



General Assembly

Substitute Bill No. 427

February Session, 2004

* SB00427JUD__041404__ *

**AN ACT CONCERNING JUVENILE JUSTICE PROGRAMS
ADMINISTERED BY THE DEPARTMENT OF CHILDREN AND
FAMILIES.**

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

1 Section 1. (*Effective from passage*) (a) The Department of Children and
2 Families and the Judicial Department shall develop a plan to reform
3 the juvenile justice system. Such plan shall include, but not be limited
4 to: (1) Revising the definition of "child" in section 46b-120 of the
5 general statutes to include any person under eighteen years of age, (2)
6 the development of a comprehensive initial assessment that shall be
7 administered to any child or youth involved in a "juvenile matter", as
8 defined in section 46b-121 of the general statutes, (3) the development
9 of uniform comprehensive initial assessment tools for a child with
10 behavioral health needs, referred to the court as a member of a "family
11 with service needs" or as a "youth in crisis", as said terms are defined
12 in section 46b-120 of the general statutes, so that such child may be
13 diverted from the juvenile justice system to appropriate behavioral
14 health services, (4) the development of gender specific programming,
15 and (5) the development of appropriate programs and services for
16 children and youth placed at facilities operated or funded by the
17 Departments of Children and Families, Correction or the Judicial
18 Department.

19 (b) Not later than January 1, 2005, the Commissioner of Children

20 and Families and the Chief Court Administrator shall submit, in
21 accordance with section 11-4a of the general statutes, the plan for
22 reform of the juvenile justice system to the joint standing committees
23 of the General Assembly having cognizance of matters relating to
24 judiciary and human services and to the select committee of the
25 General Assembly having cognizance of matters relating to children.

26 Sec. 2. (NEW) (*Effective July 1, 2004*) On or before January 1, 2005,
27 and annually thereafter, the Commissioner of Children and Families
28 shall submit, in accordance with section 11-4a of the general statutes, a
29 report to the joint standing committee of the General Assembly having
30 cognizance of matters relating to human services, on all programs
31 administered or operated by the Department of Children and Families
32 in accordance with section 17a-3 of the general statutes. Said report
33 shall, include, but not be limited to, a detailed accounting of the
34 financial expenditure for each program administered or operated by
35 the department for the prior fiscal year.

36 Sec. 3. Section 17a-1 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2004*):

38 As used in sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49,
39 inclusive, 17a-127 and 46b-120, unless otherwise provided in said
40 sections:

41 (1) "Commissioner" means the Commissioner of Children and
42 Families;

43 (2) "Council" means the State Advisory Council on Children and
44 Families;

45 (3) "Advisory committee" means the Children's Behavioral Health
46 Advisory Committee to the council;

47 (4) "Department" means the Department of Children and Families;

48 (5) "Child" means any person under sixteen years of age;

49 (6) "Youth" means any person at least sixteen years of age and under
50 nineteen years of age;

51 (7) "Delinquent child" shall have the meaning ascribed thereto in
52 section 46b-120;

53 (8) "Child or youth with behavioral health needs" means a child or
54 youth who is suffering from one or more mental disorders as defined
55 in the most recent edition of the American Psychiatric Association's
56 "Diagnostic and Statistical Manual of Mental Disorders";

57 (9) "Individual service plan" means a written plan to access
58 specialized, coordinated and integrated care for a child or youth with
59 complex behavioral health service needs that is designed to meet the
60 needs of the child or youth and his or her family and may include,
61 when appropriate (A) an assessment of the individual needs of the
62 child or youth, (B) an identification of service needs, (C) an
63 identification of services that are currently being provided, (D) an
64 identification of opportunities for full participation by parents or
65 emancipated minors, (E) include a reintegration plan when an out-of-
66 home placement is made or recommended, (F) an identification of
67 criteria for evaluating the effectiveness and appropriateness of such
68 plan, and (G) coordination of the individual service plan with any
69 educational services provided to the child or youth. The plan shall be
70 subject to review at least every six months or upon reasonable request
71 by the parent based on a changed circumstance, and be approved, in
72 writing, by the parents, guardian of a child or youth and emancipated
73 minors;

74 (10) "Family" means a child or youth with behavioral health needs
75 and (A) one or more biological or adoptive parents, except for a parent
76 whose parental rights have been terminated, (B) one or more persons
77 to whom legal custody or guardianship has been given, or (C) one or
78 more adults who have a primary responsibility for providing
79 continuous care to such child or youth;

