

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE YOUTH TASK FORCE CONCERNING PARENTAL CONTROL.

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

1 Section 1. Section 10-184 of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 All parents and those who have the care of
5 children shall bring them up in some lawful and
6 honest employment and instruct them or cause them
7 to be instructed in reading, writing, spelling,
8 English grammar, geography, arithmetic and United
9 States history and in citizenship, including a
10 study of the town, state and federal governments.
11 Each parent or other person having control of a
12 child seven years of age and over and under
13 [sixteen] EIGHTEEN years of age shall cause such
14 child to attend a public day school regularly
15 during the hours and terms the public school in
16 the district wherein such child resides is in
17 session, or while the school is in session in
18 which provision for the instruction of such child
19 is made according to law, unless SUCH CHILD IS A
20 HIGH SCHOOL GRADUATE OR the parent or person
21 having control of such child is able to show that
22 the child is elsewhere receiving equivalent

23 instruction in the studies taught in the public
24 schools. NOTWITHSTANDING THE PROVISIONS OF THIS
25 SECTION, A CHILD SIXTEEN YEARS OF AGE AND OVER AND
26 UNDER EIGHTEEN YEARS OF AGE SHALL NOT BE REQUIRED
27 TO ATTEND PUBLIC SCHOOL IF THE PARENT OR OTHER
28 PERSON HAVING CONTROL OF THE CHILD CONSENTS TO
29 SUCH NONATTENDANCE.

30 Sec. 2. Section 10-198a of the general
31 statutes is repealed and the following is
32 substituted in lieu thereof:

33 (a) For purposes of this section, "truant"
34 means a child age seven to [sixteen] EIGHTEEN,
35 inclusive, who is NOT A HIGH SCHOOL GRADUATE AND
36 IS enrolled in a public or private school and has
37 four unexcused absences from school in any one
38 month or ten unexcused absences from school in any
39 school year.

40 (b) Each local and regional board of
41 education shall adopt and implement policies and
42 procedures concerning truants who are enrolled in
43 schools under the jurisdiction of such board of
44 education. Such policies and procedures shall
45 include, but need not be limited to, the
46 following: (1) The holding of a meeting with the
47 parent of each child who is a truant, or other
48 person having control of such child, and
49 appropriate school personnel to review and
50 evaluate the reasons for the child being a truant,
51 provided such meeting shall be held not later than
52 ten school days after the child's fourth unexcused
53 absence in a month or tenth unexcused absence in a
54 school year, (2) coordinating services with and
55 referrals of children to community agencies
56 providing child and family services, (3) annually
57 at the beginning of the school year and upon any
58 enrolment during the school year, notifying the
59 parent or other person having control of each
60 child enrolled in a grade from kindergarten to
61 eight, inclusive, in the public schools in writing
62 of the obligations of the parent or such other
63 person pursuant to section 10-184, AS AMENDED BY
64 THIS ACT, (4) annually at the beginning of the
65 school year and upon any enrolment during the
66 school year, obtaining from the parent or other
67 person having control of each child in a grade
68 from kindergarten to eight, inclusive, a telephone
69 number or other means of contacting such parent or
70 such other person during the school day and (5) a

71 system of monitoring individual unexcused absences
72 of children in grades kindergarten to eight,
73 inclusive, which shall provide that whenever a
74 child enrolled in school in any such grade fails
75 to report to school on a regularly scheduled
76 school day and no indication has been received by
77 school personnel that the child's parent or other
78 person having control of the child is aware of the
79 pupil's absence, a reasonable effort to notify, by
80 telephone, the parent or such other person shall
81 be made by school personnel or volunteers under
82 the direction of school personnel. Any person who,
83 in good faith, gives or fails to give notice
84 pursuant to subdivision (5) of this subsection
85 shall be immune from any liability, civil or
86 criminal, which might otherwise be incurred or
87 imposed and shall have the same immunity with
88 respect to any judicial proceeding which results
89 from such notice or failure to give such notice.

90 (c) If the parent or other person having
91 control of a child who is a truant fails to attend
92 the meeting held pursuant to subdivision (1) of
93 subsection (b) of this section or if such parent
94 or other person otherwise fails to cooperate with
95 the school in attempting to solve the truancy
96 problem, such policies and procedures shall
97 require the superintendent of schools to file for
98 each such truant enrolled in the schools under his
99 jurisdiction a written complaint with the Superior
100 Court pursuant to section 46b-149, AS AMENDED BY
101 THIS ACT, alleging the belief that the acts or
102 omissions of the child WHO IS A TRUANT are such
103 that his family is a family with service needs.

104 (d) Nothing in subsections (a) to (c),
105 inclusive, of this section shall preclude a local
106 or regional board of education from adopting
107 policies and procedures pursuant to this section
108 which exceed the requirements of said subsections.

