



PA 18-31—sHB 5041

Judiciary Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING THE TRANSFER OF JUVENILE SERVICES FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH

SUMMARY: Starting on July 1, 2018, this act transfers legal authority from the Department of Children and Families (DCF) to the judicial branch over any child who was committed to DCF as delinquent pursuant to a juvenile court order entered before that date. The branch’s Court Support Services Division (CSSD) must, in turn, assume responsibility for supervising the children and may exercise its powers, duties, and functions to provide such supervision (§ 8). Under existing law, the juvenile court is prohibited, starting July 1, 2018, from committing a child to DCF as a result of a delinquency adjudication.

The act makes numerous changes to conform with the transferred responsibility by eliminating statutory references to (1) children committed to DCF for delinquency and (2) the Connecticut Juvenile Training School (CJTS), which was a DCF-run secure detention facility for juveniles that permanently closed in April 2018 (§§ 10-14, 16, 18, 19, 21-22 & 35).

The act also makes several other changes in the juvenile justice statutes. Principally, it:

1. specifies that, as required under existing law, CSSD and other state agencies must develop a community-based diversion system and school-based diversion plan (§§ 1 & 2);
2. specifies a deadline by which the appropriate school district must enroll a child in detention who is not otherwise enrolled in school and requires that the student remain enrolled in that district for the duration of his or her detention (§ 3);
3. requires school districts with over 6,000 students enrolled in the 2016-17 school year to designate at least one liaison to facilitate transitions between the district and the juvenile and criminal justice systems (§ 4);
4. requires the technical high school system superintendent and board, by January 1, 2019, to develop a plan to address education, training, and work experience for children in post-conviction justice system custody (§ 5);
5. requires the State Department of Education (SDE), by January 1, 2020, to develop a plan related to a statewide information technology platform (§ 6);
6. imposes various new juvenile justice-related reporting requirements on the Juvenile Justice Policy and Oversight Committee (JJPOC) and certain

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- state agencies (§ 7);
7. deems any child transferred to CSSD under the act to be on probation for no longer than his or her remaining delinquency commitment to DCF as of June 30, 2018, and requires the court to review and, if appropriate, modify the probation conditions (§§ 8 & 37);
 8. designates the chief court administrator or his designee, instead of the DCF commissioner or her designee, as state administrator of the Interstate Compact for Juveniles (the compact enables states to transfer a juvenile's supervision between states and return a runaway juvenile to his or her home state) (§§ 9 & 18);
 9. eliminates obsolete definitions for "youth" and "mentally deficient" in the juvenile matters statutes, but preserves the definition of "youth" (i.e., a 16- or 17-year-old) in the DCF statutes (§§ 15 & 25);
 10. modifies some of the circumstances in which a child may be charged with a serious juvenile offense (§§ 15 & 25);
 11. eliminates criteria that made someone eligible for appointment to the state Advisory Council on Children and Families if he or she (a) represents young people, parents, and others interested in delivering juvenile justice services or (b) is a parent, foster parent, or family member of a child who has received or is receiving juvenile justice services (§ 17);
 12. eliminates provisions that permitted the DCF commissioner, in certain circumstances, to transfer a child committed to the department to the John R. Manson Youth Institution or York Correctional Institution, as appropriate (§§ 20 & 43);
 13. allows the Department of Correction (DOC) to transfer an inmate under age 18 to CSSD under certain conditions, instead of allowing it to transfer such an inmate to DCF, as under prior law (§ 23);
 14. modifies the probation conditions the court may order, allows a juvenile probation supervisor's designee to establish the term of a child's court-ordered nonjudicial supervision, and makes various other changes to laws related to juvenile probation (§§ 25, 27, 31, 32 & 36-38);
 15. eliminates a provision that (a) explicitly allowed a judge hearing a juvenile matter to make any order in connection to it that a Superior Court judge is authorized to grant and (b) gave such an order the same force and effect as a Superior Court order (§ 27);
 16. modifies various juvenile justice system goals (§ 28);
 17. permits the judicial branch to contract to establish secure residential facilities and requires it to develop a continuum of community-based programs (§ 29);
 18. permits, instead of requires, the judicial branch to consult with the Commission on Racial and Ethnic Disparity in the Criminal Justice System to address the needs of minorities in the juvenile justice system (§ 29);
 19. limits the circumstances in which DCF employees may access juvenile court records and adds to the records of delinquency proceedings that must be disclosed to the Department of Motor Vehicles (DMV) (§ 30);

