



House of Representatives

General Assembly

File No. 636

January Session, 2007

Substitute House Bill No. 5676

House of Representatives, April 30, 2007

The Committee on Judiciary reported through REP. LAWLOR of the 99th 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, as amended by
2 section 1 of public act 05-250, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2007*):

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

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

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

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

99 Sec. 2. Section 46b-149 of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective October 1, 2007*):

101 (a) Any selectman, town manager, police officer or welfare
102 department of any town, city or borough, any probation officer [.] or
103 superintendent of schools, the Commissioner of Children and Families,
104 any child-caring institution or agency approved or licensed by the
105 Commissioner of Children and Families, any youth service bureau, a
106 parent or foster parent of a child, or a child or [his] the child's
107 representative or attorney, who believes that the acts or omissions of a
108 child are such that [his] the child's family is a family with service
109 needs, may file a written complaint setting forth those facts with the
110 [superior court] Superior Court which has venue over [that] the
111 matter.

112 (b) The court shall refer a complaint filed under subsection (a) of
113 this section to a probation officer, who shall promptly determine
114 whether it appears that the alleged facts, if true, would be sufficient to
115 meet the definition of a family with service needs, provided a
116 complaint alleging that a child is a truant or habitual truant shall not
117 be determined to be insufficient to meet the definition of a family with

118 service needs solely because it was filed during the months of April,
119 May or June. If such probation officer so determines, [he] the probation
120 officer shall, after an initial assessment, promptly [either (1) refer the
121 matter, with the consent of the child and his parents or guardian, to a
122 suitable community-based or other service provider, or (2)] refer the
123 child and the child's family to a suitable community-based program or
124 other service provider, or to a family support center as provided in
125 section 3 of this act, for voluntary services. If the child and the child's
126 family are referred to a community-based program or other service
127 provider and the person in charge of such program or provider
128 determines that the child and the child's family can no longer benefit
129 from its services, such person shall inform the probation officer, who
130 shall, after an appropriate assessment, either refer the child and the
131 child's family to a family support center for additional services or
132 determine whether or not to file a petition with the court under
133 subsection (c) of this section. If the child and the child's family are
134 referred to a family support center and the person in charge of the
135 family support center determines that the child and the child's family
136 can no longer benefit from its services, such person shall inform the
137 probation officer, who may file a petition with the court in the manner
138 prescribed in subsection (c) of this section. [In either case, the] The
139 probation officer shall inform the complainant in writing of [his] the
140 probation officer's action under this subsection. If it appears that the
141 allegations are not true, or that the child's family does not meet the
142 definition of a family with service needs, the probation officer shall
143 inform the complainant in writing of such finding. [In any case in
144 which the probation officer does not file a petition, he shall also inform
145 the complainant of the right of such person to file a petition pursuant
146 to subsection (c) of this section. Any person who has filed a complaint
147 pursuant to subsection (a) of this section, and who has been notified by
148 a probation officer that such officer does not intend to file a petition for
149 a family with service needs may, within thirty days after mailing of
150 such notice, file a petition under subsection (c) of this section.]

151 (c) A petition alleging that a family constitutes a family with service
152 needs shall be verified and filed with the Superior Court which has

153 venue over the matter. The petition shall set forth plainly: (1) The facts
154 which bring the child within the jurisdiction of the court; [.] (2) the
155 name, date of birth, sex and residence of the child; [.] (3) the name and
156 residence of [his] the child's parent or parents, guardian or other
157 person having control of [him,] the child; and (4) a prayer for
158 appropriate action by the court in conformity with the provisions of
159 this section.

