



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Judge William J. Lavery
Judiciary Committee Public Hearing
March 20, 2006**

**House Bill 5699, An Act Concerning the Implementation of Certain
Requirements Protecting Children and Families with Service Needs**

Good afternoon. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I appear before you today in opposition to House Bill 5699, *An Act Concerning the Implementation of Certain Requirements Protecting Children and Families with Service Needs*.

This bill establishes a Family with Service Needs Advisory Board to monitor the progress being made by the Judicial Branch in the implementation of Public Act 05-250 and to provide advice and make written recommendations to the Judicial Branch regarding the implementation.

As you know, serving youths is among my top priorities. In my short time as Chief Court Administrator, few things have become so obvious to me as the lack of resources to treat these youngsters in our juvenile court system. I do not believe that an advisory board is necessary. What we need is resources, particularly in the area of mental health.

Let me first say that I have serious concerns with Public Act 05-250. This act will prohibit a judge from holding a child whose family has been adjudicated as a Family With Service Needs (FWSN) in a juvenile detention facility after October 1, 2007. It also prohibits a judge from adjudicating a child as delinquent for violating a court order. I

fear that without legislative action this session, the Judicial Branch will have neither the resources nor the authority to help these children and their families. Unfortunately, the ultimate losers will be our children, and I hope that you will move quickly to remedy this looming problem.

With FWSN cases, a judge may impose sanctions if the child does not follow conditions set by the court, in an effort to help the child and his or her family get the services and help that they need. It works because the child knows the potential cost of disobeying the court order - noncompliance could lead to the removal of the child from his or her home for placement in a residential setting or even, in extreme circumstances, detention. I must note that no judge wants to put a child into detention. But sometimes - particularly given the scarcity of appropriate residential facilities with adequate mental health services -- there is no choice. This is especially so when a child may be in danger. Our detention centers are safe and secure and oftentimes the only option for the troubled children.

After October 1, 2007, failure to comply with court-ordered FWSN conditions no longer will be considered a delinquent act. Without those sanctions, there is no incentive for these children to obey the court and get the help that they need. I am particularly troubled by the fact that many FWSN cases have a mental health component. With the loss of sanctions and precious little by way of mental health services in the first place, these children and their families will have even less opportunity to get help.

Please make the solution of this problem your highest priority rather than putting in place an advisory board to oversee the implementation of a law that is ill-advised in the first place. I know how much you care for these youths; so do we. I want to work with you to put in place the best system and services to help these children, for we all know that we either pay now or pay later. To correct the problems of PA 05-250, I would urge you to first, provide enough funds so that we have the gender-separate and secure facilities that we need to treat these youths as well as funding for mental health services. I also would ask you to give back to our judges the one tool they had to

enforce compliance with conditions designed to help the child and his or her family. After October 1, judges will have no power or resources to prevent non-delinquent children from self destructive behavior.

Thank you for the opportunity to provide this testimony. I would be happy to answer any questions that you may have.