



House of Representatives

General Assembly

File No. 486

February Session, 2004

House Bill No. 5564

House of Representatives, April 6, 2004

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

AN ACT PROHIBITING THE PLACEMENT OF FEMALE JUVENILE OFFENDERS AT THE CONNECTICUT JUVENILE TRAINING SCHOOL.

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

1 Section 1. Subsections (j) and (k) of section 46b-140 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (j) Except as otherwise provided in this section, the court may order
5 a child be (1) committed to the Department of Children and Families
6 and be placed directly in a residential facility within this state and
7 under contract with said department, or (2) committed to the
8 Commissioner of Children and Families for placement by the
9 commissioner, in said commissioner's discretion, (A) with respect to
10 the juvenile offenders determined by the Department of Children and
11 Families to be the highest risk, in the Connecticut Juvenile Training
12 School, if the juvenile offender is a male, or [other] in another state
13 facility, presumptively for a minimum period of twelve months, or (B)

14 in a private residential or day treatment facility within or outside this
15 state, or (C) on parole. The commissioner shall use a risk and needs
16 assessment classification system to ensure that male children who are
17 in the highest risk level will be placed in the Connecticut Juvenile
18 Training School.

19 [(k) Any female child committed to the Connecticut Juvenile
20 Training School shall be separated from any contact with male
21 children in said facility. Separation shall be accomplished through
22 architectural means, through time-phasing of common use
23 nonresidential areas and through policies and procedures. No program
24 activities may be shared by female and male children in said facility.
25 For the purposes of this subsection, "contact" includes any physical or
26 sustained sight or sound contact; "sight contact" means clear visual
27 contact between female and male children within close proximity to
28 each other; and "sound contact" means direct oral communication
29 between female and male children.]

30 (k) On or after the effective date of this section, no female child
31 committed to the Department of Children and Families shall be placed
32 in the Connecticut Juvenile Training School. Any female child placed
33 in the Connecticut Juvenile Training School before the effective date of
34 this section shall be transferred to another appropriate facility not later
35 than ninety days after the effective date of this section.

36 Sec. 2. Section 7-63 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective from passage*):

38 When any [boy or girl] child committed to the Connecticut Juvenile
39 Training School dies, the superintendent shall cause immediate notice
40 thereof to be sent by mail to the registrar of vital statistics of the town
41 from which such [boy or girl] child was so committed.

42 Sec. 3. Section 17a-12 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective from passage*):

44 (a) When the commissioner, or the commissioner's designee,

45 determines that a change of program is in the best interest of any child
46 or youth committed or transferred to the department, the
47 commissioner or the commissioner's designee, may transfer such
48 person to any appropriate resource or program administered by or
49 available to the department, to any other state department or agency,
50 or to any private agency or organization within or without the state
51 under contract with the department; provided no child or youth
52 voluntarily admitted to the department under section 17a-11, as
53 amended, shall be placed or subsequently transferred to the
54 Connecticut Juvenile Training School; and further provided no transfer
55 shall be made to any institution, hospital or facility under the
56 jurisdiction of the Department of Correction, except as authorized by
57 section 18-87, as amended, unless it is so ordered by the Superior
58 Court after a hearing. When, in the opinion of the commissioner, or the
59 commissioner's designee, a person fourteen years of age or older is
60 dangerous to himself or herself or others or cannot be safely held at the
61 Connecticut Juvenile Training School, if a male, or at any other facility
62 within the state available to the Commissioner of Children and
63 Families, the commissioner, or the commissioner's designee, may
64 request an immediate hearing before the Superior Court on the docket
65 for juvenile matters where such person was originally committed to
66 determine whether such person shall be transferred to the John R.
67 Manson Youth Institution, Cheshire, if a male, or the Connecticut
68 Correctional Institution, Niantic, if a female. The court shall, within
69 three days of the hearing, make such determination. If the court orders
70 such transfer, the transfer shall be reviewed by the court every six
71 months thereafter to determine whether it should be continued or
72 terminated, unless the commissioner has already exercised the powers
73 granted to the commissioner under section 17a-13 by removing such
74 person from the John R. Manson Youth Institution, Cheshire or the
75 Connecticut Correctional Institution, Niantic.

76 (b) Unless ordered by the Superior Court at the time of
77 commitment, no child or youth committed to the commissioner shall
78 be placed in or transferred to a state-operated residential mental health
79 facility under the jurisdiction of the commissioner without a hearing

80 before the commissioner or the commissioner's designee. Such hearing
81 shall be conducted in accordance with the provisions of chapter 54.

82 (c) Notwithstanding the provisions of subsection (b) of this section,
83 (1) any delinquent child, if a male, may be placed at any time in the
84 Connecticut Juvenile Training School, and (2) the commissioner may
85 transfer any child or youth committed to the commissioner to any
86 institution, hospital or facility for mentally ill children under the
87 commissioner's jurisdiction for a period not to exceed fifteen days if
88 the need for such emergency treatment is certified by a psychiatrist
89 licensed to practice medicine by the state.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

JUD *Joint Favorable*

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-Effect	FY 05 \$	FY 06 \$
Children & Families, Dept.	GF - Cost Avoidance	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

Since its opening, the Connecticut Juvenile Training School (CJTS) has housed only male residents. Therefore, no immediate fiscal impact is anticipated to result from passage of the bill. To the extent that adoption of an explicit prohibition upon placement of girls at the facility precludes future court orders requiring such placements, the agency will avoid incurring indeterminate costs associated with establishing and staffing a separate unit within CJTS to serve a female population.

OLR Bill Analysis

HB 5564

AN ACT PROHIBITING THE PLACEMENT OF FEMALE JUVENILE OFFENDERS AT THE CONNECTICUT JUVENILE TRAINING SCHOOL**SUMMARY:**

This bill prohibits the Department of Children and Families from placing girls in the Connecticut Juvenile Training School (CJTS), mandating that the school house boys only. It directs the department to transfer any girls currently housed there to another appropriate facility within 90 days.

Although there are no girls currently at CJTS, the law requires that the facility restrict girls and boys from physical or sustained sight or sound contact. The bill eliminates this requirement and makes conforming changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 24 Nay 18