



General Assembly

Amendment

January Session, 2007

LCO No. 7979

HB0567607979HDO

Offered by:
REP. HAMM, 34th Dist.

To: Subst. House Bill No. 5676 File No. 636 Cal. No. 512

"AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46b-120 of the general statutes, as amended by
4 section 1 of public act 05-250, is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2007*):

6 The terms used in this chapter shall, in its interpretation and in the
7 interpretation of other statutes, be defined as follows: (1) "Child"
8 means any person under sixteen years of age and, for purposes of
9 delinquency matters, "child" means any person (A) under sixteen years
10 of age, or (B) sixteen years of age or older who, prior to attaining
11 sixteen years of age, has violated any federal or state law or municipal
12 or local ordinance, other than an ordinance regulating behavior of a
13 child in a family with service needs, and, subsequent to attaining
14 sixteen years of age, violates any order of the Superior Court or any
15 condition of probation ordered by the Superior Court with respect to

16 such delinquency proceeding; (2) "youth" means any person sixteen or
17 seventeen years of age; (3) "youth in crisis" means any youth who,
18 within the last two years, (A) has without just cause run away from the
19 parental home or other properly authorized and lawful place of abode,
20 (B) is beyond the control of the youth's parents, guardian or other
21 custodian, or (C) has four unexcused absences from school in any one
22 month or ten unexcused absences in any school year; (4) "abused"
23 means that a child or youth (A) has been inflicted with physical injury
24 or injuries other than by accidental means, or (B) has injuries that are at
25 variance with the history given of them, or (C) is in a condition that is
26 the result of maltreatment such as, but not limited to, malnutrition,
27 sexual molestation or exploitation, deprivation of necessities,
28 emotional maltreatment or cruel punishment; (5) a child may be found
29 "mentally deficient" who, by reason of a deficiency of intelligence that
30 has existed from birth or from early age, requires, or will require, for
31 his protection or for the protection of others, special care, supervision
32 and control; (6) a child may be convicted as "delinquent" who has
33 violated (A) any federal or state law or municipal or local ordinance,
34 other than an ordinance regulating behavior of a child in a family with
35 service needs, (B) any order of the Superior Court, except as provided
36 in section 46b-148, or (C) conditions of probation as ordered by the
37 court; (7) a child or youth may be found "dependent" whose home is a
38 suitable one for the child or youth, save for the financial inability of the
39 child's or youth's parents, parent or guardian, or other person
40 maintaining such home, to provide the specialized care the condition
41 of the child or youth requires; (8) "family with service needs" means a
42 family that includes a child who (A) has without just cause run away
43 from the parental home or other properly authorized and lawful place
44 of abode, (B) is beyond the control of the child's parent, parents,
45 guardian or other custodian, [(C) has engaged in indecent or immoral
46 conduct, (D)] (C) is a truant or habitual truant or who, while in school,
47 has been continuously and overtly defiant of school rules and
48 regulations, or [(E)] (D) is thirteen years of age or older and has
49 engaged in sexual intercourse with another person and such other
50 person is thirteen years of age or older and not more than two years

51 older or younger than such child; (9) a child or youth may be found
52 "neglected" who (A) has been abandoned, or (B) is being denied proper
53 care and attention, physically, educationally, emotionally or morally,
54 or (C) is being permitted to live under conditions, circumstances or
55 associations injurious to the well-being of the child or youth, or (D) has
56 been abused; (10) a child or youth may be found "uncared for" who is
57 homeless or whose home cannot provide the specialized care that the
58 physical, emotional or mental condition of the child requires. For the
59 purposes of this section, the treatment of any child by an accredited
60 Christian Science practitioner, in lieu of treatment by a licensed
61 practitioner of the healing arts, shall not of itself constitute neglect or
62 maltreatment; (11) "delinquent act" means the violation of any federal
63 or state law or municipal or local ordinance, other than an ordinance
64 regulating the behavior of a child in a family with service needs, or the
65 violation of any order of the Superior Court; (12) "serious juvenile
66 offense" means (A) the violation of, including attempt or conspiracy to
67 violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a,
68 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
69 inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive,
70 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a,
71 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection
72 (a) of section 53a-122, subdivision (3) of subsection (a) of section
73 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c,
74 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,
75 53a-216 or 53a-217b, by a child, or (B) running away, without just
76 cause, from any secure placement other than home while referred as a
77 delinquent child to the Court Support Services Division or committed
78 as a delinquent child to the Commissioner of Children and Families for
79 a serious juvenile offense; (13) "serious juvenile offender" means any
80 child convicted as delinquent for commission of a serious juvenile
81 offense; (14) "serious juvenile repeat offender" means any child
82 charged with the commission of any felony if such child has
83 previously been convicted delinquent at any age for two violations of
84 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
85 (15) "alcohol-dependent child" means any child who has a

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

101 Sec. 2. Subsection (b) of section 42 of public act 06-188 is repealed
102 and the following is substituted in lieu thereof (*Effective from passage*):

103 (b) The Families With Service Needs Advisory Board shall (1)
104 monitor the progress being made by the Department of Children and
105 Families in developing services and programming for girls from
106 families with service needs and other girls, (2) monitor the progress
107 being made by the Judicial Department in the implementation of the
108 requirements of public act 05-250, (3) provide advice with respect to
109 such implementation upon the request of the Judicial Department or
110 the General Assembly, and (4) not later than December 31, 2007, make
111 written recommendations to the Judicial Department and the General
112 Assembly, in accordance with the provisions of section 11-4a of the
113 general statutes, with respect to the accomplishment of such
114 implementation by the effective date of public act 05-250. The board
115 shall terminate on [December 31, 2007] July 1, 2008."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	46b-120
Sec. 2	<i>from passage</i>	PA 06-188, Sec. 42(b)