
OLR Bill Analysis

HB 5506

AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS.

SUMMARY

Under prior law, up to June 30, 2020, a party (e.g., a parent or guardian) was allowed to file a “family with service needs” (FWSN) petition with the juvenile court for a child who (1) committed certain status offenses, such as running away from home, or (2) was out of the control of his or her parent or guardian. The FWSN designation was made obsolete by PA 19-187, §§ 8-10; and in 2023 the relevant statutes and various corresponding internal references were repealed (PA 23-46, §§ 10-19 & 45).

This bill generally restores the FWSN laws by reinstating the option for a party to file such a petition with the juvenile court and reestablishing corresponding provisions that address these petitions and findings, such as referral of the petitions to probation officers. Under the bill, as under prior law, a court that adjudicates a child as being from a FWSN can take various actions, such as referring the child to the Department of Children and Families (DCF) for voluntary services, ordering the child to stay home subject to a probation officer’s supervision, or in certain circumstances, committing the child to DCF custody. The bill also generally restores the provisions that applied under prior law when a child from a FWSN (1) violated the court order or (2) was placed under DCF’s supervision or commitment and believed to be in imminent risk of physical harm.

In most respects, the bill’s FWSN provisions are similar to prior law, including certain provisions on truancy as a basis for a FWSN petition that were removed from the law in 2017. (Differences from prior law are generally noted below.)

The bill also makes changes to other related provisions, by (1) no longer allowing a police officer to hold a child in protective custody when the officer locates a child who ran away from home; and (2) allowing a juvenile probation supervisor, or designee, to refer a child's alleged delinquency matter to the court for further proceedings if the child violates the terms of nonjudicial supervision.

Lastly, it also makes conforming changes.

EFFECTIVE DATE: October 1, 2024

§ 1 — FWSN DEFINITION AND JUVENILE COURT JURISDICTION

Under current law, a FWSN is a family with a child at least age seven and under age 18 who, according to a petition filed in juvenile court on or before June 30, 2020:

1. has without just cause run away from home;
2. is beyond the control of the child's parent, parents, guardian, or other custodian;
3. has engaged in indecent or immoral conduct; or
4. is age 13 and had sexual intercourse with another person age 13 or older and not more than two years older or younger than the child.

The bill removes the June 30, 2020, deadline for making FWSN petitions to the juvenile court, making it possible again for a family to be designated as a FWSN. The bill also expands the circumstances under which a petition can be made by including situations where the child is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations.

§§ 2 & 5 — FWSN COMPLAINT, REFERRAL, PETITION, REVIEW, HEARING, FINDINGS, ORDERS, PERMANENCY PLAN

The bill establishes provisions governing FWSN petitions, including summons, temporary custody, service referrals, finding of FWSN, legal representation, DCF commitment, permanency plans and hearings, and

violation of orders.

Parent or Guardian Complaint

Under the bill, any parent or guardian (complainant) who believes that their child’s acts or omissions are such that the child is from a FWSN, may file a written complaint with the Superior Court that has venue over the matter.

(Under prior law, certain other people were also authorized to file a FWSN complaint, such as police officers, school superintendents and certain other local officials, and the DCF commissioner.)

Court’s Referral to a Probation Officer

The bill requires the court to refer a parent or guardian’s complaint to a probation officer, who must promptly determine whether it appears that the alleged facts, if true, would meet the FWSN definition.

Allegations Are True. Under the bill, if the probation officer determines that the allegations meet the FWSN definition, he or she must, after an initial assessment, promptly refer the child and the child’s family to a youth service bureau (see BACKGROUND) or family support center (see below) to receive services for at least 90 days. (Prior law required a referral to a suitable community-based program or other service provider or a family support center.)

After the initial 90-day period, if the person in charge of the program or the provider determines that the child and family can no longer benefit from its services, the person must inform the probation officer. The bill requires the probation officer, after an appropriate assessment to (1) refer the child and the child’s family to a youth service bureau or family support center for additional services or (2) determine whether to file a FWSN petition with the court. For these subsequent referrals, if the person in charge determines that the child and family can no longer benefit from the services, the person must inform the probation officer, who may file a FWSN petition. The probation officer must inform the complainant of his or her actions in writing.

Allegations Are False. Under the bill, if it appears that the

allegations are not true, or that the child's family does not meet the definition of a FWSN, the probation officer must inform the complainant in writing.

