205 Court Administrator, a committee of said judges designated by the
206 Chief Court Administrator, shall appoint such probation officers,
207 probation aides, clerks, detention personnel, clerical assistants and
208 other personnel, including supervisory staff, as they deem necessary
209 for the treatment and handling of juvenile matters within the venue
210 districts established under section 46b-142. The Chief Court
211 Administrator may assign, reassign and modify the assignments of
212 such personnel and assign such duties within the Superior Court as he
213 deems necessary for the efficient operation of the courts. Any person
214 serving in any such capacity in the Juvenile Court on July 1, 1978, shall
215 continue to serve in the Superior Court at the compensation he was
216 receiving in the Juvenile Court under the compensation plan
217 established pursuant to section 51-12, for the remainder of any term to
218 which he was appointed. In no event shall the compensation of any
219 such person be affected solely as a result of the transfer of jurisdiction
220 in section 51-164s. Any of such appointees may be discharged by the
221 appointing authority for cause and after hearing. The salaries of each
222 of such officials shall be fixed by the judges, subject to the provisions
223 of section 51-12.

224 (b) The Chief Court Administrator shall assign, in each of five
225 districts established under section 46b-142 that have the highest
226 number of families with service needs and youth in crisis but
227 excluding the number of truants and habitual truants, a probation
228 officer who shall be trained and specialize in matters involving
229 children thirteen years of age or older who are beyond the control of
230 their parents, guardians or other custodians.

231 (c) All judges and personnel appointed for the treatment and
232 handling of juvenile matters within the venue districts established
233 under section 46b-142 shall receive not less than twenty hours of
234 training per year in handling matters involving children thirteen years
235 of age or older who are beyond the control of their parents, guardians
236 or other custodians.

237 Sec. 6. Subsection (c) of section 46b-127 of the general statutes is
238 repealed and the following is substituted in lieu thereof (*Effective*
239 *October 1, 2003*):

240 (c) Upon the effectuation of the transfer, such child shall stand trial
241 and be sentenced, if convicted, as if he were [sixteen] eighteen years of
242 age. Such child shall receive credit against any sentence imposed for
243 time served in a juvenile facility prior to the effectuation of the
244 transfer. A child who has been transferred may enter a guilty plea to a
245 lesser offense if the court finds that such plea is made knowingly and
246 voluntarily. Any child transferred to the regular criminal docket who
247 pleads guilty to a lesser offense shall not resume his status as a juvenile
248 regarding said offense. If the action is dismissed or nolleed or if such
249 child is found not guilty of the charge for which he was transferred or
250 of any lesser included offenses, the child shall resume his status as a
251 juvenile until he attains the age of [sixteen] eighteen years.

252 Sec. 7. Subsection (f) of section 46b-133c of the general statutes is
253 repealed and the following is substituted in lieu thereof (*Effective*
254 *October 1, 2003*):

255 (f) Whenever a proceeding has been designated a serious juvenile
256 repeat offender prosecution pursuant to subsection (b) of this section
257 and the child does not waive his right to a trial by jury, the court shall
258 transfer the case from the docket for juvenile matters to the regular
259 criminal docket of the Superior Court. Upon transfer, such child shall
260 stand trial and be sentenced, if convicted, as if he were [sixteen]
261 eighteen years of age, except that no such child shall be placed in a
262 correctional facility but shall be maintained in a facility for children
263 and youth until he attains [sixteen] eighteen years of age or until he is
264 sentenced, whichever occurs first. Such child shall receive credit
265 against any sentence imposed for time served in a juvenile facility
266 prior to the effectuation of the transfer. A child who has been
267 transferred may enter a guilty plea to a lesser offense if the court finds
268 that such plea is made knowingly and voluntarily. Any child
269 transferred to the regular criminal docket who pleads guilty to a lesser

270 offense shall not resume his status as a juvenile regarding said offense.
271 If the action is dismissed or nolleed or if such child is found not guilty
272 of the charge for which he was transferred, the child shall resume his
273 status as a juvenile until he attains [sixteen] eighteen years of age.

274 Sec. 8. Subsection (f) of section 46b-133d of the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective*
276 *October 1, 2003*):

277 (f) When a proceeding has been designated a serious sexual
278 offender prosecution pursuant to subsection (c) of this section and the
279 child does not waive the right to a trial by jury, the court shall transfer
280 the case from the docket for juvenile matters to the regular criminal
281 docket of the Superior Court. Upon transfer, such child shall stand trial
282 and be sentenced, if convicted, as if such child were [sixteen] eighteen
283 years of age, except that no such child shall be placed in a correctional
284 facility but shall be maintained in a facility for children and youth until
285 such child attains [sixteen] eighteen years of age or until such child is
286 sentenced, whichever occurs first. Such child shall receive credit
287 against any sentence imposed for time served in a juvenile facility
288 prior to the effectuation of the transfer. A child who has been
289 transferred may enter a guilty plea to a lesser offense if the court finds
290 that such plea is made knowingly and voluntarily. Any child
291 transferred to the regular criminal docket who pleads guilty to a lesser
292 offense shall not resume such child's status as a juvenile regarding
293 such offense. If the action is dismissed or nolleed or if such child is
294 found not guilty of the charge for which such child was transferred,
295 the child shall resume such child's status as a juvenile until such child
296 attains [sixteen] eighteen years of age.

