



# House of Representatives

General Assembly

**File No. 623**

January Session, 2023

Substitute House Bill No. 6889

*House of Representatives, April 17, 2023*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING CHILDREN FROM FAMILIES WITH SERVICE NEEDS.***

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

1 Section 1. Subdivision (3) of section 46b-120 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2023*):

4 (3) "Family with service needs" means a family that includes a child  
5 who is at least seven years of age and is under eighteen years of age who  
6 [, according to a petition lawfully filed on or before June 30, 2020,] (A)  
7 has without just cause run away from the parental home or other  
8 properly authorized and lawful place of abode, (B) is beyond the control  
9 of the child's parent, parents, guardian or other custodian, (C) has  
10 engaged in indecent or immoral conduct, [or] (D) is a truant or habitual  
11 truant or who, while in school, has been continuously and overtly  
12 defiant of school rules and regulations, or (E) is thirteen years of age or  
13 older and has engaged in sexual intercourse with another person and  
14 such other person is thirteen years of age or older and not more than

15 two years older or younger than such child;

16 Sec. 2. Section 46b-149 of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2023*):

18 (a) [The provisions of this section in effect on June 30, 2020, revision  
19 of 1958, revised to January 1, 2019, shall be applicable to any petition  
20 filed in accordance with such provisions on or before June 30, 2020.] Any  
21 selectman, town manager, police officer or welfare department of any  
22 town, city or borough, any probation officer or superintendent of  
23 schools, the Commissioner of Children and Families, any child-caring  
24 institution or agency approved or licensed by the Commissioner of  
25 Children and Families, any youth service bureau, a parent or foster  
26 parent of a child, or a child or the child's representative or attorney, who  
27 believes that the acts or omissions of a child are such that the child is  
28 from a family with service needs, may file a written complaint setting  
29 forth those facts with the Superior Court that has venue over the matter.

30 (b) The court shall refer a complaint filed under subsection (a) of this  
31 section to a probation officer, who shall promptly determine whether it  
32 appears that the alleged facts, if true, would be sufficient to meet the  
33 definition of a family with service needs, provided a complaint alleging  
34 that a child is a truant or habitual truant shall not be determined to be  
35 insufficient to meet the definition of a family with service needs solely  
36 because it was filed during the months of April, May or June. If such  
37 probation officer so determines, the probation officer shall, after an  
38 initial assessment, promptly refer the child and the child's family to a  
39 suitable community-based program or other service provider, or to a  
40 family support center as provided in section 46b-149e, for voluntary  
41 services. If the child and the child's family are referred to a community-  
42 based program or other service provider and the person in charge of  
43 such program or provider determines that the child and the child's  
44 family can no longer benefit from its services, such person shall inform  
45 the probation officer, who shall, after an appropriate assessment, either  
46 refer the child and the child's family to a family support center for  
47 additional services or determine whether or not to file a petition with

48 the court under subsection (c) of this section. If the child and the child's  
49 family are referred to a family support center and the person in charge  
50 of the family support center determines that the child and the child's  
51 family can no longer benefit from its services, such person shall inform  
52 the probation officer, who may file a petition with the court in the  
53 manner prescribed in subsection (c) of this section. The probation officer  
54 shall inform the complainant in writing of the probation officer's action  
55 under this subsection. If it appears that the allegations are not true, or  
56 that the child's family does not meet the definition of a family with  
57 service needs, the probation officer shall inform the complainant in  
58 writing of such finding.

59 [(b)] (c) A petition alleging that a child is from a family with service  
60 needs shall be verified and filed with the Superior Court which has  
61 venue over the matter. The petition shall set forth plainly: (1) The facts  
62 which bring the child within the jurisdiction of the court; (2) the name,  
63 date of birth, sex and residence of the child; (3) the name and residence  
64 of the child's parent or parents, guardian or other person having control  
65 of the child; and (4) a prayer for appropriate action by the court in  
66 conformity with the provisions of this section.

67 [(c)] (d) When a petition is filed under subsection [(b)] (c) of this  
68 section, the court may issue a summons to the child and the child's  
69 parents, guardian or other person having control of the child to appear  
70 in court at a specified time and place. The summons shall be signed by  
71 a judge or by the clerk or assistant clerk of the court, and a copy of the  
72 petition shall be attached to it. Whenever it appears to the judge that  
73 orders addressed to an adult, as set forth in section 46b-121, are  
74 necessary for the welfare of such child, a similar summons shall be  
75 issued and served upon such adult if he or she is not already in court.  
76 Service of summons shall be made in accordance with section 46b-128.  
77 The court may punish for contempt, as provided in section 46b-121, any  
78 parent, guardian or other person so summoned who fails to appear in  
79 court at the time and place so specified. If a petition is filed under  
80 subsection (c) of this section alleging that a child is from a family with  
81 service needs because a child is a truant or habitual truant, the court may

82 not dismiss such petition solely because it was filed during the months  
83 of April, May or June.

