

Center for *Children's* Advocacy

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TESTIMONY OF THE CO-CHAIRS OF THE FAMILIES WITH SERVICE NEEDS (FWSN) ADVISORY BOARD, MARTHA STONE, J.D. AND PRESTON BRITNER, Ph.D.

BEFORE THE COMMITTEE ON JUDICIARY IN OPPOSITION TO H.B. NO. 6386 AN ACT DELAYING IMPLEMENTATION OF LEGISLATION RAISING THE AGE OF JUVENILE JURISDICTION AND IN SUPPORT OF EXPANSION OF FAMILY SUPPORT CENTERS

MARCH 4, 2009

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 and truants. Co-Chair Preston Britner is the Editor of *The Journal of Primary Prevention* and an Associate Professor of Human Development and Family Studies at the University of Connecticut; Co-Chair Martha Stone is the Executive Director of the Center for Children's Advocacy at the University of Connecticut School of Law.

We Oppose Delay of the "Raise the Age" Implementation and Support the Expansion of the Family Support Centers for the Following Four Reasons:

1. **Full Implementation of the Planned Family Support Centers Will Reduce the Numbers of Youth Needing to be Served in the Juvenile Justice System and Is the Key "Prevention Piece" of the "Raise the Age" Continuum**

Presently, status offenses are the gateway to juvenile justice involvement. The institution of new procedures and a continuum of services for this population as an alternative to incarceration has already stemmed the numbers of youth entering deeper into the juvenile justice system,¹ and, if implemented fully, will have the effect of reducing the numbers of 16 and 17 year olds entering the system.

Family Support Centers (FSCs) were designed, based on national models and best practices, to provide essential services for at least 900 at-risk youth annually. In fiscal year 2005, 906 Families With Service Needs (FWSN) children with ongoing specific needs were at high risk of more court involvement, and of these, 300 FWSN children were placed in detention for violating court orders. FSCs offer critical treatment options to these youth with significant needs, and since implementation of Public Act 05-250 on October 1, 2007, no FWSN children have been placed in secure detention.

Four FSCs were established in 2007 in Hartford, Bridgeport, New Haven, and Waterbury. By establishing FSCs, the State has provided a diversionary model to treat



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¹ 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

status offenders outside of the court system and has been touted by the Vera Institute of Justice as being at the forefront of the national movement to improve prevention and treatment for this population.² Family Support Centers provide many unique opportunities for at-risk youth to receive 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.

The four FSCs produced positive results, both diverting juveniles out of the expensive court process and reducing recidivism. For the first time in six years, the number of status offenders referred to court, the number who went before a judge, and the number housed in secure detention, are all in decline.³ In 2008, there were 38% fewer status offense court referrals.

FSCs have proven successful at diverting FWSNs from juvenile courts. As of December 7, 2008, 81% of the children who completed the FSC program requirements had not been referred or adjudicated.⁴ In contrast, more than half of children involved in the FWSN system were historically charged with delinquent acts subsequent to their involvement in the FWSN system.⁵ Each of these successes translates into fiscal savings as the State incurs lower court costs and societal costs associated with delinquent behavior.

2. Expansion of Family Support Centers Will Save Money

In addition to diverting status offenders from costly detention and improving treatment options, FSCs are less expensive than juvenile detention or residential care facilities. According to figures from the Court Support Services Division, a two-week stay in detention costs between \$3,500 and \$5,600, and a two-week stay in a residential program costs between \$5,400 and \$6,000. Conversely, involvement with an FSC for two to five *months* is estimated to cost, on average, \$3,750 per child.⁶ As Connecticut begins to emphasize prevention⁷, FSCs are well positioned to divert and serve FWSNs/Youth in Crisis before the stage at which they become juvenile delinquents.

3. The Current System Does Not Provide for Access for Either FWSN Youth Statewide or the 16 and 17 year old Youth in Crisis Population

Although the law applies statewide now for FWSN youth, current funding only allows for implementation in four communities, which provides access to FSCs to the residents of only 39 of Connecticut's 161 cities. Nearly half of all children who entered the FWSN system between January 2008 and July 2008 were unable to access FSC services because they lived in areas that are not currently served by FSCs. Additional funding (\$1,086,000 for FY 2009-10 and \$2,086,000 for FY 2010-11) is needed to fulfill the requirements of Public Act 46b-149 by funding six (6) FSCs in New Britain, Waterford, Middletown, and joint

² Sara Mogulescu & Gaspar Caro, Vera Institute of Justice, Making Court the Last Resort: A New Focus for Supporting Families in Crisis, December 2008, *available at* http://www.vera.org/publication_pdf/cyj_statusoffender.pdf.

³ *Id.*

⁴ Justice Research Center, *Process Outcome Evaluation of the 2007-09 Connecticut Family with Service Needs Project: Interim Report* (December 2008).

⁵ Vera Institute of Justice, *supra* note 3.

⁶ 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>

⁷ Public Act 06-179, An Act Concerning State Investment in Prevention, *available at* <http://www.cga.ct.gov/COC/preventionlaw.htm>

Centers serving Willimantic/Rockville, Torrington/Danbury, and Stamford/Norwalk to serve the remaining nine (9) courts and implement the model statewide.

This expansion would not only ensure that all FWSNs, regardless of where in Connecticut they reside, would have equal access to the rapid-response, community-based services needed to address their needs and reduce status offending behavior, but it would further allow access for the Youth in Crisis (YIC) population (the 16 and 17 year olds who will become part of the FWSN system with the Raise the Age initiative). Given the success of the existing FSCs, it is fundamentally unfair to exclude FWSNs/ YICs living in the majority of the State from the proven benefit of FSC involvement. The excluded children are experiencing worse outcomes and ultimately costing the State more in court and secure detention costs.

The failure to provide equal access to all state residents may also violate the Equal Protection Clause of the Fourteenth Amendment and Early Periodic Screening, Diagnosis, and Treatment Program (EPSDT) of Medicaid. The Medicaid Act requires that programs are available statewide; a state Medicaid plan must "provide that it shall be in effect in all political subdivisions of the State."⁸

4. The Expansion of Family Support Centers would be Consistent with the Recommendations of the Legislature's Families with Service Needs Advisory Board

The FWSN Advisory Board was 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. In 2007, the Board advocated for the establishment of Family Support Centers (FSC) to improve the lives of FWSN children by giving them comprehensive services, keeping them in the community, and diverting them from detention. The FWSN Advisory Board unanimously endorsed the funding of the remaining six (6) FSCs as the highest priority recommendation in its February 2008 Report to the Connecticut General Assembly.⁹

Respectfully submitted,

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⁸ 42 U.S.C. § 1376a.

⁹ Families With Service Needs Advisory Board, Report to the Connecticut General Assembly, February, 2008, available at http://www.cga.ct.gov/kid/FWSN/fwsn_report_0208.pdf.

