



# House of Representatives

General Assembly

**File No. 638**

January Session, 2007

Substitute House Bill No. 6285

*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 AND YOUTH IN JUVENILE MATTERS AND THE RECOMMENDATIONS OF THE JUVENILE JURISDICTION PLANNING AND IMPLEMENTATION COMMITTEE.***

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2 section 1 of public act 05-250, is repealed and the following is  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 July 1, 2009*):

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,] except that for  
7 purposes of delinquency matters and family with service needs  
8 proceedings, "child" means any person (A) under [sixteen] eighteen  
9 years of age, or (B) [sixteen] eighteen years of age or older who, prior  
10 to attaining [sixteen] eighteen years of age, has violated any federal or  
11 state law [or municipal or local ordinance, other than an ordinance  
12 regulating behavior of a child in a family with service needs,] and,  
13 subsequent to attaining [sixteen] eighteen years of age, violates any

14 order of the Superior Court or any condition of probation ordered by  
15 the Superior Court with respect to such delinquency [proceeding] or  
16 family with service needs proceedings; (2) "youth" means any person  
17 sixteen or seventeen years of age who [; (3) "youth in crisis" means any  
18 youth who, within the last two years,] (A) has without just cause run  
19 away from the parental home or other properly authorized and lawful  
20 place of abode, (B) is beyond the control of the youth's parents,  
21 guardian or other custodian, or (C) has four unexcused absences from  
22 school in any one month or ten unexcused absences in any school year;  
23 [(4)] (3) "abused" means that a child or youth (A) has been inflicted  
24 with physical injury or injuries other than by accidental means, or (B)  
25 has injuries that are at variance with the history given of them, or (C) is  
26 in a condition that is the result of maltreatment, [such as] including,  
27 but not limited to, malnutrition, sexual molestation or exploitation,  
28 deprivation of necessities, emotional maltreatment or cruel  
29 punishment; [(5)] (4) a child or youth may be found "mentally  
30 deficient" who, by reason of a deficiency of intelligence that has existed  
31 from birth or from early age, requires, or will require, for [his] such  
32 child's or youth's protection or for the protection of others, special care,  
33 supervision and control; [(6)] (5) a child or youth may be convicted as  
34 "delinquent" who has violated (A) any federal or state law, [or  
35 municipal or local ordinance, other than an ordinance regulating  
36 behavior of a child in a family with service needs,] (B) any order of the  
37 Superior Court, except as provided in section 46b-148, or (C)  
38 conditions of probation as ordered by the court; [(7)] (6) a child or  
39 youth may be found "dependent" whose home is a suitable one for the  
40 child or youth, save for the financial inability of the child's or youth's  
41 parents, parent or guardian, or other person maintaining such home,  
42 to provide the specialized care the condition of the child or youth  
43 requires; [(8)] (7) "family with service needs" means a family that  
44 includes a child or youth who (A) has without just cause run away  
45 from the parental home or other properly authorized and lawful place  
46 of abode, (B) is beyond the control of the child's or youth's parent,  
47 parents, guardian or other custodian, (C) has engaged in indecent or  
48 immoral conduct, (D) is a truant or habitual truant or who, while in

49 school, has been continuously and overtly defiant of school rules and  
50 regulations, or (E) is thirteen years of age or older and has engaged in  
51 sexual intercourse with another person and such other person is  
52 thirteen years of age or older and not more than two years older or  
53 younger than such child or youth; [(9)] (8) a child or youth may be  
54 found "neglected" who (A) has been abandoned, or (B) is being denied  
55 proper care and attention, physically, educationally, emotionally or  
56 morally, or (C) is being permitted to live under conditions,  
57 circumstances or associations injurious to the well-being of the child or  
58 youth, or (D) has been abused; [(10)] (9) a child or youth may be found  
59 "uncared for" who is homeless or whose home cannot provide the  
60 specialized care that the physical, emotional or mental condition of the  
61 child or youth requires. For the purposes of this section, the treatment  
62 of any child or youth by an accredited Christian Science practitioner, in  
63 lieu of treatment by a licensed practitioner of the healing arts, shall not  
64 of itself constitute neglect or maltreatment; [(11)] (10) "delinquent act"  
65 means the violation of any federal or state law [or municipal or local  
66 ordinance, other than an ordinance regulating the behavior of a child  
67 in a family with service needs,] or the violation of any order of the  
68 Superior Court; [(12)] (11) "serious juvenile offense" means (A) the  
69 violation of, including attempt or conspiracy to violate, section  
70 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c,  
71 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to  
72 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to  
73 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to  
74 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,  
75 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,  
76 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section  
77 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a  
78 child or youth, or (B) running away, without just cause, from any  
79 secure placement other than home while referred as a delinquent child  
80 or youth to the Court Support Services Division or committed as a  
81 delinquent child or youth to the Commissioner of Children and  
82 Families for a serious juvenile offense; [(13)] (12) "serious juvenile  
83 offender" means any child or youth convicted as delinquent for

84 commission of a serious juvenile offense; [(14)] (13) "serious juvenile  
85 repeat offender" means any child or youth charged with the  
86 commission of any felony if such child or youth has previously been  
87 convicted delinquent at any age for two violations of any provision of  
88 title 21a, 29, 53 or 53a that is designated as a felony; [(15)]  
89 "alcohol-dependent child" means any child who has] (14) "alcohol-  
90 dependent" means a psychoactive substance dependence on alcohol as  
91 that condition is defined in the most recent edition of the American  
92 Psychiatric Association's "Diagnostic and Statistical Manual of Mental  
93 Disorders"; [and (16) "drug-dependent child" means any child who  
94 has] (15) "drug-dependent" means a psychoactive substance  
95 dependence on drugs as that condition is defined in the most recent  
96 edition of the American Psychiatric Association's "Diagnostic and  
97 Statistical Manual of Mental Disorders"; and (16) "juvenile" means a  
98 child or youth. No child or youth shall be classified as drug dependent  
99 who is dependent (A) upon a morphine-type substance as an incident  
100 to current medical treatment of a demonstrable physical disorder other  
101 than drug dependence, or (B) upon amphetamine-type, ataractic,  
102 barbiturate-type, hallucinogenic or other stimulant and depressant  
103 substances as an incident to current medical treatment of a  
104 demonstrable physical or psychological disorder, or both, other than  
105 drug dependence.

106 Sec. 2. Section 46b-121 of the general statutes is repealed and the  
107 following is substituted in lieu thereof (*Effective July 1, 2009*):

108 (a) (1) Juvenile matters in the civil session include all proceedings  
109 concerning uncared-for, neglected or dependent children and youths  
110 within this state, termination of parental rights of children or youths  
111 committed to a state agency, matters concerning families with service  
112 needs, contested matters involving termination of parental rights or  
113 removal of guardian transferred from the Probate Court [,] and the  
114 emancipation of minors, [and youths in crisis,] but does not include  
115 matters of guardianship and adoption or matters affecting property  
116 rights of any child [, youth or youth in crisis] or youth over which the  
117 Probate Court has jurisdiction, [provided] except that appeals from

118 probate concerning adoption, termination of parental rights and  
119 removal of a parent as guardian shall be included.