80 (11) "Parent" means a biological or adoptive parent, except a parent

81 whose parental rights have been terminated;

82 (12) "Guardian" means a person who has a judicially created
83 relationship between a child or youth and such person that is intended
84 to be permanent and self-sustaining as evidenced by the transfer to
85 such person of the following parental rights with respect to the child or
86 youth: (A) The obligation of care and control; (B) the authority to make
87 major decisions affecting the child's or youth's welfare, including, but
88 not limited to, consent determinations regarding marriage, enlistment
89 in the armed forces and major medical, psychiatric or surgical
90 treatment; (C) the obligation of protection of the child or youth; (D) the
91 obligation to provide access to education; and (E) custody of the child
92 or youth;

93 (13) "Serious emotional disturbance" and "seriously emotionally
94 disturbed" means, with regard to a child or youth, that the child or
95 youth (A) has a range of diagnosable mental, behavioral or emotional
96 disorders of sufficient duration to meet diagnostic criteria specified in
97 the most recent edition of the American Psychiatric Association's
98 "Diagnostic and Statistical Manual of Mental Disorders", and (B)
99 exhibits behaviors that substantially interfere with or limit the child's
100 or youth's ability to function in the family, school or community and
101 are not a temporary response to a stressful situation;

102 (14) "Child or youth with complex behavioral health service needs"
103 means a child or youth with behavioral health needs who needs
104 specialized, coordinated behavioral health services;

105 (15) "Transition services" means services in the areas of education,
106 employment, housing and community living designed to assist a youth
107 with a serious emotional disturbance who is transitioning into
108 adulthood; [and]

109 (16) "Community collaborative" means a local consortium of public
110 and private health care providers, parents and guardians of children
111 with behavioral health needs and service and education agencies that
112 have organized to develop coordinated comprehensive community

113 resources for children or youth with complex behavioral health service
114 needs and their families in accordance with principles and goals of
115 Connecticut Community KidCare; and

116 (17) "Culturally competent" means tailored to the cultural, linguistic
117 and societal factors of the population served.

118 Sec. 4. Section 17a-3 of the general statutes is repealed and the
119 following is substituted in lieu thereof (*Effective October 1, 2004*):

120 The department shall plan, create, develop, operate or arrange for,
121 administer and evaluate a comprehensive and integrated state-wide
122 program of culturally competent services, including preventive
123 services, for children and youth whose behavior does not conform to
124 the law or to acceptable community standards, or who are mentally ill,
125 including deaf and hearing impaired children and youth who are
126 mentally ill, emotionally disturbed, substance abusers, delinquent,
127 abused, neglected or uncared for, including all children and youth
128 who are or may be committed to it by any court, and all children and
129 youth voluntarily admitted to the department for services of any kind.
130 Services shall not be denied to any such child or youth solely because
131 of other complicating or multiple disabilities. The department shall
132 work in cooperation with other child-serving agencies and
133 organizations to provide or arrange for preventive [programs] services,
134 including, but not limited, to teenage pregnancy and youth suicide
135 prevention, for children and youth and their families. The program
136 shall provide services and placements that are clinically indicated and
137 appropriate to the needs of the child or youth. In furtherance of this
138 purpose, the department shall: [(a)] (1) Maintain the Connecticut
139 Juvenile Training School and other appropriate facilities exclusively
140 for delinquents; [(b)] (2) develop a comprehensive program for
141 prevention of problems of children and youth and provide a flexible,
142 innovative and effective program for the placement, care and
143 treatment of children and youth committed by any court to the
144 department, transferred to the department by other departments, or
145 voluntarily admitted to the department; [(c)] (3) provide appropriate