109 (e) The provisions of this section shall not
110 apply to any child receiving equivalent
111 instruction pursuant to section 10-184, AS AMENDED
112 BY THIS ACT.

113 Sec. 3. Section 10-200 of the general
114 statutes is repealed and the following is
115 substituted in lieu thereof:

116 Each city and town may adopt ordinances, IN
117 ACCORDANCE WITH THIS SECTION, concerning habitual
118 truants from school and children between the ages

119 of seven and [sixteen] EIGHTEEN years wandering
120 about its streets or public places, having no
121 lawful occupation and not attending school; and
122 may make such ordinances respecting such children
123 as shall conduce to their welfare and to public
124 order, imposing penalties, not exceeding twenty
125 dollars, for any one breach thereof. The police in
126 any town, city or borough and bailiffs,
127 constables, sheriffs and deputy sheriffs in their
128 respective precincts shall arrest all such
129 children found anywhere beyond the proper control
130 of their parents or guardians, during the usual
131 school hours of the school terms, and may stop any
132 child under [sixteen] EIGHTEEN years of age during
133 such hours and ascertain whether such child is a
134 truant from school, and, if such child is, shall
135 send such child to school. For purposes of this
136 section, "habitual truant" means a child age seven
137 to [sixteen] EIGHTEEN, inclusive, WHO IS NOT A
138 HIGH SCHOOL GRADUATE AND WHO IS enrolled in a
139 public or private school [who] AND has twenty
140 unexcused absences within a school year. THE
141 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
142 CHILDREN WHO HAVE GRADUATED FROM HIGH SCHOOL.

143 Sec. 4. Subsection (a) of section 10-220 of
144 the general statutes, as amended by section 21 of
145 public act 97-290, is repealed and the following
146 is substituted in lieu thereof:

147 (a) Each local or regional board of education
148 shall maintain good public elementary and
149 secondary schools, implement the educational
150 interests of the state, as defined in section
151 10-4a, AS AMENDED, and provide such other
152 educational activities as in its judgment will
153 best serve the interests of the school district;
154 provided any board of education may secure such
155 opportunities in another school district in
156 accordance with provisions of the general statutes
157 and shall give all the children of the school
158 district as nearly equal advantages as may be
159 practicable; shall provide an appropriate learning
160 environment for its students which includes (1)
161 adequate instructional books, supplies, materials,
162 equipment, staffing, facilities and technology,
163 (2) equitable allocation of resources among its
164 schools, and (3) a safe school setting; shall have
165 charge of the schools of its respective school
166 district; shall make a continuing study of the

167 need for school facilities and of a long-term
168 school building program and from time to time make
169 recommendations based on such study to the town;
170 shall report annually to the Commissioner of
171 Education on the condition of its facilities and
172 the action taken to implement its long-term school
173 building program, which report the commissioner
174 shall use to prepare an annual report that he
175 shall submit in accordance with section 11-4a to
176 the joint standing committee of the General
177 Assembly having cognizance of MATTERS RELATING TO
178 education; shall advise the Commissioner of
179 Education of the relationship between any
180 individual school building project pursuant to
181 chapter 173 and such long-term school building
182 program; shall have the care, maintenance and
183 operation of buildings, lands, apparatus and other
184 property used for school purposes and at all times
185 shall insure all such buildings and all capital
186 equipment contained therein against loss in an
187 amount not less than eighty per cent of
188 replacement cost; shall determine the number, age
189 and qualifications of the pupils to be admitted
190 into each school; shall employ and dismiss the
191 teachers of the schools of such district subject
192 to the provisions of sections 10-151 and 10-158a;
193 shall designate the schools which shall be
194 attended by the various children within the school
195 district; shall make such provisions as will
196 enable each child of school age, residing in the
197 district to attend some public day school for the
198 period required by law and provide for the
199 transportation of children wherever transportation
200 is reasonable and desirable, and for such purpose
201 may make contracts covering periods of not more
202 than five years; may place in an alternative
203 school program or other suitable educational
204 program a pupil enrolling in school who is
205 nineteen years of age or older and cannot acquire
206 a sufficient number of credits for graduation by
207 age twenty-one; may arrange with the board of
208 education of an adjacent town for the instruction
209 therein of such children as can attend school in
210 such adjacent town more conveniently; shall cause
211 each child [seven years of age and over and under
212 sixteen] AGE SEVEN TO EIGHTEEN, INCLUSIVE, WHO IS
213 NOT A HIGH SCHOOL GRADUATE AND IS living in the
214 school district to attend school in accordance

215 with the provisions of section 10-184, AS AMENDED
216 BY THIS ACT, and shall perform all acts required
217 of it by the town or necessary to carry into
218 effect the powers and duties imposed by law.