120 (2) Juvenile matters in the criminal session include all proceedings  
121 concerning delinquent children [in the] or youths within this state and  
122 persons [sixteen] eighteen years of age and older who are under the  
123 supervision of a juvenile probation officer while on probation or a  
124 suspended commitment to the Department of Children and Families,  
125 for purposes of enforcing any court orders entered as part of such  
126 probation or suspended commitment.

127 (b) (1) In juvenile matters, the Superior Court shall have authority to  
128 make and enforce such orders directed to parents, including any  
129 person who acknowledges before [said] the court paternity of a child  
130 born out of wedlock, guardians, custodians or other adult persons  
131 owing some legal duty to a child [, youth or youth in crisis] or youth  
132 therein, as [it] the court deems necessary or appropriate to secure the  
133 welfare, protection, proper care and suitable support of a child [, youth  
134 or youth in crisis] or youth subject to [its] the court's jurisdiction or  
135 otherwise committed to or in the custody of the Commissioner of  
136 Children and Families. In addition, with respect to proceedings  
137 concerning delinquent children or youths, the Superior Court shall  
138 have authority to make and enforce such orders as [it] the court deems  
139 necessary or appropriate to punish the child or youth, deter the child  
140 or youth from the commission of further delinquent acts, assure that  
141 the safety of any other person will not be endangered and provide  
142 restitution to any victim. [Said court] The Superior Court shall also  
143 have authority to grant and enforce temporary and permanent  
144 injunctive relief [, temporary or permanent] in all proceedings  
145 concerning juvenile matters.

146 (2) If any order for the payment of money is issued by [said court]  
147 the Superior Court, including any order assessing costs issued under  
148 section 46b-134 or 46b-136, the collection of such money shall be made  
149 by [said] the court, except orders for support of children or youths  
150 committed to any state agency or department, which orders shall be

151 made payable to and collected by the Department of Administrative  
152 Services. [Where] If the [court] Superior Court after due diligence is  
153 unable to collect such moneys within six months, [it] the court shall  
154 refer such case to the Department of Administrative Services for  
155 collection as a delinquent account. In juvenile matters, the [court]  
156 Superior Court shall have authority to make and enforce orders  
157 directed to persons liable hereunder on petition of [said] the  
158 Department of Administrative Services made to [said] the court in the  
159 same manner as is provided in section 17b-745, in accordance with the  
160 provisions of section 17b-81 [,] or 17b-223, subsection (b) of section  
161 17b-179 [,] or section 17a-90, 46b-129 or 46b-130, and all of the  
162 provisions of section 17b-745 shall be applicable to such proceedings.  
163 Any judge hearing a juvenile matter may make any other order in  
164 connection therewith that a judge of the Superior Court is authorized  
165 to grant and such order shall have the same force and effect as any  
166 other order of the Superior Court. In the enforcement of [its] the court's  
167 orders, in connection with any juvenile matter, the court may issue  
168 process for the arrest of any person, compel attendance of witnesses  
169 and punish for contempt by a fine not exceeding one hundred dollars  
170 or imprisonment not exceeding six months.

171 Sec. 3. Subsection (c) of section 46b-127 of the general statutes is  
172 repealed and the following is substituted in lieu thereof (*Effective July*  
173 *1, 2009*):

174 (c) Upon the effectuation of the transfer, such child or youth shall  
175 stand trial and be sentenced, if convicted, as if [he were sixteen] such  
176 child or youth were eighteen years of age. Such child or youth shall  
177 receive credit against any sentence imposed for time served in a  
178 juvenile facility prior to the effectuation of the transfer. A child or  
179 youth who has been transferred may enter a guilty plea to a lesser  
180 offense if the court finds that such plea is made knowingly and  
181 voluntarily. Any child or youth transferred to the regular criminal  
182 docket who pleads guilty to a lesser offense shall not resume [his] such  
183 child's or youth's status as a juvenile regarding [said] such offense. If  
184 the action is dismissed or nolleed or if such child or youth is found not

185 guilty of the charge for which [he] such child or youth was transferred  
186 or of any lesser included offenses, the child or youth shall resume [his]  
187 such child's or youth's status as a juvenile until [he] such child or  
188 youth attains the age of [sixteen] eighteen years.

189 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is  
190 repealed and the following is substituted in lieu thereof (*Effective July*  
191 *1, 2009*):

192 (f) Whenever a proceeding has been designated a serious juvenile  
193 repeat offender prosecution pursuant to subsection (b) of this section  
194 and the child or youth does not waive such child's or youth's right to a  
195 trial by jury, the court shall transfer the case from the docket for  
196 juvenile matters to the regular criminal docket of the Superior Court.  
197 Upon transfer, such child or youth shall stand trial and be sentenced, if  
198 convicted, as if such child or youth were [sixteen] eighteen years of  
199 age, except that no such child or youth shall be placed in a correctional  
200 facility but shall be maintained in a facility for children and youths  
201 until such child or youth attains [sixteen] eighteen years of age or until  
202 such child or youth is sentenced, whichever occurs first. Such child or  
203 youth shall receive credit against any sentence imposed for time  
204 served in a juvenile facility prior to the effectuation of the transfer. A  
205 child or youth who has been transferred may enter a guilty plea to a  
206 lesser offense if the court finds that such plea is made knowingly and  
207 voluntarily. Any child or youth transferred to the regular criminal  
208 docket who pleads guilty to a lesser offense shall not resume such  
209 child's or youth's status as a juvenile regarding such offense. If the  
210 action is dismissed or nolle or if such child or youth is found not  
211 guilty of the charge for which such child or youth was transferred, the  
212 child or youth shall resume such child's or youth's status as a juvenile  
213 until such child or youth attains [sixteen] eighteen years of age.

214 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is  
215 repealed and the following is substituted in lieu thereof (*Effective July*  
216 *1, 2009*):

217 (f) When a proceeding has been designated a serious sexual

218 offender prosecution pursuant to subsection (c) of this section and the  
219 child or youth does not waive the right to a trial by jury, the court shall  
220 transfer the case from the docket for juvenile matters to the regular  
221 criminal docket of the Superior Court. Upon transfer, such child or  
222 youth shall stand trial and be sentenced, if convicted, as if such child or  
223 youth were [sixteen] eighteen years of age, except that no such child or  
224 youth shall be placed in a correctional facility but shall be maintained  
225 in a facility for children and youths until such child or youth attains  
226 [sixteen] eighteen years of age or until such child or youth is  
227 sentenced, whichever occurs first. Such child or youth shall receive  
228 credit against any sentence imposed for time served in a juvenile  
229 facility prior to the effectuation of the transfer. A child or youth who  
230 has been transferred may enter a guilty plea to a lesser offense if the  
231 court finds that such plea is made knowingly and voluntarily. Any  
232 child or youth transferred to the regular criminal docket who pleads  
233 guilty to a lesser offense shall not resume such child's or youth's status  
234 as a juvenile regarding such offense. If the action is dismissed or nolle  
235 or if such child or youth is found not guilty of the charge for which  
236 such child or youth was transferred, the child or youth shall resume  
237 such child's or youth's status as a juvenile until such child or youth  
238 attains [sixteen] eighteen years of age.

