



General Assembly

Substitute Bill No. 7246

January Session, 2007

* HB07246KIDJUD030607 *

**AN ACT IMPLEMENTING THE PLAN OF THE JUVENILE
JURISDICTION PLANNING AND IMPLEMENTATION COMMITTEE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) The Chief Court
2 Administrator shall, within available resources, establish regional
3 youth courts within this state. Such courts shall be utilized for juvenile
4 matters before the Superior Court, including, but not limited to,
5 delinquency proceedings concerning children. In establishing such
6 courts, the Chief Court Administrator shall consult with the judges of
7 the Superior Court who hear such juvenile matters.

8 (b) The Chief Court Administrator may establish a regional youth
9 court under this section in any existing court facility and shall
10 maximize use of court facilities that may otherwise be unused or
11 substantially underutilized.

12 Sec. 2. Section 46b-121i of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective July 1, 2009*):

14 (a) The Judicial Department shall:

15 (1) Coordinate programs and services of the juvenile justice system
16 with other state and municipal agencies, boards and commissions;

17 (2) Develop and use intake and assessment procedures for the
18 evaluation of juveniles;

19 (3) Provide case management for juveniles;

20 (4) Provide pretrial diversion and postconviction programs;

21 (5) Coordinate community-based services for juveniles and their
22 families which promote appropriate reintegration of the juvenile with
23 [his] the juvenile's family, school and community; and

24 (6) Provide other programs and services necessary to the juvenile
25 justice system.

26 (b) In developing its programs, the Judicial Department shall:

27 (1) Develop and implement an independently-validated risk [and]
28 assessment [instruments] instrument for use on a state-wide basis in
29 determining the need for detention or other placement at the time a
30 juvenile enters the system. Such instrument shall use objective factors,
31 including, but not limited to, the factors set forth in subdivision (2) of
32 this subsection, to classify juveniles according to those appropriate for
33 detention, those who be may released with structured supervision and
34 those who may be released without supervision. The instrument shall
35 be designed to minimize the impact of subjective measures that result
36 in disproportionate detention of minorities;

37 (2) Develop and implement a case classification process to [include
38 the establishment of] establish classification program levels and case
39 management standards for each program level. [A] Each program level
40 [is] shall be based on the following factors: (A) The needs of the
41 juvenile, [his] (B) the offense the juvenile is charged with, (C) the
42 juvenile's potential to be dangerous [and his risk of offending] or
43 offend further, and (D) the potential for the juvenile to fail to appear,
44 or run away prior to, court hearing or disposition;

45 (3) Not later than July 1, 2010, and annually thereafter, review the

46 risk assessment instrument and the case classification process
47 described in subdivisions (1) and (2) of this subsection and revise the
48 risk instrument and process to meet the needs of juveniles; and

49 [(3)] (4) Develop and implement a purchase-of-care system, which
50 will facilitate the development of a state-wide community-based
51 continuum of care, with the involvement of the private sector and the
52 local public sector. Care services may be purchased from private
53 providers to provide a wider diversity of services. [This] The system
54 shall maximize the use of federal funds and shall include accessing
55 Title IV-E funds of the federal Social Security Act, as amended from
56 time to time, new Medicaid funds and other funding sources to
57 support eligible community-based services. Such services developed
58 and purchased shall include, but not be limited to, evaluation services
59 which shall be available on a geographically accessible basis across the
60 state.

61 Sec. 3. Section 46b-121k of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2009*):

63 (a) (1) The Court Support Services Division shall [be charged with
64 the duty of developing] develop constructive programs for the
65 prevention and reduction of delinquency and crime among juvenile
66 offenders. To [that end] develop such programs, the executive director
67 of the Court Support Services Division shall cooperate with other
68 agencies to encourage the establishment of new programs and to
69 provide a continuum of services for juvenile offenders who do not
70 require secure placement, including, but not limited to, juveniles
71 classified pursuant to the risk assessment described in section 46b-121i,
72 as amended by this act, as appropriate for release with structured
73 supervision or appropriate for release without supervision. When
74 appropriate, the Court Support Services Division shall coordinate such
75 programs with the Department of Children and Families and the
76 Department of Mental Health and Addiction Services.