160 (d) When a petition is filed under subsection (c) of this section, the
161 court may issue a summons to the child and [his] the child's parents,
162 guardian or other person having control of [him] the child to appear in
163 court at a specified time and place. The summons shall be signed by a
164 judge or by the clerk or assistant clerk of the court, and a copy of the
165 petition shall be attached to it. Whenever it appears to the judge that
166 orders addressed to an adult, as set forth in section 46b-121, are
167 necessary for the welfare of such child, a similar summons shall be
168 issued and served upon such adult if he or she is not already in court.
169 Service of summons shall be made in accordance with section 46b-128.
170 The court may punish for contempt, as provided in section 46b-121,
171 any parent, guardian or other person so summoned who fails to
172 appear in court at the time and place so specified. If a petition is filed
173 under subsection (c) of this section alleging that a family is a family
174 with service needs because a child is a truant or habitual truant, the
175 court may not dismiss such petition solely because it was filed during
176 the months of April, May or June.

177 (e) When a petition is filed under subsection (c) of this section
178 alleging that a family constitutes a family with service needs because it
179 includes a child who has been habitually truant, the court shall order
180 that the local or regional board of education for the town in which the
181 child resides, or the private school in the case of a child enrolled in a
182 private school, shall cause an educational evaluation of such child to
183 be performed if no such evaluation has been performed within the
184 preceding year. Any costs incurred for the performance of such
185 evaluation shall be borne by such local or regional board of education
186 or such private school.

187 (f) If it appears from the allegations of a petition or other sworn
188 affirmations that there is: (1) A strong probability that the child may do
189 something that is injurious to himself prior to court disposition; (2) a
190 strong probability that the child will run away prior to the hearing; or
191 (3) a need to hold the child for another jurisdiction, a judge may vest
192 temporary custody of such child in some suitable person or agency. No
193 nondelinquent juvenile runaway from another state may be held in a
194 state-operated detention home in accordance with the provisions of
195 sections 46b-151 to 46b-151g, inclusive, Interstate Compact on
196 Juveniles. A hearing on temporary custody shall be held not later than
197 ten days after the date on which a judge signs an order of temporary
198 custody. Following such hearing, the judge may order that the child's
199 temporary custody continue to be vested in some suitable person or
200 agency. Any expenses of temporary custody shall be paid in the same
201 manner as provided in subsection (b) of section 46b-129.

202 (g) If a petition is filed under subsection (c) of this section and it
203 appears that the interests of the child or the family may be best served,
204 prior to adjudication, by a referral to community-based or other
205 services, the judge may permit the matter to be continued for a
206 reasonable period of time not to exceed six months, which time period
207 may be extended by an additional three months for cause. If it appears
208 at the conclusion of the continuance that the matter has been
209 satisfactorily resolved, the judge may dismiss the petition.

210 (h) If the court finds, based on clear and convincing evidence, that
211 the family of a child is a family with service needs, the court may, in
212 addition to issuing any orders under section 46b-121; [, (1) refer] (1)
213 Refer the child to the Department of Children and Families for any
214 voluntary services provided by said department or, if the family is a
215 family with service needs solely as a result of a finding that a child is a
216 truant or habitual truant, to the authorities of the local or regional
217 school district or private school for services provided by such school
218 district or such school, which services may include summer school, or
219 to community agencies providing child and family services; [(2)
220 commit that child to the care and custody of the Commissioner of

221 Children and Families for an indefinite period not to exceed eighteen
222 months; (3)] (2) order the child to remain in [his] the child's own home
223 or in the custody of a relative or any other suitable person (A) subject
224 to the supervision of a probation officer, or (B) in the case of a family
225 which is a family with service needs solely as a result of a finding that
226 a child is a truant or habitual truant, subject to the supervision of a
227 probation officer and the authorities of the local or regional school
228 district or private school; [or (4)] (3) if the family is a family with
229 service needs as a result of the child engaging in sexual intercourse
230 with another person and such other person is thirteen years of age or
231 older and not more than two years older or younger than such child,
232 (A) refer the child to a youth service bureau or other appropriate
233 service agency for participation in a program such as a teen pregnancy
234 program or a sexually transmitted disease program, and (B) require
235 such child to perform community service such as service in a hospital,
236 an AIDS prevention program or an obstetrical and gynecological
237 program; or (4) upon a finding that there is no less restrictive
238 alternative, commit the child to the care and custody of the
239 Commissioner of Children and Families for an indefinite period not to
240 exceed eighteen months. The child shall be entitled to representation
241 by counsel and an evidentiary hearing. If the court issues any order
242 which regulates future conduct of the child, parent or guardian, the
243 child, parent or guardian, shall receive adequate and fair warning of
244 the consequences of violation of the order at the time it is issued, and
245 such warning shall be provided to the child, parent or guardian, to his
246 or her attorney and to his or her legal guardian in writing and shall be
247 reflected in the court record and proceedings.