239 Sec. 6. Subsection (c) of section 10-19m of the general statutes is  
240 repealed and the following is substituted in lieu thereof (*Effective July*  
241 *1, 2009*):

242 (c) The Commissioner of Education shall adopt regulations, in  
243 accordance with the provisions of chapter 54, establishing minimum  
244 standards for such youth service bureaus and the criteria for qualifying  
245 for state cost-sharing grants, including, but not limited to, allowable  
246 sources of funds covering the local share of the costs of operating such  
247 bureaus, acceptable in-kind contributions and application procedures.  
248 Said commissioner shall, on December 1, [1979] 2009, and annually  
249 thereafter, report to the General Assembly on the referral or diversion  
250 of children or youths under the age of [sixteen] eighteen years from the  
251 juvenile justice system and [on the referral or diversion of children

252 between the ages of sixteen and eighteen years from] the court system.  
253 Such report shall include, but not be limited to, the number of times  
254 any child or youth is so diverted, the number of children or youths  
255 diverted, the type of service provided to any such child or youth, by  
256 whom such child or youth was diverted, the ages of the children or  
257 youths diverted and such other information and statistics as the  
258 General Assembly may request from time to time. Any such report  
259 shall contain no identifying information about any particular child or  
260 youth.

261 Sec. 7. (NEW) (*Effective July 1, 2008*) (a) The Chief Court  
262 Administrator shall, within available appropriations, establish regional  
263 juvenile courts within this state for the hearing of juvenile matters  
264 including, but not limited to, delinquency proceedings. In establishing  
265 such courts, the Chief Court Administrator shall consult with the  
266 judges of the Superior Court who hear such juvenile matters.

267 (b) The Chief Court Administrator may establish a regional juvenile  
268 court under this section in any existing court facility and shall  
269 maximize the use of court facilities that may otherwise be unused or  
270 substantially underutilized.

271 Sec. 8. Section 46b-121i of the general statutes is repealed and the  
272 following is substituted in lieu thereof (*Effective July 1, 2009*):

273 (a) The Judicial Department shall:

274 (1) Coordinate programs and services of the juvenile justice system  
275 with other state and municipal agencies, boards and commissions;

276 (2) Develop and use intake and assessment procedures for the  
277 evaluation of juveniles;

278 (3) Provide case management for juveniles;

279 (4) Provide pretrial diversion and postconviction programs;

280 (5) Coordinate community-based services for juveniles and their

281 families [which] that promote appropriate reintegration of the juvenile  
282 with [his] the juvenile's family, school and community; and

283 (6) Provide other programs and services necessary to the juvenile  
284 justice system.

285 (b) In developing its programs, the Judicial Department shall:

286 (1) Develop and implement an independently-validated risk [and]  
287 assessment [instruments] instrument for use on a state-wide basis in  
288 determining the need for detention or other placement at the time a  
289 juvenile enters the system. The risk assessment instrument shall use  
290 objective factors, including, but not limited to, the factors set forth in  
291 subdivision (2) of this subsection, to classify juveniles as (A) those  
292 appropriate for detention, (B) those who may be released with  
293 structured supervision, and (C) those who may be released without  
294 supervision. The risk assessment instrument shall be designed to  
295 minimize the impact of subjective measures;

296 (2) Develop and implement a case classification process to [include  
297 the establishment of] establish classification program levels and case  
298 management standards for each program level. [A] Each program level  
299 [is] shall be based on the following factors: (A) The needs of the  
300 juvenile, [his] (B) the strengths of the juvenile, (C) the offense the  
301 juvenile is charged with, (D) the juvenile's potential to be [dangerous  
302 and his] at risk of offending further, and (E) the potential for the  
303 juvenile to fail to appear in court or to run away prior to a court  
304 hearing or disposition;

305 (3) Not later than July 1, 2010, and annually thereafter, review the  
306 risk assessment instrument and the case classification process  
307 described in subdivisions (1) and (2) of this subsection and revise the  
308 risk assessment instrument and the case classification process as  
309 necessary to meet the needs of juveniles; and

310 [(3)] (4) Develop and implement a purchase-of-care system, which  
311 will facilitate the development of a state-wide community-based

312 continuum of care, with the involvement of the private sector and the  
313 local public sector. Care services may be purchased from private  
314 providers to provide a wider diversity of services. [This] The system  
315 shall [include accessing] maximize the use of federal funds and shall  
316 access available Title IV-E funds of the federal Social Security Act, as  
317 amended from time to time, new Medicaid funds and other funding  
318 sources to support eligible community-based services. Such services  
319 developed and purchased shall include, but not be limited to,  
320 evaluation services which shall be available on a geographically  
321 accessible basis across the state.

322 Sec. 9. Section 46b-121k of the general statutes is repealed and the  
323 following is substituted in lieu thereof (*Effective July 1, 2009*):

324 (a) (1) The Court Support Services Division shall [be charged with  
325 the duty of developing] develop constructive programs for the  
326 prevention and reduction of delinquency and crime among juvenile  
327 offenders. To [that end] develop such programs, the executive director  
328 of the Court Support Services Division shall cooperate with other  
329 agencies to encourage the establishment of new programs and to  
330 provide a continuum of services for juvenile offenders who do not  
331 require secure placement, including, but not limited to, juveniles  
332 classified pursuant to the risk assessment instrument described in  
333 section 46b-121i, as amended by this act, as those who may be released  
334 with structured supervision and those who may be released without  
335 supervision. If appropriate, the Court Support Services Division shall  
336 coordinate such programs with the Department of Children and  
337 Families and the Department of Mental Health and Addiction Services.

338 (2) The programs shall be tailored to the type of juvenile, including  
339 the juvenile's offense history, age, maturity and social development,  
340 gender, mental health, [and chemical] alcohol dependency or drug  
341 dependency, [problem,] need for structured supervision and other  
342 characteristics, and shall be culturally appropriate and trauma-  
343 informed. The programs shall be provided in the least restrictive  
344 environment possible in a manner consistent with public safety. The

345 Court Support Services Division shall develop programs that provide:  
346 [(1)] (A) Intensive general [educational programs] education, with an  
347 [individual educational] individualized remediation plan for each  
348 juvenile; [(2)] specific educational components in the management of]  
349 (B) appropriate job training and employment opportunities; (C)  
350 counseling sessions in anger management and nonviolent conflict  
351 resolution; [(3)] (D) treatment and prevention programs for [chemical]  
352 alcohol dependency and drug dependency; [(4)] (E) mental health  
353 screening, assessment and treatment; [and (5)] (F) sexual offender  
354 treatment; and (G) services for families of juveniles.

