

Juvenile Diversionary Programs and Court Services

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Issue

Describe the diversionary programs and court services that are available to juveniles in Connecticut.

Summary

A juvenile offender may generally be diverted from delinquency proceedings at various stages of his or her interaction with the juvenile justice system (e.g., pre-arrest and pre-trial). Services are generally available through a town's Juvenile Review Board (JRB) or the Judicial Branch's Court Support Services Division (CSSD). JRB services are intended to divert children from juvenile court who have committed minor delinquent acts or are at risk of delinquency. CSSD oversees the programs available to juveniles in the juvenile court system, which fall into three main categories: community-based, family/home-based, and residential-based.

Juvenile Jurisdiction

Connecticut's juvenile courts have jurisdiction over children accused of committing crimes while at least age 10 and under age 18 ([CGS § 46b-120\(1\)](#)).

CSSD also oversees specific services for juveniles who are drug or alcohol dependent or who are involved in acts of school violence. Additionally, in 2019 the legislature created the motor vehicle theft and mis-use program which generally allows the suspension of delinquency proceedings for children who participate in services to address behavior related to certain vehicle-related crimes.

The legislature has recently enacted laws that (1) required the Judicial Branch to conduct a feasibility study on establishing a diversionary program to reduce child recidivism ([PA 21-33](#), § 13) and (2) establishes an implementation team, including CCSD and the Departments of Children, Correction, and Education, to develop two plans for mandatory prearrest diversion of low-risk children ([PA 21-174](#), § 12).

Generally, if a child is not qualified for, or referred to, a diversionary program and is adjudicated as delinquent, the court may place him or her under probation supervision (with or without residential placement), among other things.

Overview of Delinquency Proceedings

In Connecticut, children may be convicted as “delinquent” for violating most state or federal laws. The adjudication results from either the child’s admission to allegations or the court’s finding of guilt following a trial in juvenile court. As in adult criminal court, a conviction in juvenile court may be appealed in Appellate Court. Unlike an adult criminal conviction, a child convicted as delinquent in juvenile court is not sentenced to prison. Instead, the court may, among other things, place the child on probation, with or without residential treatment, and order the child to participate in certain programs. (OLR Report [2021-R-0182](#) provides a detailed explanation of the delinquency process.)

When a child faces felony charges, the case is either transferred to adult court automatically or may be transferred at the prosecutor’s discretion, depending on the seriousness of the alleged act. (OLR Reports [2021-R-0166](#) and [2021-R-0181](#) provide a detailed explanation of the laws governing the transfer of juveniles to adult court and youthful offender status in adult court.)

According to the Judicial Branch, generally, youthful offenders and juveniles on the regular criminal docket in adult court do not have access to juvenile services. However, accommodations are made for exceptional cases. Youthful offenders in adult court have access to the full range of adult court pretrial diversionary programs (available [here](#)).

Diversion From Delinquency Proceedings

At various stages of his or her interaction with the juvenile justice system, a juvenile offender may be diverted from delinquency proceedings. There are three possibilities below. One is instead of arrest and the other two are post-arrest options.

1. Law enforcement has broad discretion and, instead of arresting a juvenile offender, may choose to refer the juvenile offender to formal diversion services, such as a Juvenile Review Board or youth service agency in the community. (A description of each Juvenile Review

board program, and the age group they serve, is available [here](#). Juvenile review boards are described in more detail below.)

2. Pre-conviction suspended prosecution programs are available for juveniles who are drug or alcohol dependent or who are involved in acts of school violence. Successful completion of such programs results in the dismissal of the charges. (OLR Report [2016-R-0281](#) describes the programs for drug-related offenders.)
3. Delinquency proceedings may be suspended for certain juveniles who participate in the Motor Vehicle Theft or Misuse Services Program (i.e., “vehicle theft program”) to address behavior related to certain delinquency offenses involving a motor vehicle (e.g., larceny) ([PA 19-110](#)), which is described in more detail below.

Juvenile Review Boards

Juvenile review boards (JRBs) are intended to divert children from Juvenile Court who have committed minor delinquent acts or whose behavior at home or school indicates they are at risk of delinquency. JRBs operate in many towns, and most are run by a youth service bureau, police department, and the Juvenile Court. They are funded by the towns, although some have received federal money. The [Juvenile Justice Advisory Committee](#) is responsible for overseeing the distribution and use of federal funds to support youth development programs, including juvenile review boards.

The JRB process is strictly voluntary and relatively informal. Boards typically consist of people who deal professionally with children such as social workers, teachers, counselors, and police. Board staff determines a child's eligibility, explains its procedures and goals, investigates the child's behavior and background, and prepares the case for the board. Typically, the board meets with the parents and child to assess the options available to help the child. Options may include warnings and reprimand, apologizing or making restitution to the injured party, attending counseling, and performing community service. The board puts its recommendations in a contract that the child and parents must sign, and staff monitors the child to make sure he or she follows the contract. If the child does not follow the contract, the matter is returned to the board, which can modify or extend the contract or refer the child to Juvenile Court.