219 Sec. 5. Section 45a-604 of the general
220 statutes is repealed and the following is
221 substituted in lieu thereof:

222 As used in sections 45a-603 to 45a-622,
223 inclusive, AS AMENDED:

224 (1) "Mother" means (A) a woman who can show
225 proof by means of a birth certificate or other
226 sufficient evidence of having given birth to a
227 child and (B) an adoptive mother as shown by a
228 decree of a court of competent jurisdiction or
229 otherwise;

230 (2) "Father" means (A) a man who is a father
231 under the law of this state; and (B) a man
232 determined to be a father under chapter 815y;

233 (3) "Parent" means a mother as defined in
234 subdivision (1) of this section or a "father" as
235 defined in subdivision (2) of this section;

236 (4) "Minor" or "minor child" means a person
237 under the age of eighteen;

238 (5) "Guardianship" means guardianship of the
239 person of a minor, and includes: (A) The
240 obligation of care and control; and (B) the
241 authority to make major decisions affecting the
242 minor's EDUCATION AND welfare, including, but not
243 limited to, consent determinations regarding
244 marriage, enlistment in the armed forces and major
245 medical, psychiatric or surgical treatment, EXCEPT
246 AS OTHERWISE PROVIDED BY LAW;

247 (6) "Guardian" means one who has the
248 authority and obligations of "guardianship" as
249 defined in subdivision (5) of this section;

250 (7) "Termination of parental rights" means
251 the complete severance by court order of the legal
252 relationship, with all its rights and
253 responsibilities, between the child and the
254 child's parent or parents so that the child is
255 free for adoption, except that it shall not affect
256 the right of inheritance of the child or the
257 religious affiliation of the child.

258 Sec. 6. (NEW) Upon request of a parent or
259 guardian of a youth, a police officer shall
260 promptly attempt to locate the youth. If the
261 officer locates the youth, he shall report the
262 location of the youth to the youth's parent or

263 guardian and shall return the youth to the youth's
264 parent or guardian.

265 Sec. 7. Section 46b-120 of the general
266 statutes, as amended by section 18 of public act
267 97-319, is repealed and the following is
268 substituted in lieu thereof:

269 The terms used in this chapter shall, in its
270 interpretation and in the interpretation of other
271 statutes, be defined as follows: (1) "Child" means
272 any person under sixteen years of age; (2) "youth"
273 means any person sixteen to eighteen years of age;
274 (3) "abused" means that a child or youth (A) has
275 had physical injury or injuries inflicted upon him
276 other than by accidental means, or (B) has
277 injuries which are at variance with the history
278 given of them, or (C) is in a condition which is
279 the result of maltreatment such as, but not
280 limited to, malnutrition, sexual molestation or
281 exploitation, deprivation of necessities,
282 emotional maltreatment or cruel punishment; (4) a
283 child may be found "mentally deficient" who, by
284 reason of a deficiency of intelligence, which has
285 existed from birth or from early age, requires, or
286 will require, for his protection or for the
287 protection of others, special care, supervision
288 and control; (5) a child may be found "delinquent"
289 (A) who has violated any federal or state law or
290 municipal or local ordinance, other than an
291 ordinance regulating behavior of a child in a
292 family with service needs as defined in this
293 section or (B) who has violated any order of the
294 Superior Court; (6) a child or youth may be found
295 "dependent" whose home is a suitable one for him,
296 save for the financial inability of his parents,
297 parent, guardian or other person maintaining such
298 home, to provide the specialized care his
299 condition requires; (7) a "family with service
300 needs" means a family which includes a child OR
301 YOUTH who (A) has without just cause run away from
302 his parental home or other properly authorized and
303 lawful place of abode; (B) is beyond the control
304 of his parent, parents, guardian or other
305 custodian; (C) has engaged in indecent or immoral
306 conduct; (D) is a truant CHILD or habitual truant
307 CHILD or who, AS A CHILD, while in school, has
308 been continuously and overtly defiant of school
309 rules and regulations; or (E) is thirteen years of
310 age or older and has engaged in sexual intercourse