355 (b) The Judicial Department may contract to establish regional  
356 secure residential facilities and regional highly supervised residential  
357 and nonresidential facilities for juveniles referred by the court. Such  
358 facilities shall operate within contracted-for capacity limits. Such  
359 facilities shall be exempt from the licensing requirements of section  
360 17a-145.

361 (c) The Court Support Services Division shall collaborate with  
362 private residential facilities providing residential programs and with  
363 community-based nonresidential postrelease programs.

364 (d) Any program developed by the Court Support Services Division  
365 that is designed to prevent or reduce delinquency and crime among  
366 juvenile offenders shall be gender specific, as necessary, and shall  
367 comprehensively address the unique needs of a targeted gender group.

368 (e) The Court Support Services Division shall consult with the  
369 Commission on Racial and Ethnic Disparity in the Criminal Justice  
370 System established pursuant to section 51-10c to address the needs of  
371 minorities in the juvenile justice system.

372 Sec. 10. Subsection (b) of section 46b-133 of the general statutes is  
373 repealed and the following is substituted in lieu thereof (*Effective July*  
374 *1, 2009*):

375 (b) Whenever a child or youth is brought before a judge of the

376 Superior Court, such judge shall immediately have the case proceeded  
377 upon as a juvenile matter. Such judge may admit [such] the child or  
378 youth to bail or release [him] the child or youth in the custody of [his]  
379 the child's or youth's parent or parents, [his] the child's or youth's  
380 guardian or some other suitable person to appear before the Superior  
381 Court when ordered. If detention becomes necessary, [or desirable, the  
382 same] such detention shall be in the manner prescribed by this chapter,  
383 provided the child or youth shall be placed in the least restrictive  
384 environment possible in a manner consistent with public safety.

385 Sec. 11. Subsection (a) of section 51-165 of the general statutes is  
386 repealed and the following is substituted in lieu thereof (*Effective*  
387 *January 1, 2009*):

388 (a) (1) On and after July 1, 1998, the Superior Court shall consist of  
389 one hundred eighty-one judges, including the judges of the Supreme  
390 Court and the Appellate Court, who shall be appointed by the General  
391 Assembly upon nomination of the Governor.

392 (2) On and after October 1, 1998, the Superior Court shall consist of  
393 one hundred eighty-three judges, including the judges of the Supreme  
394 Court and the Appellate Court, who shall be appointed by the General  
395 Assembly upon nomination of the Governor.

396 (3) On and after January 1, 1999, the Superior Court shall consist of  
397 one hundred eighty-six judges, including the judges of the Supreme  
398 Court and the Appellate Court, who shall be appointed by the General  
399 Assembly upon nomination of the Governor.

400 (4) On and after October 1, 1999, the Superior Court shall consist of  
401 one hundred ninety-one judges, including the judges of the Supreme  
402 Court and the Appellate Court, who shall be appointed by the General  
403 Assembly upon nomination of the Governor.

404 (5) On and after October 1, 2000, the Superior Court shall consist of  
405 one hundred ninety-six judges, including the judges of the Supreme  
406 Court and the Appellate Court, who shall be appointed by the General

407 Assembly upon nomination of the Governor.

408 (6) On and after January 1, 2009, the Superior Court shall consist of  
409 two hundred one judges, including the judges of the Supreme Court  
410 and the Appellate Court, who shall be appointed by the General  
411 Assembly upon nomination of the Governor.

412 Sec. 12. (*Effective July 1, 2008*) Not later than July 1, 2009, the Chief  
413 Court Administrator and the executive director of the Court Support  
414 Services Division of the judicial branch shall evaluate the programs  
415 and services provided in the juvenile justice system, including, but not  
416 limited to, services provided pursuant to chapter 815t of the general  
417 statutes, to ensure that such programs and services meet the needs of  
418 persons sixteen years of age or older in the juvenile justice system, and  
419 shall implement, within available appropriations, any changes deemed  
420 necessary in the programs and services.

421 Sec. 13. (*Effective from passage*) (a) There is established a Juvenile  
422 Jurisdiction Policy and Operations Coordinating Council. The council  
423 shall monitor the implementation of the central components of the  
424 implementation plan developed by the Juvenile Jurisdiction Planning  
425 and Implementation Committee, as set forth in subsection (f) of this  
426 section, and resolve issues identified by the committee, as set forth in  
427 subsection (g) of this section, concerning changes required in the  
428 juvenile justice system to expand jurisdiction to include persons  
429 sixteen and seventeen years of age.

430 (b) The council shall consist of the following members:

431 (1) Two members of the General Assembly, one of whom shall be  
432 appointed by the speaker of the House of Representatives, and one of  
433 whom shall be appointed by the president pro tempore of the Senate;

434 (2) The chairpersons and ranking members of the joint standing  
435 committees of the General Assembly having cognizance of matters  
436 relating to the judiciary and human services, or their designees;

437 (3) The Chief Court Administrator, or the Chief Court

438 Administrator's designee;

439 (4) A judge of the superior court for juvenile matters, appointed by  
440 the Chief Justice;

441 (5) The executive director of the Court Support Services Division of  
442 the judicial branch, or the executive director's designee;

443 (6) The executive director of the Superior Court Operations  
444 Division, or the executive director's designee;

445 (7) The Chief Public Defender, or the Chief Public Defender's  
446 designee;

447 (8) The Chief State's Attorney, or the Chief State's Attorney's  
448 designee;

449 (9) The Commissioner of Children and Families, or the  
450 commissioner's designee;

451 (10) The Commissioner of Correction, or the commissioner's  
452 designee;

453 (11) The Commissioner of Education, or the commissioner's  
454 designee;

455 (12) The Commissioner of Mental Health and Addiction Services, or  
456 the commissioner's designee;

457 (13) The president of the Connecticut Police Chiefs Association, or  
458 the president's designee;

459 (14) Two child or youth advocates, one of whom shall be appointed  
460 by one chairperson of the Juvenile Jurisdiction Planning and  
461 Implementation Committee, and one of whom shall be appointed by  
462 the other chairperson of the Juvenile Jurisdiction Planning and  
463 Implementation Committee;

464 (15) Two parents, each of whom is the parent of a child who has

465 been involved with the juvenile justice system, one of whom shall be  
466 appointed by the minority leader of the House of Representatives, and  
467 one of whom shall be appointed by the minority leader of the Senate;  
468 and

469 (16) The Child Advocate, or the Child Advocate's designee.

470 (c) All appointments to the council shall be made not later than  
471 thirty days after the effective date of this section. Any vacancy shall be  
472 filled by the appointing authority.

473 (d) The speaker of the House of Representatives and the president  
474 pro tempore of the Senate shall select the chairpersons of the council  
475 from among the members of the council. Such chairpersons shall  
476 schedule the first meeting of the council, which shall be held not later  
477 than sixty days after the effective date of this section.

