

**TESTIMONY OF THE CO-CHAIRS OF THE FWSN ADVISORY BOARD
BEFORE THE JUDICIARY COMMITTEE
IN SUPPORT OF BILL NO. 5676,
AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS**

April 4, 2007

This testimony is submitted on behalf of the Co-Chairs of the Families With Service Needs (FWSN) Advisory Board, which was created by section 42 of Public Act 06-188, and addresses issues relating to juvenile status offenders. Co-Chair Martha Stone is Executive Director of the Center for Children's Advocacy and Co-Chair Preston Britner is Associate Professor of Human Development and Family Studies at the University of Connecticut.

The FWSN Advisory Board is charged with making written recommendations to implement Public Act 05-250, which, effective October 1, 2007, prohibits incarcerating status offenders (i.e. truants, youth beyond control) who have been non-compliant with court orders but have not committed any crime. **We strongly support Bill No. 5676 because it requires referral, support and treatment of children and other family members of families with service needs and implements the prohibition against incarcerating children solely for violating court orders regulating future conduct. In fact, the FWSN Advisory Board has voted overwhelmingly to support Bill No. 5676.**¹

I. Innovative Procedures to Reduce Youth Entering the Juvenile Justice System

This bill creates new procedures and services for status offenders as alternatives to incarceration that will prevent FWSN youth from entering deeper into the juvenile justice system. These reforms will make Connecticut a leader in the national movement to improve treatment for this population.² Providing comprehensive services to these children is critical because status offenses are the gateway to juvenile justice involvement. According to Court Support Services Division (CSSD) figures, in 2003, 56% of FWSN children were subsequently referred for delinquency proceedings, a trend that has remained steady: 54% in 2004 and 50% in 2005.

Fully implementing Public Act 05-250, this bill establishes front-end procedures to assess and refer youth immediately to appropriate services. By diverting youth upon referral, this bill employs court involvement only as a last resort, thereby allowing for quicker access. In fact, in response to FWSN petitions, the probation officer must first refer the youth to

¹ The FWSN Advisory Board has also proposed Bill No. 5576, An Act Concerning Family Support Centers for Children of Families With Service Needs, which has now been referred to the Judiciary Committee and would also establish community-based treatment facilities for high-risk FWSN children.

² See Tina Chiu and Sara Mogulescu, Changing the Status Quo for Status Offenders: New York State's Efforts to Support Troubled Teens, Vera Institute for Justice (December 2004), available at http://www.vera.org/publication_pdf/253_496.pdf



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appropriate services. Only if the service provider determines that the youth fails to benefit from services may the probation officer consider whether to refer the youth to further services or to court. If the youth is referred to court, the court must order appropriate treatment or placement. Finally, if the youth violates a court order regulating his or her future conduct *and* the court finds it is the least restrictive alternative, the court may place the youth in a staff-secure facility or commit the child to DCF custody. Additionally, while the court can place a child at immediate risk of harm in a staff secure facility, a full hearing must be held within twenty-four hours after the child is placed in the facility.

II. Family Support Centers: Unique and Cost-Effective Treatment

By creating comprehensive Family Support Centers, this bill will address the unique needs of over 900 at-risk FWSN youth with new services that are currently not available. In Fiscal Year 2005, 906 FWSN children with ongoing specific needs were at high risk of more court involvement, and of these, 300 were placed in detention for violating court orders. Family Support Centers would provide these youth with crucial services, including: screening and assessment at the initial stage of the process, immediate crisis intervention—available on a 24-hour basis, mediation, educational advocacy, community-based mental health treatment (including trauma treatment), pro-social activities, and short-term respite beds for boys and girls.

By diverting status offenders from detention, this bill would save resources by establishing more cost-effective methods to treat at-risk FWSN children. According to CSSD figures, a two-week stay in detention costs between \$3,500 and \$5,600. Conversely, involvement for two to five *months* at a Family Support Center would cost, on average, \$3,750 per child.³

III. Suggested Changes to Committee Bill 5676 as set forth in Attachment A.

This bill does not include crucial provisions that the FWSN Advisory Board, in its initial draft, had included. Therefore, as set forth more specifically in Attachment A, this Bill should be amended to include all of the procedural protections recommended by the FWSN Advisory Board. First, Section 1(h) should guarantee FWSN children subject to DCF commitment with representation by counsel and an evidentiary hearing. Similarly, Section 3(a) should give children subject to placement in a staff-secure facility the same right to representation by counsel and an evidentiary hearing. Second, Sections 3(a) and (b) should limit any child's placement in a staff-secure facility to a maximum of 45 days, with court review every 15 days to ensure that FWSN children are not held in the facility any longer than absolutely necessary. Otherwise, if allowed to be an indefinite placement, the staff-secure placement could become tantamount to holding a child in detention in violation of Public Act 05-250. Finally, Section 3(b) should be amended to require that removal must necessary to enforce the child's safety, in addition to the requirements of

³ Diversion programs in Florida have demonstrated huge cost savings—averaging \$5,650 savings per child. See Press Release, Florida Tax Watch, Prevention Makes Economic Sense (January 28, 2002), <http://www.floridataxwatch.org/archive/fla-net-pr.html>. The full study is posted at: <http://www.floridataxwatch.org/resources/pdf/092001assessmentOfPreventionServices.pdf>

showing imminent risk of physical harm and that the placement would be the least restrictive environment.

IV. Suggested Changes to the Appropriations for this Bill

1. Year 2 Roll-out of Family Support Centers

Not all of the planned Family Support Centers are currently funded in the Governor's proposed budget. For the first year of operation, the Governor's budget allocated funds for four Family Support Centers: in Hartford, Bridgeport, New Haven, and Waterbury. The plan endorsed by the FWSN Advisory Board also provides for a year two rollout of the Centers to establish six additional Centers: in New Britain, Waterford, Middletown, and joint Centers serving Willimantic/Rockville, Torrington/Danbury, and Stamford/Norwalk. Because the rapid-response, community-based model would work best if Centers serve all geographic areas of the State, we strongly urge you to add funding for these six Centers in year two.

2. Initiatives for status offenders who are truant or have educational needs.

a. Alternative Education Center for Girls (PACE Center)

The FWSN Advisory Board strongly supported funding for an alternative education program for girls, which was included in the budget option for the Department of Children and Families but eliminated from the Governor's final budget. This alternative education program would be a pilot program in Waterbury, which has the highest number of suspensions and expulsions in the State, and which account for a large number of status offenders. This new program would be an important part of the continuum of services for the most high need girls whose needs cannot be met in the public school system. The program would be modeled after the successful PACE Center for Girls in Florida, a non-residential delinquency prevention program for girls.⁴

b. Truancy Pilot Programs

We strongly support providing funding of \$200,000 in the Judicial Branch budget to fund a Request for Proposals from municipalities to establish pilot programs for truancy and drop-out prevention, which was included in the budget options for the Department of Education but eliminated from the Governor's final budget. These truancy program pilot programs are essential to develop effective truancy models for 51% of the FWSN population who are referred for truancy and habitual truancy.

For the foregoing reasons, we urge you to pass Bill No. 5676, An Act Concerning Children of Families With Service Needs, with the suggested changes set forth in Attachment A.

⁴See PACE Center for Girls, Inc., <http://www.pacecenter.org/about.htm>.

Thank you for your time and consideration.

Respectfully submitted,



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Suggested Changes to Committee Bill 5676
To Adopt the Unanimous Recommendations of the FWSN Advisory Board

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.”