



General Assembly

January Session, 2017

Raised Bill No. 7286

LCO No. 5304



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any
2 provision of the general statutes, on and after December 31, 2017, any
3 person under eighteen years of age detained prior to sentencing or
4 disposition of such person's case shall be detained in the custody of the
5 Judicial Branch.

6 (b) Notwithstanding any provision of the general statutes, on and
7 after July 1, 2018, the Department of Correction may not hold in its
8 custody any person under eighteen years of age, provided legislation
9 enacted in conformance with the recommendations reported pursuant
10 to subsection (c) of this section is in effect.

11 (c) Not later than October 1, 2017, the Departments of Correction,
12 Children and Families and Education, and the Court Support Services
13 Division of the Judicial Branch shall jointly develop and submit in
14 accordance with the provisions of section 11-4a of the general statutes,

15 to the joint standing committee of the General Assembly having
16 cognizance of matters relating to the judiciary and to the Juvenile
17 Justice Planning and Oversight Committee established pursuant to
18 section 46b-121n of the general statutes, as amended by this act, a plan
19 to implement the provisions of subsection (b) of this section. The plan
20 shall include recommendations for legislation as may be necessary or
21 appropriate and any other recommendations to implement the
22 provisions of said subsection (b).

23 (d) Upon request of the Juvenile Justice Policy and Oversight
24 Committee, a state agency shall timely provide statistical data and
25 other information relevant to the development of the plan required by
26 this section.

27 Sec. 2. Section 4-68t of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2017*):

29 The Secretary of the Office of Policy and Management shall track
30 and analyze the rates of recidivism for children in this state. Not later
31 than August 15, 2018, and annually thereafter, the secretary shall
32 submit, in accordance with section 11-4a, a report containing and
33 analyzing such rates of recidivism to the joint standing committee of
34 the General Assembly having cognizance of matters relating to the
35 judiciary.

36 Sec. 3. Section 46b-121n of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2017*):

38 (a) There is established a Juvenile Justice Policy and Oversight
39 Committee. The committee shall evaluate policies related to the
40 juvenile justice system and the expansion of juvenile jurisdiction to
41 include persons sixteen and seventeen years of age.

42 (b) The committee shall consist of the following members:

43 (1) Two members of the General Assembly, one of whom shall be

44 appointed by the speaker of the House of Representatives, and one of
45 whom shall be appointed by the president pro tempore of the Senate;

46 (2) The chairpersons and ranking members of the joint standing
47 committees of the General Assembly having cognizance of matters
48 relating to the judiciary, children, human services and appropriations,
49 or their designees;

50 (3) The Chief Court Administrator, or the Chief Court
51 Administrator's designee;

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

54 (5) The executive director of the Court Support Services Division of
55 the Judicial Department, or the executive director's designee;

56 (6) The executive director of the Superior Court Operations
57 Division, or the executive director's designee;

58 (7) The Chief Public Defender, or the Chief Public Defender's
59 designee;

60 (8) The Chief State's Attorney, or the Chief State's Attorney's
61 designee;

62 (9) The Commissioner of Children and Families, or the
63 commissioner's designee;

64 (10) The Commissioner of Correction, or the commissioner's
65 designee;

66 (11) The Commissioner of Education, or the commissioner's
67 designee;

68 (12) The Commissioner of Mental Health and Addiction Services, or
69 the commissioner's designee;

- 70 (13) The Labor Commissioner, or the commissioner's designee;
- 71 (14) The Commissioner of Social Services, or the commissioner's
72 designee;
- 73 (15) The Commissioner of Public Health, or the commissioner's
74 designee;
- 75 (16) The president of the Connecticut Police Chiefs Association, or
76 the president's designee;
- 77 (17) The chief of police of a municipality with a population in excess
78 of one hundred thousand, appointed by the president of the
79 Connecticut Police Chiefs Association;
- 80 (18) Two child [or youth] advocates, one of whom shall be
81 appointed by one chairperson of the Juvenile Justice Policy and
82 Oversight Committee, and one of whom shall be appointed by the
83 other chairperson of the Juvenile Justice Policy and Oversight
84 Committee;
- 85 (19) Two parents or parent advocates, at least one of whom is the
86 parent of a child who has been involved with the juvenile justice
87 system, one of whom shall be appointed by the minority leader of the
88 House of Representatives, and one of whom shall be appointed by the
89 minority leader of the Senate;
- 90 (20) The Victim Advocate, or the Victim Advocate's designee;
- 91 (21) The Child Advocate, or the Child Advocate's designee; and
- 92 (22) The Secretary of the Office of Policy and Management, or the
93 secretary's designee.
- 94 (c) Any vacancy shall be filled by the appointing authority.
- 95 (d) The Secretary of the Office of Policy and Management, or the
96 secretary's designee, and a member of the General Assembly selected

97 jointly by the speaker of the House of Representatives and the
98 president pro tempore of the Senate from among the members serving
99 pursuant to subdivision (1) or (2) of subsection (b) of this section shall
100 be cochairpersons of the committee. Such cochairpersons shall
101 schedule the first meeting of the committee, which shall be held not
102 later than sixty days after June 13, 2014.

103 (e) Members of the committee shall serve without compensation,
104 except for necessary expenses incurred in the performance of their
105 duties.