248 (i) (1) The Commissioner of Children and Families may petition the
249 court for an extension of a commitment under this section on the
250 grounds that an extension would be in the best interest of the child.
251 The court shall give notice to the child and [his] the child's parent or
252 guardian at least fourteen days prior to the hearing upon [that] such
253 petition. The court may, after hearing and upon finding that such
254 extension is in the best interest of the child and that there is no suitable
255 less restrictive alternative, continue the commitment for an additional

256 indefinite period of not more than eighteen months. (2) The
257 Commissioner of Children and Families may at any time petition the
258 court to discharge a child [,] committed under this section, and any
259 child committed to the commissioner under this section, or the parent
260 or guardian of such child, may at any time but not more often than
261 once every six months petition the court which committed the child to
262 revoke such commitment. The court shall notify the child, [his] the
263 child's parent or guardian and the commissioner of any petition filed
264 under this subsection, and of the time when a hearing on such petition
265 will be held. Any order of the court made under this subsection shall
266 be deemed a final order for purposes of appeal, except that no bond
267 shall be required [nor] and no costs shall be taxed on such appeal.

268 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this
269 section, "family support center" means a community-based service
270 center for children and families against whom a complaint has been
271 filed with the Superior Court under section 46b-149 of the general
272 statutes, as amended by this act, that provides multiple services, or
273 access to such services, for the purpose of preventing such children
274 and families from having further involvement with the court as
275 families with service needs.

276 (b) The Court Support Services Division shall contract with one or
277 more private providers, or with one or more youth service bureaus
278 having established juvenile review boards, or both, to develop a
279 network of family support centers. Each family support center shall
280 provide, or ensure access to, appropriate services that shall include,
281 but not be limited to, screening and assessment, crisis intervention,
282 family mediation, educational evaluations and advocacy, mental
283 health treatment and services, including gender specific trauma
284 treatment and services, resiliency skills building, access to positive
285 social activities, short-term respite care and access to services available
286 to children in the juvenile justice system. The Court Support Services
287 Division shall conduct an independent evaluation of each family
288 support center to measure the quality of the services delivered and the
289 outcomes for the children and families served by such center.

290 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) When a child whose
291 family has been adjudicated as a family with service needs in
292 accordance with section 46b-149 of the general statutes, as amended by
293 this act, violates any valid order which regulates future conduct of the
294 child made by the court following such an adjudication, a probation
295 officer, on receipt of a complaint setting forth facts alleging such a
296 violation, or on the probation officer's own motion on the basis of his
297 or her knowledge of such a violation, may file a petition with the court
298 alleging that the child has violated a valid court order and setting forth
299 the facts claimed to constitute such a violation. The child shall be
300 entitled to representation by counsel and an evidentiary hearing on the
301 allegations contained in the petition. Upon a finding by the court that
302 the child has violated a valid court order, the court may (1) order the
303 child to remain in such child's home or in the custody of a relative or
304 any other suitable person, subject to the supervision of a probation
305 officer, (2) upon a finding that there is no less restrictive alternative
306 appropriate to the needs of the child and the community, enter an
307 order that directs or authorizes a peace officer or other appropriate
308 person to place the child in a staff-secure facility under the auspices of
309 the Court Support Services Division for a period not to exceed forty-
310 five days, with court review every fifteen days to consider whether
311 continued placement is appropriate, at the end of which period the
312 child shall be returned to the community and may be subject to the
313 supervision of a probation officer, or (3) order that the child be
314 committed to the care and custody of the Commissioner of Children
315 and Families for a period not to exceed eighteen months and that the
316 child cooperate in such care and custody.