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20. eliminates a requirement that a law enforcement officer who arrests a youth for prostitution report suspected abuse or neglect to DCF (§ 33);
 21. limits and modifies the ways that a juvenile court may dispose of a delinquency adjudication and adds to the factors the court must consider when making a disposition (§ 36);
 22. repeals several provisions pertaining to DCF responsibility for juveniles adjudicated delinquent, CJTS, and certain CSSD responsibilities (§ 43); and
 23. makes minor, technical, and conforming changes (§§ 26, 34 & 39-42).
- EFFECTIVE DATE: July 1, 2018; except the provisions on the community-based diversion system and school-based diversion plan, school district liaisons, the technical high school system, the statewide information technology platform, and various reporting requirements are effective upon passage; and the provision on school enrollment of students at detention facilities takes effect August 1, 2018.

§ 3 — SCHOOL ENROLLMENT OF STUDENTS PLACED IN DETENTION FACILITIES

Existing law requires the home school district of a student in detention who is not enrolled in school, or if it cannot be identified, the district where the detention center housing the student is located, to re-enroll the student upon receiving notice from the detention facility, regardless of why the student is not enrolled. The act requires the respective district to enroll the student no more than three business days after receiving the notice.

Under the act, a student enrolled in a school district who is placed in a juvenile detention facility must (1) remain enrolled in that district for the duration of his or her detention, unless the student voluntarily terminates enrollment, and (2) be allowed to return to the district immediately upon discharge from detention into the community.

Under the act, when a juvenile detention facility's educational services provider learns that a child will be discharged from the facility, the provider must immediately notify the jurisdiction where the child will continue his or her education.

§ 4 — SCHOOL DISTRICT LIAISONS

The act requires each eligible school district (i.e., district with at least 6,000 students enrolled during the 2016-2017 school year) to designate and maintain at least one employee as a liaison to facilitate transitions between the district and the juvenile and criminal justice systems.

The district must notify CSSD in writing, by August 1st annually, of the liaison's name, professional title, and contact information.

Under the act, the liaison must assist the school district, CSSD, and any relevant educational service providers in ensuring that:

1. anyone under age 22 in justice system custody is promptly evaluated for special education services eligibility;
2. students in justice system custody and returning to the community are

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promptly enrolled in school and receive appropriate credit for school work completed in custody; and

3. all of the relevant records for such students are promptly transferred to the appropriate school district or educational service provider.

Under this section and sections 5 through 7 of the act, “justice system custody” and “post-conviction justice system custody” mean physical or legal custody or control of a child in a facility or program run by or under contract with DOC or CSSD, either pending or pursuant to an adjudication or conviction for a delinquent act or criminal offense. And a child includes:

1. a person who is age 18 or older and (a) committed a delinquent act before turning 18, (b) violates a court order or probation condition with respect to a delinquency proceeding, or (c) willfully fails to appear in response to a summons or other court hearing in a delinquency proceeding for which he or she received notice and
2. anyone else under age 18.

§ 5 — VOCATIONAL, TECHNICAL, AND TECHNOLOGICAL EDUCATION FOR CHILDREN IN POST-CONVICTION CUSTODY

By January 1, 2019, the act requires the technical high school system’s board and superintendent to develop and submit a plan to address vocational, technical, and technological education, training, and work experience for children in post-conviction justice system custody. The plan must provide that the education, training, and work experience must, at a minimum, ensure that each child can earn at least one credit to meet high school graduation requirements.

The plan may be incorporated into the summary report that the system submits biennially to the Education Committee under existing law, but it must also be separately submitted to that committee and JJPOC.

§ 6 — STATEWIDE INFORMATION TECHNOLOGY PLATFORM

The act requires SDE, by January 1, 2020, to develop and implement a plan to incentivize and support school district participation in a statewide information technology platform that allows real-time educational record sharing among schools and school districts.

By February 1, 2019, the SDE commissioner must provide information on progress towards that plan to the Education Committee and JJPOC.

§ 7 — NEW REPORTING REQUIREMENTS

Confinement Conditions at Manson Youth Institution

The act requires JJPOC to periodically request, receive, and review information on confinement conditions, including available services, for individuals under age 18 who are detained at John R. Manson Youth Institution in Cheshire.

By October 1, 2018, JJPOC must report to the Appropriations, Children’s, Human Services, and Judiciary committees and the Office of Policy and Management (OPM) secretary on current confinement conditions, including

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services available, for people under age 18 who are detained or incarcerated in correctional facilities, juvenile secure facilities, and out-of-home placements in the juvenile and criminal justice systems. The report must include (1) any gaps in services and (2) the continued availability and use of mental health, education, rehabilitative, and family services.

