
OLR Bill Analysis

sHB 6889

AN ACT CONCERNING CHILDREN FROM FAMILIES WITH SERVICE NEEDS.

SUMMARY

This bill reinstates the option for certain parties (e.g., parents and police officers) to file a family with service needs (FWSN) petition with the juvenile court. FWSN is a designation for a family in which a child (1) commits certain status offenses, such as running away from home or (2) is out of the control of his or her parent or guardian, among other things. This designation was made obsolete by PA 19-187, §§ 8-10, which, after June 30, 2020, eliminated FWSN petitions.

The bill also expands the circumstances under which FWSN petitions may be filed 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. It generally authorizes the court to (1) refer the child to the authorities of the local or regional school district or private school for services or (2) order the child to stay home in the custody of a suitable person subject to district or school authorities' supervision.

It also authorizes specific people (e.g., police officers or school superintendents) to file a written complaint in Superior Court setting out the facts that they believe that a child is from a family designated as a FWSN. The bill requires the court to refer the complaint to a probation officer who must determine whether the allegations are true or false and take certain actions, including possibly filing a FWSN petition.

Lastly, the bill makes conforming changes.

EFFECTIVE DATE: October 1, 2023

PETITION AND FINDING OF FWSN DUE TO TRUANCY

FWSN Petition Due to Truancy

Under the bill, if a FWSN petition is filed because a child is a truant or habitual truant, the court may not dismiss the petition just because it was filed during the months of April, May, or June.

When the petition is filed, the bill requires the court to order the local or regional board of education 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 performed within the last year.

Finding of FWSN Due to Truancy

Under the bill, if the court finds, based on clear and convincing evidence, that a child is from a family designated as a FWSN only because of a finding that the child is a truant or habitual truant, it may:

1. refer the child to (a) the authorities of the local or regional school district or private school for services provided by the district or private school, 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 local or regional school district or private school.

WRITTEN COMPLAINT ABOUT A CHILD FROM A FWSN

Authorized Complainants

The bill authorizes specific people to file a written complaint in the Superior Court with jurisdiction setting out the facts that they believe that a child's acts or omissions are such that the child is from a family designated as a FWSN. Under the bill, any of the following people may file the complaint:

1. any selectman, town manager, police officer, or welfare department worker of any town, city, or borough;
2. any probation officer or superintendent of schools;

3. the Department of Children and Families (DCF) commissioner;
4. any worker from a child-caring institution or agency approved or licensed by DCF;
5. any youth service bureau worker; or
6. the child or the child's parent, foster parent, representative, or attorney.

Referral to a Probation Officer

The bill requires the court to refer the complaint to a probation officer, who must promptly determine whether it appears that the alleged facts, if true, would be sufficient to meet the definition of a FWSN. Under the bill, a complaint alleging that a child is a truant or habitual truant must not be determined to be insufficient to meet the definition of a FWSN just because it was filed during the months of April, May, or June.

The probation officer must inform the complainant in writing of the officer's findings as to whether the allegations are true or false and the officer's actions taken.

Allegations are True. Under the bill, if the probation officer determines that the allegations are true, he or she must, after an initial assessment, promptly refer the child and the child's family to a suitable community-based program or other service provider or to a family support center for voluntary services.

If the child and his or her family are referred to a community-based program or other service provider and the person in charge of the program or the provider determines that the child and the 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 family support center for additional services or (2) determine whether to file a FWSN petition with the court.

If the child and his or her family are referred to a family support

center and the person in charge of the family support center determines that the child and the family can no longer benefit from its services, the person must inform the probation officer, who may file a FWSN petition with the court.

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.

BACKGROUND

Related Bill

sHB 6874, §§ 10-19 & 45, reported favorably by the Judiciary Committee removes reference to the term “family with service needs” (FWSN), which was a designation made obsolete by PA 19-187, §§ 8-10. It also correspondingly repeals obsolete provisions related to FWSN petitions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/30/2023)