



General Assembly

January Session, 2007

Committee Bill No. 6670

LCO No. 5000

05000HB06670JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE STANDARDS FOR DEFINING A FAMILY WITH SERVICE NEEDS WITH RESPECT TO 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2 section 1 of public act 05-250, is repealed and the following is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 October 1, 2007*):

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, for purposes of
7 delinquency matters, "child" means any person (A) under sixteen years
8 of age, or (B) sixteen years of age or older who, prior to attaining
9 sixteen years of age, has violated any federal or state law or municipal
10 or local ordinance, other than an ordinance regulating behavior of a
11 child in a family with service needs, and, subsequent to attaining
12 sixteen years of age, violates any order of the Superior Court or any
13 condition of probation ordered by the Superior Court with respect to
14 such delinquency proceeding; (2) "youth" means any person sixteen or
15 seventeen years of age; (3) "youth in crisis" means any youth who,
16 within the last two years, (A) has without just cause run away from the

17 parental home or other properly authorized and lawful place of abode,
18 (B) is beyond the control of the youth's parents, guardian or other
19 custodian, or (C) has four unexcused absences from school in any one
20 month or ten unexcused absences in any school year; (4) "abused"
21 means that a child or youth (A) has been inflicted with physical injury
22 or injuries other than by accidental means, or (B) has injuries that are at
23 variance with the history given of them, or (C) is in a condition that is
24 the result of maltreatment such as, but not limited to, malnutrition,
25 sexual molestation or exploitation, deprivation of necessities,
26 emotional maltreatment or cruel punishment; (5) a child may be found
27 "mentally deficient" who, by reason of a deficiency of intelligence that
28 has existed from birth or from early age, requires, or will require, for
29 his protection or for the protection of others, special care, supervision
30 and control; (6) a child may be convicted as "delinquent" who has
31 violated (A) any federal or state law or municipal or local ordinance,
32 other than an ordinance regulating behavior of a child in a family with
33 service needs, (B) any order of the Superior Court, except as provided
34 in section 46b-148, or (C) conditions of probation as ordered by the
35 court; (7) a child or youth may be found "dependent" whose home is a
36 suitable one for the child or youth, save for the financial inability of the
37 child's or youth's parents, parent or guardian, or other person
38 maintaining such home, to provide the specialized care the condition
39 of the child or youth requires; (8) "family with service needs" means a
40 family that includes a child who (A) has without just cause run away
41 from the parental home or other properly authorized and lawful place
42 of abode, (B) is beyond the control of the child's parent, parents,
43 guardian or other custodian, [(C) has engaged in indecent or immoral
44 conduct, (D)] or (C) is a truant or habitual truant or who, while in
45 school, has been continuously and overtly defiant of school rules and
46 regulations; [or (E) is thirteen years of age or older and has engaged
47 in sexual intercourse with another person and such other person is
48 thirteen years of age or older and not more than two years older or
49 younger than such child;] (9) a child or youth may be found
50 "neglected" who (A) has been abandoned, or (B) is being denied proper

51 care and attention, physically, educationally, emotionally or morally,
52 or (C) is being permitted to live under conditions, circumstances or
53 associations injurious to the well-being of the child or youth, or (D) has
54 been abused; (10) a child or youth may be found "uncared for" who is
55 homeless or whose home cannot provide the specialized care that the
56 physical, emotional or mental condition of the child requires. For the
57 purposes of this section, the treatment of any child by an accredited
58 Christian Science practitioner, in lieu of treatment by a licensed
59 practitioner of the healing arts, shall not of itself constitute neglect or
60 maltreatment; (11) "delinquent act" means the violation of any federal
61 or state law or municipal or local ordinance, other than an ordinance
62 regulating the behavior of a child in a family with service needs, or the
63 violation of any order of the Superior Court; (12) "serious juvenile
64 offense" means (A) the violation of, including attempt or conspiracy to
65 violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a,
66 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
67 inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive,
68 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a,
69 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection
70 (a) of section 53a-122, subdivision (3) of subsection (a) of section
71 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c,
72 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,
73 53a-216 or 53a-217b, by a child, or (B) running away, without just
74 cause, from any secure placement other than home while referred as a
75 delinquent child to the Court Support Services Division or committed
76 as a delinquent child to the Commissioner of Children and Families for
77 a serious juvenile offense; (13) "serious juvenile offender" means any
78 child convicted as delinquent for commission of a serious juvenile
79 offense; (14) "serious juvenile repeat offender" means any child
80 charged with the commission of any felony if such child has
81 previously been convicted delinquent at any age for two violations of
82 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
83 (15) "alcohol-dependent child" means any child who has a
84 psychoactive substance dependence on alcohol as that condition is

85 defined in the most recent edition of the American Psychiatric
86 Association's "Diagnostic and Statistical Manual of Mental Disorders";
87 and (16) "drug-dependent child" means any child who has a
88 psychoactive substance dependence on drugs as that condition is
89 defined in the most recent edition of the American Psychiatric
90 Association's "Diagnostic and Statistical Manual of Mental Disorders".
91 No child shall be classified as drug dependent who is dependent (A)
92 upon a morphine-type substance as an incident to current medical
93 treatment of a demonstrable physical disorder other than drug
94 dependence, or (B) upon amphetamine-type, ataractic,
95 barbiturate-type, hallucinogenic or other stimulant and depressant
96 substances as an incident to current medical treatment of a
97 demonstrable physical or psychological disorder, or both, other than
98 drug dependence."

99 Sec. 2. Subsection (h) of section 46b-149 of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective*
101 *October 1, 2007*):

102 (h) If the court finds, based on clear and convincing evidence, that
103 the family of a child is a family with service needs, the court may, in
104 addition to issuing any orders under section 46b-121, (1) refer the child
105 to the Department of Children and Families for any voluntary services
106 provided by said department or, if the family is a family with service
107 needs solely as a result of a finding that a child is a truant or habitual
108 truant, to the authorities of the local or regional school district or
109 private school for services provided by such school district or such
110 school, which services may include summer school, or to community
111 agencies providing child and family services; (2) commit that child to
112 the care and custody of the Commissioner of Children and Families for
113 an indefinite period not to exceed eighteen months; or (3) order the
114 child to remain in his own home or in the custody of a relative or any
115 other suitable person (A) subject to the supervision of a probation
116 officer, or (B) in the case of a family which is a family with service
117 needs solely as a result of a finding that a child is a truant or habitual

118 truant, subject to the supervision of a probation officer and the
 119 authorities of the local or regional school district or private school. [; or
 120 (4) if the family is a family with service needs as a result of the child
 121 engaging in sexual intercourse with another person and such other
 122 person is thirteen years of age or older and not more than two years
 123 older or younger than such child, (A) refer the child to a youth service
 124 bureau or other appropriate service agency for participation in a
 125 program such as a teen pregnancy program or a sexually transmitted
 126 disease program and (B) require such child to perform community
 127 service such as service in a hospital, an AIDS prevention program or
 128 an obstetrical and gynecological program.] If the court issues any order
 129 which regulates future conduct of the child, parent or guardian, the
 130 child, parent or guardian, shall receive adequate and fair warning of
 131 the consequences of violation of the order at the time it is issued, and
 132 such warning shall be provided to the child, parent or guardian, to his
 133 attorney and to his legal guardian in writing and shall be reflected in
 134 the court record and proceedings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	46b-120
Sec. 2	October 1, 2007	46b-149(h)

Statement of Purpose:

To amend the definition of "family with service needs" with respect to juvenile matters.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. HAMM, 34th Dist.

H.B. 6670