

# Center for Children's Advocacy

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## TESTIMONY OF CENTER FOR CHILDREN'S ADVOCACY TO THE JUDICIARY COMMITTEE IN SUPPORT OF RAISED H.B. NO. 5594 WITH SUGGESTED REVISION TO INCLUDE A FAMILY VIOLENCE MEDIATION DIVERSION PROGRAM FOR JUVENILE OFFENDERS

March 31, 2014

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with University of Connecticut School of Law in support of **Raised H.B. 5594, An Act Concerning Diversionary Programs, with a suggested revision to include a family violence mediation diversion program for juvenile offenders in two pilot locations.**

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our TeamChild Juvenile Justice Project, we represent countless youth who have landed in the juvenile justice system because their educational and/or mental health needs are simply not being met by their schools or communities. In addition we run four Disproportionate Minority Contact (DMC) Committees in Hartford, Waterbury, New Haven and Bridgeport, in partnership with the Judicial Branch, Court Support Services Division (CSSD), DCF, Probation and other providers, which seek to reduce overrepresentation of youth of color in the juvenile justice system. It is through this work and with support of these partners that the proposal for a family violence mediation program has been identified.

### **Arrests of Children for Family Violence Is A Significant Problem**

Many children involved in family violence are arrested and subsequently labeled delinquent, which puts them on track for continued delinquency, academic failure and other poor outcomes. In 2013, 274 individual children were charged in family violence cases, according to statistics provided by the Judicial Branch, Court Support Services Division. (See attached Exhibit A).

- Most are first-time offenders, and 40 percent are girls. Even very young children are being arrested in family violence cases. In 2013, 19 children 12 and under were in this category.
- - The majority (69 percent) of these cases involve conflicts between parents and children.

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- The top three charges against children in family violence cases are identical to the top three charges in school-based arrests: disorderly conduct, third-degree assault and second-degree breach of peace. Though clearly unacceptable, this indicates impulsive, emotive behavior common in childhood and adolescence.

### **Proposed Revision to Raised H.B. No. 5594 to Include Family Violence Mediation Diversion Program**

CCA proposes that the current bill should be revised in order to amend CGS 46b-128 to establish a family mediation program in the juvenile court. **(See attached Exhibit B)** Under this proposal, the probation officer or the court will refer appropriate cases of parent/child violence to family mediation, upon consent of the child and his/her family. The family would then participate in a Mediation Diversion Program, established by CSSD in two pilot sites, to work toward improving the parent/child relationship and mediate any familial issues that led to the delinquent behavior. If the child completes mediation satisfactorily, the prosecutor or the court will dismiss all charges and records of the charges will be immediately erased.

If mediation is unsuccessful, the child is rearrested, or no longer willing to participate in mediation, or fails to comply with the terms of the mediation agreement, the juvenile probation officer will notify the prosecuting attorney, and prosecution can be initiated. CSSD will evaluate the pilots within their existing resources.

**This proposed revision will address the issue of family violence mediation in three significant ways:**

#### **1. Root causes of family violence will be addressed with an appropriate response to stop the cycle.**

Most of these young people return to their families without getting help with family issues or learning better ways of interacting. This is primarily due to the lack of any family mediation programs available in the juvenile court system. As a result, often these youth who are arrested are placed in inappropriate programs which don't have the capacity to mediate between the child and family or address the root causes of the parent / child conflicts.

#### **2. Children and parents will be held accountable for their actions.**

While youth are held accountable in juvenile court for their actions, seldom are the parents. Family violence is often a result of parenting conflicts which the parent needs help in addressing as well as the child. This program would help both the parent and the child.

### **3. Parity will be achieved with the adult system.**

The adult criminal justice system has programming that directly addresses domestic violence. The juvenile court does not. This would put in a diversion program where it can make the biggest difference and have a prophylactic response to break the cycle of family violence.

