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**TESTIMONY OF  
SUSAN O. STOREY  
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**JUDICIARY COMMITTEE PUBLIC HEARING  
April 4, 2007**

***Raised Bill No. 5676  
An Act Concerning Children of Families with Service Needs.***

The Office of the Chief Public Defender supports *Raised Bill No. 5676, An Act Concerning Children of Families with Service Needs* but is concerned that statutory procedures be put into place to ensure that the children referred to court for violating a Family with Service needs order are appointed counsel and are afforded procedural due process rights.

This legislation amends the current law to create procedures to comply with the October, 2007 decriminalization of FWSN violations, that will end the practice of detaining children charged with a FWSN violation in the regional detention centers. Raised Bill 5576, which was favorably reported out of the Select Committee on Children, creates Family Support Centers that will serve families with service needs who are diverted from the juvenile courts. The bill before you today establishes statutory procedures to allow the courts to divert cases and provides a mechanism for referral back to court when the family is not successful at the diversion program. Hopefully, the creation of the Family Support Centers and the implementation of new procedures will decrease the number of FWSN cases prosecuted each year and will result in stronger, more successful families.

However, Raised Bill 5676 also sets out consequences for juveniles who fail to comply with court ordered diversion services. These consequences include detention in a staff secure facility. While the bill proposes a facility separate from those operated for accused or convicted delinquents, the bill provides that status offenders may still be involuntarily removed from the community. The potential deprivation of liberty requires the appointment of counsel. Children who are at risk of being taken from their homes must also be entitled to procedural due process

rights. The court must conduct an evidentiary hearing with testimony from witnesses and afford the right to cross examination. Current laws already provide these rights to children accused in FWSN cases. The effort to move towards more treatment and less punitive measures to deal with status offenders should not result in a decrease in procedural protections for these children. We strongly recommend that this Committee amend the current proposal to require that a child be appointed counsel when they are charged with a violation of a FWSN order or at any time they

are at risk of being removed from their family or community. Furthermore, the proposal should include a requirement that an evidentiary hearing be conducted before any child can be detained and that any detention be strictly limited time to a period of time not to exceed 45 days.

This bill should improve the way we assist status offenders and their families while decreasing our reliance on the judicial process. Our efforts to better serve court involved children and youth must include procedural protections that guarantee fair treatment when court involvement becomes necessary and a child's liberty interest is at risk.