77 (2) The programs shall be tailored to the type of juvenile including

78 the juvenile's offense history, age and development, gender, mental
79 health, [and chemical] alcohol dependency or drug dependency,
80 [problem,] need for structured supervision and other characteristics,
81 and shall be culturally appropriate, trauma-informed and provided in
82 the least restrictive environment possible in a manner consistent with
83 public safety. The Court Support Services Division shall develop
84 programs that provide: [(1)] (A) Intensive general [educational
85 programs] education, with an individual educational plan for each
86 juvenile; [(2) specific educational components in the management of]
87 (B) appropriate job training and employment opportunities; (C) anger
88 management and nonviolent conflict resolution; [(3)] (D) treatment for
89 [chemical] alcohol dependency or drug dependency; [(4)] (E) mental
90 health screening, assessment and treatment; [and (5)] (F) sexual
91 offender treatment; and (G) services for families of juveniles.

92 (b) The Judicial Department may contract to establish regional
93 secure residential facilities and regional highly supervised residential
94 and nonresidential facilities for juveniles referred by the court. Such
95 facilities shall operate within contracted-for capacity limits. Such
96 facilities shall be exempt from the licensing requirements of section
97 17a-145.

98 (c) The Court Support Services Division shall collaborate with
99 private residential facilities providing residential programs and with
100 community-based nonresidential postrelease programs.

101 (d) Any program developed by the Court Support Services Division
102 that is designed to prevent or reduce delinquency and crime among
103 juvenile offenders shall be gender specific, as necessary, and shall
104 comprehensively address the unique needs of a targeted gender group.

105 (e) The Court Support Services Division shall ensure that staff and
106 service providers involved in the juvenile justice system are
107 adequately trained to serve the diverse needs of juveniles and that staff
108 is available with expertise in behavioral health, family violence,
109 alcohol dependency, drug dependency and educational disabilities.

110 (f) The Court Support Services Division may consult with the
111 Commission on Racial and Ethnic Disparity in the Criminal Justice
112 System established pursuant to section 51-10c to address the needs of
113 minorities in the juvenile justice system.

114 Sec. 4. Subsection (b) of section 46b-133 of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective July*
116 *1, 2009*):

117 (b) Whenever a child is brought before a judge of the Superior
118 Court, such judge shall immediately have the case proceeded upon as
119 a juvenile matter. Such judge may admit such child to bail or release
120 [him] such child in the custody of his parent or parents, his guardian
121 or some other suitable person to appear before the Superior Court
122 when ordered. If detention becomes necessary or desirable, the same
123 shall be in the manner prescribed by this chapter, provided such child
124 shall be placed in the least restrictive environment possible in a
125 manner consistent with public safety.

126 Sec. 5. (*Effective July 1, 2008*) (a) Not later than the effective date of
127 any amendment to section 46b-120 of the general statutes that provides
128 that any person sixteen years of age or older shall be treated as a child
129 for purposes of delinquency matters, the judges of the Superior Court,
130 or in the discretion of the Chief Court Administrator, a committee of
131 said judges designated by the Chief Court Administrator, shall appoint
132 such probation officers, probation aides, clerks, security and detention
133 personnel, clerical assistants, court interpreters and other personnel,
134 including supervisory staff, as they deem necessary for the treatment
135 and handling of such persons in juvenile matters within the venue
136 districts established under section 46b-142 of the general statutes. The
137 Chief Court Administrator may assign, reassign and modify the
138 assignments of such personnel and assign such duties within the
139 Superior Court as the Chief Court Administrator deems necessary for
140 the efficient treatment and handling of such persons.

141 (b) Not later than the effective date of any amendment to section

142 46b-120 of the general statutes that provides that any person sixteen
143 years of age or older shall be treated as a child for purposes of
144 delinquency matters, the Chief Court Administrator and the executive
145 director of the Court Support Services Division of the judicial branch
146 shall evaluate the programs and services of the juvenile justice system,
147 including, but not limited to, services provided pursuant to chapter
148 815t of the general statutes, to ensure that such programs and services
149 meet the needs of such persons sixteen years of age or older, and shall
150 implement, within available resources, any changes deemed necessary
151 in the programs and services.