Juvenile Justice Reinvestment Plan

By January 1, 2020, JJPOC must report to the same committees (see above) and the OPM secretary on a juvenile justice reinvestment plan. The report must study and make recommendations for reinvesting savings from the decreased use of incarceration and congregate care towards (1) strategic investments in home-, school-, and community-based behavioral health services and (2) supports for children diverted from, or involved with, the juvenile justice system.

Compliance with Prohibition on Out-of-School Suspension

By January 1, 2019, the act also requires DOC and CSSD to begin annually reporting to JJPOC on their compliance with the law prohibiting out-of-school suspension for children residing in state facilities and those facilities managed by a state-contracted private provider. The report must present evidence of compliance with the law and include data on all individuals under age 18 who were removed or excluded from educational settings due to alleged behavior.

De-Escalation, Rearrests, and Confinement

By January 1, 2019, the act requires all state agencies that detain or hold in custody a person under age 18 involved with the juvenile or criminal justice system or that contract for housing such a person to begin annually reporting to JJPOC on compliance with the law requiring congregate care settings to (1) promote de-escalation and (2) monitor and track de-escalation efforts. The report must include (1) evidence of compliance in both direct-run and contract facilities and (2) data on all rearrests and use of confinements and restraints for youth in justice system custody.

§ 7 — JUVENILE JUSTICE SYSTEM VOCATIONAL AND ACADEMIC EDUCATION SERVICES AND PROGRAMS

Under the act, by July 1, 2018, JJPOC must convene a subcommittee to develop a detailed plan on (1) the overall coordination, oversight, supervision, and direction of all vocational and academic education services and programs for children in justice system custody and (2) providing education-related transitional support services for children returning to the community from justice system custody.

The subcommittee must submit it to the Education Committee by January 1, 2020.

For the purposes of the plan, “school” means a program or institution, or any project or unit of it, that provides academic or vocational education programming for children in justice system custody.

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Subcommittee Membership

The act designates appointing authorities and qualifications for the subcommittee members, as described in Table 1.

Table 1: Subcommittee Members

Designating Authorities	Members	Qualifications
Bridgeport and Hartford school districts	One each	None specified
DOC and SDE commissioners	One each	None specified
CSSD executive director	One	None specified
OPM secretary	One	Expert in state budgeting who can help obtain data on relevant expenditures and available resources
JJPOC chairpersons	Three total	Experts with significant career experience providing and coordinating education in justice system settings, but who are not state employees
Executive director of an organization that advocates for legal rights of the state's most vulnerable children	One	A representative of students' and families' interests
Executive director of an organization with the mission of stopping the criminalization of the state's children	One	A representative of students' and families' interests

Plan Requirements. Under the act, the plan must:

1. identify a single state agency, and designate a program manager in that agency, to be responsible for planning, coordination, oversight, supervision, quality control, legal compliance, and allocation of relevant state and federal funds for children in justice system custody;
2. describe how educational services will be provided to children in custody and how education-related supports will be provided to children during transitions out of custody, either through the designated agency or a statewide contract with a single nonprofit provider;
3. analyze resources expended to (a) educate children in custody and (b) support educational success during transitions out of custody;
4. make recommendations for consolidating and reallocating resources toward the oversight, accountability, services, and supports the coordinating agency will provide;
5. ensure a range of pathways to educational and economic opportunity for children in justice system custody, including at least a traditional high school diploma program, an accelerated credit recovery program,

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- vocational training programs, and access to post-secondary education;
6. specify components of a statewide accountability and quality control system for schools that serve children in justice system custody (see below);
 7. ensure the statewide education system for children in justice system custody includes certain specified criteria (see below);
 8. include a protocol for educational support of children transitioning into and out of justice system custody, including (a) team-based reentry planning for every child, (b) clear and ambitious timelines for transferring educational records at intake and release, and (c) timelines for reenrollment and credit transfer; and
 9. recommend any legislation necessary or appropriate to implement the plan's provisions and provide a timeline for implementation.

Specifications for Statewide Accountability and Quality Control System. The act requires the statewide accountability and quality control system to include:

1. achievement benchmarks for each school quality measurement;
2. written educational quality standards for schools that serve children in custody;
3. provisions to ensure each school serving children in custody seeks and obtains external accreditation by a recognized accrediting agency; and
4. a set of supports, interventions, and remedies to implement when a school serving children in justice system custody falls consistently or significantly short of quality benchmarks.

The system must also include a program for quality control and evaluation of schools serving children in custody, including in-person observation and monitoring at least annually of each school serving such children. The monitoring must be conducted by experts in special education and education in justice-system settings.