106 (f) Not later than January 1, 2015, and periodically thereafter as the
107 committee deems appropriate, the committee shall report [, in
108 accordance with section 11-4a, to the joint standing committees of the
109 General Assembly having cognizance of matters relating to
110 appropriations, the judiciary, human services and children, and the
111 Secretary of the Office of Policy and Management,] regarding the
112 following:

113 (1) Any statutory changes concerning the juvenile justice system
114 that the committee recommends to (A) improve public safety; (B)
115 promote the best interests of children [and youths] who are under the
116 supervision, care or custody of the Commissioner of Children and
117 Families or the Court Support Services Division of the Judicial
118 Department; (C) improve transparency and accountability with respect
119 to state-funded services for children [and youths] in the juvenile justice
120 system with an emphasis on goals identified by the committee for
121 community-based programs and facility-based interventions; and (D)
122 promote the efficient sharing of information between the Department
123 of Children and Families and the Judicial Department to ensure the
124 regular collection and reporting of recidivism data and promote public
125 welfare and public safety outcomes related to the juvenile justice
126 system;

127 (2) A definition of "recidivism" that the committee recommends to

128 be used by state agencies with responsibilities with respect to the
129 juvenile justice system, and recommendations to reduce recidivism for
130 children [and youths] in the juvenile justice system;

131 (3) Short-term goals to be met within six months, medium-term
132 goals to be met within twelve months and long-term goals to be met
133 within eighteen months, for the Juvenile Justice Policy and Oversight
134 Committee and state agencies with responsibilities with respect to the
135 juvenile justice system to meet, after considering existing relevant
136 reports related to the juvenile justice system and any related state
137 strategic plan;

138 (4) The impact of legislation that expanded the jurisdiction of the
139 juvenile court to include persons sixteen and seventeen years of age, as
140 measured by the following:

141 (A) Any change in the average age of children [and youths]
142 involved in the juvenile justice system;

143 (B) The types of services used by designated age groups and the
144 outcomes of those services;

145 (C) The types of delinquent acts or criminal offenses that children
146 [and youths] have been charged with since the enactment and
147 implementation of such legislation; and

148 (D) The gaps in services identified by the committee with respect to
149 children [and youths] involved in the juvenile justice system,
150 including, but not limited to, children [and youths] who have attained
151 the age of eighteen after being involved in the juvenile justice system,
152 and recommendations to address such gaps in services; and

153 (5) Strengths and barriers identified by the committee that support
154 or impede the educational needs of children [and youths] in the
155 juvenile justice system, with specific recommendations for reforms.

156 (g) Not later than July 1, 2015, and periodically thereafter as the

157 committee deems appropriate, the committee shall report [, in
158 accordance with section 11-4a, to the joint standing committees of the
159 General Assembly having cognizance of matters relating to
160 appropriations, the judiciary, human services and children, and the
161 Secretary of the Office of Policy and Management,] regarding the
162 following:

163 (1) The quality and accessibility of diversionary programs available
164 to children [and youths] in this state, including juvenile review boards
165 and services for a child [or youth] who is a member of a family with
166 service needs;

167 (2) An assessment of the system of community-based services for
168 children [and youths] who are under the supervision, care or custody
169 of the Commissioner of Children and Families or the Court Support
170 Services Division of the Judicial Department;

171 (3) An assessment of the congregate care settings that are operated
172 privately or by the state and have housed children [and youths]
173 involved in the juvenile justice system in the past twelve months;

174 (4) An examination of how the state Department of Education and
175 local boards of education, the Department of Children and Families,
176 the Department of Mental Health and Addiction Services, the Court
177 Support Services Division of the Judicial Department, and other
178 appropriate agencies can work collaboratively through school-based
179 efforts and other processes to reduce the number of children [and
180 youths] who enter the juvenile justice system;

181 (5) An examination of practices and procedures that result in
182 disproportionate minority contact, as defined in section 4-68y, within
183 the juvenile justice system;

184 (6) A plan to provide that all facilities and programs that are part of
185 the juvenile justice system and are operated privately or by the state
186 provide results-based accountability;

187 (7) An assessment of the number of children [and youths] who, after
188 being under the supervision of the Department of Children and
189 Families, are convicted as delinquent; and

190 (8) An assessment of the overlap between the juvenile justice system
191 and the mental health care system for children.

192 (h) The committee shall complete its duties under this section after
193 consultation with one or more organizations that focus on relevant
194 issues regarding children, [and youths,] such as the University of New
195 Haven and any of the university's institutes. The committee may
196 accept administrative support and technical and research assistance
197 from any such organization. The committee shall work in collaboration
198 with any results first initiative implemented pursuant to section 2-111
199 or any public or special act.

200 (i) The committee shall establish a time frame for review and
201 reporting regarding the responsibilities outlined in subdivision (5) of
202 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
203 subsection (g) of this section. Each report submitted by the committee
204 shall include specific recommendations to improve outcomes and a
205 timeline by which specific tasks or outcomes must be achieved.

206 (j) The committee shall implement a strategic plan that integrates
207 the short-term, medium-term and long-term goals identified pursuant
208 to subdivision (3) of subsection (f) of this section. As part of the
209 implementation of such plan, the committee shall collaborate with any
210 state agency with responsibilities with respect to the juvenile justice
211 system, including, but not limited to, the Departments of Education,
212 Mental Health and Addiction Services, Correction and Children and
213 Families and the Labor Department and Judicial Department, and
214 municipal police departments. Not later than January 1, 2016, the
215 committee shall report such plan, in accordance with section 11-4a, to
216 the joint standing committees of the General Assembly having
217 cognizance of matters relating to appropriations, the judiciary, human

218 services and children, and the Secretary of the Office of Policy and
219 Management, regarding progress toward the full implementation of
220 such plan and any recommendations concerning the implementation
221 of such identified goals by any state agency with responsibilities with
222 respect to the juvenile justice system or municipal police departments.