297 Sec. 9. Section 46b-146 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2003*):

299 Whenever any child has been found delinquent or a member of a
300 family with service needs, and has subsequently been discharged from
301 the supervision of the Superior Court or from the custody of the

302 Department of Children and Families or from the care of any other
303 institution or agency to whom he has been committed by the court,
304 such child, his parent or guardian, may file a petition with the Superior
305 Court and, if such court finds that at least two years or, in the case of a
306 child convicted as delinquent for the commission of a serious juvenile
307 offense, four years have elapsed from the date of such discharge, that
308 no subsequent juvenile proceeding has been instituted against such
309 child, that such child has not been found guilty of a crime and that
310 such child has reached [~~sixteen~~] eighteen years of age within such
311 period, it shall order all police and court records pertaining to such
312 child to be erased. Upon the entry of such an erasure order, all
313 references including arrest, complaint, referrals, petitions, reports and
314 orders, shall be removed from all agency, official and institutional files,
315 and a finding of delinquency or that the child was a member of a
316 family with service needs shall be deemed never to have occurred. The
317 persons in charge of such records shall not disclose to any person
318 information pertaining to the record so erased, except that the fact of
319 such erasure may be substantiated where, in the opinion of the court, it
320 is in the best interests of such child to do so. No child who has been the
321 subject of such an erasure order shall be deemed to have been arrested
322 ab initio, within the meaning of the general statutes, with respect to
323 proceedings so erased. Copies of the erasure order shall be sent to all
324 persons, agencies, officials or institutions known to have information
325 pertaining to the delinquency or family with service needs proceedings
326 affecting such child. Whenever a child is dismissed as not delinquent
327 or as not being a member of a family with service needs, all police and
328 court records pertaining to such charge shall be ordered erased
329 immediately, without the filing of a petition.

330 Sec. 10. Subsection (h) of section 46b-149 of the general statutes is
331 repealed and the following is substituted in lieu thereof (*Effective*
332 *October 1, 2003*):

333 (h) If the court finds, based on clear and convincing evidence, that
334 the family of a child is a family with service needs, the court may, in
335 addition to issuing any orders under section 46b-121, as amended by

336 this act: (1) [refer] Refer the child to the Department of Children and
337 Families for any voluntary services provided by said department or, if
338 the family is a family with service needs solely as a result of a finding
339 that a child is a truant or habitual truant, to the authorities of the local
340 or regional school district or private school for services provided by
341 such school district or such school, which services may include
342 summer school, or to community agencies providing child and family
343 services; (2) commit [that] the child to the care and custody of the
344 Commissioner of Children and Families for an indefinite period not to
345 exceed eighteen months; (3) order the child to remain in his own home
346 or in the custody of a relative or any other suitable person (A) subject
347 to the supervision of a probation officer, or (B) in the case of a family
348 which is a family with service needs solely as a result of a finding that
349 a child is a truant or habitual truant, subject to the supervision of a
350 probation officer and the authorities of the local or regional school
351 district or private school; or (4) if the family is a family with service
352 needs as a result of the child engaging in sexual intercourse with
353 another person and such other person is thirteen years of age or older
354 and not more than two years older or younger than such child, (A)
355 refer the child to a youth service bureau or other appropriate service
356 agency for participation in a program such as a teen pregnancy
357 program or a sexually transmitted disease program, and (B) require
358 such child to perform community service such as service in a hospital,
359 an AIDS prevention program or an obstetrical and gynecological
360 program. If the court issues any order which regulates future conduct
361 of the child, parent or guardian, the child, parent or guardian [.] shall
362 receive adequate and fair warning of the consequences of violation of
363 the order at the time it is issued, and such warning shall be provided to
364 the child, parent or guardian, to his attorney and to his legal guardian
365 in writing and shall be reflected in the court record and proceedings. A
366 child found to be in violation of any order under this section shall not
367 be considered to be delinquent and shall not be punished by the court
368 by incarceration in any state-operated detention facility or correctional
369 facility, but the court may commit such child to the care of a secure
370 group home.

371 Sec. 11. Section 46b-149 of the general statutes is amended by
372 adding subsection (j) as follows (*Effective October 1, 2003*):

373 (NEW) (j) Any program developed by the Court Support Services
374 Division for families with service needs or children of such families
375 under this section shall be gender specific, as necessary, and shall
376 comprehensively address the unique needs of a targeted gender group.

377 Sec. 12. Section 46b-149b of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective October 1, 2003*):

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

386 (b) Each municipal police department and the Division of State
387 Police within the Department of Public Safety shall implement a
388 uniform protocol for providing intervention and assistance in matters
389 involving children thirteen years of age or older who are beyond the
390 control of their parents, guardians or other custodians. Such uniform
391 protocol shall be developed by the Police Officer Standards and
392 Training Council.