Additionally, the system must require an annual specialized school profile and performance report for each school that serves children in custody. The profile and report must be consistent with other accountability systems the law requires and include criteria and metrics tailored to measure the quality of schools that serve these children. The report metrics must include:

1. growth in reading and math;
2. credit accumulation;
3. modified graduation rates and high school equivalent passage rates;
4. school attendance, defined as the percentage of children who are physically present in classrooms for school and educational programs;
5. the percentage of students pursuing a high school diploma, an industry-based certification, a recognized high school diploma equivalent, credits for advanced courses, and post-secondary education;
6. performance in educating children with exceptionalities, including identifying special education needs, developing best practices for individualized education programs (IEPs), and providing IEP-mandated services and supports;
7. reenrollment in school or other educational or vocational training

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- programs after leaving custody;
- 8. success in post-release high school, post-secondary education, or job-training programs; and
- 9. compliance with the plan's protocols for supporting educational transitions.

Provisions for the Statewide Education System. Under the act, the plan must include provisions to ensure that the statewide education system for children in justice system custody includes engaging:

1. at least one curriculum development specialist to (a) support learning in schools that serve children in justice system custody and (b) develop a flexible, high-interest, modular curriculum aligned with state standards and adapted to educate such children;
2. at least one professional development and teacher training specialist to support teachers in schools that serve such children; and
3. professional reentry coordinators to support educational success in children returning to the community.

§§ 8 & 37 — PROBATION FOR CHILDREN TRANSFERRED TO CSSD

Under the act, any child transferred from DCF to CSSD commitment must be deemed to be on probation for a period no longer than his or her remaining commitment as of June 30, 2018. Any parole supervision condition in place on that date must become the interim conditions of the remaining probation supervision. The act requires the juvenile court, by October 1, 2018, to conduct an in-court review for each such child to determine whether those interim conditions must continue or be modified for the remainder of the probation supervision period. The court must notify any identified victim of the time and date of the review.

Following the review, the court may (1) order that the interim conditions remain in effect without modification until the end of the supervision period or (2) modify the conditions for good cause shown. No probation period for a child transferred from DCF to CSSD under the act may extend beyond the remaining commitment period as of June 30, 2018, or 30 months total, whichever is shorter (see “Probation Supervision” below).

§§ 28 & 36 — DELINQUENCY DISPOSITIONS

The act makes various changes in the law regarding disposition of juvenile delinquency adjudications.

Factors the Court Must Consider

The act adds the following factors to those the court must consider when determining the appropriate disposition for a child adjudicated as delinquent:

1. age and intellectual, cognitive, and emotional development;
2. prior involvement with (a) juvenile probation or (b) DCF as a committed delinquent;
3. history of participating in, and engaging with, programming and service

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interventions;

4. identified services, programs, and interventions that will best address the child's needs and risk of reoffending, as indicated by the CSSD-administered risk and needs assessment; and
5. level of supervision the assessment indicates and any other relevant evidence.

Under the act, a "risk and needs assessment" is a standardized tool that (1) assists juvenile probation officers in collecting and synthesizing information about a child to (a) estimate the child's risk of recidivating and (b) identify other factors that, if treated and changed, can reduce the child's likelihood of reoffending and (2) provides a guide for intervention planning.

The act also eliminates from the factors the court must consider the child's culpability in committing the offense, including his or her level of participation in planning and carrying out the offense.

Disposition

The act eliminates several of the ways that the court may dispose of a delinquency case when a child is adjudicated delinquent. Under prior law, the court could:

1. order the child to participate in an alternative incarceration program or a program at DCF's wilderness school;
2. withhold or suspend execution of any judgment; or
3. for minors convicted of possessing alcohol, impose a fine of between \$200 and \$500 for a second or subsequent offense (the first offense is an infraction with no specified fine).

The act eliminates these options and instead permits the court to discharge the child from the court's jurisdiction with or without a warning. Under the act, the court may order a child to participate in a youth service bureau program as a condition of probation, instead of allowing the court to order such participation regardless of probation status. The act also allows the court to place a child on probation supervision with or without residential placement for up to 18 months, which may be extended to up to 30 months total. Prior law permitted the court to sentence a child to probation and extend the probation as it deemed appropriate with no maximum length specified.

The act also eliminates provisions that allowed the court to commit a child to DCF if (1) following a delinquency adjudication, it found that the probation services or other services available to it were not adequate for the child or (2) a child that comes under juvenile court jurisdiction was found to be mentally ill. It also eliminates a provision that authorized a child adjudicated delinquent or judged to be from a family with service needs to be employed part-time or full-time as a condition of probation or supervision in certain circumstances.

