

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 SERVICES.

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

1 Section 1. (NEW) (a) On or before October 1,
2 1998, the Commissioner of Children and Families
3 and the Chief Court Administrator, jointly, shall
4 establish a pilot program to extend the provisions
5 of the general statutes under chapter 815k and
6 section 10-198a of the general statutes concerning
7 families with service needs, as defined in section
8 46b-120 of the general statutes, to families with
9 youths more than sixteen but less than eighteen
10 years of age. The purpose of such pilot program
11 shall be to divert eligible youths from the
12 criminal justice system by providing a continuum
13 of services to such youths which are age
14 appropriate, gender specific and culturally
15 competent, including (1) crisis intervention, (2)
16 assessment, and (3) placement in independent
17 living facilities or short-term and long-term
18 residential facilities. The juvenile court shall
19 have jurisdiction over youths in the pilot
20 program.

21 (b) The Department of Children and Families
22 shall contract with one or more providers for

23 crisis intervention and assessment services for
24 youths eligible for the pilot program, upon
25 referral of a youth by a police officer, a parent
26 or foster parent of a youth or a youth or his
27 representative or attorney. The provider may refer
28 a youth to the Department of Children and Families
29 if the youth is uncared for, neglected or abused
30 or may refer the family for services.

31 (c) If a petition alleging that a family
32 constitutes a family with service needs is filed
33 in a court, the provider shall complete an
34 assessment of such family to determine treatment
35 service needs. If a court finds, based on clear
36 and convincing evidence and after consideration of
37 the assessment, that the family of a youth is a
38 family with service needs, the court may, in
39 addition to issuing any orders under sections
40 46b-121 and 46b-149 of the general statutes, make
41 and enforce a graduated system of sanctions
42 including: (1) Prohibiting the youth from driving
43 a motor vehicle; (2) requiring work or community
44 service; and (3) requiring the youth to be placed
45 in a community-based residential facility. Upon
46 request of the court, the Department of Children
47 and Families shall disclose to the court if there
48 is a current case on the youth. A youth found to
49 be in violation of any order under this section
50 shall not be considered to be delinquent and shall
51 not be punished by the court by incarceration in
52 any state-operated detention facility or
53 correctional facility. No youth for whom there is
54 a pending felony charge shall be eligible for the
55 program.

56 (d) Notwithstanding the provisions of section
57 46b-121k of the general statutes, any youth in a
58 family constituting a family with service needs
59 shall be eligible for programs operated by the
60 Office of Alternative Sanctions.

61 (e) Any police officer who receives a report
62 from a parent or guardian of a youth that such
63 youth is a member of a family with service needs
64 shall promptly attempt to locate the youth. If the
65 officer locates the youth, he shall report the
66 location of the youth to the youth's parent or
67 guardian.

68 (f) On or before January 15, 2000, the
69 Commissioner of Children and Families and the
70 Chief Court Administrator shall submit a report in

71 accordance with section 11-4a of the general
72 statutes, on the implementation of the pilot
73 program to the joint standing committees of the
74 General Assembly having cognizance of matters
75 relating to human services, judiciary, budgets and
76 appropriations of state agencies and to the Select
77 Committee on Children of the General Assembly. The
78 report shall include an evaluation of the program
79 and recommendations for legislative changes, if
80 any. The pilot program shall terminate on June 30,
81 2000.

82 Sec. 2. (NEW) (a) On or before August 30,
83 1999, the Department of Education shall establish
84 five pilot programs providing youths, sixteen
85 years of age and under eighteen who exhibit
86 behavioral problems and have difficulty with the
87 traditional school structure with alternative
88 education to prepare such youths for work. Each
89 pilot program shall be conducted by a school
90 district, in consultation with youth service
91 bureaus, community organizations and businesses.
92 Each pilot program shall provide the parents of
93 eligible youths with information on assistance in
94 dealing with the youths and with their problems.

95 (b) The department shall report on such
96 programs to the Select Committee on Children of
97 the General Assembly on or before July 1, 2000,
98 and annually thereafter.

99 Sec. 3. This act shall take effect from its
100 passage.

101 STATEMENT OF LEGISLATIVE COMMISSIONERS: In
102 subsection (a) the statutory references to family
103 with service needs was added and in subsection
104 (c), the phrase "family with service needs
105 petition" was changed to "petition alleging that a
106 family constitutes a family with service needs"
107 for consistency with the general statutes.

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

109 JUD COMMITTEE VOTE: YEA 37 NAY 0 JFS-LCO

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"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 5371

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

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: This bill requires the Department of Children and Families and the Judicial Department to extend family with service needs (FWSN) status to sixteen and seventeen year olds by October 1, 1998. This program must continue until June 30, 2000. The bill does not impose any limits on the number of youth who may be referred as FSWN cases.

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).

The bill also authorizes affected youth to receive services from the Judicial Department--Office of Alternative Sanctions (OAS). Since OAS currently provides services to juveniles adjudicated through the juvenile court system for crimes only, any allocation of resources for the FWSN population would require additional appropriations or a diversion of resources from juvenile justice programs.

It would also result in a potential significant cost to police departments, particularly those in urban communities, to the extent that they would locate and report the location of sixteen and seventeen year olds that are reported runaways by a parent or guardian.

