

Center for *Children's* Advocacy

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

BEFORE THE JUDICIARY COMMITTEE RE

*H.B. No. 5148 (RAISED) AN ACT CONCERNING FUNDING FOR THE JUDICIAL
BRANCH.

FEBRUARY 26, 2010

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, to address issues relating to juvenile status offenders. Co-Chair Preston Britner is an Associate Professor of Human Development and Family Studies, Educational Psychology, and Public Health 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.

As a result of the work of the Connecticut legislature and its FWSN Advisory Board, an overhaul of the treatment of status offenders occurred in 2007. Public Act 07-4 required every juvenile court, after assessment by a probation officer, to divert high risk status offenders to Family Support Centers. Thereafter, four Family Support Centers (FSCs) were established in Hartford, Bridgeport, New Haven and Waterbury to service youth in those four juvenile courts. Efforts to expand this number to ten, to service all the FWSN youth in the state, were unsuccessful until September, 2009, when the legislature, in approval of the budget, included funding for the expansion. Unfortunately, as a result of the dispute regarding the Judicial Department's O/E account, funding for the expansion of family support centers has become one of the casualties.

1. Family Support Centers Have Already Reduced the Numbers of Youth Needing to be Served in the Juvenile Justice System and will further reduce the numbers if implemented statewide

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, and, if implemented fully, will have the effect of further reducing the numbers. From 2006 to 2009, there has been a 46% reduction in FWSN referrals. (See Attachment A) From October 2006 to April 2007, there were 1,309 FWSN cases handled judicially by the court. For that same time period in 2008-2009, there were only 47. (See Attachment B)

Court Support Services Division of the Judicial Department designed Family Support Centers (FSCs), guided by national models and best practices, to provide essential services for at least 900 at-risk youth annually. FSCs offer critical and *unique* treatment options to these youth with significant needs, including:

- screening and assessment at the initial stage of the process
- immediate crisis intervention—available on a 24-hour basis
- mediation
- educational advocacy



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- community-based mental health treatment (including trauma treatment)
- pro-social activities
- short-term respite beds for boys and girls

Because of the uniqueness of the services offered, they have 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,¹ and most recently were named as a best practice by the Office of Juvenile Delinquency and Prevention.²

Initially, only four FSCs were established. But already, the four FSCs have produced positive results, both diverting juveniles out of the expensive court process and reducing recidivism. As of December 7, 2008, 81% of the children who completed the FSC program requirements had not been referred to court or adjudicated.³ 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.⁴

1. Expansion of Family Support Centers Will Save Money

In these difficult economic times, FSCs save the State money by diverting youth from costly juvenile detention centers 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. As Connecticut begins to emphasize prevention⁵, FSCs are well positioned to divert and serve FWSNs/Youth in Crisis before the stage at which they become juvenile delinquents.

2. By Failing to Provide Access for Youth statewide, The Current System Creates Unequal Access and May Violate the Law

Although Connecticut Gen. Statutes 46b-149 applies statewide for FWSN youth, current funding only allows for implementation in four communities, which provides access to FSCs to the residents of only 39 cities and towns, leaving out 130 of Connecticut's 169 cities and towns. Nearly half of all children who entered the FWSN system were unable to access FSC services because they lived in areas that are not currently served by FSCs. Additional funding⁶ is needed to fulfill the requirements of Connecticut law for six (6) FSCs in New Britain, Waterford, Middletown, Willimantic/Rockville, Torrington/Danbury, and Stamford/Norwalk to serve the remaining nine (9)

¹ 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.

² See [http://www2.dsgonline.com/dso2/dso_program_detail.aspx?ID=809&title=Connecticut Families With Service Needs \(FWSN\)](http://www2.dsgonline.com/dso2/dso_program_detail.aspx?ID=809&title=Connecticut+Families+With+Service+Needs+(FWSN))

³ Justice Research Center, *Process Outcome Evaluation of the 2007-09 Connecticut Family with Service Needs Project: Interim Report* (December 2008).

⁴ Vera Institute of Justice, *supra* note 3.

⁵ Public Act 06-179, An Act Concerning State Investment in Prevention, available at <http://www.cga.ct.gov/COC/preventionlaw.htm>

⁶ Original estimates for additional funding for FY2010-11 was \$1,086,000 and \$2,086,000 for FY 2011-12, but will be less now that the part of the year has passed. See Attachment C.

courts, service the approximately 515 FWSN youth and 108 (former) Youth in Crisis youth (see attachment D) and implement the model statewide.

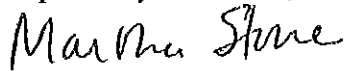
This expansion would not only ensure that all FWSNs, regardless of where in Connecticut they reside, would have equal access to the rapid-response, community-based services needed to address their needs and reduce status offending behavior, but it would further allow access for the Youth in Crisis (YIC) population (the 16-year-olds who have now become part of the FWSN system with the Raise the Age initiative). Given the success of the existing FSCs, it denies parity to those 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 Clauses of the federal and state constitutions, as well as the Early Periodic Screening, Diagnosis, and Treatment Program (EPSDT) Medicaid provisions. The Medicaid Act requires that programs are available statewide, and that a state Medicaid plan must “provide that it shall be in effect in all political subdivisions of the State.”⁷

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

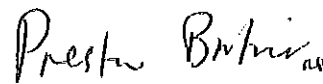
The FWSN Advisory Board was charged with making written recommendations to implement Public Act 05-250, which, effective October 1, 2007, prohibits incarcerating status offenders (i.e., truants, youth beyond control) who have been non-compliant with court orders but have not committed any crime. In 2007, 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.⁸ At every subsequent meeting since that time, and as recently as February, 2010, it has reaffirmed this commitment. It should be noted that the Board’s membership includes representatives from the Judicial Department, including CSSD, DCF, Office of Child Advocate, Commission on Child Protection and other relevant stakeholders.