Family Support Center

Definition. Under the bill, a “family support center” is a community-based service center that (1) is for children and families against whom a FWSN-related complaint has been filed and (2) provides multiple services, or access to services, to prevent the children and families from having further involvement with the court as FWSN.

CSSD Contract. The bill requires the judicial branch's Court Support Services Division (CSSD) to contract with one or more private providers, youth service bureaus, or both, to develop a network of family support centers. Each center must provide, or ensure access to, appropriate services including screening and assessment, crisis intervention, family mediation, educational evaluations and advocacy, mental health treatment and services, resiliency skills building, access to positive social activities, short-term respite care, and access to services available to children in the juvenile justice system. The mental health treatment and services must include gender specific trauma treatment and services. CSSD must independently evaluate each family support center to measure the quality of its services and the outcomes for the children and families the center served.

Petition to the Superior Court

The bill requires a FWSN petition to be verified and filed with the Superior Court with venue over it. The petition must plainly set out the following:

1. the facts that bring the child within the court's jurisdiction;
2. the child's name, birth date, sex, and residence;
3. the name and residence of the child's parent or parents, guardian, or other person having control of the child; and
4. a request for appropriate court action in line with the FWSN-

related provisions.

FWSN Petition Due to Truancy

Under the bill, if a FWSN petition is filed based on truancy or habitual truancy and a probation officer cannot determine that it is insufficient, or the court may not dismiss the petition, just because it was filed during April, May, or June.

When a petition is filed based on habitual truancy, the court must order the local or regional school board for the town where the child lives, or the private school if applicable, to do an educational evaluation of the child if one has not been done within the last year. (Prior law specified that the school board or private school had to bear the costs of the evaluation.)

Court Summons

Under the bill, when a FWSN petition is filed, the court may issue a summons to the child and the child's parents, guardian, or other person having control of the child to appear in court at a specified time and place. The summons must be signed by a judge or by the court clerk or assistant clerk, with a copy of the petition attached, and served in the way required for delinquency petitions. A similar summons must be issued and served on an adult who is not already in the court and to whom orders have been issued that the court believes are necessary for the child's welfare. The court may punish for contempt anyone who fails to appear in court as required by the summons.

Temporary Custody Order

The bill allows the court to put a child in the temporary custody of a suitable person or agency, if it appears from the allegations that there is a:

1. strong probability that the child may do something that results in self-injury before court disposition,
2. strong probability that the child will run away before the hearing,
or

3. need to hold the child for another jurisdiction.

Nondelinquent juvenile runaways from other states may not be held in a state-operated detention home.

A temporary custody hearing must be held within 10 days after the judge signs the order. After the hearing, the judge may order that the child's temporary custody order continue. Any associated expenses must be paid in the same way as under existing law for temporary custody related to child abuse or neglect.

Referral to Community Based or Other Services

Under the bill, if a FWSN petition is filed and the child's or family's interests may be best served by a referral to community-based or other services before adjudication, the judge may allow the matter to be continued for a reasonable time up to six months, with a three-month extension for cause. After that, the judge may dismiss the petition if it appears the matter has been satisfactorily resolved.

FWSN Finding

Finding of FWSN. Under the bill, if the court finds, based on clear and convincing evidence, that a child is from a family with service needs, the court may, in addition to issuing any orders under its authority in juvenile matters:

1. refer the child to DCF for any voluntary services the department provides;
2. order the child to remain in their own home or in the custody of a relative or any other suitable person subject to a probation officer's supervision;
3. if the child is from a FWSN because of engaging in sexual intercourse with someone at least age 13 and no more than two years older or younger, (a) refer the child to a youth service bureau or other services for a teen pregnancy or sexually transmitted disease programs, and (b) require the child to perform certain community service; or

4. if there is no less restrictive alternative, commit the child to DCF care and custody for an indefinite period of up to 18 months.

Finding of FWSN Due to Truancy. Under the bill, if the court makes a FWSN finding (based on clear and convincing evidence) only due to truancy or habitual truancy, in addition to other options as applicable, it may:

1. refer the child to (a) the authorities of the local or regional school district or private school for services, which may include summer school or (b) community agencies providing child and family services or
2. order the child to stay in his or her own home or in the custody of a relative or other suitable person subject to the supervision of a probation officer and the authorities of the school district or private school.