223 (k) [Not later than January 1, 2017, the] The committee shall submit
224 a report [, in accordance with section 11-4a, to the joint standing
225 committees of the General Assembly having cognizance of matters
226 relating to appropriations, the judiciary, human services and children
227 and the Secretary of the Office of Policy and Management,] regarding a
228 plan that includes cost options for the development of a community-
229 based diversion system. Such plan shall include recommendations to
230 address issues concerning mental health and juvenile justice. The plan
231 shall include recommendations regarding the following:

232 (1) Diversion of children who commit crimes, excluding serious
233 juvenile offenses, from the juvenile justice system;

234 (2) Identification of services that are evidence-based, trauma-
235 informed and culturally and linguistically appropriate;

236 (3) Expansion of the capacity of juvenile review boards to accept
237 referrals from municipal police departments and schools and
238 implement restorative practices;

239 (4) Expansion of the provision of prevention, intervention and
240 treatment services by youth service bureaus;

241 (5) Expansion of access to in-home and community-based services;

242 (6) Identification and expansion of services needed to support
243 children who are truant or exhibiting behaviors defiant of school rules
244 and enhance collaboration between school districts and community
245 providers in order to best serve such children;

246 (7) Expansion of the use of memoranda of understanding pursuant

247 to section 10-233m between local law enforcement agencies and local
248 and regional boards of education;

249 (8) Expansion of the use of memoranda of understanding between
250 local and regional boards of education and community providers for
251 provision of community-based services;

252 (9) Recommendations to ensure that children in the juvenile justice
253 system have access to a full range of community-based behavioral
254 health services;

255 (10) Reinvestment of cost savings associated with reduced
256 incarceration rates for children and increased accessibility to
257 community-based behavioral health services;

258 (11) Reimbursement policies that incentivize providers to deliver
259 evidence-based practices to children in the juvenile justice system;

260 (12) Recommendations to promote the use of common behavioral
261 health screening tools in schools and communities;

262 (13) Recommendations to ensure that secure facilities operated by
263 the Department of Children and Families or the Court Support
264 Services Division of the Judicial Department and private service
265 providers contracting with said department or division to screen
266 children in such facilities for behavioral health issues; and

267 (14) Expansion of service capacities informed by an examination of
268 grant funds and federal Medicaid reimbursement rates.

269 (l) (1) The committee shall establish a data working group to
270 develop a plan for a data integration process to link data related to
271 children across executive branch agencies, through the Office of Policy
272 and Management's integrated data system, and the Judicial
273 Department through the Court Support Services Division, for purposes
274 of evaluation and assessment of programs, services and outcomes in
275 the juvenile justice system. Membership of the working group shall

276 include, but not be limited to, the Commissioners of Children and
277 Families, Correction, Education and Mental Health and Addiction
278 Services, or their designees; the Chief State's Attorney, or the Chief
279 State's Attorney's designee; the Chief Public Defender, or the Chief
280 Public Defender's designee; the Secretary of the Office of Policy and
281 Management, or the secretary's designee; and the Chief Court
282 Administrator of the Judicial Branch, or the Chief Court
283 Administrator's designee. Such working group shall include persons
284 with expertise in data development and research design. The plan shall
285 include cost options and provisions to:

286 [(1)] (A) Access relevant data on juvenile justice populations;

287 [(2)] (B) Coordinate the handling of data and research requests;

288 [(3)] (C) Link the data maintained by executive branch agencies and
289 the Judicial Department for the purposes of facilitating the sharing and
290 analysis of data;

291 [(4)] (D) Establish provisions for protecting confidential information
292 and enforcing state and federal confidentiality protections and ensure
293 compliance with related state and federal laws and regulations;

294 [(5)] (E) Develop specific recommendations for the committee on the
295 use of limited releases of client specific data sharing across systems,
296 including with the Office of Policy and Management, the Division of
297 Criminal Justice, the Departments of Children and Families, Education
298 and Mental Health and Addiction Services, the Judicial Department
299 and other agencies; and

300 [(6)] (F) Develop a standard template for memoranda of
301 understanding for data-sharing between executive branch agencies,
302 the Judicial Department, and when necessary, researchers outside of
303 state government.

304 (2) Not later than October 1, 2017, the data working group shall

305 submit to the committee a data collection work plan to support the
306 recidivism reduction framework developed pursuant to section 46b-
307 121o. The plan shall identify, and shall make recommendations
308 concerning the consistent and reliable collection of a set of data points
309 that is consistent with the recidivism reduction framework and
310 consistent with national best practices. The data points shall include,
311 but need not be limited to, data points concerning risk level, treatment
312 matching and treatment dosage.

313 (m) Upon the request of the committee, a state agency shall timely
314 provide statistical data and other information relevant to any
315 evaluation, review, report, examination, assessment or development of
316 a plan required by this section.

317 (n) (1) The committee shall examine the community-based diversion
318 system created in accordance with the plan developed under
319 subsection (k) of this section. As part of such examination, the
320 committee shall assess the system's capacity to manage and provide
321 services effectively in accordance with the plan.