478 (e) Members of the council shall serve without compensation, except  
479 for necessary expenses incurred in the performance of their duties.

480 (f) Prior to January 1, 2009, the council shall monitor the  
481 implementation of the central components of the implementation plan  
482 contained in the final report of the Juvenile Jurisdiction Planning and  
483 Implementation Committee dated February 8, 2007, including, but not  
484 limited to: (1) The development, validation and implementation of a  
485 risk assessment instrument pursuant to section 46b-121i of the general  
486 statutes, as amended by this act; (2) the establishment of regional  
487 juvenile courts pursuant to section 7 of this act; and (3) the  
488 development and implementation of a comprehensive system of  
489 community-based services and residential services for juveniles.

490 (g) Prior to January 1, 2009, the council shall study and develop  
491 recommendations regarding the issues identified in the final report of  
492 the Juvenile Jurisdiction Planning and Implementation Committee to  
493 prepare for the introduction of persons sixteen and seventeen years of  
494 age into the juvenile justice system and to improve the juvenile justice  
495 system. Such issues include, but need not be limited to, the following:

496 (1) The development of diversion programs and the most  
497 appropriate programs for such persons;

498 (2) The development of comprehensive projections to determine the  
499 short-term and long-term placement capacity required to  
500 accommodate an expanded juvenile population in the juvenile justice  
501 system, including an identification of available pretrial detention  
502 facilities, the need for additional pretrial detention facilities and  
503 feasible alternatives to detention;

504 (3) An analysis of the impact of the expansion of juvenile  
505 jurisdiction on state agencies and a determination of which state  
506 agencies shall be responsible for providing relevant services to  
507 juveniles, including, but not limited to, mental health and substance  
508 abuse services, housing, education and employment;

509 (4) An examination of whether the inclusion of persons sixteen and  
510 seventeen years of age in the juvenile justice system requires a revision  
511 of statutes that establish a mandatory age for school attendance;

512 (5) An examination and modification of offenses categorized as  
513 serious juvenile offenses in subdivision (12) of section 46b-120 of the  
514 general statutes, as amended by this act;

515 (6) A comparison and analysis of procedures used in the juvenile  
516 justice system versus the criminal court system to determine the most  
517 suitable procedures for juveniles, including, but not limited to, the  
518 most suitable procedures for the lawful interrogation of juveniles;

519 (7) The treatment of a motor vehicle infraction, motor vehicle  
520 violation or motor vehicle offense committed by a person sixteen or  
521 seventeen years of age;

522 (8) An examination of school-related issues related to delinquency,  
523 including intervention strategies to reduce the number of suspensions,  
524 expulsions, trancies and arrests of juveniles; and

525 (9) An examination of practices and procedures that result in

526 disproportionate minority contact with the juvenile justice system and  
527 strategies to reduce disproportionate minority contact with the  
528 juvenile justice system.

529 (h) Not later than January 1, 2008, and quarterly thereafter until  
530 January 1, 2009, the council shall submit a status report to the  
531 Governor and the joint standing committees of the General Assembly  
532 having cognizance of matters relating to the judiciary and human  
533 services, and the select committee of the General Assembly having  
534 cognizance of matters relating to children, in accordance with section  
535 11-4a of the general statutes, on implementation of the plan  
536 components set forth in subsection (f) of this section and resolution of  
537 the issues identified in subsection (g) of this section.

538 (i) Not later than January 1, 2009, the council shall submit a final  
539 report on the council's recommendations and such implementation  
540 and resolution of issues to the Governor and the joint standing  
541 committees of the General Assembly having cognizance of matters  
542 relating to the judiciary and human services, and the select committee  
543 of the General Assembly having cognizance of matters relating to  
544 children, in accordance with section 11-4a of the general statutes.

545 Sec. 14. Subsection (b) of section 46b-124 of the general statutes is  
546 repealed and the following is substituted in lieu thereof (*Effective July*  
547 *1, 2009*):

548 (b) All records of cases of juvenile matters, as provided in section  
549 46b-121, as amended by this act, except delinquency proceedings, or  
550 any part thereof, and all records of appeals from probate brought to  
551 the superior court for juvenile matters pursuant to subsection (b) of  
552 section 45a-186, shall be confidential and for the use of the court in  
553 juvenile matters, and open to inspection or disclosure to any third  
554 party, including bona fide researchers commissioned by a state agency,  
555 only upon order of the Superior Court, except that: (1) The records  
556 concerning any matter transferred from a court of probate pursuant to  
557 section 45a-623 or subsection (g) of section 45a-715 or any appeal from  
558 probate to the superior court for juvenile matters pursuant to

559 subsection (b) of section 45a-186 shall be available to the court of  
560 probate from which such matter was transferred or from which such  
561 appeal was taken; (2) such records shall be available to (A) the attorney  
562 representing the child or youth, including the Division of Public  
563 Defender Services, in any proceeding in which such records are  
564 relevant, (B) the parents or guardian of the child or youth until such  
565 time as the child or youth reaches the age of majority or becomes  
566 emancipated, (C) an adult adopted person in accordance with the  
567 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,  
568 inclusive, (D) employees of the Division of Criminal Justice who in the  
569 performance of their duties require access to such records, (E)  
570 employees of the judicial branch who in the performance of their  
571 duties require access to such records, (F) another court under the  
572 provisions of subsection (d) of section 46b-115j, (G) the subject of the  
573 record, upon submission of satisfactory proof of the subject's identity,  
574 pursuant to guidelines prescribed by the Office of the Chief Court  
575 Administrator, provided the subject has reached the age of majority or  
576 has been emancipated, (H) the Department of Children and Families,  
577 and (I) the employees of the Commission on Child Protection who in  
578 the performance of their duties require access to such records; and (3)  
579 all or part of the records concerning a youth in crisis with respect to  
580 whom a court order [has been] was issued prior to July 1, 2009,  
581 [pursuant to subdivision (1) of subsection (c) of section 46b-150f] may  
582 be made available to the Department of Motor Vehicles, provided such  
583 records are relevant to such order. Any records of cases of juvenile  
584 matters, or any part thereof, provided to any persons, governmental  
585 and private agencies, and institutions pursuant to this section shall not  
586 be disclosed, directly or indirectly, to any third party not specified in  
587 subsection (d) of this section, except as provided by court order or in  
588 the report required under section 54-76d or 54-91a.

589 Sec. 15. Section 46b-149b of the general statutes is repealed and the  
590 following is substituted in lieu thereof (*Effective July 1, 2009*):

591 [(a)] Any police officer or any official of a municipal or community  
592 agency, who in the course of such police officer's or official's

593 employment under subsection (d) of section 17a-15 or section 46b-120,  
 594 as amended by this act, 46b-121, as amended by this act, 46b-149 [,] or  
 595 46b-149a [, 46b-150f or 46b-150g] provides assistance to a child or  
 596 youth or a family in need thereof, shall not be liable to such child or  
 597 youth or such family for civil damages for any personal injuries which  
 598 result from the voluntary termination of service by the child or youth  
 599 or the family.