Legal Representation, Evidentiary Hearing, and Court Order

The bill entitles a FWSN child to representation by counsel and an evidentiary hearing. If the court issues any order that regulates future conduct of the child, parent, or guardian, they must receive adequate and fair warning of the consequences of violating the order at the time it is issued. And the warning must be given to the child, parent or guardian, child’s attorney, and child’s legal guardian in writing and must be reflected in the court record and proceedings.

During the supervision period, after hearing and for good cause shown, the court may modify or enlarge the conditions as it deems appropriate. The court must have a copy of the order delivered to the child, the child’s parent or guardian, and probation officer.

DCF Commitment

DCF’s Motion for Extension. Under the bill, the DCF commissioner may file a motion to extend a commitment on the grounds that it would be in the child’s best interest. The court must notify the child and the child’s parent or guardian at least 14 days before the hearing on that motion. After the hearing and upon finding that the extension is in the

child's best interest and that there is no suitable less restrictive alternative, the court may continue the commitment for an additional indefinite period up to 18 months.

DCF's Motion to Discharge. The bill allows the (1) DCF commissioner, at any time, to file a motion to discharge a committed child, and (2) child or the child's parent or guardian, at any time up to once every six months, to file a motion to revoke the commitment. The court must notify the child, parent or guardian, and commissioner of any motion and of when a hearing will be held. Any order the court makes is a final order for appeal purposes, except no bond may be required and there must be no costs for the appeal.

Initial Permanency Hearing. Under the bill, within 12 months after a child is committed to the DCF commissioner, the court must hold a permanency hearing in the way described below. After this hearing, subsequent permanency hearings must be held at least once every 12 months while the child remains committed to DCF.

Permanency Hearings

Under the bill, at least 60 days before each permanency hearing, the DCF commissioner must file a permanency plan with the court. At the hearing, the court must review and approve a permanency plan that is in the child's best interests and considers the child's need for permanency. The permanency plan's goals may include:

1. revocation of commitment and subsequent placement of the child with the parent or guardian;
2. transfer of guardianship;
3. permanent placement with a relative;
4. adoption; or
5. any other planned permanent living arrangement ordered by the court, if the DCF commissioner has documented a compelling reason why it would not be in the child's best interest for the

permanency plan to include the goals above.

These other planned permanent living arrangements may include placing the child in an independent living program.

At any permanency hearing, the court must determine whether the DCF commissioner has made reasonable efforts to achieve the permanency plan's goals.

The court must decide that there is no less restrictive alternative appropriate to the needs of the child and community when entering any order that directs or authorizes placement or commitment of a child who has been adjudicated as FWSN.

§§ 2 & 3 — VIOLATION OF A COURT ORDER OR CHILDREN AT IMMEDIATE RISK IN THEIR SURROUNDINGS

Probation Officer's Petition Alleging Violation

Under the bill, when a child adjudicated as one from a FWSN violates any court order regulating the child's future conduct, a probation officer may file a court petition alleging that the child has violated the order and stating the facts claimed to show that. The officer may do so when receiving a complaint alleging the violation, or on the officer's own motion based on the officer's knowledge of the violation. Service must be done as required for delinquency petitions. Also, the child must be entitled to legal representation and an evidentiary hearing on the allegations.

Court Orders for Violations

Under the bill, if the court finds by clear and convincing evidence that the child has violated a valid court order, the court may order that the child (1) remain at home or in the custody of a relative or any other suitable person, subject to the supervision of a probation officer or an existing commitment to the DCF commissioner; or (2) be committed to the DCF commissioner's care and custody for up to 18 months and that the child cooperate in the care and custody.

If all other options are exhausted and the case concerns a child who is a child from a FWSN solely due to truancy, habitual truancy, or

defying school rules, the court may order that the child be placed in the Connecticut Juvenile Training School (this facility is currently closed) or other staff-secure facility to complete a residential education program for up to 45 days, subject to a court review of the child's continuing placement after each 15 days of the placement.

(Prior law allowed similar 45-day placements in staff-secure facilities when no less restrictive alternatives were available for children in FWSN for any reason and who violated these orders.)

Staff-Secure Facility. Under the bill, a "staff-secure facility" is a residential facility (1) that does not include construction features designed to physically restrict the movements and activities of juvenile residents placed there, (2) that may set reasonable restrictions on entering and exiting the facility, and (3) in which the residents' movements and activities may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

Limitations on Certain Placements. Under the bill, regardless of existing laws on juvenile matters, a child who has been adjudicated as a child from a FWSN may not be processed or held in a juvenile residential center as a delinquent child, or convicted as delinquent, solely for violating a court order that regulates the child's future conduct. Also, a child who violates any such order may not be punished by placement in a juvenile residential center.