152 Sec. 6. (*Effective from passage*) (a) There is established a Juvenile
153 Jurisdiction Policy and Operations Coordinating Council. The council
154 shall monitor the implementation of the central components of the
155 implementation plan developed by the Juvenile Jurisdiction Planning
156 and Implementation Committee, as set forth in subsection (f) of this
157 section, and resolve issues identified by the committee, as set forth in
158 subsection (g) of this section, concerning changes required in the
159 juvenile justice system to expand jurisdiction to include persons aged
160 sixteen and seventeen.

161 (b) The council shall consist of the following members:

162 (1) One member of the General Assembly appointed by the speaker
163 of the House of Representatives;

164 (2) One child or youth advocate appointed by the president pro
165 tempore of the Senate;

166 (3) The executive director of the Superior Court Operations
167 Division, or the executive director's designee;

168 (4) A judge of the superior court for juvenile matters, appointed by
169 the Chief Justice;

170 (5) The executive director of the Court Support Services Division of
171 the judicial branch, or the executive director's designee;

172 (6) The Chief Public Defender, or the Chief Public Defender's
173 designee;

174 (7) The Chief State's Attorney, or the Chief State's Attorney's
175 designee;

176 (8) The Commissioner of Children and Families, or the
177 commissioner's designee;

178 (9) The Commissioner of Correction, or the commissioner's
179 designee;

180 (10) The Commissioner of Education, or the commissioner's
181 designee;

182 (11) The Commissioner of Mental Health and Addiction Services, or
183 the commissioner's designee; and

184 (12) The president of the Connecticut Police Chiefs Association, or
185 the president's designee.

186 (c) All appointments to the council shall be made no later than thirty
187 days after the effective date of this section. Any vacancy shall be filled
188 by the appointing authority.

189 (d) The council shall select the chairpersons of the council from
190 among the members of the council at the first meeting of the council,
191 which shall be held no later than sixty days after the effective date of
192 this section.

193 (e) Members of the council shall serve without compensation, except
194 for necessary expenses incurred in the performance of their duties.

195 (f) Prior to the effective date of any amendment to section 46b-120 of
196 the general statutes that provides that any person sixteen years of age
197 or older shall be treated as a child for purposes of delinquency matters,
198 the council shall monitor the implementation of the central
199 components of the implementation plan, contained in the final report

200 of the Juvenile Jurisdiction Planning and Implementation Committee
201 dated February 8, 2007, including, but not limited to: (1) The
202 development, introduction and validation of a risk assessment
203 instrument; (2) establishment of regional youth courts; and (3) the
204 development and implementation of a comprehensive system of
205 community-based services and residential services for juveniles.

206 (g) Prior to the effective date of any amendment to section 46b-120
207 of the general statutes that provides that any person sixteen years of
208 age or older shall be treated as a child for purposes of delinquency
209 matters, the council shall resolve issues identified by the Juvenile
210 Jurisdiction Planning and Implementation Committee in its final
211 report, to prepare for the entrance of persons aged sixteen and
212 seventeen in the juvenile justice system and to improve the juvenile
213 justice system. Such issues include, but need not be limited to, the
214 following:

215 (1) An assessment of various diversion programs to determine the
216 most appropriate programs for such persons;

217 (2) The development of comprehensive projections to determine the
218 short-term and long-term placement capacity required to
219 accommodate an expanded juvenile population in the juvenile justice
220 system, including, an identification of pretrial detention facilities and
221 feasible alternatives to detention;

222 (3) An analysis of the impact of the expansion of juvenile
223 jurisdiction on state, municipal and private agencies and a
224 determination of which agencies shall be responsible for providing
225 relevant services to juveniles, including, but not limited to, mental
226 health and substance abuse services, housing, education and
227 employment;

228 (4) An examination of whether raising the age of jurisdiction in the
229 juvenile justice system has consequences for statutes that establish a
230 mandatory age for school attendance;