146 services to families of children and youth as needed to achieve the
147 purposes of sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49,
148 inclusive, and 17a-51; [(d)] (4) establish incentive paid work programs
149 for children and youth under the care of the department and the rates
150 to be paid such children and youth for work done in such programs
151 and may provide allowances to children and youth in his custody; [(e)]
152 (5) be responsible to collect, interpret and publish statistics relating to
153 children and youth within the department; [(f)] (6) conduct studies of
154 any program, service or facility developed, operated, contracted for or
155 supported by the department in order to evaluate its effectiveness; [(g)]
156 (7) establish staff development and other training and educational
157 programs designed to improve the quality of departmental services
158 and programs, provided no social worker trainee shall be assigned a
159 case load prior to completing training, and may establish educational
160 or training programs for children, youth, parents or other interested
161 persons on any matter related to the promotion of the well-being of
162 children, or the prevention of mental illness, emotional disturbance,
163 delinquency and other disabilities in children and youth; [(h)] (8)
164 develop and implement aftercare and follow-up services appropriate
165 to the needs of any child or youth under his care; [(i)] (9) establish a
166 case audit unit to monitor each region's compliance with regulations
167 and procedures; [(j)] (10) develop and maintain a database listing
168 available community service programs funded by the department; [(k)]
169 (11) provide outreach and assistance to persons caring for children
170 whose parents are unable to do so by informing such persons of
171 programs and benefits for which they may be eligible; [(l)] (12) collect
172 data sufficient to identify the housing needs of children served by the
173 department and share such data with the Department of Economic and
174 Community Development; [(m)] (13) prepare and submit biennially to
175 the General Assembly a five-year master plan. The master plan shall
176 include, but not be limited to: [(1)] (A) The long-range goals and the
177 current level of attainment of such goals of the department; [(2)] (B) a
178 detailed description of the types and amounts of services presently
179 provided to the department's clients; [(3)] (C) a detailed forecast of the
180 service needs of current and projected target populations; [(4)] (D)

181 detailed cost projections for alternate means of meeting projected
182 needs; [(5)] (E) funding priorities for each of the five years included in
183 the plan and specific plans indicating how the funds are to be used;
184 [(6)] (F) a written plan for the prevention of child abuse and neglect;
185 [(7)] (G) a comprehensive mental health plan for children and
186 adolescents, including children with complicating or multiple
187 disabilities; [(8)] (H) a comprehensive plan for children and youth who
188 are substance abusers, developed in conjunction with the Department
189 of Mental Health and Addiction Services pursuant to the provisions of
190 sections 19a-2a, as amended, and 19a-7; and [(9)] (I) an overall
191 assessment of the adequacy of children's services in Connecticut. The
192 plan shall be prepared within existing funds appropriated to the
193 department; and [(n)] (14) prepare a plan to keep children who are
194 convicted as delinquent and will be committed to the Department of
195 Children and Families and placed in the Connecticut Juvenile Training
196 School in such facility for at least one year after their referral to the
197 department, which plan shall include provisions for development of a
198 comprehensive approach to juvenile rehabilitation.

199 Sec. 5. Section 17a-38 of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective October 1, 2004*):

201 The Department of Children and Families shall develop or contract
202 for culturally competent, home-based treatment programs designed to
203 provide time-limited, home-based services to families where a child is
204 in imminent danger of being removed from the home and placed in
205 foster care, residential treatment or a psychiatric hospital setting. Such
206 programs shall be designed to prevent the unnecessary separation of
207 children by providing intensive in-home services when an acute crisis
208 threatens the ability of the family to remain together. Intervention may
209 include, but shall not be limited to, intensive family, individual and
210 marriage counseling, training in communication and negotiation skills,
211 training in home maintenance skills, behavioral management training,
212 parent training, child development training, job readiness training,
213 client advocacy and arrangement for other services.

214 Sec. 6. Section 17a-54 of the general statutes is repealed and the
215 following is substituted in lieu thereof (*Effective October 1, 2004*):

216 The Department of Children and Families shall establish, within
217 available appropriations, culturally competent, community-based,
218 multiservice parent education and support centers. The goal of each
219 center shall be to improve parenting and enhance family functioning in
220 order to provide children and youth increased opportunities for
221 positive development. Each center shall provide (1) parent education
222 and training services; (2) parent support services; (3) information about
223 and coordination of other community services; (4) consultation
224 services; and (5) coordination of child care and transportation services
225 to facilitate participation in the center's programs. Each center shall
226 conduct outreach programs and shall be accessible with respect to
227 schedule and location.

