



House of Representatives

General Assembly

File No. 695

January Session, 2005

Substitute House Bill No. 6978

House of Representatives, May 4, 2005

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING 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 Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows: (1) "Child"
5 means any person under sixteen years of age and, for purposes of
6 delinquency matters, "child" means any person (A) under sixteen years
7 of age, or (B) sixteen years of age or older who, prior to attaining
8 sixteen years of age, has violated any federal or state law or municipal
9 or local ordinance, other than an ordinance regulating behavior of a
10 child in a family with service needs, and, subsequent to attaining
11 sixteen years of age, violates any order of the Superior Court or any
12 condition of probation ordered by the Superior Court with respect to
13 such delinquency proceeding; (2) "youth" means any person sixteen or

14 seventeen years of age; (3) "youth in crisis" means any youth who,
15 within the last two years, (A) has without just cause run away from the
16 parental home or other properly authorized and lawful place of abode,
17 (B) is beyond the control of the youth's parents, guardian or other
18 custodian, or (C) has four unexcused absences from school in any one
19 month or ten unexcused absences in any school year; (4) "abused"
20 means that a child or youth (A) has been inflicted with physical injury
21 or injuries other than by accidental means, or (B) has injuries that are at
22 variance with the history given of them, or (C) is in a condition that is
23 the result of maltreatment such as, but not limited to, malnutrition,
24 sexual molestation or exploitation, deprivation of necessities,
25 emotional maltreatment or cruel punishment; (5) a child may be found
26 "mentally deficient" who, by reason of a deficiency of intelligence that
27 has existed from birth or from early age, requires, or will require, for
28 his protection or for the protection of others, special care, supervision
29 and control; (6) a child may be convicted as "delinquent" who has
30 violated (A) any federal or state law or municipal or local ordinance,
31 other than an ordinance regulating behavior of a child in a family with
32 service needs, (B) any order of the Superior Court, except as provided
33 in section 46b-148, as amended by this act, or (C) conditions of
34 probation as ordered by the court; (7) a child or youth may be found
35 "dependent" whose home is a suitable one for the child or youth, save
36 for the financial inability of the child's or youth's parents, parent [,] or
37 guardian, or other person maintaining such home, to provide the
38 specialized care the condition of the child or youth requires; (8) "family
39 with service needs" means a family that includes a child who (A) has
40 without just cause run away from the parental home or other properly
41 authorized and lawful place of abode, (B) is beyond the control of the
42 child's parent, parents, guardian or other custodian, (C) has engaged in
43 indecent or immoral conduct, (D) is a truant or habitual truant or who,
44 while in school, has been continuously and overtly defiant of school
45 rules and regulations, or (E) is thirteen years of age or older and has
46 engaged in sexual intercourse with another person and such other
47 person is thirteen years of age or older and not more than two years
48 older or younger than such child; (9) a child or youth may be found

49 "neglected" who (A) has been abandoned, or (B) is being denied proper
50 care and attention, physically, educationally, emotionally or morally,
51 or (C) is being permitted to live under conditions, circumstances or
52 associations injurious to the well-being of the child or youth, or (D) has
53 been abused; (10) a child or youth may be found "uncared for" who is
54 homeless or whose home cannot provide the specialized care that the
55 physical, emotional or mental condition of the child requires. For the
56 purposes of this section, the treatment of any child by an accredited
57 Christian Science practitioner, in lieu of treatment by a licensed
58 practitioner of the healing arts, shall not of itself constitute neglect or
59 maltreatment; (11) "delinquent act" means the violation of any federal
60 or state law or municipal or local ordinance, other than an ordinance
61 regulating the behavior of a child in a family with service needs, or the
62 violation of any order of the Superior Court; (12) "serious juvenile
63 offense" means (A) the violation [by a child] of, including attempt or
64 conspiracy to violate, [sections] section 21a-277, 21a-278, 29-33, 29-34,
65 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive,
66 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to
67 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
68 53a-101, 53a-102a, 53a-103a [,] or 53a-111 to 53a-113, inclusive,
69 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
70 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
71 53a-166 [,] or 53a-167c, subsection (a) of section 53a-174, or section
72 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (B)
73 running away, without just cause, from any secure placement other
74 than home while referred as a delinquent child to the Court Support
75 Services Division or committed as a delinquent child to the
76 Commissioner of Children and Families for a serious juvenile offense;
77 (13) "serious juvenile offender" means any child convicted as
78 delinquent for commission of a serious juvenile offense; (14) "serious
79 juvenile repeat offender" means any child charged with the
80 commission of any felony if such child has previously been convicted
81 delinquent at any age for two violations of any provision of title 21a,
82 29, 53 or 53a that is designated as a felony; (15) "alcohol-dependent
83 child" means any child who has a psychoactive substance dependence