231 (5) The treatment of youth in crisis, as defined in subdivision (3) of
232 section 46b-120 of the general statutes;

233 (6) An examination and modification of offenses categorized as
234 serious juvenile offenses in subdivision (12) of section 46b-120 of the
235 general statutes to ensure that only those juveniles who require a
236 secure setting are detained;

237 (7) A comparison and analysis of procedures used in the juvenile
238 justice system versus the criminal court system to determine the most
239 suitable procedures for juveniles, including, but not limited to, the
240 most suitable procedures for investigative interviews of juveniles in
241 the field and for custodial interrogations;

242 (8) The treatment of a motor vehicle infraction, motor vehicle
243 violation or motor vehicle offense committed by a person sixteen or
244 seventeen years of age in a manner consistent with the treatment of
245 persons eighteen years of age or older;

246 (9) An examination of school related issues for juveniles, including
247 intervention strategies to reduce the number of suspensions,
248 expulsions and arrests of such juveniles while in school; and

249 (10) An examination of issues related to the exchange of information
250 pertinent to traffic accidents balancing the interest of protecting the
251 juvenile against the interest of protecting the public.

252 (h) Not later than January 1, 2008, and quarterly thereafter, until
253 January 1, 2009, the committee shall submit a status report to the joint
254 standing committee of the General Assembly having cognizance of
255 matters relating to the judiciary and human services, and the select
256 committee of the General Assembly having cognizance of matters
257 relating to children, in accordance with section 11-4a of the general
258 statutes, on implementation of the components in subsection (f) of this
259 section and resolution of the issues identified in subsection (g) of this
260 section.

261 (i) Not later than January 1, 2009, the council shall submit a final
262 report on such implementation and resolution of issues to the joint
263 standing committee of the General Assembly having cognizance of
264 matters relating to judiciary and human services, and the select
265 committee of the General Assembly having cognizance of matters
266 relating to children, in accordance with section 11-4a of the general
267 statutes.

268 Sec. 7. (*Effective July 1, 2008*) (a) The sum of ____ dollars is
269 appropriated to the Judicial Department, from the General Fund, for
270 the fiscal year ending June 30, 2009, for personal services for judges
271 and such probation officers, probation aides, clerks, security and
272 detention personnel, clerical assistants, court interpreters and other
273 personnel, including supervisory staff, as necessary for the treatment
274 and handling of persons sixteen years of age or older in delinquency
275 matters in the juvenile justice system.

276 (b) The sum of ____ dollars is appropriated to the Judicial
277 Department, from the General Fund, for the fiscal year ending June 30,
278 2009, for the purpose of funding programs under chapter 815t of the
279 general statutes to address the needs of persons sixteen years of age or
280 older in delinquency matters in the juvenile justice system.

281 Sec. 8. (*Effective July 1, 2008*) The sum of ____ dollars is appropriated
282 to the Department of Children and Families, from the General Fund,
283 for the fiscal year ending June 30, 2009, for the purpose of establishing
284 or expanding programs to address the needs of persons sixteen years
285 of age or older in delinquency matters in the juvenile justice system.

286 Sec. 9. (*Effective July 1, 2007*) (a) The sum of two hundred fifty
287 thousand dollars is appropriated to the Office of Legislative
288 Management, from the General Fund, for the fiscal year ending June
289 30, 2008, for the purpose of carrying out the functions of the Juvenile
290 Jurisdiction Policy and Operations Coordinating Council established
291 pursuant to section 6 of this act.

292 (b) The sum of two hundred fifty thousand dollars is appropriated
 293 to the Office of Legislative Management, from the General Fund, for
 294 the fiscal year ending June 30, 2009, for the purpose of carrying out the
 295 functions of the Juvenile Jurisdiction Policy and Operations
 296 Coordinating Council established pursuant to section 6 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2009</i>	46b-121i
Sec. 3	<i>July 1, 2009</i>	46b-121k
Sec. 4	<i>July 1, 2009</i>	46b-133(b)
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section
Sec. 9	<i>July 1, 2007</i>	New section

KID

Joint Favorable Subst. C/R

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