311 with another person and such other person is
312 thirteen years of age or older and not more than
313 two years older or younger than such child OR
314 YOUTH; (8) a child or youth may be found
315 "neglected" who (A) has been abandoned, or (B) is
316 being denied proper care and attention,
317 physically, educationally, emotionally or morally,
318 or (C) is being permitted to live under
319 conditions, circumstances or associations
320 injurious to his well-being, or (D) has been
321 abused; (9) a child or youth may be found "uncared
322 for" who is homeless or whose home cannot provide
323 the specialized care which his physical, emotional
324 or mental condition requires. For the purposes of
325 this section the treatment of any child OR YOUTH
326 by an accredited Christian Science practitioner in
327 lieu of treatment by a licensed practitioner of
328 the healing arts, shall not of itself constitute
329 neglect or maltreatment; (10) "delinquent act"
330 means the violation of any federal or state law or
331 municipal or local ordinance, other than an
332 ordinance regulating the behavior of a child in a
333 family with service needs, or the violation of any
334 order of the Superior Court; (11) "serious
335 juvenile offense" means (A) the violation by a
336 child, including attempt or conspiracy to violate
337 sections 21a-277, 21a-278, 29-33, 29-34, 29-35,
338 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392,
339 inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to
340 53a-60c, inclusive, 53a-70 to 53a-71, inclusive,
341 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive,
342 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to
343 53a-113, inclusive, subdivision (1) of subsection
344 (a) of section 53a-122, subdivision (3) of
345 subsection (a) of section 53a-123, 53a-134,
346 53a-135, 53a-166, 53a-167c, subsection (a) of
347 section 53a-174, 53a-196a, 53a-211, 53a-212,
348 53a-216 or 53a-217b, or (B) running away, without
349 just cause, from any secure placement other than
350 home while referred as a delinquent child to the
351 Office of Alternative Sanctions or committed as a
352 delinquent child to the Commissioner of Children
353 and Families for a serious juvenile offense; (12)
354 "serious juvenile offender" means any child
355 convicted as delinquent for commission of a
356 serious juvenile offense; (13) "serious juvenile
357 repeat offender" means any child charged with the
358 commission of any felony if such child has

359 previously been convicted delinquent at any age
360 for two violations of any provision of title 21a,
361 29, 53 or 53a which is designated as a felony;
362 (14) ["alcohol-dependent child"]
363 "ALCOHOL-DEPENDENT CHILD OR YOUTH" means any child
364 OR YOUTH who has a psychoactive substance
365 dependence on alcohol as that condition is defined
366 in the most recent edition of the American
367 Psychiatric Association's "Diagnostic and
368 Statistical Manual of Mental Disorders"; (15)
369 ["drug-dependent child"] "DRUG-DEPENDENT CHILD OR
370 YOUTH" means any child OR YOUTH who has a
371 psychoactive substance dependence on drugs as that
372 condition is defined in the most recent edition of
373 the American Psychiatric Association's "Diagnostic
374 and Statistical Manual of Mental Disorders". No
375 child OR YOUTH shall be classified as drug
376 dependent who is dependent (A) upon a
377 morphine-type substance as an incident to current
378 medical treatment of a demonstrable physical
379 disorder other than drug dependence, or (B) upon
380 amphetamine-type, ataractic, barbiturate-type,
381 hallucinogenic or other stimulant and depressant
382 substances as an incident to current medical
383 treatment of a demonstrable physical or
384 psychological disorder, or both, other than drug
385 dependence.

386 Sec. 8. Section 46b-149 of the general
387 statutes is repealed and the following is
388 substituted in lieu thereof:

389 (a) Any selectman, town manager, police
390 officer or welfare department of any town, city or
391 borough, probation officer, superintendent of
392 schools, the Commissioner of Children and
393 Families, any child-caring institution or agency
394 approved or licensed by the Commissioner of
395 Children and Families, any youth service bureau, a
396 parent or foster parent of a child OR YOUTH, or a
397 child OR YOUTH or his representative or attorney,
398 who believes that the acts or omissions of a child
399 OR YOUTH are such that his family is a family with
400 service needs, may file a written complaint
401 setting forth those facts with the superior court
402 which has venue over that matter.

403 (b) The court shall refer a complaint filed
404 under subsection (a) of this section to a
405 probation officer, who shall promptly determine
406 whether it appears that the alleged facts, if

407 true, would be sufficient to meet the definition
408 of a family with service needs, provided a
409 complaint alleging that a child OR YOUTH is a
410 truant or habitual truant shall not be determined
411 to be insufficient to meet the definition of a
412 family with service needs solely because it was
413 filed during the months of April, May or June. If
414 such probation officer so determines, he shall
415 promptly either (1) refer the matter, with the
416 consent of the child OR YOUTH and his parents or
417 guardian, to a suitable community-based or other
418 service provider, or (2) file a petition with the
419 court in the manner prescribed in subsection (c)
420 of this section. In either case, the probation
421 officer shall inform the complainant in writing of
422 his action. If it appears that the allegations are
423 not true, or that the child's OR YOUTH'S family
424 does not meet the definition of a family with
425 service needs, the probation officer shall inform
426 the complainant in writing of such finding. In any
427 case in which the probation officer does not file
428 a petition, he shall also inform the complainant
429 of the right of such person to file a petition
430 pursuant to subsection (c) of this section. Any
431 person who has filed a complaint pursuant to
432 subsection (a) of this section, and who has been
433 notified by a probation officer that such officer
434 does not intend to file a petition for a family
435 with service needs may, within thirty days after
436 mailing of such notice, file a petition under
437 subsection (c) of this section.