600 [(b) Each municipal police department and the Division of State  
 601 Police within the Department of Public Safety shall implement a  
 602 uniform protocol for providing intervention and assistance in matters  
 603 involving youths in crisis. Such uniform protocol shall be developed  
 604 by the Police Officer Standards and Training Council established  
 605 under section 7-294b.]

606 Sec. 16. Sections 46b-150f to 46b-150h, inclusive, of the general  
 607 statutes are repealed. (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	46b-120
Sec. 2	<i>July 1, 2009</i>	46b-121
Sec. 3	<i>July 1, 2009</i>	46b-127(c)
Sec. 4	<i>July 1, 2009</i>	46b-133c(f)
Sec. 5	<i>July 1, 2009</i>	46b-133d(f)
Sec. 6	<i>July 1, 2009</i>	10-19m(c)
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2009</i>	46b-121i
Sec. 9	<i>July 1, 2009</i>	46b-121k
Sec. 10	<i>July 1, 2009</i>	46b-133(b)
Sec. 11	<i>January 1, 2009</i>	51-165(a)
Sec. 12	<i>July 1, 2008</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>July 1, 2009</i>	46b-124(b)
Sec. 15	<i>July 1, 2009</i>	46b-149b
Sec. 16	<i>July 1, 2009</i>	Repealer section

**Statement of Legislative Commissioners:**

Statutory references to "youth in crisis" were deleted and statutory sections governing youth in crisis were repealed for consistency with the deletion of "youth in crisis" in section 1 of the bill, and section 13 was rewritten for accuracy and consistency.

**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:

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**OFA Fiscal Note**

**State Impact:** See Below

**Municipal Impact:** See Below

**Explanation****Summary**

Effective July 1, 2009, (FY 10) the bill extends the juvenile justice system and the Families with Service Needs program to include 16 and 17 year olds. It thereby increases greatly the number of people who receive more intensive (and costly) services from the state. These costs would be offset in part by federal reimbursements for certain service expansions under the bill, savings to the Department of Correction and potential savings from enhanced diversion practices as a result of the bill.

The number of people affected by the bill (and service demand) would increase gradually during FY 10. The full, annual effect of the bill's policy change would be felt in FY 11 and thereafter. Significant operating costs, and capital budget obligations greater than \$10 million, would be incurred prior to the effective date of the bill to ensure that capacity (facilities, personnel, services) is available at the outset of the new policy. The estimated state cost of the bill, net anticipated federal reimbursements and savings, is approximately \$100 million in FY 11.

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## JUVENILE DELINQUENCY

### Costs

The Judicial Department would require additional resources under the bill in order to enhance services for this population, evaluate and supervise them more closely, and process their cases separately and at greater length. The annual operating cost to the Judicial Department, net a reallocation of resources from the adult system, is estimated to be \$35.8 million<sup>1</sup>, plus roughly \$7 million in fringe benefits<sup>2</sup>, in FY 11. In addition, about \$4 million would be needed for one-time capital improvements to existing facilities controlled by the Judicial Department.

It should be noted that sHB 7077 (the Appropriations Act for the 2007-2009 Biennium, as favorably reported from the Appropriations Committee) contains funding for the Judicial Department, in the amount of \$5.5 million in FY 08 and \$11.6 million in FY 09, to expand services and personnel during the biennium in order to ensure that capacity is built up before the bill's effective date of July 1, 2009.

The Division of Criminal Justice and Public Defender Services Commission would require additional staffing in order to support the court expansions anticipated under the bill and to engage in more time-intensive proceedings. In total, the agencies' costs are estimated to be \$2.7 million annually, plus \$1.5 million in fringe benefits, and a one-time cost of about \$500,000 for equipment. The Commission on

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<sup>1</sup> About \$22.8 million of this total is to provide for community-based, contracted services. The remainder would support expanded facilities and provide for staffing increases in the courts and probation.

<sup>2</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

Child Protection would also incur costs, estimated to be less than \$50,000 annually, under the bill to appoint persons (guardians ad litem) to act on behalf of the interests of some of these juveniles in delinquency proceedings.

The bill establishes a Juvenile Jurisdiction Policy and Operations Coordinating Council to monitor implementation of the change in the age of juvenile jurisdiction and to resolve certain issues, as specified in the bill. It is anticipated that this will cost \$250,000 in each year of the biennium.

Implementation of the bill could result in a minimal cost to municipalities. There are approximately 8,000 municipal police officers in the state that will have to be retrained in various Juvenile matters. The training of the municipal officers could result in a minimal cost associated with the re-writing and dissemination of various training documents.

The Department of Public Safety (DPS) will incur costs of approximately \$15,000, to reprogram the State Police Bureau of Investigation's (SPBI) database based on the legislative changes to statute.

There are approximately 12,000 criminal arrests of 16 and 17 year olds annually, of which the state police arrested approximately 1,128. DPS will incur increased costs to handle these additional juvenile cases. It is anticipated that each of the 1,128 arrests (plus an additional 2,500 accident cases involving 16 and 17 year olds) will result in one additional hour of work per case, which will result in increased costs of up to \$110,000.

The Department of Children and Families will incur significant costs to serve an estimated additional 250 - 300 adjudicated youth on an annualized basis. Expenditures would be associated with increased demand for (a) placements in various residential settings (e.g., secure state-operated, psychiatric treatment, private residential, group homes, transitional living); (b) community-based services (e.g., intensive in-

home therapies; education re-entry; school based delinquency programs; mentoring); as well as the need to add agency parole and program staff and conduct ongoing quality assurance activities.

The magnitude of these costs will be impacted by policy decisions that have yet to be made. Key among these is whether the Connecticut Juvenile Training School (CJTS) will remain open, and, if so, whether it will serve older delinquents. Due to this uncertainty, cost estimates have been derived based upon two different scenarios for illustrative purposes.

First, it is assumed that older delinquent males will not be placed at CJTS. Given this scenario, costs are projected as follows<sup>3</sup>:

FY's 08-09 (Bonding): \$22.5 - \$25 million needed to support the construction of new state operated facilities;

FY 09 (General Fund/GF): \$2.0 - \$2.3 million (*\$1.8 - \$2.0 million DCF; \$0.2 - \$0.3 million fringe benefits*), to reflect hiring and training of new staff (state and private sector) and readying facilities.

FY 10 (GF): \$30.2 - \$37.8 million (*\$24.1 - \$30.0 million DCF; \$6.1 - \$7.8 million fringe benefits*), to reflect phasing in new client cohort.

FY 11 (GF): \$44.3 - \$54.5 million (*\$37.7 - \$46.2 million DCF; \$6.6 - \$8.3 million fringe benefits*), to reflect annualized service needs of 250 - 300 youth.

Under the second scenario, it is assumed that approximately 40 older delinquent males are placed at CJTS. In this situation, costs are projected as follows:

FY's 08-09 (Bonding): \$7.5 - \$10 million.