Imminent Risk of Physical Harm to the Child

As described below, the bill also provides for staff-secure placement for a child from a FWSN who is placed under DCF's supervision or commitment and believed to be in imminent risk of physical harm.

Probation Officer's Petition. When such a child is believed to be in imminent risk of physical harm from his or her surroundings or other circumstances, a probation officer may file a court petition alleging this and stating the facts claimed to constitute the risk. The officer may do so after receiving a complaint to this effect or on his or her own motion. Service must be done in the same way as for delinquency actions.

Placement in Staff-Secure Facility. If it appears there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child’s surroundings, (2) as a result, the child’s safety is endangered and immediate removal from the surroundings is necessary to ensure the child’s safety, and (3) there is no less restrictive alternative available, the court must enter an order for a peace officer or other appropriate person to place the child in a staff-secure facility under CSSD supervision for up to 45 days, with court review every 15 days to consider whether continued placement is appropriate.

Return Home or DCF Commitment. At the end of the period described above, the child must either be:

1. returned to the community for appropriate services, subject to the supervision of a probation officer or an existing DCF commitment; or
2. committed to DCF for up to 18 months if after a hearing the court finds, based on clear and convincing evidence, that: (a) the child is in imminent risk of physical harm from the child’s surroundings, (b) as a result, the child’s safety is endangered and removal from the surroundings is necessary to ensure the child’s safety, and (c) there is no less restrictive alternative available.

The child is entitled to the same procedural protections afforded to a delinquent child.

Pre-Trial Holding

A child found to be from a FWSN must not be held prior to a hearing on a probation officer’s petition for more than 24 hours, excluding weekends and holidays. This applies to petitions due to (1) the child’s violation of a court order or (2) the child being at imminent risk, as described above.

§ 4 — POLICE OFFICERS’ DUTY REGARDING RUNAWAY CHILDREN

The law requires any police officer who receives a report from a child’s parent or guardian that the child has run away from home to

promptly try to locate the child. If the officer locates the child, or any child the officer believes has run away without just cause, or any nondelinquent juvenile runaway from another state, the officer must report the child's location to the parent or guardian.

Under current law, upon locating the child the officer may respond by taking any of the following actions:

1. transport the child to the home of the child's parent or guardian or any other person;
2. hold the child in protective custody for up to 12 hours until the officer can determine a more suitable disposition, provided (a) the child is not held in a locked room or cell and (b) the officer may release the child at any time without taking further action; or
3. transport or refer the child to a youth service bureau or any public or private agency serving children, with or without the child's agreement.

The bill eliminates the option for the officer to hold the child in protective custody.

§ 6 — NONJUDICIAL SUPERVISION

By law, when the Superior Court receives a written complaint that a child's conduct constitutes delinquency, the court must make a preliminary investigation to determine whether the facts, if true, would be sufficient to be a juvenile matter and whether the interests of the public or the child require that further action be taken. If so, the court may authorize (1) the filing of a verified petition of alleged delinquency or, (2) without the petition, whatever nonjudicial disposition is practicable (e.g., ordering the child to do suitable work at a public building). If a nonjudicial disposition is made, the term of any nonjudicial supervision must be set by the juvenile probation supervisor or designee, not to exceed 180 days.

Under the bill, if the child violates supervision terms, the juvenile

probation supervisor, or designee, may refer the matter of the child's alleged delinquency to the court for further proceedings.

BACKGROUND

Youth Service Bureaus

By law, municipalities, or private youth serving organizations acting as their agents, may establish a youth service bureau to evaluate, plan, coordinate and implement services, including prevention and intervention programs for delinquent, predelinquent, and troubled youths referred to the bureaus by schools, police, juvenile courts, adult courts, local youth-serving agencies, parents, and self-referrals. Under the law, a youth service bureau must be the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment, and follow-up services (CGS § 10-19m).

Related Bill

sSB 445, § 3, favorably reported by the Judiciary Committee, requires the probate court administrator to establish a truancy clinic within a regional children's probate court or probate court that serves each town.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 35 Nay 2 (03/26/2024)