438 (c) A petition alleging that a family
439 constitutes a family with service needs shall be
440 verified and filed with the Superior Court which
441 has venue over the matter. The petition shall set
442 forth plainly: (1) The facts which bring the child
443 OR YOUTH within the jurisdiction of the court, (2)
444 the name, date of birth, sex and residence of the
445 child OR YOUTH, (3) the name and residence of his
446 parent or parents, guardian or other person having
447 control of him, and (4) a prayer for appropriate
448 action by the court in conformity with the
449 provisions of this section.

450 (d) When a petition is filed under subsection
451 (c) of this section, the court may issue a summons
452 to the child OR YOUTH and his parents, guardian or
453 other person having control of him to appear in
454 court at a specified time and place. The summons

455 shall be signed by a judge or by the clerk or
456 assistant clerk of the court, and a copy of the
457 petition shall be attached to it. Whenever it
458 appears to the judge that orders addressed to an
459 adult, as set forth in section 46b-121, are
460 necessary for the welfare of such child OR YOUTH,
461 a similar summons shall be issued and served upon
462 such adult if he is not already in court. Service
463 of summons shall be made in accordance with
464 section 46b-128. If a petition is filed under
465 subsection (c) of this section alleging that a
466 family is a family with service needs because a
467 child is a truant or habitual truant, the court
468 may not dismiss such petition solely because it
469 was filed during the months of April, May or June.

470 (e) When a petition is filed under subsection
471 (c) of this section alleging that a family
472 constitutes a family with service needs because it
473 includes a child who has been habitually truant,
474 the court shall order that the local or regional
475 board of education for the town in which the child
476 resides, or the private school in the case of a
477 child enrolled in a private school, shall cause an
478 educational evaluation of such child to be
479 performed if no such evaluation has been performed
480 within the preceding year. Any costs incurred for
481 the performance of such evaluation shall be borne
482 by such local or regional board of education or
483 such private school.

484 (f) If it appears from the allegations of a
485 petition or other sworn affirmations that there
486 is: (1) A strong probability that the child OR
487 YOUTH may do something that is injurious to
488 himself prior to court disposition; (2) a strong
489 probability that the child OR YOUTH will run away
490 prior to the hearing; or (3) a need to hold the
491 child OR YOUTH for another jurisdiction, a judge
492 may vest temporary custody of such child OR YOUTH
493 in some suitable person or agency or may, on or
494 before July 1, 1981, order the child OR YOUTH held
495 in a state-operated detention home, pending a
496 hearing to determine whether or not temporary
497 custody should be continued until a full hearing
498 on the merits may be held. No nondelinquent
499 juvenile runaway from another state may be held in
500 a state-operated detention home in accordance with
501 the provisions of sections 46b-151 to 46b-151g,
502 inclusive, Interstate Compact on Juveniles. A

503 hearing on temporary custody shall be held not
504 later than ten days after the date on which a
505 judge signs an order of temporary custody,
506 provided on or before July 1, 1981, no child OR
507 YOUTH may be held in a state-operated detention
508 home for more than twenty-four hours, excluding
509 Saturdays, Sundays and holidays, unless an order
510 has been issued by a judge after a hearing and a
511 finding by the court that the circumstances
512 described in subdivision (1), (2) or (3) of this
513 subsection exist. Following such hearing, the
514 judge may order that the child's OR YOUTH'S
515 temporary custody continue to be vested in some
516 suitable person or agency or, on or before July 1,
517 1981, that the child OR YOUTH be held in a
518 state-operated detention home. Any expenses of
519 temporary custody shall be paid in the same manner
520 as provided in subsection (b) of section 46b-129.

521 (g) If it appears that the interests of the
522 child OR YOUTH or the family may be best served,
523 prior to adjudication, by a referral to
524 community-based or other services, the judge may
525 permit the matter to be continued for a period not
526 to exceed three months. If it appears at the
527 conclusion of the continuance that the matter has
528 been satisfactorily resolved, the judge may
529 dismiss the petition.

530 (h) If the court finds, based on clear and
531 convincing evidence, that the family of a child OR
532 YOUTH is a family with service needs, the court
533 may, in addition to issuing any orders under
534 section 46b-121, (1) refer the child OR YOUTH to
535 the Department of Children and Families for any
536 voluntary services provided by said department or,
537 if the family is a family with service needs
538 solely as a result of a finding that a child is a
539 truant or habitual truant, to the authorities of
540 the local or regional school district or private
541 school for services provided by such school
542 district or such school, which services may
543 include summer school, or to community agencies
544 providing child and family services; (2) commit
545 that child OR YOUTH to the care and custody of the
546 Commissioner of Children and Families for an
547 indefinite period not to exceed eighteen months;
548 (3) order the child OR YOUTH to remain in his own
549 home or in the custody of a relative or any other
550 suitable person (A) subject to the supervision of