FY 09 (GF): \$2.1 (*\$1.9 million DCF; \$0.2 million fringe benefits*).

FY 10 (GF): \$25.3 - \$27.5 million (*\$20.8 - \$23.0 million DCF; \$4.4 -*

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<sup>3</sup> Numbers may not add due to rounding.

*\$4.5 million fringe benefits).*

FY 11 (GF): \$38.8 – 43.2 million (\$33.9 – \$38.3 million DCF; \$4.8 – \$4.9 million fringe benefits).

No funding has been included under the DCF's budget within sHB 7077, as favorably reported, to implement the increase in the age of juvenile jurisdiction.

### **Federal Reimbursement**

The state would receive federal reimbursement for a portion of the additional services required under the bill. These reimbursements are estimated to be less than \$5 million annually once the bill is fully implemented.

### **Potential Savings**

By raising the juvenile court jurisdiction to age 18, the Department of Correction (DOC) will realize a savings of approximately \$1.95 million annually. DOC currently incarcerates three hundred 16 and 17 year olds. By not incarcerating these juvenile offenders, DOC will be able to reduce the overflow and non-traditional housing of inmates, which costs \$1.5 million in overtime to staff. DOC will also realize a savings of \$450,000 in direct inmate costs.

The bill enhances diversion policies, which could reduce the number of juveniles who enter the juvenile justice system. The magnitude of savings is uncertain, pending implementation of new risk assessment instruments under the bill, but could be significant.

### **Revenue Loss**

Juveniles are not subject to criminal or motor vehicle fines under current law. The bill substantially increases the number of persons designated as juveniles and, consequently, an estimated revenue loss of approximately \$2 million annually would occur due to foregone fines, fees, and surcharges.

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**FAMILIES WITH SERVICE NEEDS (FWSNs)****Cost**

The bill would increase the number of youths in families designated as Families With Service Needs (FWSNs) by approximately 1,000 annually. The Judicial Department would incur annual costs of greater than \$1 million to expand services to these individuals. These costs are in addition to the amounts reflected within sHB 7077 (the Appropriations Act for the 2007-2009 Biennium, as favorably reported from the Appropriations Committee), which includes a funding increase of \$3.5 million in FY 08 and \$4.5 million in FY 09 for enhanced services to the existing FWSN population (under age 16).

The Department of Children and Families will incur significant costs to serve an estimated additional 300 - 400 FWSN youth on an annualized basis. Expenditures would be associated with increased demand for (a) placements in residential settings (e.g., group homes, transitional living); (b) community-based services (e.g., intensive in-home therapies; education re-entry; school based delinquency programs; mentoring); as well as the need to add agency social work, court liaison and administrative staff.

Costs are projected as follows:

FY 09: \$1.2 - \$1.3 million (*\$1.2 - \$1.3 million DCF; \$0.02 million fringe benefits*), to reflect hiring and training of new staff (state and private sector) and readying facilities.

FY 10: \$9.4 - \$11.2 million (*\$8.8 - \$10.6 million DCF; \$0.5 - \$0.6 million fringe benefits*) to reflect phase-in of new client cohort.

FY 11: \$11.7 - 15.7 million (*\$10.7 - \$14.6 million DCF; \$0.9- \$1.1 million fringe benefits*) to reflect annualized service needs of 300 - 400 youth.

No funding has been included under the DCF's budget within sHB

7077, as favorably reported, to implement the increase in the age of families with service needs.

### **Federal Reimbursement**

The state would receive federal reimbursement for a portion of the additional services required under the bill. These reimbursements are estimated to be less than \$2 million annually once the bill is fully implemented.

### ***The Out Years***

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

**OLR Bill Analysis****sHB 6285*****AN ACT CONCERNING CHILDREN AND YOUTH IN JUVENILE MATTERS AND THE RECOMMENDATIONS OF THE JUVENILE JURISDICTION PLANNING AND IMPLEMENTATION COMMITTEE.*****SUMMARY:**

Beginning July 1, 2009, this bill permits certain offenses involving 16- and 17-year olds to be adjudicated in juvenile court. Current law requires that these cases be handled on the adult criminal docket. Existing law, unchanged by the bill, (1) requires juvenile cases involving serious felonies to be transferred automatically to the adult docket and (2) allows prosecutors to ask juvenile court judges to transfer any other case to the adult docket.

The bill directs the Judicial Department to establish new and modify existing facilities, programs, and court operations to reflect this change. It also creates five new Superior Court judge appointments.

It also creates the Juvenile Jurisdiction Policy and Operations Coordinating Council to monitor the implementation of programs and services needed to implement the expansion of delinquency jurisdiction. The bill directs the council to study and make recommendations on specific topics.

The bill also eliminates the Youth In Crisis program, which currently provides services and limited court order enforcement for 16- and 17-year olds who are truant, run away from home, or are beyond their parents' control (i.e., are status offenders). It instead makes these youngsters eligible for the Family With Service Needs (FWSN) program. This program currently serves status offenders under age 16 and generally offers a wider range of services. The law forbids courts from placing FWSN children in juvenile detention facilities or finding

them delinquent solely on the basis of a FWSN order violation. The same is true for youth in crisis under current law.

It also amends the definition of “youth” that applies throughout the juvenile matters statutes and, by law, must be used in interpreting other statutes. Current law defines a youth as anyone 16 or 17 years of age. Under the bill, a youth is anyone 16 or 17 years old 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 youth’s parents, guardian, or other custodian; or (3) has four unexcused school absences from in any one month or 10 unexcused absences in any school year.

It is unclear how this change will affect current law. The new definition is the current definition of “youth in crisis” that the bill repeals.

The bill also makes conforming changes in the delinquency education and official immunity statutes to reflect the jurisdictional age increase.

EFFECTIVE DATE: July 1, 2009, except for the provisions (1) concerning the coordinating council, which are effective upon passage; (2) concerning the court evaluation of existing juvenile justice programs and the establishment of regional courts, which are effective July 1, 2008; and (3) creating new judges, which are effective January 1, 2009.

## **§ 1 — DEFINITIONS**

For purposes of delinquency matters, current law defines a “child” as a person:

1. under age 16 or
2. age 16 or older who violates court orders or probation conditions arising from an earlier delinquency proceeding.

The bill replaces “age 16” with “age “18” and makes the definition

applicable to FWSN matters as well. The law, unchanged by the bill, prohibits courts from issuing delinquency orders against FWSN children or placing them on probation.

## **COURT CHANGES**

### **§ 7 — Regional Juvenile Courts**

Within available appropriations and in consultation with juvenile court judges, the bill directs the chief court administrator to establish regional juvenile courts. The courts may handle delinquency and other juvenile matters, such as abuse and neglect and family with service needs cases. The administrator may use existing court facilities and must maximize use of vacant or substantially under-used courts.