Respectfully submitted,



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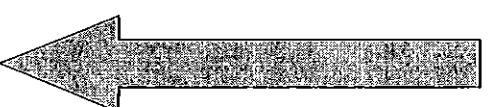
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⁷ 42 U.S.C. § 1376a.

⁸ 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

Statewide FWSN Referrals Down

- Calendar Year
 - 2006 - 3,638 FWSN Referrals
 - 2007 - 3,263 FWSN Referrals
 - 2008 - 2,187 FWSN Referrals
 - 2009 - 1,974 FWSN Referrals



Overall reduction of 46% between
2006 and 2009

Decrease in FWSN Judicial Handling

- 10/1/06 to 4/30/07
 - 1,222 non-judicial FWSN
 - 1,309 judicial FWSN
- 10/1/07 to 4/30/08
 - 1,397 non-judicial FWSN
 - 89 judicial FWSN
- 10/1/08 to 4/30/09
 - 1,341 non-judicial FWSN
 - 47 judicial FWSN
- 0 FWSNs or FWSN Violators in Detention



11/0000000000

JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
Funding Request FY 09/10

Funding the Balance of State: Families With Service Needs System of Services

Summary/Objective

Legislative changes to the laws governing services for children referred to court as Family with Service Needs (FWSN) took effect October 1, 2007. In FY 07/08, the state budget included funding to roll out a portion of the required FWSN Service Delivery System. This system was developed in concert with the legislatively appointed FWSN Advisory Committee and was designed to divert FWSN referred juveniles and families away from the court, implementing a state-wide service delivery infrastructure of new interventions, approaches, and programs to meet the specialized needs of FWSNs. Services are currently available only in the 4 major CT cities (Hartford, Bridgeport, New Haven, and Waterbury). Funding is requested to implement the 6 Family Support Centers (FSC) to serve the remaining 9 court communities, to ensure that all FWSNs, regardless of where they reside, have access to services most likely to address their needs and reduce status offending behavior.

Description

There are approximately 4000 juveniles referred as being in a "Family with Service Needs" each year, making up one-third of all cases in Juvenile Probation. Up to 50% of FWSN referred juveniles will subsequently be referred to court on a delinquency referral. Of FWSN juveniles, over 900 are at risk of detainment, placement, or have escalating behaviors that have traditionally led to delinquency petitions and orders of detention. In Fiscal Year 2005, 300 juveniles were admitted to detention with a violation of court order resulting from a FWSN charge. Statewide, 906 FWSNs risked out high or very high risk of further court involvement, with specific needs regarding family, school, and peer relations according to risk/need scores from the Juvenile Assessment Generic (JAG).

Statewide, there are few services available for the highly at-risk FWSN juveniles. Based on research and recommendations from the FWSN Advisory Board (PA 06-188), CSSD developed a plan for statewide services determined to be most appropriate for this target population (including immediate crisis response, family mediation, education consultation and advocacy, home-based therapy, youth development opportunities, and linkages to community support services). The CSSD awarded contracts for four (4) new programs in the major CT cities; Hartford, New Haven, Waterbury, and Bridgeport. Funds are needed to phase-in the six (6) remaining programs to provide the same access and services to children and families who are served by the remaining 9 remaining courts. This includes children and families from all the towns represented by the following court locations: Stamford, Norwalk, Danbury, Torrington, Rockville, Willimantic, Waterford, and Middletown.

Funding the balance of state will (1) Increase service delivery capacity statewide, (2) Offer services and interventions that FWSN referred juveniles and families really need to be diverted from court, and (3) Permit the State of Connecticut Judicial Branch to meet the requirements of the legislative mandates, that disallows the use of secure confinement for FWSN violators and requires referrals to appropriate community based services. The cost of phasing in the six (6) remaining programs for FY 09/10 is \$1,021,688, annualized at \$2,021,688, which will fund services for up to 520 children and families per year.

Financial Information

	FY 09/10	FY 10/11
PS - Personal Services [a]	\$0	\$0
OE - Other Expenses [b]	\$0	\$0
Equipment [c]	\$0	\$0
OCE - Other Current Expenses	\$1,071,688	\$2,071,688
Total	\$1,071,688	\$2,071,688

Juvenile Courts without FSC

	# to be	Slots served per year	*Estimated # of YIC's to be served
DANBURY	20	50	5
MIDDLETOWN	30	75	12
NEW BRITAIN	35	88	21
NORWALK & STAMFORD	25	63	14
ROCKVILLE	25	63	15
TORRINGTON	15	38	10
WATERFORD	35	88	19
WILLIMANTIC	20	50	12
Total	205	515	+108

1/18/2000