



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Judge William J. Lavery
Judiciary Committee Public Hearing
April 4, 2007**

**House Bill 5676, An Act Concerning Children of Families
with Service Needs**

Good morning. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I am here to support **House Bill 5676, An Act Concerning Children of Families with Service Needs**.

Two years ago the legislature enacted Public Act 05-250, which repealed much of the language governing the enforcement of court orders entered in Families with Service Needs cases, effective October 1, 2007. The language states, in part, "No child whose family has been adjudicated as a family with service needs ... may be processed or held in a juvenile detention center as a delinquent child, or be convicted as delinquent ... and (2) no such child who is found to be in violation of any such order may be punished for such violation by commitment to any juvenile detention center." This was followed by Public Act 06-188, which established the Families with Service Needs Advisory Board to monitor and advise the Branch in the implementation of this requirement. Judge Barbara Quinn, William Carbone and I serve on the Families with Service Needs Advisory Board and we have worked over the past several months with the other members of the Board to craft the bill that is before you today.

This bill is very important to the Judicial Branch because it creates a structure to fill the vacuum that was left by Public Act 05-250. In so doing, it goes a long way in addressing the shortcomings of our current support system for children of families with service needs. It would require that children who are referred to the court be diverted

to service providers, either community-based services or the newly created system of Family Support Centers, before a FWSN petition can be filed with the court.

In addition, this bill would allow a child who is a member of a family with service needs to be held, as a last resort, in a staff-secure facility. This provision is critical because without it, as of October 1, 2007, the judges will have absolutely no mechanism for keeping these children safe. The language in the bill has been approved by all members of the Families with Service Needs Advisory Board, so I can assure you that it is not controversial.

I must bring to the Committee's attention an amendment to the language of the proposal that the subcommittee which drafted language for this bill has requested. These changes, which are attached hereto, have been agreed to by all participants, and we would respectfully request that the Committee incorporate them into a substitute bill.

I'd like to take this opportunity to tell you a little about the children for whom these services are needed and our plan. There are approximately 4,000 FWSN children and families referred to the court each year, making up one-third of all cases supervised by juvenile probation. Nine-hundred of these have significant needs or escalating behaviors that result in further court involvement. Sadly, we have learned that FWSN is often the gateway for many adolescents to the delinquency side of the court. Our research tells us that this group needs support and treatment regarding their families, schools, and peer relations.

The Family Support Centers will address the needs of this population. They will target the FWSN juveniles who are most at risk and in need of services. They are intended to: (1) prevent first time FWSNs from court involvement, (2) divert those already court-involved from additional court involvement, and (3) offer appropriate, safe, staff-secure alternatives for FWSN violators, in lieu of detention. We will achieve this by strengthening families, providing needed treatment services, reconnecting kids with their schools, and increasing individual and family skills in managing their own behaviors.

When fully implemented this plan has the potential to significantly reduce the

number of status offenders who recidivate and an increase in the number of kids who are successfully staying out of the court system. There is, however, one additional component that is critical to our success but that has not received any funding to date – a truancy pilot program. Funding of \$200,000 is needed for municipalities to establish pilot programs for truancy and drop-out prevention, which was included in agency budget options but eliminated from the Governor’s budget. These pilot programs are critical because although 51% of status offenders are truants, Family Support Centers will only serve high-end FWSN youth without providing any initiatives to address the needs of most truants. Truancy pilot programs are therefore essential to prevent truancy, divert youth from the FWSN system, and help truant students return to school, and I would urge the Legislature to provide for them.

Finally, I would like to propose an amendment to this proposal. The language I am proposing would create two secure locked gender-specific facilities that may be used, as an absolute last resort, for those FWSN children who are putting themselves in imminent danger of harm. I presented this amendment to my fellow members of the FWSN Advisory Board, but they declined to adopt it. I bring it before you today for your consideration. I strongly believe that we need this alternative in addition to the staff-secure facility provided in this bill. It is needed only for a few extreme cases – but I am convinced that it must be available for those cases. Without it, I fear that children will be harmed.