322 (2) (A) Not later than January 1, 2018, the committee shall report its
323 findings pursuant to subdivision (1) of this subsection.

324 (B) Not later than January 1, 2019, the committee shall report any
325 updates to the findings reported pursuant to subparagraph (A) of this
326 subdivision.

327 (o) (1) Not later than July 1, 2018, the committee, in collaboration
328 with the Children's Mental, Emotional and Behavioral Health Plan
329 Implementation Advisory Board established pursuant to section 17a-
330 22ff, shall submit a report concerning the array of behavioral health
331 services that is most appropriate for addressing the mental health and
332 substance abuse needs of children diverted from justice system
333 involvement or diverted from pre-adjudication detention.

334 (2) The report shall include, but need not be limited to:

335 (A) Statistical data concerning the behavioral health needs of
336 children who are eligible for diversion from justice involvement or pre-
337 adjudication detention, or might become so eligible with appropriate
338 behavioral health services;

339 (B) An analysis and description of the existing and the optimal
340 nature, quality, availability and geographical distribution of behavioral
341 health services appropriate for meeting the needs of such children;

342 (C) Recommendations concerning any policies and procedures that
343 should be adopted to increase the availability of behavioral health
344 services for such children; and

345 (D) An analysis of costs associated with enhancing the existing array
346 of behavioral health services.

347 (p) (1) Not later than January 1, 2018, the committee shall develop a
348 plan for the creation and implementation of a system for improving
349 vocational and education outcomes for children involved in the
350 juvenile justice system.

351 (2) The plan shall include at least the following:

352 (A) An analysis of the costs and benefits of vocational education
353 programs in this state for fiscal years ending June 30, 2016, and June
354 30, 2017;

355 (B) An analysis of cost options for the system described in
356 subdivision (1) of this subsection;

357 (C) Articulation of a definition of the term "vocational education
358 program" for children involved in the juvenile justice system;

359 (D) A pilot program for an educational records exchange system to
360 ensure that credits and educational records follow children across
361 placements, educational programs and service providers;

362 (E) Identification of and proposals for the use by all state agencies,
363 schools and private providers of contracted-for services who work
364 with children involved in the juvenile justice system of one or more
365 vocational education assessment instruments to assess vocational
366 readiness, strengths, interests, protective factors, risk factors for
367 delinquency and behavioral and academic needs of such children;

368 (F) Provisions for ensuring that any vocational education
369 assessments and all educational planning documents, follow children
370 across placements, educational programs and service providers;

371 (G) Establishment of a framework to be used by state agencies and
372 private providers when developing dispositional plans for adjudicated
373 children. Such framework should ensure that each dispositional plan
374 includes vocational and educational goals as well as measures to
375 promote protective factors and address risk factors that might interfere
376 with a child's ability to be successful in an educational or vocational
377 program;

378 (H) Identification of potential barriers to success and promising
379 practices to improve educational and vocational outcomes for children
380 involved in the juvenile justice system, including, but not limited to,
381 delinquency risk factors, protective factors, housing stability, academic
382 needs and deficits, transportation needs and behavioral health needs;

383 (I) Identification of, and provisions for adopting, best-practice
384 components of a state-funded vocational education continuum for
385 children involved in the juvenile justice system, including, but not
386 limited to, credit recovery, contextualized learning, pre-employment
387 and life skills, work-based learning, entrepreneurial skills, bridges to
388 post-secondary programming, stackable skills and credits, and
389 programs that meet the special education needs of children involved in
390 the juvenile justice system;

391 (J) The establishment of discharge teams and protocols, including a
392 discharge planning process to ensure that all children returning to the

393 community from state custody have access to a full range of
394 programming, including vocational and technical education, job
395 readiness, secondary education and life skills training; and

396 (K) The development of an interagency accountability system and
397 common cross-agency outcome measures within this state's results-
398 based accountability framework to track child outcomes and
399 performance of the system described in subdivision (1) of this
400 subsection.

401 (q) Any evaluation, review, report, examination, assessment or
402 development of a plan required of the committee by this section shall
403 be submitted in accordance with the provisions of section 11-4a to the
404 Secretary of the Office of Policy and Management and to the joint
405 standing committees of the General Assembly having cognizance of
406 matters relating to appropriations, the judiciary, human services and
407 children.

408 (r) The provisions of section 2c-21 do not apply to this section.

409 Sec. 4. Subsections (d) to (f), inclusive, of section 46b-127 of the
410 general statutes are repealed and the following is substituted in lieu
411 thereof (*Effective January 1, 2018*):

412 (d) Any child whose case is transferred to the regular criminal
413 docket of the Superior Court who is detained pursuant to such case
414 prior to sentencing or disposition shall be in the custody of the
415 [Commissioner of Correction upon the finalization of such transfer. A
416 transfer shall be final (1) upon the arraignment on the regular criminal
417 docket until a motion filed by the state's attorney pursuant to
418 subsection (a) of this section is granted by the court, or (2) upon the
419 arraignment on the regular criminal docket of a transfer ordered
420 pursuant to subsection (b) of this section until the court sitting for the
421 regular criminal docket orders the case returned to the docket for
422 juvenile matters for good cause shown. Any child whose case is
423 returned to the docket for juvenile matters who is detained pursuant to

424 such case shall be in the custody of the Judicial Department.