Additionally, it eliminates an obsolete provision that allowed the court to commit a child it convicted as delinquent and found to be "mentally deficient" to an institution for "mentally deficient" children and youths.

§ 23 — TRANSFER FROM DOC TO CSSD

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Prior law permitted the DOC commissioner to transfer an inmate under age 18 from a DOC institution to DCF when he found that the inmate's health or welfare required it. The act instead permits the DOC commissioner to make such a transfer to CSSD. Under the act, the transfer is contingent on the CSSD executive director, rather than the DCF commissioner, finding that the inmate would benefit from the transfer and agreeing to accept the transfer. The act also authorizes the CSSD executive director, instead of the DCF commissioner, to (1) terminate the commitment to CSSD and release the inmate if he determines that this would be in the inmate's best interest or (2) return the inmate to DOC's jurisdiction. Under existing law, unchanged by the act, the inmate must also consent to the transfer from DOC in writing.

§§ 25, 27, 31, 32 & 36-38 — PROBATION SUPERVISION

The act specifies that a person age 18 or older who is on probation supervision with or without residential placement for a delinquency matter falls under the juvenile court's continuing jurisdiction. Anyone on juvenile probation supervision may be subject to other reasonable court-ordered restrictions or conditions and required to participate in a variety of appropriate programmatic services. The act replaces references to "probation" throughout the juvenile matters statutes with "probation supervision."

Definitions Related to Probation Supervision (§ 25)

The act defines:

1. "probation supervision" as a legal status under which a juvenile who has been adjudicated delinquent is placed by court order under juvenile probation supervision for a specified period of time and on terms the court determines;
2. "probation supervision with residential placement" as probation supervision that includes a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of community supervision;
3. "secure residential facility" as a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting; and
4. "staff-secure residential facility" as a residential facility that provides residential treatment for children in a structured setting where staff monitor the children.

Probation Supervision Conditions (§ 36)

As under prior law, the act allows the court, when setting conditions on probation supervision with or without residential placement, to order that the child:

1. reside with a parent, relative, or guardian, or in a suitable court-approved residence;

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2. attend school and class on a regular basis and comply with school conduct and discipline policies;
3. refrain from violating any laws or ordinances;
4. undergo any medical or psychiatric evaluation the court deems necessary;
5. submit to random drug or alcohol testing, or both;
6. participate in an alcohol or drug treatment program, or both;
7. participate in a community service program; and
8. satisfy any other conditions the court deems appropriate.

The act eliminates as a condition participating in an alternative incarceration program or other program CSSD establishes.

The act also specifies that the court may order, as a condition of probation supervision with or without residential placement, that the child:

1. participate in a youth service bureau program;
2. obtain technical or vocational training, or both;
3. make a good faith effort to obtain and maintain employment;
4. be placed in an appropriate residential facility and remain there until discharged;
5. not leave the state without notifying and receiving permission from his or her probation officer;
6. notify his or her probation officer of any change of address or phone number within 48 hours of the change;
7. make all reasonable efforts to keep all appointments scheduled by the probation officer, evaluators, and therapists, and notify the probation officer if unable to keep an appointment;
8. obey any graduated responses his or her probation officer orders; and
9. not contact any victim of the offense.

The act also allows the court to require a child's parents or guardian, in addition to or instead of the child, to make restitution to the victim of the offense.

Under the act, at any time during the probation supervision with or without residential placement, the court may modify or enlarge the probation conditions for good cause shown. The act also caps the length of time the court may extend the probation period at up to 12 months for a total supervision period of 30 months. Prior law allowed the court to extend the probation as deemed appropriate with no maximum length specified.

Juvenile Probation Officer Responsibilities (§ 31)

Existing law requires juvenile probation officers to investigate and report as the court directs or the law requires. In addition to investigating and reporting, the act requires these officers to make recommendations to the court, including pre-dispositional studies. Under the act, the officers must provide supervision and make referrals to pre- and post-adjudication services based on the juvenile's risks and needs, as determined by the risk and needs assessment. The officers must work collaboratively with treatment providers to ensure programs and services are adequately addressing the needs of juveniles they supervise.

The act requires the officers to keep records of all cases they investigate or that come under their care, instead of requiring them to preserve a record of all

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such cases.

Under the act, a “pre-dispositional study” is a comprehensive written report prepared by a juvenile probation officer regarding the child’s social, medical, mental health, educational, risks and needs, and family history, as well as the event surrounding the offense to present a supported recommendation to the court.