84 on alcohol as that condition is defined in the most recent edition of the
85 American Psychiatric Association's "Diagnostic and Statistical Manual
86 of Mental Disorders"; and (16) "drug-dependent child" means any
87 child who has a psychoactive substance dependence on drugs as that
88 condition is defined in the most recent edition of the American
89 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
90 Disorders". No child shall be classified as drug dependent who is
91 dependent (A) upon a morphine-type substance as an incident to
92 current medical treatment of a demonstrable physical disorder other
93 than drug dependence, or (B) upon amphetamine-type, ataractic,
94 barbiturate-type, hallucinogenic or other stimulant and depressant
95 substances as an incident to current medical treatment of a
96 demonstrable physical or psychological disorder, or both, other than
97 drug dependence.

98 Sec. 2. Section 46b-148 of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2007*):

100 [When a child whose family has been adjudicated as a family with
101 service needs in accordance with section 46b-149 violates any valid
102 order which regulates future conduct of the child made by the court
103 following such an adjudication, a probation officer, on receipt of a
104 complaint setting forth facts alleging such a violation, or on his own
105 motion on the basis of his knowledge of such a violation, may file a
106 petition with the court alleging that the child has committed a
107 delinquent act by reason of having violated a valid court order and
108 setting forth the facts claimed to constitute such a violation. Such child
109 may be processed as any other delinquent child under this chapter,
110 except that (1) such child shall not be held in detention prior to a
111 hearing on such petition for more than seventy-two hours excluding
112 Saturdays, Sundays and holidays; and (2) in entering any order that
113 directs or authorizes placement in a facility under the auspices of the
114 Court Support Services Division or commitment to the Department of
115 Children and Families, the judge shall make a determination that there
116 is no less restrictive alternative appropriate to the needs of the child
117 and the community.]

118 (a) Notwithstanding any provision of this chapter: (1) No child
119 whose family has been adjudicated as a family with service needs in
120 accordance with section 46b-149 may be processed or held in a juvenile
121 detention center as a delinquent child, or be convicted as delinquent,
122 solely for the violation of a valid order which regulates future conduct
123 of the child that was issued by the court following such an
124 adjudication; and (2) no such child who is found to be in violation of
125 any such order may be punished for such violation by commitment to
126 any juvenile detention center.

127 (b) In entering any order that directs or authorizes placement or
128 commitment of a child whose family has been adjudicated as a family
129 with service needs in accordance with section 46b-149, the court shall
130 make a determination that there is no less restrictive alternative
131 appropriate to the needs of such child and the community.

132 Sec. 3. (*Effective July 1, 2005*) The Children's Trust Fund Council shall
133 establish in the town of East Hampton or elsewhere in Middlesex
134 County a safe harbor home that shall be known as "Makalya's House".
135 Said home shall be a placement resource for adolescent females
136 between the ages of thirteen and seventeen years who have been
137 referred to said home by local police or school officials because they
138 are beyond the control of their parents, guardians or other custodians
139 or have run away from the parental home or another properly
140 authorized and lawful place of abode, but who are not within the
141 jurisdiction of the superior court for juvenile matters or under the
142 supervision of the Commissioner of Children and Families. Said home
143 shall have not fewer than six residential beds and shall be staffed and
144 operated twenty-four hours a day, seven days a week. Residents of
145 said home shall be provided gender specific services, including
146 substance abuse treatment, counseling, educational programs, mental
147 health services, domestic violence counseling and other related
148 services as needed.