425 (e) The transfer of a child to a Department of Correction facility shall
426 be limited as provided in subsection (d) of this section and said
427 subsection shall not be construed to permit the transfer of or otherwise
428 reduce or eliminate any other population of juveniles in detention or
429 confinement within the Judicial Department or the Department of
430 Children and Families] Judicial Department.

431 [(f)] (e) Upon the motion of any party or upon the court's own
432 motion, the case of any youth age sixteen or seventeen, except a case
433 that has been transferred to the regular criminal docket of the Superior
434 Court pursuant to subsection (a) or (b) of this section, which is pending
435 on the youthful offender docket, regular criminal docket of the
436 Superior Court or any docket for the presentment of defendants in
437 motor vehicle matters, where the youth is charged with committing
438 any offense or violation for which a term of imprisonment may be
439 imposed, other than a violation of section 14-227a, 14-227g or 14-227m
440 or subdivision (1) or (2) of subsection (a) of section 14-227n, may,
441 before trial or before the entry of a guilty plea, be transferred to the
442 docket for juvenile matters if (1) the youth is alleged to have
443 committed such offense or violation on or after January 1, 2010, while
444 sixteen years of age, or is alleged to have committed such offense or
445 violation on or after July 1, 2012, while seventeen years of age, and (2)
446 after a hearing considering the facts and circumstances of the case and
447 the prior history of the youth, the court determines that the programs
448 and services available pursuant to a proceeding in the superior court
449 for juvenile matters would more appropriately address the needs of
450 the youth and that the youth and the community would be better
451 served by treating the youth as a delinquent. Upon ordering such
452 transfer, the court shall vacate any pleas entered in the matter and
453 advise the youth of the youth's rights, and the youth shall (A) enter
454 pleas on the docket for juvenile matters in the jurisdiction where the
455 youth resides, and (B) be subject to prosecution as a delinquent child.
456 The decision of the court concerning the transfer of a youth's case from

457 the youthful offender docket, regular criminal docket of the Superior
458 Court or any docket for the presentment of defendants in motor
459 vehicle matters shall not be a final judgment for purposes of appeal.

460 Sec. 5. (NEW) (*Effective from passage*) (a) The Department of Children
461 and Families shall provide the Juvenile Justice Planning and Oversight
462 Committee established pursuant to section 46b-121n of the general
463 statutes, as amended by this act, with periodic written or oral reports,
464 together with all data requested by the committee concerning planning
465 for, and implementation of, the closure of the Connecticut Juvenile
466 Training School and the Pueblo Unit for girls.

467 (b) The department, pursuant to subsection (a) of this section, shall
468 report on any of the following, as requested by the committee:

469 (1) The conduct and results of an independent review of the
470 Connecticut Juvenile Training School and Pueblo Unit population,
471 including the risk and needs levels of the population and
472 recommendations concerning additional use of probation and other
473 alternatives in place of commitment;

474 (2) The development of a structured decision matrix to ensure that
475 children who are at risk of commitment to the department's custody
476 are referred to the appropriate level of supervision or care;

477 (3) The use of a validated risk and needs assessment tool for
478 children committed to the custody of the department, to ensure that all
479 such children are provided with appropriate programming and
480 therapeutic services in the least restrictive environment;

481 (4) The issuance by the department of any request for information
482 for private, not-for-profit providers regarding a continuum of secure
483 community-based therapeutic facilities, with a maximum of fifteen
484 beds in each facility, for children who have been committed to the
485 department; and

486 (5) Any other information deemed relevant or appropriate by the
487 committee.

488 Sec. 6. Section 46b-149 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective July 1, 2018*):

490 [(a) Any selectman, town manager, police officer or welfare
491 department of any town, city or borough, any probation officer or
492 superintendent of schools, the Commissioner of Children and Families,
493 any child-caring institution or agency approved or licensed by the
494 Commissioner of Children and Families, any youth service bureau, a
495 parent or foster parent of a child, or a child or the child's representative
496 or attorney, who believes that the acts or omissions of a child are such
497 that the child is from a family with service needs, may file a written
498 complaint setting forth those facts with the Superior Court which has
499 venue over the matter.

500 (b) The court shall refer a complaint filed under subsection (a) of
501 this section to a probation officer, who shall promptly determine
502 whether it appears that the alleged facts, if true, would be sufficient to
503 meet the definition of a family with service needs, provided a
504 complaint alleging that a child is a truant or habitual truant shall not
505 be determined to be insufficient to meet the definition of a family with
506 service needs solely because it was filed during the months of April,
507 May or June. If such probation officer so determines, the probation
508 officer shall, after an initial assessment, promptly refer the child and
509 the child's family to a suitable community-based program or other
510 service provider, or to a family support center as provided in section
511 46b-149e, for voluntary services. If the child and the child's family are
512 referred to a community-based program or other service provider and
513 the person in charge of such program or provider determines that the
514 child and the child's family can no longer benefit from its services,
515 such person shall inform the probation officer, who shall, after an
516 appropriate assessment, either refer the child and the child's family to
517 a family support center for additional services or determine whether or

518 not to file a petition with the court under subsection (c) of this section.
519 If the child and the child's family are referred to a family support
520 center and the person in charge of the family support center
521 determines that the child and the child's family can no longer benefit
522 from its services, such person shall inform the probation officer, who
523 may file a petition with the court in the manner prescribed in
524 subsection (c) of this section. The probation officer shall inform the
525 complainant in writing of the probation officer's action under this
526 subsection. If it appears that the allegations are not true, or that the
527 child's family does not meet the definition of a family with service
528 needs, the probation officer shall inform the complainant in writing of
529 such finding.]