317 (b) When a child whose family has been adjudicated as a family
318 with service needs in accordance with section 46b-149 of the general
319 statutes, as amended by this act, is believed to be at risk of immediate
320 physical harm from the child's surroundings or other circumstances, a
321 probation officer, on receipt of a complaint setting forth facts alleging
322 such risk, or on the probation officer's own motion on the basis of his
323 or her knowledge of such risk, may file a petition with the court
324 alleging that the child is at risk of immediate physical harm and setting

325 forth the facts claimed to constitute such risk. If it appears from the
326 specific allegations of the petition and other verified affirmations of
327 fact accompanying the petition, or subsequent thereto, that there is
328 probable cause to believe that (1) the child is in imminent risk of
329 physical harm from the child's surroundings, (2) as a result of such
330 condition, the child's safety is endangered and immediate removal
331 from such surroundings is necessary to ensure the child's safety, and
332 (3) there is no less restrictive alternative available, the court shall enter
333 an order directing the placement of the child in a staff-secure facility
334 under the auspices of the Court Support Services Division for a period
335 not to exceed forty-five days, with court review every fifteen days to
336 consider whether continued placement is appropriate, at the end of
337 which period the child shall either be (A) returned to the community
338 for appropriate services, or (B) committed to the Department of
339 Children and Families for a period not to exceed eighteen months. Any
340 such child shall be entitled to the same procedural protections as are
341 afforded to a delinquent child.

342 (c) No child shall be held prior to a hearing on a petition under this
343 section for more than twenty-four hours, excluding Saturdays,
344 Sundays and holidays. For the purposes of this section, "staff-secure
345 facility" means a residential facility (1) that does not include
346 construction features designed to physically restrict the movements
347 and activities of juvenile residents who are placed therein, (2) that may
348 establish reasonable rules restricting entrance to and egress from the
349 facility, and (3) in which the movements and activities of individual
350 juvenile residents may, for treatment purposes, be restricted or subject
351 to control through the use of intensive staff supervision.

352 Sec. 5. Subsection (b) of section 42 of public act 06-188 is repealed
353 and the following is substituted in lieu thereof (*Effective from passage*):

354 (b) The Families With Service Needs Advisory Board shall (1)
355 monitor the progress being made by the Department of Children and
356 Families in developing services and programming for girls from
357 families with service needs and other girls, (2) monitor the progress

358 being made by the Judicial Department in the implementation of the
 359 requirements of public act 05-250, (3) provide advice with respect to
 360 such implementation upon the request of the Judicial Department or
 361 the General Assembly, and (4) not later than December 31, 2007, make
 362 written recommendations to the Judicial Department and the General
 363 Assembly, in accordance with the provisions of section 11-4a of the
 364 general statutes, with respect to the accomplishment of such
 365 implementation by the effective date of public act 05-250. The board
 366 shall terminate on [~~December 31, 2007~~] July 1, 2008.

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-149
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>from passage</i>	PA 06-188, Sec. 42(b)

JUD *Joint Favorable Subst.*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Implements Budget, Cost	3,500,000	4,500,000
Judicial Dept.; Children & Families, Dept.; Correction, Dept.	GF - Potential Savings	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

Funds in the amount of \$3.5 million in FY 08 and \$4.5 million in FY 09 have been included in sHB 7077 (the Appropriations Act for the 2007-2009 Biennium, as favorably reported from the Appropriations Committee) to implement Sections 2, 3 and 4 of the bill, which provide for the establishment of family support centers and the provision of staff secure facilities for certain children.¹

Section 1 removes “indecent and immoral conduct” by a child as grounds for determining that a family is a statutory Families with Service Needs (FWSN). Roughly five per cent of FWSN referrals list this as their primary reason. It is anticipated that, in most instances, these children would be referred for other reasons and thus a relatively small reduction in FWSN referrals, with minimal savings, could result.