Case Review Team Meeting (§ 36)

Under the act, the court may authorize the child’s probation officer, at any time during the probation supervision period, to convene a case review team meeting with the child and his or her attorney on any case (1) being considered for residential placement or (2) that is complex and could benefit from a multi-systemic approach. The probation officer and supervisor must facilitate the meeting, which may also include the child’s family, the state’s attorney, school officials, treatment providers, and state agency representatives, as deemed appropriate. Any recommendations to modify the probation supervision conditions, including residential placement, must be presented to the court for consideration and approval.

Probation Supervision with Residential Placement (§§ 25 & 36)

Under the act, a child may only be placed on probation supervision with residential placement in a secure or staff-secure facility if CSSD has completed a current pre-dispositional study that the court has reviewed and the (1) placement is indicated by the child’s clinical and behavioral needs or (2) level of risk the child poses to public safety cannot be managed in a less restrictive setting. The court must consider all relevant reports, evaluations, and studies offered or admitted as evidence and his or her length of stay in a residential facility must be dependent on him or her making treatment progress and attaining treatment goals.

Probation Status Review Hearing (§ 37)

The act also permits the court to convene a probation status review hearing at any time during the probation supervision period. The officer may file an ex parte request for such a hearing with the court clerk, regardless of whether a new offense or violation has been filed. The court may grant the request and convene the hearing within seven days if it finds that it is in the child’s or the public’s best interest. The officer must inform the child and parent or guardian of the scheduled court date and time. The child must be represented by counsel at the hearing.

Under the act, if the child or his or her parents or guardian do not appear at the hearing, absent actual or in-hand service of the notice, the failure cannot be deemed willful. Instead, the court may continue the hearing to a future date and order the child and his or her parents or guardian to be served notice to appear in court. By agreement of the parties or when the evidentiary hearing concludes, the court may modify or enlarge the probation conditions and, if appropriate, order the child placed in a secure or staff-secure residential facility. But no such placement may be ordered unless (1) it is indicated by the child’s clinical and behavioral needs or (2) the level of risk the child poses to the public cannot be managed in a less restrictive setting.

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Violation of Probation (§§ 31 & 37)

The act permits the court, upon a finding of probable cause, to issue an order to detain a child who has absconded, escaped, or run away from a residential facility in which the child was placed by court order. All officers named in the order must be authorized to return the child to any suitable juvenile detention facility the court designates. The child must be detained pending a detention hearing to be held the next business day.

The act permits the court to issue an order to take into custody a child who violates any conditions of probation supervision. Existing law allows the court to order an arrest warrant for a child who violates any probation conditions.

The act eliminates provisions that allowed the court to continue or revoke a suspended commitment and, if the probation or suspended commitment to DCF was revoked, require the child to serve the commitment imposed or impose a lesser commitment.

The act also eliminates a requirement that CSSD notify the local law enforcement agency when the court determined that a child or youth violated probation by failing to comply with electronic monitoring requirements.

The act also eliminates provisions that permitted investigators authorized by the chief state's attorney's office to arrest any juvenile on probation without a warrant if the juvenile violated the conditions of his or her probation. The law, unchanged by the act, permits juvenile probation officers to make such arrests or deputize another officer with arrest powers to do so.

§§ 15 & 25 — SERIOUS JUVENILE OFFENSES

Under prior law, it was a serious juvenile offense for a child to run away without just cause from any secure placement, other than home, while referred as a delinquent to CSSD or committed as a delinquent to DCF for a serious juvenile offense. Under the act, it is instead a serious juvenile offense to abscond, escape, or run away, without just cause, from any secure residential facility in which the court places the child as a delinquent.

Under existing law, unchanged by the act, certain felonies constitute serious juvenile offenses. Among other things, serious juvenile offenders (1) are prohibited from obtaining gun permits, (2) are barred from certain court diversion programs, and (3) must keep the juvenile conviction on their record for a longer period than other juvenile offenders.

§§ 20 & 43 — TRANSFER OF DCF-COMMITTED CHILDREN TO DOC CUSTODY

Under prior law, when, in the opinion of the DCF commissioner or her designee, a person committed to the department who was age 14 or older was dangerous to himself or herself or others or could not be safely held at CJTS or any other facility in the state available to DCF, the department could request an immediate juvenile court hearing to determine if the person should be transferred to Manson Youth Institution (if male) or York Correctional Institution (if female). The act eliminates (1) DCF's authority to request such a transfer and (2) the

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court's authority to grant the request. The act also repeals a provision that generally designated children transferred to these facilities from DCF custody to be under the jurisdiction of DOC, which runs the facilities.