530 (a) The provisions of this section in effect on June 30, 2017, revision
531 of 1958, revised to January 1, 2017, shall be applicable to any petition
532 filed in accordance with such provisions on or before June 30, 2017.

533 [(c)] (b) A petition alleging that a child is from a family with service
534 needs shall be verified and filed with the Superior Court which has
535 venue over the matter. The petition shall set forth plainly: (1) The facts
536 which bring the child within the jurisdiction of the court; (2) the name,
537 date of birth, sex and residence of the child; (3) the name and residence
538 of the child's parent or parents, guardian or other person having
539 control of the child; and (4) a prayer for appropriate action by the court
540 in conformity with the provisions of this section.

541 [(d)] (c) When a petition is filed under subsection [(c)] (b) of this
542 section, the court may issue a summons to the child and the child's
543 parents, guardian or other person having control of the child to appear
544 in court at a specified time and place. The summons shall be signed by
545 a judge or by the clerk or assistant clerk of the court, and a copy of the
546 petition shall be attached to it. Whenever it appears to the judge that
547 orders addressed to an adult, as set forth in section 46b-121, are
548 necessary for the welfare of such child, a similar summons shall be
549 issued and served upon such adult if he or she is not already in court.

550 Service of summons shall be made in accordance with section 46b-128.
551 The court may punish for contempt, as provided in section 46b-121,
552 any parent, guardian or other person so summoned who fails to
553 appear in court at the time and place so specified. If a petition is filed
554 under subsection [(c)] (b) of this section alleging that a child is from a
555 family with service needs because a child is a truant or habitual truant,
556 the court may not dismiss such petition solely because it was filed
557 during the months of April, May or June.

558 [(e)] (d) When a petition is filed under subsection [(c)] (b) of this
559 section alleging that a child is from a family with service needs because
560 such child has been habitually truant, the court shall order that the
561 local or regional board of education for the town in which the child
562 resides, or the private school in the case of a child enrolled in a private
563 school, shall cause an educational evaluation of such child to be
564 performed if no such evaluation has been performed within the
565 preceding year. Any costs incurred for the performance of such
566 evaluation shall be borne by such local or regional board of education
567 or such private school.

568 [(f)] (e) If it appears from the allegations of a petition or other sworn
569 affirmations that there is: (1) A strong probability that the child may do
570 something that is injurious to himself prior to court disposition; (2) a
571 strong probability that the child will run away prior to the hearing; or
572 (3) a need to hold the child for another jurisdiction, a judge may vest
573 temporary custody of such child in some suitable person or agency. No
574 nondelinquent juvenile runaway from another state may be held in a
575 state-operated detention home in accordance with the provisions of
576 section 46b-151h, the Interstate Compact for Juveniles. A hearing on
577 temporary custody shall be held not later than ten days after the date
578 on which a judge signs an order of temporary custody. Following such
579 hearing, the judge may order that the child's temporary custody
580 continue to be vested in some suitable person or agency. Any expenses
581 of temporary custody shall be paid in the same manner as provided in
582 subsection (b) of section 46b-129.

583 [(g)] (f) If a petition is filed under subsection [(c)] (b) of this section
584 and it appears that the interests of the child or the family may be best
585 served, prior to adjudication, by a referral to community-based or
586 other services, the judge may permit the matter to be continued for a
587 reasonable period of time not to exceed six months, which time period
588 may be extended by an additional three months for cause. If it appears
589 at the conclusion of the continuance that the matter has been
590 satisfactorily resolved, the judge may dismiss the petition.

591 [(h)] (g) If the court finds, based on clear and convincing evidence,
592 that a child is from a family with service needs, the court may, in
593 addition to issuing any orders under section 46b-121: (1) Refer the
594 child to the Department of Children and Families for any voluntary
595 services provided by the department or, if the child is from a family
596 with service needs solely as a result of a finding that the child is a
597 truant or habitual truant, to the authorities of the local or regional
598 school district or private school for services provided by such school
599 district or such school, which services may include summer school, or
600 to community agencies providing child and family services; (2) order
601 the child to remain in the child's own home or in the custody of a
602 relative or any other suitable person (A) subject to the supervision of a
603 probation officer, or (B) in the case of a child who is from a family with
604 service needs solely as a result of a finding that the child is a truant or
605 habitual truant, subject to the supervision of a probation officer and
606 the authorities of the local or regional school district or private school;
607 (3) if the child is from a family with service needs as a result of the
608 child engaging in sexual intercourse with another person and such
609 other person is thirteen years of age or older and not more than two
610 years older or younger than such child, (A) refer the child to a youth
611 service bureau or other appropriate service agency for participation in
612 a program such as a teen pregnancy program or a sexually transmitted
613 disease program, and (B) require such child to perform community
614 service such as service in a hospital, an AIDS prevention program or
615 an obstetrical and gynecological program; or (4) upon a finding that

616 there is no less restrictive alternative, commit the child to the care and
617 custody of the Commissioner of Children and Families for an
618 indefinite period not to exceed eighteen months. The child shall be
619 entitled to representation by counsel and an evidentiary hearing. If the
620 court issues any order which regulates future conduct of the child,
621 parent or guardian, the child, parent or guardian shall receive
622 adequate and fair warning of the consequences of violation of the
623 order at the time it is issued, and such warning shall be provided to the
624 child, parent or guardian, to his or her attorney and to his or her legal
625 guardian in writing and shall be reflected in the court record and
626 proceedings.