### **§ 8 — Risk Assessments and Case Classification Procedures**

The law requires the Judicial Department to develop risk assessment and case classification instruments. The former provide information about whether a child who is coming before the court for the first time after being arrested should be placed in detention. The bill specifies that the instrument must be designed to minimize the impact of subjective measures. It must measure objective factors, including (1) the child's needs and strengths, (2) the charges, and (3) the likelihood that the child will commit another offense or fail to appear in further court proceedings.

Based on the results of the risk assessment, the bill requires that juveniles be classified in one of three categories:

1. appropriate for detention,
2. appropriate for release with structured supervision, or
3. appropriate for release without supervision.

It directs that the assessment instrument be independently validated and used on a statewide basis.

Current law requires the court to establish classification program levels and case management standards for each program level. The

bill requires that the program levels be set using the same objective criteria as is required for the risk assessment instrument described above. The current factors that must be considered are the child's needs, dangerous propensities, and likelihood of re-offending further.

The bill requires the Judicial Department to review its risk assessment and case classification instruments annually, beginning July 1, 2010. It must revise them as necessary to meet the children's needs.

### **§9 — Program Development**

The law requires the Judicial Department's Court Support Services Division (CSSD) a purchase-of-care system to provide a continuum of services for juvenile offenders living in the community. Current law requires it to seek federal Medicaid and foster care funding. The bill directs it to maximize the use of federal funds.

The bill specifies that the system must include programs for juveniles classified as being eligible for release with and without structured supervision. It directs CSSD to coordinate these programs with the Children and Families and Mental Health and Addiction Services departments if appropriate.

Currently, these programs must be tailored to the juvenile's offense history, age, gender, mental health, and chemical dependency status. The bill specifies that they also be tailored to the juvenile's maturity, social development, and need for structured supervision. And they must be culturally appropriate, trauma informed, and provided in the least restrictive environment possible in a manner consistent with public safety.

Currently, CSSD must provide juveniles anger management and nonviolent conflict resolution training; substance abuse treatment; sexual offender treatment; and mental health screening, assessment, and treatment. The bill requires CSSD also to provide:

1. appropriate job training and employment opportunities,

2. counseling sessions in anger management and conflict resolution,
3. substance abuse prevention programs, and
4. services for the juvenile's family.

The bill also requires CSSD to include individualized remediation plans in each juvenile's general education program, rather than the individual educational plan currently required.

The bill requires CSSD to consult with the Commission of Racial and Ethnic Disparity in the Criminal Justice System to address the needs of minorities in the juvenile justice system.

#### **§ 12 — Program Evaluations**

By July 1, 2009, the bill requires the chief court administrator and CSSD executive director to evaluate its juvenile programs and services. The purpose of the evaluation is to ensure that they meet the needs of youth over age 16 in the juvenile justice system. Within appropriations, the department must make all necessary changes.

#### **§ 13 — JUVENILE JURISDICTION POLICY AND OPERATIONS COORDINATING COUNCIL**

The bill creates the Juvenile Jurisdiction Policy and Operations Coordinating Council to monitor the implementation of new and modified programs, procedures, and court operations associated with raising the delinquency age. It must study specified issues and make recommendations to legislative committees.

##### **Council Members**

The council is made up of 24 unpaid members who are entitled to reimbursement for their necessary expenses. Members and appointing authorities are as follows:

1. two legislators, one each appointed by the House speaker and Senate president pro tempore;

2. the chairpersons and ranking members of the Judiciary and Human Services committees, or designees;
3. the chief court administrator, or designee;
4. one juvenile court judge appointed by the chief justice;
5. the executive directors of CSSD and the Superior Court Operations Division, or designees,
6. the chief public defender and chief state's attorney, or designees;
7. the commissioners of the Children and Families, Correction, Education, and Mental Health and Addiction Services Departments, or designees;
8. the president of the Connecticut Police Chief's Association, or designee;
9. two child or youth advocates, one each appointed by the chairpersons of the Juvenile Jurisdiction Planning and Implementation Committee;
10. two parents of children who have been involved in the juvenile justice system, one each appointed by the House and Senate minority leaders; and
11. the child advocate, or designee.

Council appointments must be made within 30 days of the bill's passage. The House speaker and Senate president pro tempore must select chairpersons from among the council members, and the chairpersons must hold the first meeting within 60 days of the bill's passage.

### ***Council Responsibilities***

The bill directs the council to monitor, until January 1, 2009, the implementation of the central components of the Juvenile Jurisdiction Planning and Implementation Committee's February 7, 2007 report.

These include the:

1. development, validation, and implementation of a risk assessment instrument;
2. establishment of regional juvenile courts; and
3. development and implementation of a comprehensive system of community-based and residential services for juveniles.

The council must also, until January 1, 2009, study and make recommendations about unresolved issues, including:

1. the development of diversion programs;
2. existing short- and long-term placement and detention capacities and anticipated needs;
3. (a) needed juvenile services, including mental health, substance abuse, housing, education, and employment; (b) which state agencies will be responsible for providing them; and (c) how this will affect them;
4. whether to amend the laws governing mandatory school attendance and serious juvenile offenses;
5. the delinquency or adult criminal court procedures most suitable for juveniles, including which should govern juvenile interrogations;
6. how motor vehicle infractions, violations, and offenses committed by 16- and 17-year olds should be prosecuted;
7. school-related interventions to reduce student suspension, expulsion, truancy, and arrest rates; and
8. the causes of disproportionate minority contact in the juvenile justice system and strategies to reduce it.

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Beginning January 1, 2008, the council must submit quarterly status

reports to the governor and the Judiciary, Human Services, and Children's committees. Reports must include information on the (1) implementation of mandated changes and (2) the council's findings and recommendations with respect to unresolved issues.

The council must file its final report by January 1, 2009.

## **YOUTH IN CRISIS AND FAMILY WITH SERVICE NEEDS PROGRAMS**

### **§ 16 — Youth in Crisis**

The bill repeals the youth in crisis laws. Currently, parents, school or local officials, or police can refer a 16- or 17-year old to the court. Under Judicial Department procedures, most cases are handled by a juvenile probation officer who determines if the youth in crisis law applies, whether the parents want to go ahead with the process, and if the youth accepts responsibility for his conduct. If all these conditions are met, the officer and family then decide what course of action to take: referring the youth to a youth service bureau; requiring him to participate in an educational program, community service, work, or counseling; directing the DMV commissioner to suspend his driver's license; or discussing the possibility of emancipation.

### **§ 1 — Family with Service Needs (FWSN)**

The bill makes 16- and 17-year olds eligible for FWSN services. Currently, a FWSN is a family that includes a child under age 16 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 his or her 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.

FWSN court orders generally deal with issues related to school attendance, curfews, and substance abuse treatment and counseling.

But FWSN orders may include committing a child to the custody of the Department of Children and Families for up to 18 months, with an 18 month extension possible. By law, courts can use this remedy only when they find that no less restrictive alternative is appropriate.

**BACKGROUND**

***Related Bills***

sHB 1196 contains the same language as is in sections 1-6, 10, and 14-16 of this bill.

sHB 5676 makes substantial changes in the FWSN program.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/12/2007)