**The Family Violence Mediation Diversion Project has the support of the Judicial Branch, Court Support Services Division, as well as the Hartford DMC Committee mentioned above.**

Respectfully submitted,

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**Juvenile Family Violence  
For Referrals from January 2013**

<b>Client Race</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
Missing	9	3.3%	9	3.1%
American Indian/Alaskan Native	2	0.7%	2	0.7%
Asian/Pacific Islander	2	0.7%	2	0.7%
Black	73	26.6%	79	27.3%
Hispanic	45	16.4%	46	15.9%
Unknown	5	1.8%	7	2.4%
White	138	50.4%	144	49.8%
<b>Total</b>	<b>274</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Gender</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
F	113	41.2%	117	40.5%
M	161	58.8%	172	59.5%
<b>Total</b>	<b>274</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Referral Age</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
8	1	0.4%	1	0.3%
9	2	0.7%	2	0.7%
11	4	1.5%	4	1.4%
12	12	4.4%	12	4.2%
13	14	5.1%	16	5.5%
14	42	15.3%	44	15.2%
15	55	20.1%	58	20.1%
16	73	26.6%	76	26.3%
17	69	25.2%	74	25.6%
18	1	0.4%	1	0.3%
36	1	0.4%	1	0.3%
<b>Total</b>	<b>274</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Court Location</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
BRIDGEPORT	12	4.4%	12	4.2%
DANBURY	17	6.2%	17	5.9%
HARTFORD	36	13.1%	41	14.2%
MIDDLETOWN	26	9.5%	27	9.3%
NEW BRITAIN	48	17.5%	51	17.6%
NEW HAVEN	30	10.9%	30	10.4%
ROCKVILLE	32	11.7%	34	11.8%
STAMFORD	14	5.1%	14	4.8%
TORRINGTON	9	3.3%	9	3.1%
WATERBURY	28	10.2%	29	10.0%
WATERFORD	9	3.3%	9	3.1%
WILLIMANTIC	13	4.7%	16	5.5%
<b>Total</b>	<b>274</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Handling</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
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Pending	1	0.4%	1	0.3%
JUD	136	49.6%	148	51.2%
NONJ	137	50.0%	140	48.4%
	274	100.0%	289	100.0%

<b>Most Serious Disposition</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
Pending	145	52.9%	155	53.6%
ADMINISTRATIVE SUPERVISION	48	17.5%	49	17.0%
CONV-DCF COM-LONG LANE	1	0.4%	1	0.3%
CONV-PROBATION	4	1.5%	5	1.7%
J DEL-NOLLE	19	6.9%	20	6.9%
J DEL-WITHDRAWN FOR NJ HANDLING	3	1.1%	4	1.4%
MISC.-UNIQUE ACTION	1	0.4%	1	0.3%
NJ - Dismissed at Intake	2	0.7%	2	0.7%
NJ DEL-DISCHARGE	17	6.2%	17	5.9%
NJ DEL-SUPERVISION	22	8.0%	23	8.0%
NJDEL.-NOT PROSECUTED	11	4.0%	11	3.8%
Not Accepted-Refer to JRB	1	0.4%	1	0.3%
	274	100.0%	289	100.0%