627 [(i)] (h) At any time during the period of supervision, after hearing
628 and for good cause shown, the court may modify or enlarge the
629 conditions, whether originally imposed by the court under this section
630 or otherwise, as deemed appropriate by the court. The court shall
631 cause a copy of any such orders to be delivered to the child and to such
632 child's parent or guardian and probation officer.

633 [(j)] (i) (1) The Commissioner of Children and Families may file a
634 motion for an extension of a commitment under this section on the
635 grounds that an extension would be in the best interest of the child.
636 The court shall give notice to the child and the child's parent or
637 guardian at least fourteen days prior to the hearing upon such motion.
638 The court may, after hearing and upon finding that such extension is in
639 the best interest of the child and that there is no suitable less restrictive
640 alternative, continue the commitment for an additional indefinite
641 period of not more than eighteen months. (2) The Commissioner of
642 Children and Families may at any time file a motion to discharge a
643 child committed under this section, and any child committed to the
644 commissioner under this section, or the parent or guardian of such
645 child, may at any time but not more often than once every six months
646 file a motion to revoke such commitment. The court shall notify the
647 child, the child's parent or guardian and the commissioner of any
648 motion filed under this subsection, and of the time when a hearing on

649 such motion will be held. Any order of the court made under this
650 subsection shall be deemed a final order for purposes of appeal, except
651 that no bond shall be required and no costs shall be taxed on such
652 appeal. (3) Not later than twelve months after a child is committed to
653 the Commissioner of Children and Families in accordance with
654 subdivision (4) of subsection [(h)] (g) of this section or section 46b-149f,
655 the court shall hold a permanency hearing in accordance with
656 subsection [(k)] (j) of this section. After the initial permanency hearing,
657 subsequent permanency hearings shall be held at least once every
658 twelve months while the child remains committed to the
659 Commissioner of Children and Families.

660 [(k)] (j) At least sixty days prior to each permanency hearing
661 required under subsection [(j)] (i) of this section, the Commissioner of
662 Children and Families shall file a permanency plan with the court. At
663 each permanency hearing, the court shall review and approve a
664 permanency plan that is in the best interests of the child and takes into
665 consideration the child's need for permanency. Such permanency plan
666 may include the goal of: (1) Revocation of commitment and
667 subsequent placement of the child with the parent or guardian, (2)
668 transfer of guardianship, (3) permanent placement with a relative, (4)
669 adoption, or (5) any other planned permanent living arrangement
670 ordered by the court, provided the Commissioner of Children and
671 Families has documented a compelling reason why it would not be in
672 the best interest of the child for the permanency plan to include the
673 goals set forth in subdivisions (1) to (4), inclusive, of this subsection.
674 Such other planned permanent living arrangement may include, but
675 not be limited to, placement of the child in an independent living
676 program. At any such permanency hearing, the court shall also
677 determine whether the Commissioner of Children and Families has
678 made reasonable efforts to achieve the goals in the permanency plan.

679 Sec. 7. (NEW) (*Effective from passage*) Not later than June 30, 2019, the
680 Department of Education shall implement the community-based
681 diversion system, as planned by the Juvenile Justice and Policy

682 Oversight Committee pursuant to subsection (k) of section 46b-121n of
683 the general statutes, as amended by this act, provided the department
684 can implement such system within existing resources.

685 Sec. 8. (*Effective from passage*) (a) Not later than August 15, 2018, the
686 Commissioner of Education and the superintendent of the technical
687 high school system shall implement the plan pursuant to subsection
688 (p) of section 46b-121n of the general statutes, as amended by this act,
689 for the creation and implementation of a system for improving
690 vocational and education outcomes for children involved in the
691 juvenile justice system.

692 (b) Upon the request of the Juvenile Justice and Policy Oversight
693 Committee established pursuant to section 46b-121n of the general
694 statutes, as amended by this act, a state agency shall timely provide to
695 the committee and the commissioner and superintendent any
696 statistical data and other information relevant and in support of the
697 implementation of the plan required by this section.

698 Sec. 9. Subdivision (5) of section 46b-120 of the general statutes is
699 repealed and the following is substituted in lieu thereof (*Effective July*
700 *1, 2018*):

701 (5) "Family with service needs" means a family that includes a child
702 who is at least seven years of age and is under eighteen years of age
703 who, according to a petition lawfully filed on or before June 30, 2018,
704 (A) has without just cause run away from the parental home or other
705 properly authorized and lawful place of abode, (B) is beyond the
706 control of the child's or youth's parent, parents, guardian or other
707 custodian, (C) has engaged in indecent or immoral conduct, (D) is a
708 truant or habitual truant or who, while in school, has been
709 continuously and overtly defiant of school rules and regulations, or (E)
710 is thirteen years of age or older and has engaged in sexual intercourse
711 with another person and such other person is thirteen years of age or
712 older and not more than two years older or younger than such child or

713 youth;

714 Sec. 10. Subsection (l) of section 46b-124 of the general statutes is
715 repealed and the following is substituted in lieu thereof (*Effective July*
716 *1, 2018*):