In 2014, the legislature established the [Juvenile Justice Policy and Oversight Committee](#) (JJPOC) to evaluate and report on juvenile justice system policies, including the quality and accessibility of JRBs available to children and youth ([CGS § 46b-121n](#)).

Court Programs and Services Available to Juveniles

Services available to juveniles in the juvenile court system fall into three main categories: community-based (four programs), family/home-based (four programs), and residential-based (six programs). CSSD oversees these programs and provide the program descriptions below. CSSD also administers a network of statewide contracted community providers that deliver these treatment and other support services to juveniles.

As mentioned earlier, per the Judicial Branch, youthful offenders and juveniles on the regular criminal docket in adult court generally do not have access to these juvenile services, but they do have access to the adult court pretrial diversionary programs (available [here](#)).

Community-Based Programs

Education Support Services (ESS). ESS navigates the special education system; attends planning and placement team (PPT) meetings with parents, other professionals, and educators; and negotiates with school districts on behalf of referred students. ESS also includes advocacy, training, and legal services. Consultation services are also available to help Juvenile Probation Officers effectively advocate for youth on their caseloads.

Vocational and Employment Services. Vocational and Employment Services provide a combination of pre-employment training programs; job readiness; and case management, including financial literacy, internships, and apprenticeships. The average length of stay is nine to 12 months.

Linking Youth in their Natural Communities (LYNC). LYNC is a center-based program for court-involved youth and their families. The program helps clients make sustainable behavioral changes by providing an array of evidence-based and informed services, including cognitive behavioral groups. LYNC has a strong focus on connecting youth and their families with appropriate community and grass roots agencies and natural supports. LYNC aims to ensure meaningful connections to natural supports that will outlast probation and program tenure.

Adolescent Sexual Behavior, Treatment and Education (ASBTE). ASBTE is a community-based program for juveniles who have exhibited inappropriate sexual behavior that has resulted in court involvement. Treatment, education, and rehabilitative services for juveniles and their families are provided in the home.

Family/Home-Based Programs

Functional Family Therapy (FFT). FFT is an evidence- and strength-based model consisting of five major components: engagement, motivation, relational assessment, behavior change, and generalization. FFT gives specific attention to both intra-familial and extra-familial factors. FFT works primarily with 11- to 18-year-old youth who have been referred for behavioral or emotional problems by the juvenile justice, mental health, school, or child welfare systems. Length of participation averages 12 to 14 sessions, over three to five months.

Multi Systemic Therapy (MST). MST is an intensive, evidence-based, family-and community-based treatment program that focuses on all aspects of chronic and violent juvenile offenders' lives (homes, schools, and neighborhoods). It blends cognitive behavioral therapy, behavior management training, family therapies, and community psychology to reach this population. The overriding goal of MST is to keep adolescents who have exhibited serious clinical problems (e.g., drug abuse, violence, and severe emotional disturbance) at home, in school, and out of trouble. Therapists on the team are on call 24 hours a day, seven days a week. Therapists work with a limited number of families at any given time.

Multi Systemic Therapy Emerging Adult (MST EA). MST EA is an adaptation of the MST model designed for young or emerging adults involved with the justice system who have mental illness or engage in substance use. A home-based therapist delivers services to treat mental illness, reduce substance use, and reduce recidivism. Coaches also work with young adults to prepare them for independent living. The average duration is seven months. The program is currently under a research study where a random selection of referred young adults will not be placed in EA but will instead be placed in a control group which provides resources to help the young adult access other services options.

Multi Systemic Therapy Family Integrated Transitions (MST FIT). MST FIT is an adaptation of the MST model designed for adolescents in residential programs with co-occurring mental health and substance use disorder. FIT is an amalgamation of MST, Dialectical Behavior Therapy (DBT), and Motivational Enhancement Therapy (MET), as well as parent skills training module. A home-based therapist delivers services for approximately six months; at least two months while the adolescent is in the residential program and at least four months after residential discharge when the adolescent is home.

Residential Programs

Helping Adolescent Males in Learning Their Options Now (HAMILTON). HAMILTON is a residential program for boys that offers brief, solution-focused, individualized services, including screening and assessment, to develop a plan of care targeting risk areas while

transitioning the youth back into their community with services and natural supports. Most clients are in this program for 14 to 30 days.

Therapeutic Respite and Assessment Center (TRAC). TRAC is a staff-secure, gender specific respite residential program for male juveniles who are detained and meet eligibility criteria. Services include on-site education, case management, volunteer service opportunities, recreation, psycho-educational groups, and medical and mental health care. The program length is 30 to 45 days.