This act shall take effect as follows and shall amend the following sections:

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 06 \$	FY 07 \$	FY 08 \$
Judicial Dept. & Dept. of Children and Families	GF - Net Cost			Significant
Children's Tr. Fund, Council to Administer	GF - Implements the Budget	400,000	400,000	400,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes changes to law concerning children and youth who are from Families with Service Needs (FWSN) and establishes a safe harbor home for adolescent girls. Fiscal impacts are as follows:

Children from Families with Service Needs

The bill prohibits the Judicial Department from placing in detention any non-delinquent child whose family has been adjudicated as a FWSN. About two hundred (200) such juveniles are detained annually for an average of ten days. Should an equivalent number of privately provided secure, gender-specific, residential slots for these juveniles be procured for the same period of time an estimated annual cost of \$500,000 would result. Since the effective date of this provision is October 1, 2007, these costs would not be incurred until FY 08.

Additionally, if these placements were made via the Department of Children and Families, federal reimbursements for eligible children may be claimed which would lead to a partially offsetting revenue gain to the state.

Alternatively, if the use of community-based services were enhanced by the diversion of children and youth from detention, a lesser cost would result. Actual costs would depend upon the configuration of utilized services and their associated costs in FY 08 and future fiscal years.

Admissions to juvenile detention centers statewide would be correspondingly reduced. The magnitude of this diversion would not result in a substantial reduction in detention staffing or operations. Consequently, any savings to the Judicial Department associated with this provision are anticipated to be less than \$50,000 annually.

Prohibiting delinquency commitments of FWSN youth solely for the violation of a court order would preclude the placement by the court of such a youth into the Connecticut Juvenile Training School. As this would be expected to otherwise occur infrequently, any potential future savings to the School would be anticipated to be minimal.

Makayla's House

Section 3 requires the Council to Administer the Children's Trust Fund (CACTF) to establish, in the town of East Hampton or elsewhere in Middlesex County, a safe harbor home to be known as "Makayla's House." This provision implements the budget (sHB 6671, as favorably reported by the Appropriations Committee). Funding, in the amount of \$400,000 in each of FY 06 and FY 07, has been included under the budget of the CACTF to support Makayla's House.

OLR Bill Analysis

sHB 6978

AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS.**SUMMARY:**

This bill prohibits (1) holding children whose family has been adjudicated as a Family with Service Needs (FWSN) in juvenile detention or (2) adjudicating them delinquent solely for violating a court's FWSN order. Currently, judges can place children charged with violating a FWSN order in juvenile detention facilities and juvenile probation officers determine whether a delinquency petition should be filed.

The bill requires judges to find that there is no less restrictive alternative appropriate to the child and community's needs before ordering an out-of-home placement or DCF commitment.

It also directs the Children's Trust Fund Council to establish a safe harbor home for adolescent girls. The safe harbor home, to be named Makayla's House, must be in Middlesex County, have at least six residential beds, and be staffed and operated around the clock. It is for runaway girls ages 14-16 who are not under Department of Children and Families supervision or juvenile court jurisdiction.

EFFECTIVE DATE: October 1, 2007, except the Makayla's House provisions are effective July 1, 2005.

BACKGROUND***Family With Service Needs***

A "family with service needs" is a family that includes a child who (1) has without just cause run away from the parental home or other properly authorized and lawful place of abode; (2) is beyond the control of the child's parent, parents, guardian or other custodian, (3) has engaged in indecent or immoral conduct; (4) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations; or (5) is age 13 or older and has

engaged in sexual intercourse with another person age 13 or older and not more than two years older or younger .

Judiciary Committee

Joint Favorable Substitute Change of Reference
Yea 27 Nay 13

Appropriations Committee

Joint Favorable Report
Yea 35 Nay 15