551 a probation officer or (B) in the case of a family
552 which is a family with service needs solely as a
553 result of a finding that a child is a truant or
554 habitual truant, subject to the supervision of a
555 probation officer and the authorities of the local
556 or regional school district or private school; or
557 (4) if the family is a family with service needs
558 as a result of the child OR YOUTH engaging in
559 sexual intercourse with another person and such
560 other person is thirteen years of age or older and
561 not more than two years older or younger than such
562 child OR YOUTH, (A) refer the child OR YOUTH to a
563 youth service bureau or other appropriate service
564 agency for participation in a program such as a
565 teen pregnancy program or a sexually transmitted
566 disease program and (B) require such child OR
567 YOUTH to perform community service such as service
568 in a hospital, an AIDS prevention program or an
569 obstetrical and gynecological program. If the
570 court issues any order which regulates future
571 conduct of the child OR YOUTH, the child OR YOUTH
572 shall receive adequate and fair warning of the
573 consequences of violation of the order at the time
574 it is issued, and such warning shall be provided
575 to the child OR YOUTH, to his attorney and to his
576 legal guardian in writing and shall be reflected
577 in the court record and proceedings.

578 (i) (1) The Commissioner of Children and
579 Families may petition the court for an extension
580 of a commitment under this section on the grounds
581 that an extension would be in the best interest of
582 the child OR YOUTH. The court shall give notice to
583 the child OR YOUTH and his parent or guardian at
584 least fourteen days prior to the hearing upon that
585 petition. The court may, after hearing and upon
586 finding that such extension is in the best
587 interest of the child OR YOUTH, continue the
588 commitment for an additional indefinite period of
589 not more than eighteen months. (2) The
590 Commissioner of Children and Families may at any
591 time discharge a child OR YOUTH, committed under
592 this section, and any child OR YOUTH committed to
593 the commissioner under this section, or the parent
594 or guardian of such child OR YOUTH, may at any
595 time but not more often than once every six months
596 petition the court which committed the child OR
597 YOUTH to revoke such commitment. The court shall
598 notify the child OR YOUTH, his parent or guardian

599 and the commissioner of any petition filed under
600 this subsection, and of the time when a hearing on
601 such petition will be held. Any order of the court
602 made under this subsection shall be deemed a final
603 order for purposes of appeal, except that no bond
604 shall be required nor costs taxed on such appeal.

605 Sec. 9. Section 46b-149a of the general
606 statutes is repealed and the following is
607 substituted in lieu thereof:

608 (a) Any police officer who receives a report
609 from the parent or guardian of a child OR YOUTH
610 that such child OR YOUTH is a member of a family
611 with service needs, as defined in section 46b-120,
612 AS AMENDED BY THIS ACT, shall promptly attempt to
613 locate the child OR YOUTH. If the officer locates
614 such child OR YOUTH, or any child OR YOUTH he
615 believes has run away from his parent or
616 guardian's home without permission, or any
617 nondelinquent juvenile runaway from another state,
618 he shall report the location of the child OR YOUTH
619 to the parent or guardian, and may respond in one
620 of the following ways: (1) He may transport the
621 child OR YOUTH to the home of the child's OR
622 YOUTH'S parent or guardian or any other person;
623 (2) he may refer the child OR YOUTH to the
624 superior court for juvenile matters in the
625 district where the child OR YOUTH is located or,
626 on or before July 1, 1981, he may transport the
627 child OR YOUTH to any state-operated detention
628 home; (3) he may hold the child OR YOUTH in
629 protective custody for a maximum period of twelve
630 hours until the officer can determine a more
631 suitable disposition of the matter, provided (A)
632 the child OR YOUTH is not held in any locked room
633 or cell and (B) the officer may release the child
634 OR YOUTH at any time without taking further
635 action; or (4) he may transport or refer a child
636 OR YOUTH to any public or private agency serving
637 children OR YOUTHS, with or without the agreement
638 of the child OR YOUTH. If a child OR YOUTH is
639 transported or referred to an agency pursuant to
640 this section, such agency may provide services to
641 the child OR YOUTH unless or until the child OR
642 YOUTH or his parent or guardian at any time
643 refuses to agree to those services. Such agency
644 shall be immune from any liability, civil or
645 criminal, which might otherwise be incurred or

646 imposed; provided such services are provided in
647 good faith and in a nonnegligent manner.

648 (b) Any police officer acting in accordance
649 with the provisions of this section shall be
650 deemed to be acting in the course of his official
651 duties.

652 Sec. 10. Section 46b-149b of the general
653 statutes is repealed and the following is
654 substituted in lieu thereof:

655 Any police officer or any official of a
656 municipal or community agency, who in the course
657 of his employment under subsection (d) of section
658 17a-15 or section 46b-120, AS AMENDED BY THIS ACT,
659 46b-121, 46b-149, AS AMENDED BY THIS ACT, or
660 46b-149a, AS AMENDED BY THIS ACT, provides
661 assistance to a child, YOUTH or a family in need
662 thereof, shall not be liable to such child, YOUTH
663 or such family for civil damages for any personal
664 injuries which result from the voluntary
665 termination of service by the child, YOUTH or the
666 family.

