



Senate

General Assembly

File No. 618

January Session, 2007

Substitute Senate Bill No. 1196

Senate, April 30, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CHILDREN AND YOUTH IN JUVENILE MATTERS.

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2 section 1 of public act 05-250, is repealed and the following is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)]
65 (10) "delinquent act" means the violation of any federal or state law [or
66 municipal or local ordinance, other than an ordinance regulating the
67 behavior of a child in a family with service needs,] or the violation of
68 any order of the Superior Court; [(12)] (11) "serious juvenile offense"
69 means (A) the violation of, including attempt or conspiracy to violate,
70 section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,
71 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
72 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
73 to 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. Subsection (b) of section 46b-124 of the general statutes is
262 repealed and the following is substituted in lieu thereof (*Effective July*
263 *1, 2009*):

264 (b) All records of cases of juvenile matters, as provided in section
265 46b-121, as amended by this act, except delinquency proceedings, or
266 any part thereof, and all records of appeals from probate brought to
267 the superior court for juvenile matters pursuant to subsection (b) of
268 section 45a-186, shall be confidential and for the use of the court in
269 juvenile matters, and open to inspection or disclosure to any third
270 party, including bona fide researchers commissioned by a state agency,
271 only upon order of the Superior Court, except that: (1) The records
272 concerning any matter transferred from a court of probate pursuant to
273 section 45a-623 or subsection (g) of section 45a-715 or any appeal from
274 probate to the superior court for juvenile matters pursuant to
275 subsection (b) of section 45a-186 shall be available to the court of
276 probate from which such matter was transferred or from which such
277 appeal was taken; (2) such records shall be available to (A) the attorney
278 representing the child or youth, including the Division of Public
279 Defender Services, in any proceeding in which such records are
280 relevant, (B) the parents or guardian of the child or youth until such
281 time as the child or youth reaches the age of majority or becomes
282 emancipated, (C) an adult adopted person in accordance with the
283 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
284 inclusive, (D) employees of the Division of Criminal Justice who in the
285 performance of their duties require access to such records, (E)
286 employees of the judicial branch who in the performance of their

287 duties require access to such records, (F) another court under the
288 provisions of subsection (d) of section 46b-115j, (G) the subject of the
289 record, upon submission of satisfactory proof of the subject's identity,
290 pursuant to guidelines prescribed by the Office of the Chief Court
291 Administrator, provided the subject has reached the age of majority or
292 has been emancipated, (H) the Department of Children and Families,
293 and (I) the employees of the Commission on Child Protection who in
294 the performance of their duties require access to such records; and (3)
295 all or part of the records concerning a youth in crisis with respect to
296 whom a court order [has been] was issued prior to July 1, 2009,
297 [pursuant to subdivision (1) of subsection (c) of section 46b-150f] may
298 be made available to the Department of Motor Vehicles, provided such
299 records are relevant to such order. Any records of cases of juvenile
300 matters, or any part thereof, provided to any persons, governmental
301 and private agencies, and institutions pursuant to this section shall not
302 be disclosed, directly or indirectly, to any third party not specified in
303 subsection (d) of this section, except as provided by court order or in
304 the report required under section 54-76d or 54-91a.

305 Sec. 8. Section 46b-149b of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective July 1, 2009*):

307 [(a)] Any police officer or any official of a municipal or community
308 agency, who in the course of such police officer's or official's
309 employment under subsection (d) of section 17a-15 or section 46b-120,
310 as amended by this act, 46b-121, as amended by this act, 46b-149 [.] or
311 46b-149a [., 46b-150f or 46b-150g] provides assistance to a child or
312 youth or a family in need thereof, shall not be liable to such child or
313 youth or such family for civil damages for any personal injuries which
314 result from the voluntary termination of service by the child or youth
315 or the family.

316 [(b)] Each municipal police department and the Division of State
317 Police within the Department of Public Safety shall implement a
318 uniform protocol for providing intervention and assistance in matters
319 involving youths in crisis. Such uniform protocol shall be developed

320 by the Police Officer Standards and Training Council established
321 under section 7-294b.]

322 Sec. 9. Sections 46b-150f to 46b-150h, inclusive, of the general
323 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, 2009</i>	46b-124(b)
Sec. 8	<i>July 1, 2009</i>	46b-149b
Sec. 9	<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.

KID *Joint Favorable C/R*

JUD

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: None

Municipal Impact: None

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.

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 million¹, plus roughly \$7 million in fringe benefits², 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

¹ 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.

² 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.

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 follows³:

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 - \$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

³ Numbers may not add due to rounding.

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.

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

State Impact: None

Municipal Impact: None

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

OLR Bill Analysis**sSB 1196*****AN ACT CONCERNING CHILDREN AND YOUTH IN JUVENILE MATTERS.*****SUMMARY:**

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

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.

The bill 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 any person 16 or 17 years of age. Under the bill, a youth is any person 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 absences from school in any one

month or 10 unexcused absences in any school year. This 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

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.”

YOUTH IN CRISIS AND FAMILY WITH SERVICE NEEDS PROGRAMS

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 or her 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 motor vehicles commissioner to suspend his or her driver’s license; or discussing the possibility of emancipation.

Family with Service Needs (FWSN)

The bill makes 16- and 17-year olds eligible for FWSN services.

Currently, a “family with service needs” is a family that includes a child 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 child’s 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.

Substitute House Bill 6285, reported favorably by the Judiciary Committee, uses identical language to raise the delinquency age. Among other things, it also directs the Judicial Department to establish new programs, procedures, and operations and creates a Juvenile Jurisdiction Policy and Operations Coordinating Council.

Substitute House Bill 5676, reported favorably by the Judiciary Committee, makes several substantive changes in the laws governing FWSN children and their families.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 10 Nay 0 (03/06/2007)

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/12/2007)