§ 28 — JUVENILE JUSTICE SYSTEM GOALS

The act requires the juvenile justice system to promote prevention efforts by supporting programs and services designed to prevent re-offending, instead of by supporting programs and services designed to meet the needs of juveniles charged with delinquency. It also makes various revisions to the statutory goals of the juvenile justice system. Principally, it requires the goals to include:

1. basing probation case planning on individual risks and needs, instead of basing probation treatment planning on individual case management plans, as under prior law;
2. providing community-based, instead of nonresidential post-release, services to juveniles returned to their families or communities; and
3. creating and maintaining developmentally appropriate, trauma-informed, gender-responsive programs for juveniles that incorporate restorative principles and practices, instead of creating and maintaining programs for juvenile offenders that are gender specific (i.e., comprehensively address the unique needs of a targeted gender group), as required under prior law.

Under prior law, another goal of the system was to promote the development and implementation of community-based programs, including mental health services, designed to prevent unlawful behavior. The act (1) eliminates the requirement that the programs include mental health services and (2) requires them to be designed to prevent reoffending instead of unlawful behavior.

§ 29 — JUDICIAL BRANCH RESPONSIBILITIES

The act permits the judicial branch to establish or contract to establish secure residential facilities and requires it to develop a continuum of community-based programs. Existing law requires the judicial branch to expand its contracted juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions, and secure placements available for the court, juvenile probation officers, and other CSSD staff (PA 17-2, JSS (§ 322)).

Contracting to Establish Secure Residential Facilities

Prior law permitted the judicial branch to contract to establish regional secure residential and regional highly supervised residential and nonresidential facilities for court-referred juveniles. Under the act, the judicial branch may instead establish or contract to establish secure and staff-secure residential facilities for court-referred juveniles. As under prior law, (1) the facilities must be exempt from DCF licensing requirements and (2) as part of a publicly bid contract, the branch may include a requirement that the contractor provide the space necessary for juvenile probation officers and other CSSD staff to perform their duties.

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Continuum of Community-Based Programs

The act eliminates a requirement that the judicial branch develop constructive programs for the prevention and reduction of delinquency and crime among juvenile offenders. Instead, it requires the branch to develop a continuum of community-based programs for reducing juvenile delinquency. When appropriate, the judicial branch must coordinate the programs with DCF; SDE; the departments of Social Services, Developmental Services, and Mental Health and Addiction Services; and any other agencies necessary.

The continuum must be:

1. designed to address the individual risks and needs of juveniles;
2. able to take into account the juvenile's history, age, maturity and social development, gender, mental health, alcohol or drug use, need for structured supervision, and other characteristics; and
3. culturally appropriate, trauma-informed, and provided in the least restrictive environment possible in a manner consistent with public safety.

The branch must develop programs that provide research and evidence-based skills training and assistance to promote independent living skills, positive activities, and social connections in the juveniles' home communities. The programs must also address:

1. anti-sociality, impulse control, and behavioral problems;
2. anger management and nonviolent conflict resolution;
3. alcohol and drug use and dependency;
4. mental health needs;
5. inappropriate sexual behavior;
6. family engagement;
7. academic disengagement; and
8. technical and vocational training needs.

§ 30 — DISCLOSURE OF JUVENILE MATTERS RECORDS AND INFORMATION

The act adds the following motor vehicle offenses to those for which records of delinquency proceedings must be disclosed to the DMV:

1. driving under the influence of drugs or alcohol (DUI) (CGS § 14-227a);
2. DUI while under age 21 with a blood alcohol content above .02% (CGS § 14-227g);
3. using, possessing with intent to use, delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia with less than one-half ounce of marijuana (CGS § 21a-267(d)); and
4. possessing less than one-half ounce of marijuana (CGS § 21a-279a).

Existing law permits DCF employees to access records of juvenile delinquency proceedings. The act limits this access by only allowing it if (1) the child who is the subject of the records is committed to the department due to abuse or neglect and (2) the court orders the department to provide services to the child. In such circumstances, the act specifically allows DCF employees to access information that identifies the child as the subject of the delinquency petition, in

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addition to the delinquency proceeding records.

The act also permits law enforcement officials to disclose information concerning a child who escaped from, or failed to return from an authorized leave from court placement to a detention center or a secure or staff-secure residential treatment facility in which the court placed him or her. Prior law permitted these officials to disclose information for a child who had escaped from a detention center or from a facility to which the court committed him or her. Existing law, unchanged by the act, also permits law enforcement to disclose information about children who allegedly committed a felony and for whom an arrest warrant has been issued.