Adolescent Male Intermediate Residential (AMIR) and Adolescent Female Intermediate Residential (AFIR). AMIR and AFIR are staff secure, residential programs for court-involved adolescents ages 13 through 17. AMIR is for males and AFIR is for females. Both programs are designed to decrease substance use, improve mental health, increase emotional regulation skills, and boost educational functioning through an onsite school. AMIR and AFIR reduce future delinquent activity by providing treatment and therapeutic services (utilizing DBT), while simultaneously coordinating comprehensive reentry services. The recommended length of stay is 120 days.

Per Diem Beds. Per diem beds are community-based residential programs that provide specialized treatment services designed to treat specific behaviors (i.e., substance use, inappropriate sexual behaviors, and significant cognitive limitations).

Re-Entry, Goal-oriented, Individualized, Opportunity to Nurture Success (REGIONS) Staff Secure. REGIONS Staff Secure are community-based treatment programs designed for adolescents on court-ordered probation supervision with residential placement. The focus of the program is to decrease recidivism, improve a youth's well-being, and ensure long-term success. An interdisciplinary treatment team provides a structured program using DBT and engages youth to define a life worth living. Family therapy is offered to improve parent-child relationships. Youth participate in community activities with staff supervision. Transition planning includes a reintegration mentor to assist and support the youth and family with their re-entry into the home or other appropriate settings. The length of stay is approximately three to six months, contingent on the attainment of treatment goals.

REGIONS Secure. REGIONS Secure are hardware secure treatment programs designed for adolescents on court-ordered probation supervision with residential placement. REGIONS Secure is the most intensive program in the continuum, and youth often move from pretrial detention to REGIONS programs (after disposition) and can step down from Secure to Staff Secure programs as

part of a gradual reintegration strategy. The length of stay is approximately 3 to 6 months contingent on the attainment of treatment goals.

Motor Vehicle Theft or Misuse Program

Delinquency Proceedings for Motor Vehicle-Related Charges

In the 2019 legislative session, the legislature passed [PA 19-110](#) which generally allows the suspension of delinquency proceedings for children who participate in services to address behavior related to certain vehicle-related crimes.

Specifically, the act:

1. allows a child charged with certain delinquency offenses involving a motor vehicle (e.g., larceny) to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense under the supervision of a juvenile probation officer;
2. allows the court to grant the request if it finds (a) the child is likely to benefit from supervision and participation in the recommended services and (b) the suspension advances the interests of justice;
3. allows the court to dismiss the suspended charges, if the child successfully completes the services and complies with any other conditions the court sets;
4. makes a child ineligible for this opportunity if he or she (a) was previously granted a suspended prosecution under the act or (b) is charged with a serious juvenile offense (e.g., murder and most class A felonies and certain class B felonies); and
5. requires the judicial branch to (a) collect and annually examine data relating to the suspended delinquency proceedings under the act; (b) separate the data by the children's demographics, offense characteristics, and treatment and service outcomes; and (c) report the data upon request ([CGS § 46b-133j](#)).

Additionally, [PA 19-110](#) specifies the circumstances under which the juvenile court may issue an order to detain a child accused of a crime when the risk he or she poses to public safety if released to the community cannot be managed in a less restrictive setting. Under the act, the court may make such a determination if, for example, the child is charged with committing 1st, 2nd, or 3rd degree larceny involving a motor vehicle ([CGS § 46b-133\(k\)](#)). For a more detailed look at the act's changes, see the Public Act Summary [here](#).

Program Eligibility

To enter the vehicle theft program created by [PA 19-110](#), the juvenile facing motor vehicle theft or misuse charges must enter a motion, within 10 days of entering a plea, requesting consideration for the program. The deadline can be waived in certain situations. If a court denies the motion, the prosecution can continue.

Juveniles the court deems eligible for the vehicle theft program are assigned to a juvenile probation officer who monitors their compliance. As required by [PA 19-110](#), the probation officer must, no later than one month before the end of the suspension period, submit a report to the court stating whether the youth has completed services and met other requirements and, if not, whether the suspension period should be extended to allow the youth more time to complete the services.

According to the Judicial Branch, intervention services for youth in the vehicle theft program are provided through NAFI CT's Linking Youth to Natural Communities (LYNC) program.

Feasibility Study on Diversionary Program to Reduce Child Recidivism

Statutory Requirement

In the 2021 session, the legislature required the Judicial Branch to conduct a study and report back to the General Assembly on the feasibility of:

1. Decreasing the period of time between the arrest of a child and the child's initial court appearance, and
2. Establishing a diversionary program for children who are arrested, in which participants report on a weekly basis to a judge, juvenile probation officer or clinical social worker from the time of arrest until the adjudication of the matter ([PA 21-33](#), § 13).