In conclusion, I respectfully urge members of the committee to support this bill - to acknowledge and act on behalf of the kids and families who need to be meaningfully supported as they seek help for difficult problems. I thank you for your attention.

Suggested Amendment (A) to House Bill 5676:

Section 1(b)

- In lines 31-32, after the words “such person shall,” delete the phrase “refer the child and the child’s family to” and substitute the following word: “inform”
- In Line 34, after the word “determine,” insert the phrase “whether or” before the phrase “not to file a petition”
- At the very beginning of Line 39, delete the phrase “refer the child and the child’s family to” and substitute the following word: “inform”

Section 1(g)

- In Line 109, after the phrase “not to exceed,” delete the phrase “one year” and substitute the following language: “six months, which time period may be extended by an additional three months for cause”

Section 1(h)

- In Line 142, after the sentence ending in the phrase “exceed eighteen months,” insert a new sentence as follows: “Such child shall be entitled to representation by counsel and an evidentiary hearing.”

Section 1(i)(1)

- In Line 155, after the phrase “there is no,” insert the word “suitable” before the phrase “less restrictive alternative.”

Section 3(a)

- In Line 195, after the sentence ending in “such a violation,” insert a new sentence as follows: “Such child shall be entitled to representation by counsel and an evidentiary hearing on the allegations.”
- In Line 196, after the phrase “valid court order” delete all remaining language in Lines 196-200 and substitute the following language: “the court may (1) order the child to remain in such child’s home or in the custody of a relative or any other suitable person subject to the supervision of a probation officer, (2) upon a finding that there is no less restrictive alternative appropriate to the needs of the child and the community, enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff secure facility under the auspices of the Court Support Services Division of the Judicial Branch for a period not to exceed forty-five days, with court review every fifteen days to consider whether continued confinement is appropriate, at the end of which period the child shall be returned to the community and may be subject to the supervision of a probation officer, or (3) order that the child be committed to and cooperate with the care and custody of the Commissioner of the Department of Children and Families for a period not to exceed eighteen months.”

Section 3(b)

- In Line 209, after the phrase “such a violation,” delete the remaining language in Lines 209-214 and substitute the following: “If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or subsequent thereto, that

there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child's surroundings, (2) as a result of said conditions, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the court shall enter an order directing the placement of the child in a staff-secure facility under the auspices of the Court Support Services Division for a period not to exceed forty-five days, with court review every fifteen days to consider whether continued confinement is appropriate, at the end of which period the child shall either be (i) returned to the community for appropriate services, or (ii) committed to the Commissioner of the Department of Children and Families for a period not to exceed eighteen months, and any such child shall be entitled to the same procedural protections as a delinquent child."

Section 3(c)

- In Line 218, after the phrase "residential facility," delete all remaining language in Lines 218-221 and substitute the following language: "(1) which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision."

Proposed Amendment (B) to H.B. 5676

Insert the following after line 221:

Sec. 4 (NEW) (a) The Court Support Services Division of the Judicial Branch shall enter into a contract to make available, as a last resort, two secure locked gender-specific facilities with up to six beds each to temporarily house children whose families have been adjudicated as a family with service needs and who have been determined by the court to be at imminent risk of physical harm and for whom no less restrictive alternative is available.

(b) When a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 has violated any valid court order regulating such child's conduct, and such child is believed to be at imminent risk of physical harm from such child's surrounding circumstances, a probation officer, on receipt of a complaint or on the basis of such probation officer's own knowledge, may file a petition with the court alleging that the child is at imminent risk of physical harm. If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or subsequent thereto, that there is reasonable cause to believe that (1) the youth is in imminent risk of physical harm from the youth's surroundings, (2) as a result of said conditions, the youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the youth's safety, and (3) there is no less restrictive alternative available, the court shall issue an ex parte order to any peace officer or other appropriate person directing such officer or person to take the child into custody for placement in a secure locked facility under the auspices of the Court Support Services Division for a period not to exceed forty-five days with court review every ten days. No such child shall be held prior to a hearing on the ex-parte order for more than twenty-four hours excluding Saturdays, Sundays and holidays.