717 (l) Notwithstanding the provisions of subsection (d) of this section,
718 any information concerning a child that is obtained during any
719 detention screening or mental health screening or assessment of such
720 child [, during the provision of services pursuant to subsection (b) of
721 section 46b-149, or] during the performance of an educational
722 evaluation pursuant to subsection [(e)] (d) of section 46b-149, as
723 amended by this act, shall be used solely for planning and treatment
724 purposes and shall otherwise be confidential and retained in the files
725 of the entity providing such services or performing such screening,
726 assessment or evaluation. Such information may be further disclosed
727 only for the purposes of any court-ordered evaluation or treatment of
728 the child or provision of services to the child, or pursuant to sections
729 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Any
730 information concerning a child that is obtained during the
731 administration of the detention screening instrument in accordance
732 with section 46b-133 shall be used solely for the purpose of making a
733 recommendation to the court regarding the detention of the child. Such
734 information shall not be subject to subpoena or other court process for
735 use in any other proceeding or for any other purpose.

736 Sec. 11. Subsections (a) and (b) of section 46b-149f of the general
737 statutes are repealed and the following is substituted in lieu thereof
738 (*Effective July 1, 2018*):

739 (a) When a child who has been adjudicated as a child from a family
740 with service needs in accordance with section 46b-149, as amended by
741 this act, violates any valid order which regulates future conduct of the
742 child made by the court following such an adjudication, a probation
743 officer, on receipt of a complaint setting forth facts alleging such a

744 violation, or on the probation officer's own motion on the basis of his
745 or her knowledge of such a violation, may file a petition with the court
746 alleging that the child has violated a valid court order and setting forth
747 the facts claimed to constitute such a violation. Service shall be made
748 in the same manner as set forth for a summons in subsection [(d)] (c) of
749 section 46b-149, as amended by this act. The child shall be entitled to
750 representation by counsel and an evidentiary hearing on the
751 allegations contained in the petition. If the court finds, by clear and
752 convincing evidence, that the child has violated a valid court order, the
753 court may (1) order the child to remain in such child's home or in the
754 custody of a relative or any other suitable person, subject to the
755 supervision of a probation officer or an existing commitment to the
756 Commissioner of Children and Families, (2) upon a finding that there
757 is no less restrictive alternative appropriate to the needs of the child
758 and the community, enter an order that directs or authorizes a peace
759 officer or other appropriate person to place the child in a staff-secure
760 facility under the auspices of the Court Support Services Division for a
761 period not to exceed forty-five days, with court review every fifteen
762 days to consider whether continued placement is appropriate, at the
763 end of which period the child shall be returned to the community and
764 may be subject to the supervision of a probation officer, or (3) order
765 that the child be committed to the care and custody of the
766 Commissioner of Children and Families for a period not to exceed
767 eighteen months and that the child cooperate in such care and custody.

768 (b) When a child who has been adjudicated as a child from a family
769 with service needs in accordance with section 46b-149, as amended by
770 this act, is under an order of supervision or an order of commitment to
771 the Commissioner of Children and Families and believed to be in
772 imminent risk of physical harm from the child's surroundings or other
773 circumstances, a probation officer, on receipt of a complaint setting
774 forth facts alleging such risk, or on the probation officer's own motion
775 on the basis of his or her knowledge of such risk, may file a petition
776 with the court alleging that the child is in imminent risk of physical

777 harm and setting forth the facts claimed to constitute such risk. Service
 778 shall be made in the same manner as set forth for a summons in
 779 subsection [(d)] (c) of section 46b-149, as amended by this act. If it
 780 appears from the specific allegations of the petition and other verified
 781 affirmations of fact accompanying the petition, or subsequent thereto,
 782 that there is probable cause to believe that (1) the child is in imminent
 783 risk of physical harm from the child's surroundings, (2) as a result of
 784 such condition, the child's safety is endangered and immediate
 785 removal from such surroundings is necessary to ensure the child's
 786 safety, and (3) there is no less restrictive alternative available, the court
 787 shall enter an order that directs or authorizes a peace officer or other
 788 appropriate person to place the child in a staff-secure facility under the
 789 auspices of the Court Support Services Division for a period not to
 790 exceed forty-five days, subject to subsection (c) of this section, with
 791 court review every fifteen days to consider whether continued
 792 placement is appropriate, at the end of which period the child shall
 793 either be (A) returned to the community for appropriate services,
 794 subject to the supervision of a probation officer or an existing
 795 commitment to the Commissioner of Children and Families, or (B)
 796 committed to the Department of Children and Families for a period
 797 not to exceed eighteen months if a hearing has been held and the court
 798 has found, based on clear and convincing evidence, that (i) the child is
 799 in imminent risk of physical harm from the child's surroundings, (ii) as
 800 a result of such condition, the child's safety is endangered and removal
 801 from such surroundings is necessary to ensure the child's safety, and
 802 (iii) there is no less restrictive alternative available. Any such child
 803 shall be entitled to the same procedural protections as are afforded to a
 804 delinquent child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2017</i>	4-68t
Sec. 3	<i>October 1, 2017</i>	46b-121n

Sec. 4	<i>January 1, 2018</i>	46b-127(d) to (f)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2018</i>	46b-149
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>July 1, 2018</i>	46b-120(5)
Sec. 10	<i>July 1, 2018</i>	46b-124(l)
Sec. 11	<i>July 1, 2018</i>	46b-149f(a) and (b)

Statement of Purpose:

To implement the recommendations of the Juvenile Justice Policy and Oversight Committee.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]