Recommendations

Upon completion of the study, the Judicial Branch recommended:

1. instituting next business day appearances in Juvenile Court for all arrests involving firearms and motor vehicle thefts; and
2. providing earlier assessments and access to services, including
 - a. targeting high-risk cases, such as juveniles identified for next day arraignment and juveniles released from pretrial detention on court-ordered supervision;

- b. administering validated risk assessments earlier in the court process to identify high-risk pre-adjudicated clients who could benefit from treatment and other services; and
- c. coordinating services and setting reporting requirements for the target population based on their identified risk and needs as determined by the risk instrument.

The Judicial Branch estimated that the Juvenile Courts can handle implementing the above recommendations within existing resources on or before March 1, 2022.

The Judicial Branch also concluded that creating a diversionary program requiring weekly reporting to a judge, juvenile probation officer, or clinical social worker from arrest through adjudication was neither feasible nor recommended. In support of its conclusion, the Judicial Branch pointed to the variety of existing diversionary opportunities already available to juvenile offenders, a lack of empirical evidence showing a link between weekly reporting and reduced recidivism, and limited resources.

Prearrest Diversion Implementation Team

In 2021 the legislature also enacted the JJPOC recommendation that establishes an implementation team to develop two plans for mandatory prearrest diversion of low-risk children. It requires the team to include state and local agency representatives, including from CSSD; the Departments of Children, Correction, and Education; and local and regional boards of education ([PA 21-174](#), § 12).

Plan Contents

Under the act, the first plan must cover automatic prearrest diversion of children to youth service bureaus or other services instead of arrest for Tier 1 offenses, including infractions for such things as simple trespass, creating a public disturbance, possessing less than one-half of an ounce of a cannabis-type substance, and using, possessing, or delivering drug paraphernalia related to less than one-half of an ounce of a cannabis-type substance. By January 1, 2022, the team must develop the plan and provide a report on its findings and recommendations to JJPOC.

The second plan, which the team must develop by January 1, 2023, must address the diversion for Tier 2 offenses that include infractions such as 2nd degree breach of peace; disorderly conduct; 5th or 6th degree larceny; possessing at least one-half an ounce of a cannabis-type substance; and using, possessing, or delivering drug paraphernalia related to at least one-half an ounce of a cannabis-type substance. As with the first plan, the team must provide JJPOC with a report on its findings and recommendations by the same date that it must develop the plan ([PA 21-174](#), § 12).

Options Available to Children Adjudicated Delinquent

If a child is not qualified for or referred to a diversionary program and is adjudicated as delinquent, the court may:

1. discharge the child from the court's jurisdiction;
2. place the child on probation supervision for up to 18 months, which may be extended by up to 12 months, for a total supervision period up to 30 months; or
3. place the child on probation supervision with residential placement for up to 18 months, which may be extended by up to 12 months, for a total supervision period up to 30 months ([CGS § 46b-140\(b\)](#)).

Probation Conditions

As a condition of probation supervision (with or without residential placement), the court may order that the child:

1. participate in a youth service bureau program;
2. reside with a parent, relative, or guardian or in a suitable court-approved residence;
3. attend school and class on a regular basis and comply with school policies on student conduct and discipline;
4. refrain from violating any federal or state law or municipal or local ordinance;
5. undergo any medical or psychiatric evaluation or treatment deemed necessary by the court;
6. submit to random drug or alcohol testing;
7. participate in alcohol or drug treatment;
8. participate in a community service program;
9. obtain technical or vocational training;
10. make a good faith effort to obtain and maintain employment;
11. be placed in an appropriate residential facility and remain there until discharged;
12. not leave the state without notification of and permission from his or her probation officer;
13. notify his or her probation officer of any change of address or phone number within 48 hours of the change;

14. 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 any appointment;
15. obey any graduated responses ordered by his or her probation officer;
16. initiate no contact with any victim of the offense; and
17. satisfy any other conditions deemed appropriate by the court ([CGS § 46b-140\(c\)](#)).

Liability of Parents or Guardians

If the child engaged in conduct which resulted in property damage or personal injury, the court may order the child or his or her parents or guardian who have knowledge of or condoned the child's conduct, to pay restitution to the victim ([CGS § 46b-140\(d\)](#)). Parents' or guardians' liability is generally limited to \$5,000 ([CGS § 52-572](#)).

Additional Resources

The following OLR Reports provide more detailed information on Connecticut's juvenile justice laws:

- [2021-R-0166](#) – Automatic Transfer of Juveniles from Juvenile to Adult Criminal Court
- [2021-R-0179](#) – Serious Juvenile Offenses
- [2021-R-0181](#) – Youthful Offenders
- [2021-R-0182](#) – Juvenile Delinquency Process

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