84 (e) When a petition is filed under subsection (c) of this section alleging  
85 that a child is from a family with service needs because such child has  
86 been habitually truant, the court shall order that the local or regional  
87 board of education for the town in which the child resides, or the private  
88 school in the case of a child enrolled in a private school, shall cause an  
89 educational evaluation of such child to be performed if no such  
90 evaluation has been performed within the one-year period preceding  
91 the date of the filing of the petition.

92 ~~[(d)]~~ (f) If it appears from the allegations of a petition or other sworn  
93 affirmations that there is: (1) A strong probability that the child may do  
94 something that ~~[is injurious to himself]~~ results in self-injury prior to  
95 court disposition; (2) a strong probability that the child will run away  
96 prior to the hearing; or (3) a need to hold the child for another  
97 jurisdiction, a judge may vest temporary custody of such child in some  
98 suitable person or agency. No nondelinquent juvenile runaway from  
99 another state may be held in a state-operated detention home in  
100 accordance with the provisions of section 46b-151h, the Interstate  
101 Compact for Juveniles. A hearing on temporary custody shall be held  
102 not later than ten days after the date on which a judge signs an order of  
103 temporary custody. Following such hearing, the judge may order that  
104 the child's temporary custody continue to be vested in some suitable  
105 person or agency. Any expenses of temporary custody shall be paid in  
106 the same manner as provided in subsection (b) of section 46b-129.

107 ~~[(e)]~~ (g) If a petition is filed under subsection ~~[(b)]~~ (c) of this section  
108 and it appears that the interests of the child or the family may be best  
109 served, prior to adjudication, by a referral to community-based or other  
110 services, the judge may permit the matter to be continued for a  
111 reasonable period of time not to exceed six months, which time period  
112 may be extended by an additional three months for cause. If it appears  
113 at the conclusion of the continuance that the matter has been  
114 satisfactorily resolved, the judge may dismiss the petition.

115 [(f)] (h) If the court finds, based on clear and convincing evidence,  
116 that a child is from a family with service needs, the court may, in  
117 addition to issuing any orders under section 46b-121: (1) Refer the child  
118 to the Department of Children and Families for any voluntary services  
119 provided by the department or, if the child is from a family with service  
120 needs solely as a result of a finding that the child is a truant or habitual  
121 truant, to the authorities of the local or regional school district or private  
122 school for services provided by such school district or such school,  
123 which services may include summer school, or to community agencies  
124 providing child and family services; (2) order the child to remain in the  
125 child's own home or in the custody of a relative or any other suitable  
126 person (A) subject to the supervision of a probation officer; or (B) in the  
127 case of a child who is from a family with service needs solely as a result  
128 of a finding that the child is a truant or habitual truant, subject to the  
129 supervision of a probation officer and the authorities of the local or  
130 regional school district or private school; (3) if the child is from a family  
131 with service needs as a result of the child engaging in sexual intercourse  
132 with another person and such other person is thirteen years of age or  
133 older and not more than two years older or younger than such child, (A)  
134 refer the child to a youth service bureau or other appropriate service  
135 agency for participation in a program such as a teen pregnancy program  
136 or a sexually transmitted disease program, and (B) require such child to  
137 perform community service such as service in a hospital, an AIDS  
138 prevention program or an obstetrical and gynecological program; or (4)  
139 upon a finding that there is no less restrictive alternative, commit the  
140 child to the care and custody of the Commissioner of Children and  
141 Families for an indefinite period not to exceed eighteen months. The  
142 child shall be entitled to representation by counsel and an evidentiary  
143 hearing. If the court issues any order which regulates future conduct of  
144 the child, parent or guardian, the child, parent or guardian shall receive  
145 adequate and fair warning of the consequences of violation of the order  
146 at the time it is issued, and such warning shall be provided to the child,  
147 parent or guardian, to [his or her] the child's attorney and to [his or her]  
148 the child's legal guardian in writing and shall be reflected in the court  
149 record and proceedings.