667 Sec. 11. This act shall take effect from its
668 passage.

669 STATEMENT OF LEGISLATIVE COMMISSIONERS: In section
670 1, after the first "GRADUATE", the word "OR" was
671 inserted for accuracy and in section 3, the
672 definition of "habitual truant" was reworded for
673 clarity.

674 KID COMMITTEE VOTE: YEA 11 NAY 0 JFS C/R JUD

675 JUD COMMITTEE VOTE: YEA 37 NAY 0 JFS

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5378

STATE IMPACT	Potential Significant Cost, see explanation below
MUNICIPAL IMPACT	Significant Cost, Potential Significant Cost, STATE MANDATE, see explanation below
STATE AGENCY(S)	Judicial Department, Departments of Children and Families, Education, Public Safety

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: Passage of this bill would result in increased costs to both the State Department of Education and local and regional school districts, as it would require those up to eighteen years of age to remain in school rather than the current requirement of remaining in school until sixteen years of age. Costs to the State Department of Education, based on the current estimate of the number of students impacted would exceed \$3.0 million in SFY 1999-2000 through the ECS and other grants (note that costs would be greater if it were not for the existence of caps on grant increases in the ECS formula). Local and regional school districts will encounter increased costs due to increased enrollments. In districts with low current drop out rates there will be minimal to no increase in costs, however, large urban districts with drop out rates as high as 23.4% will encounter significant cost increases. These increases are due to increased enrollments and the need for changes in curriculum necessitated by enrolling more students with specialized needs.

The bill would also result in a potential significant cost to police departments, particularly to urban police departments, to the extent that they would locate, transport and refer those 16 and 17 year olds that are reported runaways by a parent or guardian.

The extension of Family with Service Needs (FWSN) status to certain sixteen and seventeen years olds would result in a potential significant cost to both the Department of Children and Families and the Judicial Department. These costs are associated with an anticipated increase in the number of referrals to the juvenile court system; a corresponding increase in costs associated with hearings, adjudication and attorney costs; and additional services provided to youth committed to the Department of Children and Families. (The DCF is responsible for the provision of a wide range of services to such FWSN cases, ranging from individual and family counseling to out-of-home residential treatment.) The potential cost to each agency cannot be quantified at this time, however it would likely be of significant magnitude requiring an increase in budgeted resources. No funding for this purpose has been included within SHB 5021 (the Revised SFY 1998-99 Appropriations Act, as favorably reported by the Appropriations Committee).

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OLR BILL ANALYSIS

SHB 5378

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE YOUTH TASK FORCE CONCERNING PARENTAL CONTROL

SUMMARY: This bill extends the compulsory school attendance age from age 16 to 18, but allows 16- and 17-year olds (youths) to drop out of school if their parent or guardian consents. Consequently, it applies the truancy laws to youths, except those who have graduated from high school.

The bill extends the juvenile court's Family with Service Needs (FWSN) program to youths, except for reasons of truancy. It does not subject youths who violate a FWSN court order to delinquency proceedings,

but, by law, failure to comply with a FWSN order is contempt of court, which is punishable by a fine of up to \$100 or six months in prison. FWSN children under age 16 who violate orders can be found to be delinquent and ordered into various placements as well as subject to contempt penalties.

It requires local and state police to look for runaway youths and to either bring them home, tell their parents where they are, take them into protective custody, or bring them to an agency that serves children and youth (see COMMENT). And it extends police and service providers' immunity from civil liability for assisting FWSN-eligible families with children to liability they might have for helping families with eligible youths.

Finally, it authorizes parents and guardians to make major decisions about minors' education. But it specifies that their authority over minors' major life decisions (e.g., education; welfare; and consenting to marriage; enlistment in the armed forces; and major medical, surgical, and psychiatric treatment) is superseded by other laws.

EFFECTIVE DATE: Upon passage

FURTHER EXPLANATION

Extending Compulsory School Age

By requiring youths to remain in school until they turn age 18 (except if they graduate or their parents consent to their leaving), the bill makes those who fail to attend school truants. If they have more than 20 unexcused absences in a year, they are subject to (1) questioning by police, who can return them to school or arrest them and (2) in towns that have adopted truancy ordinances, possible \$20 fines. If they are absent without an excuse four or more times in a month or 10 or more time in a year, they and their parents must meet with school officials.

