



# House of Representatives

## File No. 901

General Assembly

January Session, 2007

**(Reprint of File No. 636)**

Substitute House Bill No. 5676  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 31, 2007

### **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2 section 1 of public act 05-250, is repealed and the following is  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. Subsection (b) of section 42 of public act 06-188 is repealed  
 100 and the following is substituted in lieu thereof (*Effective from passage*):

101 (b) The Families With Service Needs Advisory Board shall (1)  
 102 monitor the progress being made by the Department of Children and  
 103 Families in developing services and programming for girls from  
 104 families with service needs and other girls, (2) monitor the progress  
 105 being made by the Judicial Department in the implementation of the  
 106 requirements of public act 05-250, (3) provide advice with respect to  
 107 such implementation upon the request of the Judicial Department or  
 108 the General Assembly, and (4) not later than December 31, 2007, make  
 109 written recommendations to the Judicial Department and the General  
 110 Assembly, in accordance with the provisions of section 11-4a of the  
 111 general statutes, with respect to the accomplishment of such  
 112 implementation by the effective date of public act 05-250. The board  
 113 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>from passage</i>    | PA 06-188, Sec. 42(b) |

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:**

| <b>Agency Affected</b>                     | <b>Fund-Effect</b> | <b>FY 08 \$</b>   | <b>FY 09 \$</b>   |
|--|--------------------|-------------------|-------------------|
| Judicial Dept.; Children & Families, Dept. | GF - Savings       | Potential Minimal | Potential Minimal |
| Various State Agencies                     | GF - Cost          | Potential Minimal | None              |

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill 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.

The bill extends, from December 31, 2007, to July 1, 2008, the life of the Families with Service Needs Advisory Board. State agencies participating in this Board could incur additional costs, anticipated to be minimal, in FY 08.

House Amendment “A” removed provisions establishing family support centers to serve FWSNs; thereby eliminating the \$3.5 million (FY 08) and \$4.5 million (FY 09) costs in the bill to establish and maintain these centers.

#### **The Out Years**

The annualized, ongoing potential savings identified above would

continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5676 (as amended by House "A")\******AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS.*****SUMMARY:**

This bill eliminates engaging in indecent or immoral conduct as a basis for being statutorily classified as a family with service needs (FWSN). Generally, these are families with children under age 16 who have engaged in behavior such as running away or truancy which would not be unlawful once they reach adulthood.

It also allows the Family With Service 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.

\*House Amendment "A" eliminates provisions that expanded diversion services and court options for FWSNs.

EFFECTIVE DATE: October 1, 2007 for the elimination of immoral conduct from the FWSN definition; upon passage for the FWSN Advisory Committee reporting extension.

**BACKGROUND*****Families With Service Needs***

FWSN children are 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.

**Related Bills**

Two bills on the House calendar (HB 6285 and sSB 1196) would make 16- and 17-year old status offenders eligible for the FWSN program and services. The Senate passed sSB 1196 on May 22, 2007.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 41 Nay 0 (04/12/2007)

Appropriations Committee

Joint Favorable  
Yea 40 Nay 0 (05/04/2007)