



General Assembly

**Substitute Bill No. 6978**

January Session, 2005

\*           HB06978JUDAPP041505           \*

**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 Section 46b-120 of the general statutes is repealed and the  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:		
Section 1	<i>October 1, 2007</i>	46b-120
Sec. 2	<i>October 1, 2007</i>	46b-148
Sec. 3	<i>July 1, 2005</i>	New section

**JUD**

*Joint Favorable Subst. C/R*

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