Section 2 authorizes probation officers to refer any family against which a FWSN complaint has been made to refer the family to a family support center, as defined in Section 3 of the bill, for up to six months unless such period of time is extended by the court for cause.

Section 4 allows the court to order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the Judicial Department's Court Support Services Division.

To the extent that enhanced early intervention and services promote the diversion of youth from further involvement with the criminal justice system, future savings may accrue to the Judicial Branch, as well as the Departments of Children and Families and Correction.

Section 5 extends from December 31, 2007, to January 1, 2008, the termination date for the Families with Service Needs Advisory Board. State agencies participating in this Board could incur additional costs, anticipated to be minimal, in FY 08.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ Six family support centers are provided in the budget to serve about 1,000 youths and their families at risk of being designated as FWSNs. Three six-bed respite care facilities are also supported for this population under the budget.

OLR Bill Analysis

sHB 5676

AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS.

SUMMARY:

This bill expands diversion services and court options for families with service needs (FWSN). Generally, these are families with children under age 16 who have engaged in behavior such as running away or truancy (i.e., have committed status offenses).

The bill mandates that children who are the subject of court FWSN complaints be referred for services before any further court action is taken. And it directs the Judicial Department's Court Support Services Division to establish and evaluate a network of family support centers.

The bill also lengthens the time that courts can suspend formal FWSN proceedings and refer a child and family for further services. But it limits the circumstances under which courts can order a FWSN child's commitment to the Department of Children and Families (DCF) custody.

The bill also permits courts to order that FWSN children be taken into custody and placed in a staff-secure facility (see below) for violating court orders or when their living conditions place them at risk for immediate physical injury. It specifies that children cannot be detained for more than 24 hours, excluding weekends and holidays, while waiting for a court hearing on this issue. Staff-secure placements can last no more than 45 days.

Finally, the bill allows the Family With Services Needs Advisory Board to continue monitoring and making recommendations about the implementation of FWSN program changes. Under PA 06-188, its

authorization expires December 31, 2007. The bill extends the deadline to July 1, 2008.

EFFECTIVE DATE: October 1, 2007, except for the provision concerning the Family With Service Needs Advisory Committee, which is effective upon passage.

§ 1 — FAMILIES WITH SERVICE NEEDS

Current law defines FWSN children as those under age 16 who:

1. have run away without justification,
2. are beyond parental control,
3. are truant or continuously and overtly defiant of school rules,
4. are at least age 13 and have engaged in sexual intercourse with a person no more than two years older or younger, or
5. have engaged in indecent or immoral conduct.

The bill eliminates indecent or immoral conduct as a basis for a FWSN adjudication.

§ 2 — FWSN Complaints

The law authorizes various relatives and state and local officials to file court complaints when they believe a child’s behavior meets FWSN criteria. The court, in turn, refers these complaints to juvenile probation officers who must promptly investigate and decide what, if any, action is appropriate. Currently, probation officers who determine that the complaint raises legitimate FWSN issues may either refer the child and family for services or file a petition asking a judge to declare the child a FWSN child.

The bill prohibits probation officers from filing FWSN petitions without (1) first referring the child for services and (2) being notified by the provider that the family can no longer benefit from the services. In addition to the existing referral option of community-based

programs and other providers, the bill directs the Judicial Department's Court Support Services Division (CSSD) to establish a network of family resource centers providing multiple services intended to prevent further court involvement.

§ 3 — Family Support Centers

The bill directs the CSSD to contract with at least one private provider or youth service bureau with an established juvenile review board, or both, to develop the network. It defines a family support center as a community-based service center for children and families against whom a FWSN complaint has been filed.

Each center must provide, or ensure access to, appropriate services, including:

1. screening and assessment;
2. crisis intervention;
3. family mediation;
4. educational evaluations and advocacy;
5. mental health treatment and services, including gender-specific trauma treatment and services;
6. resiliency skill building; and
7. short-term respite care.

Each must also provide access to positive social activities and services available to children in the juvenile justice system.