393 Sec. 13. Section 46b-149c of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective October 1, 2003*):

395 (a) With respect to truancy and other family with service needs
396 cases, the judicial branch shall:

397 (1) Coordinate programs and services with other state agencies;

398 (2) Establish protocols in cooperation with the Office of Policy and
399 Management, the Department of Children and Families and the
400 Department of Education for referral to community-based intervention

401 programs prior to referral of a case to the superior court for juvenile
402 matters;

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

406 (4) Collaborate with community-based programs.

407 (b) The Chief Court Administrator, in cooperation with the
408 Department of Education, shall encourage the adoption and
409 implementation by each local and regional board of education of a
410 uniform policy under subsection (b) of section 10-198a concerning the
411 filing of complaints with the Superior Court pursuant to section 46b-
412 149. The Chief Court Administrator shall encourage the adoption and
413 implementation by the Department of Education of a uniform policy
414 regarding policies and procedures concerning truants and the filing of
415 complaints with the Superior Court regarding families with service
416 needs.

417 Sec. 14. Section 46b-150f of the general statutes is repealed and the
418 following is substituted in lieu thereof (*Effective October 1, 2003*):

419 (a) Any selectman, town manager, police officer or welfare
420 department of any town, city or borough, probation officer,
421 superintendent of schools, any child-caring institution or agency
422 approved or licensed by the Commissioner of Children and Families,
423 any youth service bureau, a parent or foster parent of a youth, or a
424 youth or the representative or attorney of such youth, who believes
425 that the acts or omissions of a youth are such that such youth is a
426 youth in crisis may file a written complaint setting forth those facts
427 with the Superior Court which has venue over that matter.

428 (b) A petition alleging that a youth is a youth in crisis shall be
429 verified and filed with the Superior Court which has venue over the
430 matter. The petition shall set forth plainly: (1) The facts which bring
431 the youth within the jurisdiction of the court; (2) the name, date of

432 birth, sex and residence of the youth; (3) the name and residence of the
433 parent or parents, guardian or other person having control of the
434 youth; and (4) a prayer for appropriate action by the court in
435 conformity with the provisions of this section.

436 (c) Upon determination that a youth is a youth in crisis in
437 accordance with policies established by the Chief Court Administrator,
438 the court may make and enforce orders, including, but not limited to,
439 orders: (1) Prohibiting the youth in crisis from driving a motor vehicle
440 for a time determined by the court; (2) requiring work or specified
441 community service; (3) mandating that the youth in crisis attend an
442 educational program in the local community approved by the court;
443 and (4) requiring mental health services. A youth in crisis found to be
444 in violation of any order under this section shall not be considered to
445 be delinquent and shall not be punished by the court by incarceration
446 in any state-operated detention facility or correctional facility.

447 (d) The Judicial Department may use any funds appropriated for
448 purposes of this chapter for costs incurred by the department or the
449 court pursuant to this section.

450 (e) Any program developed by the Court Support Services Division
451 for youth in crisis under this section shall be gender specific, as
452 necessary, and shall comprehensively address the unique needs of a
453 targeted gender group.

454 Sec. 15. Section 46b-150g of the general statutes is repealed and the
455 following is substituted in lieu thereof (*Effective October 1, 2003*):

456 (a) Any police officer who receives a report from the parent or
457 guardian of a youth in crisis [, as defined in section 46b-120, may] shall
458 attempt to locate the youth in crisis. If the officer locates such youth in
459 crisis, such officer [may] shall report the location of the youth to the
460 parent or guardian in accordance with the provisions of federal and
461 state law after such officer determines that such report does not place
462 the youth in any physical or emotional harm. In addition the police
463 officer [may] shall respond in one of the following ways: (1) Transport

464 the youth in crisis to the home of the child's parent or guardian or [any
 465 other person] a suitable and worthy adult; (2) refer the youth in crisis
 466 to the superior court for juvenile matters in the district where the
 467 youth in crisis is located; (3) hold the youth in crisis in protective
 468 custody for a maximum period of twelve hours until the officer can
 469 determine a more suitable disposition of the matter, provided (A) the
 470 youth in crisis is not held in any cell designed or used for adults, and
 471 (B) the officer [may] does not release the youth in crisis [at any time
 472 without taking further action] to the parent or guardian of the youth in
 473 crisis during such twelve-hour period; or (4) transport or refer a youth
 474 in crisis to any public or private agency serving children, with or
 475 without the agreement of the youth in crisis. If a youth in crisis is
 476 transported or referred to an agency pursuant to this section, such
 477 agency shall provide temporary services to the youth in crisis unless or
 478 until the parent or guardian of the youth in crisis at any time refuses to
 479 agree to those services. Such agency shall be immune from any
 480 liability, civil or criminal, which might otherwise be incurred or
 481 imposed, provided such services are provided in good faith and in a
 482 nonnegligent manner.

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

486 Sec. 16. (Effective October 1, 2003) Section 46b-148 of the general
 487 statutes is repealed.

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003
Sec. 3	October 1, 2003
Sec. 4	October 1, 2003
Sec. 5	October 1, 2003
Sec. 6	October 1, 2003
Sec. 7	October 1, 2003
Sec. 8	October 1, 2003

Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>

KID

Joint Favorable Subst. C/R

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