Extending FWSN

The FWSN program allow parents and others to ask the juvenile court to supervise a child, through age 15, who is beyond parental control, has run away from home

without good cause, is habitually truant or defiant of school rules, or, is 13 to 15 years old and has had sexual intercourse with someone of similar age. The court has various options to control the child, including referring or committing him to the Department of Children and Families (DCF), ordering him to attend school, referring him to a youth service bureau, or requiring him to obtain counseling. If he fails to comply with the court's order, he can be judged delinquent and either placed on probation or subjected to a variety of punishments, including possible detention in Long Lane School.

The bill extends the FWSN program to most youths, except those who are truants or defy school rules. (But it refers in Section 8 to probation officers investigating petitions concerning truant youths.) This extension permits a 16- or -17 year old or his attorney or other representative to petition for FWSN services as well as the youth's parents, guardians, foster parents, school superintendent, and others on his behalf.

Police Officer Duties and Related Services

The bill contains two apparently conflicting provisions concerning how police officers must respond to parents' and guardians' reports of runaway youths. One requires officers to promptly attempt to locate the youth and, if they do, to tell the youth's parents or guardian where he is and then bring him home.

The other extends to youths, police officers' and service providers' duties concerning children who are reported to have run away from home. The law requires a police officer who receives a report from a child's parent or guardian to promptly try to find him. If he finds the child and believes that he has run away without permission, he must tell the parent where the child is and may (1) bring him home or to another person's home, (2) refer him to juvenile court, (3) hold him in protective custody for up to 12 hours until the officer can decide what should be done, or (4) bring or refer the child to an agency that serves child, even if the child does not agree to go.

Civil Liability of Police and Service Providers

By law an agency to which a child is brought may provide services until the child or his parents refuse them. It is immune from civil or criminal liability if it performs these services in good faith and without negligence.

The bill extends to police and municipal and community agency officials who help youths, the immunity from civil damages the law currently affords them for helping children and families under the juvenile matters, FWSN, and runaway children statutes. These officers and officials are not civilly liable to the children and families for personal injuries that result from the children's or family's voluntary termination of services.

BACKGROUND

Procedure for FWSN Cases

By law, the court refers the FWSN complaint to a probation officer, who determines whether the facts asserted meet the FWSN definition. If he finds that they do, he must (1) refer the matter, with the child's and parents' or guardians' consent, to a community-based or other service provider or (2) file a court petition alleging that the family is a FWSN. If he does not file a petition, he must inform the complainant of his own right to file.

The petition must state the facts that give the court jurisdiction over the child and request the court to take appropriate action under the FWSN statutes. Before a hearing on the petition, the court may order that a person or agency be given temporary custody of the child if the petition's allegations or other sworn statements indicate: (1) a strong probability he may injure himself before a court decision, (2) a strong probability he will run away before the hearing, or (3) he must be held for another jurisdiction. After a temporary custody hearing, which must occur within 10 days after the court signs the order, the court may order the temporary custody continued.

Before ruling on the petition, the court may permit the case to be continued for up to three months, if it appears that the child's or family's interests may be best served by a referral to community-based or other

services. At the end of the continuance period, the court may dismiss the petition if the matter has been resolved.

FWSN Court Referrals and Orders

By law, if the court finds, based on clear and convincing evidence, that the family is a FWSN, it may (1) refer the child for voluntary services provided by DCF; (2) commit him to DCF for an indefinite period of up to 18 months; (3) order him to remain in his own home or in a relative's or other person's custody, under a probation officer's supervision; or (4) if the family is a FWSN under the sexual intercourse ground, refer the child to an appropriate youth service bureau or other service agency program, and require him to perform community service, such as in a hospital, or an AIDS prevention, obstetrical, or gynecological program. (Because FWSN matters are juvenile matters, the court also may issue any orders authorized by law in juvenile matters, including those directed to parents to secure the proper care of their children.)

The DCF commissioner may petition the court to extend a commitment on the grounds it would be in the child's best interest. After a hearing, the court may continue the commitment for up to 18 months.

Related Bills

SHB 5371, favorably reported by the Children's and Judiciary committees, establishes a pilot program that extends FWSN services to 16- and-17 year olds through June 30, 2000. The pilot calls for community-based crisis intervention and assessment services before a youth enters the court system and provides the court with additional sanctions it can use to enforce its orders, including prohibiting a youth from driving. The bill explicitly exempts FWSN youths from being treated as delinquent if they do not obey a court order.

SSB 448, favorably reported by the Judiciary Committee, requires the Judicial Branch to coordinate programs and services for truancy and other FWSN cases and to take related steps such as devising methods for using more community resources.

COMMENT

Conflicting Provisions for Police Actions on Runaway Youth

Section 6 requires police to return runaway youths to their homes. Section 9 permits police to return them as one of several options.

COMMITTEE ACTION

Children's Committee

Joint Favorable Substitute Change of Reference
Yea 11 Nay 0

Judiciary Committee

Joint Favorable Substitute
Yea 37 Nay 0