150 [(g)] (i) At any time during the period of supervision, after hearing  
151 and for good cause shown, the court may modify or enlarge the  
152 conditions, whether originally imposed by the court under this section  
153 or otherwise, as deemed appropriate by the court. The court shall cause  
154 a copy of any such orders to be delivered to the child and to such child's  
155 parent or guardian and probation officer.

156 [(h)] (j) (1) The Commissioner of Children and Families may file a  
157 motion for an extension of a commitment under this section on the  
158 grounds that an extension would be in the best interest of the child. The  
159 court shall give notice to the child and the child's parent or guardian at  
160 least fourteen days prior to the hearing upon such motion. The court  
161 may, after hearing and upon finding that such extension is in the best  
162 interest of the child and that there is no suitable less restrictive  
163 alternative, continue the commitment for an additional indefinite period  
164 of not more than eighteen months. (2) The Commissioner of Children  
165 and Families may at any time file a motion to discharge a child  
166 committed under this section, and any child committed to the  
167 commissioner under this section, or the parent or guardian of such child,  
168 may at any time but not more often than once every six months file a  
169 motion to revoke such commitment. The court shall notify the child, the  
170 child's parent or guardian and the commissioner of any motion filed  
171 under this subsection, and of the time when a hearing on such motion  
172 will be held. Any order of the court made under this subsection shall be  
173 deemed a final order for purposes of appeal, except that no bond shall  
174 be required and no costs shall be taxed on such appeal. (3) Not later than  
175 twelve months after a child is committed to the Commissioner of  
176 Children and Families in accordance with subdivision (4) of subsection  
177 [(f)] (h) of this section or section 46b-149f, the court shall hold a  
178 permanency hearing in accordance with subsection [(i)] (k) of this  
179 section. After the initial permanency hearing, subsequent permanency  
180 hearings shall be held at least once every twelve months while the child  
181 remains committed to the Commissioner of Children and Families.

182 [(i)] (k) At least sixty days prior to each permanency hearing required  
183 under subsection [(h)] (j) of this section, the Commissioner of Children

184 and Families shall file a permanency plan with the court. At each  
185 permanency hearing, the court shall review and approve a permanency  
186 plan that is in the best interests of the child and takes into consideration  
187 the child's need for permanency. Such permanency plan may include  
188 the goal of: (1) Revocation of commitment and subsequent placement of  
189 the child with the parent or guardian, (2) transfer of guardianship, (3)  
190 permanent placement with a relative, (4) adoption, or (5) any other  
191 planned permanent living arrangement ordered by the court, provided  
192 the Commissioner of Children and Families has documented a  
193 compelling reason why it would not be in the best interest of the child  
194 for the permanency plan to include the goals set forth in subdivisions  
195 (1) to (4), inclusive, of this subsection. Such other planned permanent  
196 living arrangement may include, but not be limited to, placement of the  
197 child in an independent living program. At any such permanency  
198 hearing, the court shall also determine whether the Commissioner of  
199 Children and Families has made reasonable efforts to achieve the goals  
200 in the permanency plan.

201 Sec. 3. Subsections (a) and (b) of section 46b-149f of the general  
202 statutes are repealed and the following is substituted in lieu thereof  
203 (*Effective October 1, 2023*):

204 (a) When a child who has been adjudicated as a child from a family  
205 with service needs pursuant to a petition filed [on or before June 30,  
206 2020,] in accordance with section 46b-149, as amended by this act,  
207 violates any valid order which regulates future conduct of the child  
208 made by the court following such an adjudication, a probation officer,  
209 on receipt of a complaint setting forth facts alleging such a violation, or  
210 on the probation officer's own motion on the basis of [his or her] such  
211 officer's knowledge of such a violation, may file a petition with the court  
212 alleging that the child has violated a valid court order and setting forth  
213 the facts claimed to constitute such a violation. Service shall be made in  
214 the same manner as set forth for a summons in subsection [(c)] (d) of  
215 section 46b-149, as amended by this act. The child shall be entitled to  
216 representation by counsel and an evidentiary hearing on the allegations  
217 contained in the petition. If the court finds, by clear and convincing

218 evidence, that the child has violated a valid court order, the court may  
219 (1) order the child to remain in such child's home or in the custody of a  
220 relative or any other suitable person, subject to the supervision of a  
221 probation officer or an existing commitment to the Commissioner of  
222 Children and Families, (2) upon a finding that there is no less restrictive  
223 alternative appropriate to the needs of the child and the community,  
224 enter an order that directs or authorizes a peace officer or other  
225 appropriate person to place the child in a staff-secure facility under the  
226 auspices of the Court Support Services Division for a period not to  
227 exceed forty-five days, with court review every fifteen days to consider  
228 whether continued placement is appropriate, at the end of which period  
229 the child shall be returned to the community and may be subject to the  
230 supervision of a probation officer, or (3) order that the child be  
231 committed to the care and custody of the Commissioner of Children and  
232 Families for a period not to exceed eighteen months and that the child  
233 cooperate in such care and custody.