228 Sec. 7. Section 17a-93 of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective October 1, 2004*):

230 As used in sections 17a-90 to 17a-124, inclusive, and 17a-152:

231 [(a)] (1) "Child" means any person under eighteen years of age,
232 except as otherwise specified, or any person under twenty-one years of
233 age who is in full-time attendance in a secondary school, a technical
234 school, a college or a state-accredited job training program;

235 [(b)] (2) "Parent" means natural or adoptive parent;

236 [(c)] (3) "Adoption" means the establishment by court order of the
237 legal relationship of parent and child;

238 [(d)] (4) "Guardianship" means guardianship, unless otherwise
239 specified, of the person of a minor and refers to the obligation of care
240 and control, the right to custody and the duty and authority to make
241 major decisions affecting such minor's welfare, including, but not
242 limited to, consent determinations regarding marriage, enlistment in
243 the armed forces and major medical, psychiatric or surgical treatment;

244 [(e)] (5) "Termination of parental rights" means the complete
245 severance by court order of the legal relationship, with all its rights
246 and responsibilities, between the child and his parent or parents so
247 that the child is free for adoption except it shall not affect the right of
248 inheritance of such child or the religious affiliation of such child;

249 [(f)] (6) "Statutory parent" means the Commissioner of Children and
250 Families or that child-placing agency appointed by the court for the
251 purpose of giving a minor child or minor children in adoption;

252 [(g)] (7) "Child-placing agency" means any agency within or without
253 the state of Connecticut licensed or approved by the Commissioner of
254 Children and Families in accordance with sections 17a-149 and 17a-
255 151, as amended, and in accordance with such standards which shall
256 be established by regulations of the Department of Children and
257 Families;

258 [(h)] (8) "Child care facility" means a congregate residential setting
259 for the out-of-home placement of children or youth under eighteen
260 years of age, licensed by the Department of Children and Families;

261 [(i)] (9) "Protective supervision" means a status created by court
262 order following adjudication of neglect whereby a child's place of
263 abode is not changed but assistance directed at correcting the neglect is
264 provided at the request of the court through the Department of
265 Children and Families or such other social agency as the court may
266 specify;

267 [(j)] (10) "Receiving home" means a facility operated by the
268 Department of Children and Families to receive and temporarily care
269 for children in the guardianship or care of the commissioner;

270 [(k)] (11) "Protective services" means public welfare services
271 provided after complaints of abuse, neglect or abandonment, but in the
272 absence of an adjudication or assumption of jurisdiction by a court;

273 [(l)] (12) "Person responsible for the health, welfare or care of a child

274 or youth" means a child's or a youth's parent, guardian or foster
275 parent; an employee of a public or private residential home, agency or
276 institution or other person legally responsible in a residential setting;
277 or any staff person providing out-of-home care, including center-based
278 child day care, family day care or group day care, as defined in section
279 19a-77, as amended;

280 [(m)] (13) "Foster family" means a person or persons, licensed or
281 certified by the Department of Children and Families or approved by a
282 licensed child-placing agency, for the care of a child or children in a
283 private home;

284 [(n)] (14) "Prospective adoptive family" means a person or persons,
285 licensed by the Department of Children and Families or approved by a
286 licensed child-placing agency, who is awaiting the placement of, or
287 who has a child or children placed in their home for the purposes of
288 adoption;

289 [(o)] (15) "Person entrusted with the care of a child or youth" means
290 a person given access to a child or youth by a person responsible for
291 the health, welfare or care of a child or youth for the purpose of
292 providing education, child care, counseling, spiritual guidance,
293 coaching, training, instruction, tutoring or mentoring of such child or
294 youth; and

295 (16) "Culturally competent" means tailored to the cultural, linguistic
296 and societal factors of the population served.

297 Sec. 8. Section 17a-1011 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2004*):

299 The Commissioner of Children and Families shall, within available
300 resources, establish culturally competent visitation centers for the
301 purpose of facilitating visits between children in the custody of the
302 commissioner and those family members who are subject to
303 supervised visitation. Such center shall provide a secure facility for
304 supervised visitation or the transfer of custody of such children for

305 visitation.

306 Sec. 9. Subsection (a) of section 17a-110 of the general statutes, as
307 amended by section 13 of public act 03-243, is repealed and the
308 following is substituted in lieu thereof (*Effective October 1, 2004*):

309 (a) As used in this section, "child" means a person under the age of
310 eighteen years; "culturally competent treatment services" means
311 services that are tailored to the cultural, linguistic and societal factors
312 of the population served; "foster child" means a child placed
313 temporarily in a home, pending permanent placement; "permanent
314 home" means a home for a child with the child's genetic or adoptive
315 parents considered to be such child's permanent residence; and
316 "permanency placement services" means services that are designed
317 and rendered for the purpose of relocating a foster child with such
318 child's legal family or finding a permanent home for such child,
319 including, but not limited to, the following: (1) [Treatment] Culturally
320 competent treatment services for the child and the genetic family; (2)
321 preplacement planning; (3) appropriate court proceedings to effect
322 permanent placement, including, but not limited to, the following: (A)
323 Termination of parental rights; (B) revocation of commitment; (C)
324 removal or reinstatement of guardianship; (D) temporary custody; (4)
325 recruitment and screening of permanent placement homes; (5) home
326 study and evaluation of permanent placement homes; (6) placement of
327 children in permanent homes; (7) postplacement supervision and
328 services to such homes following finalization of such placements in the
329 courts; and (8) other services routinely performed by caseworkers
330 doing similar work in the Department of Children and Families.