**e Summary Data**

through January 7, 2014

<b>Most Serious Charge</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
ASSAULT 1ST DEG	1	0.4%	1	0.3%
ASSAULT 2ND DEG	1	0.4%	1	0.3%
ASSAULT 3RD DEG	77	27.3%	80	27.7%
ASSLT 3- VCTM ELDERLY OR OTHER	2	0.7%	2	0.7%
ASSLT PB SFTY/EMT/TRANST/HLTH	1	0.4%	1	0.3%
BREACH OF PEACE 2ND DEG	38	13.5%	38	13.1%
CARRYING A DANGEROUS WEAPON	2	0.7%	2	0.7%
CRIMINAL MISCHIEF 2ND DEG	6	2.1%	6	2.1%
CRIMINAL MISCHIEF 3RD DEG	12	4.3%	13	4.5%
DISORDERLY CONDUCT	94	33.3%	96	33.2%
INTERFERE WITH OFFCR/RESISTING	2	0.7%	2	0.7%
INTERFERING W/AN EMERGENCY CALL	5	1.8%	5	1.7%
RECKLESS BURNING	2	0.7%	2	0.7%
RISK OF INJURY TO CHILD	6	2.1%	6	2.1%
STRANGULATION FIRST DEGREE	2	0.7%	2	0.7%
STRANGULATION SECOND DEGREE	2	0.7%	3	1.0%
STRANGULATION THIRD DEGREE	1	0.4%	1	0.3%
THREATENING 2ND DEG	24	8.5%	24	8.3%
UNLAWFUL RESTRAINT 2ND DEG	3	1.1%	3	1.0%
USE MOTOR VEHICLE WO PERMISSION	1	0.4%	1	0.3%
<b>Total</b>	<b>282</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Nature of Violence</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
Biting	10	3.6%	10	3.5%
Choking	14	5.0%	15	5.2%
Kicking	9	3.2%	9	3.1%
Physical Restraint	3	1.1%	3	1.0%
Punching/Slapping	108	38.4%	111	38.4%
Pushing/Shoving/ Grabbing	78	27.8%	82	28.4%
Stalking/Harassment	2	0.7%	2	0.7%
Threat of violence or physical harm	57	20.3%	57	19.7%
<b>Total</b>	<b>281</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Weapon</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
No	247	90.1%	261	90.3%
Yes	27	9.9%	28	9.7%
<b>Total</b>	<b>274</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Victim Arrested</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
No	224	80.9%	236	81.7%
Yes	53	19.1%	53	18.3%
<b>Total</b>	<b>277</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Victim</b>	<b>Distinct</b>	<b>%</b>	<b>All</b>	<b>%</b>
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NULL	3	1.1%	3	1.0%
Intimate Partner/Spouse	22	7.9%	22	7.6%
Other Family Member	23	8.3%	23	8.0%
Parent/Guardian	181	65.3%	192	66.4%
Sibling	48	17.3%	49	17.0%
<b>Total</b>	<b>277</b>	<b>100.0%</b>	<b>289</b>	<b>100.0%</b>

<b>Referral Month</b>	<b>Count</b>
Jan-13	1
May-13	1
Jul-13	3
Aug-13	5
Sep-13	3
Oct-13	92
Nov-13	85
Dec-13	85
Jan-14	14
<b>Total</b>	<b>288</b>

## **EXHIBIT B**

### **FAMILY VIOLENCE MEDIATION PROGRAM IN JUVENILE COURT**

#### **Amend CGS 46b-128 as follows:**

- (c) There shall be established , in two juvenile courts, a pilot program of family mediation wherein the probation officer or the court, upon motion of any party, may refer a child accused of a delinquent act involving family violence to a family violence mediation program for resolution. For the purposes of this section, "mediation" means the process where two or more persons to a dispute agree to meet with an impartial third party approved by the court to work toward a resolution of the dispute that is satisfactory to all parties in accordance with the principles of mediation commonly used in labor management disputes. A child's participation in the family violence mediation program shall be supervised by a juvenile probation officer.
- (d) Upon receipt of a report from the mediation program that the child's progress in the program was satisfactory, the court shall dismiss the charges against the child, unless the child has been rearrested on new charges. On dismissal, all records of such charges shall be immediately ordered erased.
- (e) If mediation is unsuccessful or the child alleged to be a delinquent is no longer amenable to participation in such program or fails to comply with the terms of any mediation agreement, the juvenile probation officer shall notify the prosecuting authority and prosecution of the juvenile may be initiated.
- (f) Mediation services in cases referred by the court to the program of mediation may be provided by private agencies under contract with the Court Support Services Division of the judicial branch.
- (g) If the child is involved with the Department of Children and Families at the time of the referral to the family violence mediation program, the Department of Children and Families shall be notified that such referral has been made.
- (h) By July 1, 2015, Court Support Services Division of the judicial branch shall evaluate the two pilots, within its existing resources, to determine the feasibility for expansion to other jurisdictions.

CCA Proposal: 3/31/14