Additionally, existing law allows information about a child who is the subject of a take into custody order or other delinquency process entered into a central computer system to be disclosed to judicial branch employees and authorized agents, law enforcement agencies, and DCF. Under the act, these disclosures are only permitted if the child is committed to DCF due to abuse or neglect. As under existing law, the disclosures must be made in accordance with the chief court administrator's policies and procedures.

§ 33 — DETENTION FACILITY PLACEMENT

By law, the court may only order a child to be placed in detention in a juvenile detention facility following an arrest or after a detention hearing if it first makes certain findings. The act modifies the findings the court must make in order to detain a child. Under existing law, the court must find that there is probable cause to believe that the child committed the acts alleged and that there is no less restrictive alternative available. The act specifies that the court must find there is no appropriate less restrictive alternative available.

The law also requires the court to make one of three additional findings in order to detain a child after he or she is arrested. Under prior law, two of those findings included that there was (1) probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition or (2) a need to hold the child to ensure his or her appearance in court as demonstrated by a previous failure to respond to court process. Under the act, the court must instead find that there is (1) probable cause to believe that the risk the child poses to public safety if released to the community prior to the hearing or disposition cannot be managed in a less restrictive setting or (2) a need to hold the child in order to ensure the child's appearance before the court or compliance with court process, as demonstrated by previous failure to respond to court process. As under existing law, the court may also order the child detained if it finds a need to hold him or her for another jurisdiction.

By law, any child confined in a community correctional center or lockup must be kept separate and apart from adult detainees. The act limits to six hours the maximum amount of time a child may be placed at such a facility.

§ 43 — REPEALERS

The act repeals provisions that:

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1. granted equal privileges to clergy of all religious denominations to provide religious instruction to inmates at CJTS and each chartered or incorporated institution to which any child may be committed by the court (CGS § 17a-201b);
2. delineated the duties and responsibilities of the judicial branch to provide programs and services to the juvenile justice system (CGS § 46b-121i);
3. required CSSD to design and make available to the judicial branch programs and probation treatment services for juvenile offenders (CGS § 46b-121j);
4. required CSSD to fund projects for a program of early intervention initiatives designed for juvenile offenders (CGS § 46b-121l);
5. required DCF to establish or designate one or more secure facilities in the state devoted to caring for and treating children under Superior Court jurisdiction (CGS § 46b-126);
6. imposed limits on how long a child could be committed to DCF as a result of a delinquency adjudication and required DCF to fulfill certain reporting requirements to the court for each such child committed to its care (CGS § 46b-141);
7. allowed the court to order an assessment for placement in an alternative incarceration program in lieu of commitment to DCF or a juvenile detention center (CGS § 46b-141a);
8. required CSSD to develop a probation treatment plan for each child referred to the division (CGS § 46b-141b); and
9. required the judicial branch to prepare and submit quarterly reports to the legislature and juvenile court judges on the number of children charged with committing serious juvenile offenses (CGS § 46b-147a).

It also repeals provisions that are generally obsolete, mainly due to the transfer of juvenile services from DCF to CSSD, including provisions that:

1. required the CJTS superintendent to notify the appropriate registrar of vital statistics when a child died at the facility (CGS § 7-63);
2. delineated DCF's responsibilities regarding CJTS (CGS § 17a-3a);
3. established the CJTS advisory group (CGS § 17a-6b);
4. required DCF to (a) annually report to the legislature on the number of children committed to the department for delinquency and (b) establish standard leave and release policies for such children (CGS §§ 17a-6c, -7a);
5. permitted DCF to place a child committed to the department for delinquency on parole if it was in the child's best interest (CGS § 17a-7);
6. (a) imposed limits on the length of time a child adjudicated delinquent could be committed to DCF and (b) allowed the commissioner to place such a child over age 14 on vocational parole if it appeared that the child could not benefit from continued school attendance (CGS § 17a-8);
7. (a) required DCF to pay for the support and maintenance of any delinquent child resident in any of the department's institutions or facilities and (b) allowed DCF to authorize medical treatment to ensure the child's good health or life (CGS § 17a-10);
8. generally designated a person committed to DCF who was transferred to

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Manson Youth Institution to be under DCF custody (as noted above, the act also eliminates DCF's authority to authorize such a transfer) (CGS § 17a-13);

9. referenced the CJTS construction project (CGS §§ 17a-27b, -27d);
10. allowed DCF to establish a two-year Raise the Grade pilot program ending by July 1, 2015 (CGS § 17a-64); and
11. allowed the DCF commissioner to authorize leave for children committed to the department for delinquency (CGS § 17-8a).