An indeterminate cost, which may be significant in magnitude, will be incurred by the DCF to contract with one or more providers for crisis intervention and assessment services for eligible youths. No funding for this purpose has been included within sHB 5021.

Section 2 of the bill requires the Department of Education to establish five pilot programs on or before August 30, 1999 to provide services to students sixteen to eighteen who have difficulty in traditional school settings with an educational alternative. No funding has been provided within sHB 5021 for this purpose. Thus no program could be instituted until July 1, 1999 at the earliest, assuming funding is provided in the SFY 1999 -01 Biennial Budget. It is anticipated that the cost associated with establishing the five pilot programs will be significant in magnitude.

It is anticipated that the DCF, the Judicial Department and the Department of Education will be able to produce their required reports within their anticipated budgetary resources.

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OLR BILL ANALYSIS

sHB 5371

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE YOUTH TASK FORCE CONCERNING SERVICES

SUMMARY: This bill establishes two pilot programs, one extending services and juvenile court supervision under the families with service needs (FWSN) program to 16- and 17-year olds (youths), the other creating alternative education programs in five school districts to help prepare youths who exhibit behavioral problems for work.

The FWSN pilot begins October 1, 1998 and ends June 30, 2000. It (1) provides for crisis intervention and assessment services, (2) provides the juvenile court with a wider range of sanctions for FWSN youth who violate the court's order and specifies that they are not delinquents if they do so, (3) makes FWSN youth eligible for Office of Alternative Sanctions programs, and (4) requires local and state police to locate youth and report to their parents.

EFFECTIVE DATE: Upon passage

FURTHER EXPLANATION**FWSN Pilot Program**

The bill requires DCF and the chief court administrator to establish the pilot program by October 1, 1998. It specifies that youths in the program are under the juvenile court's jurisdiction. The pilot program's stated purpose is to divert eligible youths from the criminal justice system by providing a continuum of age-appropriate, gender-specific, and culturally sensitive services that include crisis intervention, assessment, and placement in short- and long-term residential facilities.

Crisis Intervention and Assessment. The bill requires the Department of Children and Families (DCF) to contract with one or more service providers for crisis intervention and assessment services for 16- and 17-year olds. Youths can seek services themselves, and

parents, foster parents, police, and a youth's attorney or someone else representing a youth can make a referral. A provider that believes a youth is abused, neglected, or uncared for can refer the youth to DCF, and it can refer any family for other services. The bill states that the juvenile court has jurisdiction over youths in the pilot program, but it is not clear how the court's jurisdiction applies in this phase of the pilot.

Extending Court Supervision. Through the FWSN program, parents and others can 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 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 jailed for contempt.

The bill extends the FWSN program to youths during the pilot period, but it prohibits youths facing a pending felony charge from participating. When a petition is filed asking for FWSN services for a youth, the bill requires DCF's crisis intervention service provider to assess the family; the court must consider this assessment in determining whether there is clear and convincing evidence that the family qualifies as a FWSN. This is the same standard currently used for younger FWSNs, but for that age group, a juvenile probation officer assesses the situation and may refer the family for services in lieu of proceeding in court.

The bill also allows the court to ask DCF whether it has a current case (e.g., for abuse or neglect or for voluntary treatment).

The bill gives the juvenile court additional options to control a FWSN youth. It can prohibit the youth from driving a car, require him to work or perform community service, or place him in community-based residential facility. And it makes youths in the pilot program eligible for Office of Alternative Sanctions programs, which include intensive case management, nonresidential supervision, and residential centers. The bill specifies that a youth who violates a FWSN order is not

considered a delinquent and cannot be incarcerated in any state-operated detention or correctional facility.

Police Assistance for Families with Runaway Youths.

The bill requires state and local police to look for any 16- or -17 year old whose parents or guardians report him missing and, if they locate him, inform the parents where he is. Under current law, police must look for children up through age 15 and return them home, hold them in protective custody, or refer them to an agency serving children.

Reporting. The bill requires the DCF commissioner and chief court administrator to report on the pilot program's implementation by January 15, 2000. The report must evaluate the pilot and recommend legislative changes, if needed. It must go to the Human Services, Judiciary, Appropriations, and Children's committees and to the legislative library.

Alternative Education Pilot Program

The bill requires the Education Department, by August 30, 1999, to establish five pilot programs to (1) provide alternative education to prepare 16- and 17-year olds who exhibit behavioral problems and have difficulty functioning in a traditional school setting for work and (2) inform parents of eligible youths how to deal with them and their problems. Each pilot program must be conducted by a school district in consultation with youth service bureaus, community organizations, and businesses. The department must report annually on the programs to the Children's Committee beginning by July 1, 2000.

BACKGROUND

Related Bills

SHB 5378, favorably reported by the Children's and Judiciary committees, permanently extends the FWSN program to 16- and-17 year olds, except for truants. It also extends the compulsory school attendance age to 18, but allows parents to consent to a 16-or 17-year old's dropping out.

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.

COMMITTEE ACTION

Children's Committee

Joint Favorable Substitute Change of Reference
Yea 11 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 37 Nay 0