Repeat Probation Officer Assessments

The bill requires a probation officer, each time a service provider or family resource center head informs him or her that a referred family can no longer benefit from its services, to conduct an appropriate assessment and decide whether filing a FWSN petition is appropriate. A notice from a community based provider can trigger a referral to a

family resource center.

As under existing law, the probation officer must notify the individual who filed the FWSN complaint of his or her action. The bill eliminates the ability of the complaining party to file a FWSN petition on his own within 30 days of receiving notice that the probation officer is not doing so.

ACTIONS WHILE FWSN PETITIONS ARE PENDING IN COURT

Currently, judges may suspend formal court proceedings involving FWSN petitions (i.e., grant continuances) for up to three months when they determine that a service referral is in the child and family's best interests. The bill allows the court to grant continuances of up to six months and authorizes an additional three-month extension for cause. As under existing law, judges can dismiss the FWSN petition at the end of the continuance when it appears that the matter has been satisfactorily resolved.

§ 2 — CASE DISPOSITIONS: DCF COMMITMENTS

The law authorizes courts to issue orders directing the future conduct of children and families it has found to be FWSNs. The bill entitles children to legal representation and an evidentiary hearing. Currently, one option is to order the child committed to DCF custody for an indeterminate period of up to 18 months. The bill allows these orders only when the court finds that there is no less restrictive alternative. It entitles the child to legal representation and an evidentiary hearing.

Existing law permits courts to grant a DCF petition to extend a FWSN child's DCF commitment for another 18 months when it finds this is in the child's best interest. The bill prohibits the court from granting an extension unless it finds that there is no less restrictive alternative.

§ 4 — SANCTIONING FWSN ORDER VIOLATORS

The bill authorizes probation officers to file court petitions alleging

that the child has violated the terms of a FWSN order. It specifies that the child is entitled to legal representation and an evidentiary hearing on the petition's allegations. If the court grants the petition, the bill authorizes it to order the child to:

1. remain at home or in the custody of a suitable person, subject to a probation officer's supervision or
2. be committed to DCF's care and custody, and to cooperate with DCF, for up to 18 months.

These sanctions are already permissible under current law.

Placement in Staff-Secure Facilities

The bill also permits courts to enter orders directing or authorizing peace officers or other appropriate people to place the child in a staff-secure facility under the auspices of CSSD for up to 45 days.

The bill defines staff-secure facilities as residential facilities:

1. that do not include construction features designed to physically restrict the movements and activities of residents and
2. in which the movements and activities of individual juvenile residents may be restricted or subject to control for treatment purposes through the use of intensive staff supervision.

The bill authorizes staff-secure facilities to establish reasonable rules restricting entrance to and exit from the facility.

Courts must find that there is no less restrictive alternative appropriate to the needs of the child and community before they can order a FWSN violator to be placed in a staff-secure facility. They must review the appropriateness of continuing the placement every 15 days. The child must be returned to the community after the period of staff-secure placement ends and may be subject to probation officer supervision.

EMERGENCY STAFF-SECURE PLACEMENTS

The bill also allows probation officers to file a court petition alleging that a FWSN child is at risk of immediate physical harm from the child’s surroundings or other circumstances. The petition must contain the facts on which the claim is based. If it appears from the specific allegations of the petition and other sworn statements accompanying it, or introduced later, that there is probable cause to believe that the child (1) is in imminent risk of physical harm from his or her surroundings, (2) as a result of such condition, the child’s safety is endangered and immediate removal from the surroundings is necessary to ensure that safety, and (3) there is no less restrictive alternative available, the court must enter an order for the child’s placement in a staff-secure CSSD facility.

Placement can last for up to 45 days; the court must reconsider its appropriateness every 15 days. When the placement period ends, the court must either return the child to the community for appropriate services or commit the child to DCF for up to 18 months.

BACKGROUND

Related Bills

House bill sHB 6825 and sSB 1196 make 16- and 17-year old status offenders eligible for the FWSN program and services.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/12/2007)