234 (b) When a child who has been adjudicated as a child from a family  
235 with service needs pursuant to a petition filed [on or before June 30,  
236 2020,] in accordance with section 46b-149, as amended by this act, is  
237 under an order of supervision or an order of commitment to the  
238 Commissioner of Children and Families and believed to be in imminent  
239 risk of physical harm from the child's surroundings or other  
240 circumstances, a probation officer, on receipt of a complaint setting forth  
241 facts alleging such risk, or on the probation officer's own motion on the  
242 basis of [his or her] such officer's knowledge of such risk, may file a  
243 petition with the court alleging that the child is in imminent risk of  
244 physical harm and setting forth the facts claimed to constitute such risk.  
245 Service shall be made in the same manner as set forth for a summons in  
246 subsection [(c)] (d) of section 46b-149, as amended by this act. If it  
247 appears from the specific allegations of the petition and other verified  
248 affirmations of fact accompanying the petition, or subsequent thereto,  
249 that there is probable cause to believe that (1) the child is in imminent  
250 risk of physical harm from the child's surroundings, (2) as a result of  
251 such condition, the child's safety is endangered and immediate removal  
252 from such surroundings is necessary to ensure the child's safety, and (3)



253 there is no less restrictive alternative available, the court shall enter an  
 254 order that directs or authorizes a peace officer or other appropriate  
 255 person to place the child in a staff-secure facility under the auspices of  
 256 the Court Support Services Division for a period not to exceed forty-five  
 257 days, subject to subsection (c) of this section, with court review every  
 258 fifteen days to consider whether continued placement is appropriate, at  
 259 the end of which period the child shall either be (A) returned to the  
 260 community for appropriate services, subject to the supervision of a  
 261 probation officer or an existing commitment to the Commissioner of  
 262 Children and Families, or (B) committed to the Department of Children  
 263 and Families for a period not to exceed eighteen months if a hearing has  
 264 been held and the court has found, based on clear and convincing  
 265 evidence, that (i) the child is in imminent risk of physical harm from the  
 266 child's surroundings, (ii) as a result of such condition, the child's safety  
 267 is endangered and removal from such surroundings is necessary to  
 268 ensure the child's safety, and (iii) there is no less restrictive alternative  
 269 available. Any such child shall be entitled to the same procedural  
 270 protections as are afforded to a delinquent child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	46b-120(3)
Sec. 2	October 1, 2023	46b-149
Sec. 3	October 1, 2023	46b-149f(a) and (b)

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the 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 chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Judicial Dept. (Probation); Children & Families, Dept.	GF - Cost	Significant	Significant
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	Significant	Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill reinstates parents’ or police officers’ ability to file a family with service needs (FWSN) petition with the juvenile court and including referrals for children who are truant or who are habitually defiant of school rules. This results in a significant cost to the Judicial Department, to the Department of Children and Families (DCF), and to the Office of the State Comptroller.

DCF and the Judicial Branch would likely need to hire Juvenile Probation Officers, Court Liaisons, Social Workers, Social Work Supervisors, Children and Families Program Supervisors, and a Children and Families Program Director. The number of staff required, and the corresponding fringe benefit cost for staff, would be predicated on the volume of FWSN referrals to DCF and the Judicial Department. Ensuring availability of appropriate services for the referred FWSN

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

population will vary based on the needs of the population and the number of referrals.

It is anticipated that the services that would be impacted, and require additional funding, are in the following domains within DCF: behavioral health services, in-home services, and residential services. In the Judicial Department, referrals would largely be made to community based services and contracted providers and the cost would be significant.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of qualifying FWSNs and referrals, assessed needs of the population, and inflation.

*Sources: Judicial Branch Court Support Services Division Program Inventory for Fiscal Year 2022  
Judicial Branch Families with Service Needs Reports FY 2008-FY 2020  
<https://www.jud.ct.gov/statistics/juvenile/default.htm>*

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**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.

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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

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- 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)