331 Sec. 10. (NEW) (*Effective October 1, 2004*) The Commissioner of
332 Children and Families shall establish performance measures to ensure
333 that culturally competent services are provided to children and youth
334 who are committed to the Department of Children and Families and to
335 children and youth who voluntarily receive services offered by the
336 department. Not later than January 1, 2005, the commissioner shall
337 conduct an independent evaluation to determine whether the

338 performance measures established pursuant to this section have been
339 met. Not later than April 1, 2005, the commissioner shall report, in
340 accordance with section 11-4a of the general statutes, to the joint
341 standing committee of the General Assembly having cognizance of
342 matters relating to human services on the evaluation required
343 pursuant to this section.

344 Sec. 11. (NEW) (*Effective July 1, 2004*) (a) For the period of time from
345 January 1, 2005, to June 30, 2005, the Department of Children and
346 Families shall ensure that at least ninety per cent of all children and
347 youth placed by the department in emergency shelters, are removed
348 from such shelters prior to the forty-sixth day after the date of such
349 placement. Commencing July 1, 2005, the Department of Children and
350 Families shall ensure that at least ninety-seven per cent of all children
351 and youth placed by the Department of Children and Families in
352 emergency shelters, are removed from such shelters prior to the forty-
353 sixth day after the date of such placement.

354 (b) On and after July 1, 2005, each emergency shelter, licensed by the
355 department in accordance with the provisions of section 17a-145 of the
356 general statutes, shall notify the Department of Children and Families
357 weekly of the name and length of stay of any child or youth who has
358 been a resident at such shelter for thirty-eight days or more.

359 Sec. 12. Subsection (a) of section 17a-125 of the general statutes is
360 repealed and the following is substituted in lieu thereof (*Effective July*
361 *1, 2004*):

362 (a) There is established an Out-of-Home Placements Advisory
363 Council. The council shall advise and make recommendations to the
364 Governor, the General Assembly and the Commissioner of Children
365 and Families concerning: (1) The Department of Children and Families'
366 placement processes and policies, including, but not limited to, policies
367 regarding foster care and therapeutic foster care, residential treatment,
368 group home and transitional living services, emergency shelter and
369 inpatient mental health placements, reasons for emergency shelter

370 overstays, and therapeutic placement alternatives to emergency
 371 shelters; (2) the placement resources needed for the populations and
 372 age groups the department serves, including a discussion of resources
 373 needed for populations that (A) have been abused, neglected or are at-
 374 risk, (B) have mental health or substance abuse treatment needs, (C)
 375 are delinquent, (D) are members of a family with service needs, (E) are
 376 committed to the department, or (F) are receiving voluntary services or
 377 services through the noncommitted treatment program; (3) the
 378 geographic availability of placement services; (4) the availability of
 379 culturally competent services and appropriate services for children
 380 with complex medical needs or physical or developmental disabilities;
 381 (5) eligibility and utilization standards for out-of-home care options
 382 and eligibility and utilization standards for the populations and age
 383 groups the department serves; (6) the impact of the policies and
 384 processes of the department on the availability of timely and
 385 appropriate access to services; (7) an examination of quality assurance
 386 measures; (8) the amount of family or guardian input with respect to
 387 placement options and service providers; (9) the timeliness and
 388 effectiveness of client and family or guardian grievance procedures;
 389 (10) the degree of coordination with other state and local agencies and
 390 private organizations having responsibility for populations or age
 391 groups the department serves; and (11) other issues relating to out-of-
 392 home placements, as the council may deem appropriate. For purposes
 393 of this subsection, "emergency shelter overstays" means placement in
 394 an emergency shelter that exceeds forty-five days.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>

Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>July 1, 2004</i>
Sec. 12	<i>July 1, 2004</i>

HS *Joint Favorable Subst.*

JUD *Joint Favorable*