



General Assembly

Substitute Bill No. 6889

January Session, 2023



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2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 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
6 who [, according to a petition lawfully filed on or before June 30, 2020,]
7 (A) has without just cause run away from the parental home or other
8 properly authorized and lawful place of abode, (B) is beyond the
9 control of the child's parent, parents, guardian or other custodian, (C)
10 has engaged in indecent or immoral conduct, [or] (D) is a truant or
11 habitual truant or who, while in school, has been continuously and
12 overtly defiant of school rules and regulations, or (E) is thirteen years
13 of age or older and has engaged in sexual intercourse with another
14 person and such other person is thirteen years of age or older and not
15 more than 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 Section 46b-149 of the general statutes is repealed and the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.]
21 Any selectman, town manager, police officer or welfare department of
22 any 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,
27 who believes that the acts or omissions of a child are such that the
28 child is from a family with service needs, may file a written complaint
29 setting forth those facts with the Superior Court that has venue over
30 the matter.

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

53 from its services, such person shall inform the probation officer, who
54 may file a petition with the court in the manner prescribed in
55 subsection (c) of this section. The probation officer shall inform the
56 complainant in writing of the probation officer's action under this
57 subsection. If it appears that the allegations are not true, or that the
58 child's family does not meet the definition of a family with service
59 needs, the probation officer shall inform the complainant in writing of
60 such finding.

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

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

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

94 [(d)] (f) If it appears from the allegations of a petition or other sworn
95 affirmations that there is: (1) A strong probability that the child may do
96 something that [is injurious to himself] results in self-injury prior to
97 court disposition; (2) a strong probability that the child will run away
98 prior to the hearing; or (3) a need to hold the child for another
99 jurisdiction, a judge may vest temporary custody of such child in some
100 suitable person or agency. No nondelinquent juvenile runaway from
101 another state may be held in a state-operated detention home in
102 accordance with the provisions of section 46b-151h, the Interstate
103 Compact for Juveniles. A hearing on temporary custody shall be held
104 not later than ten days after the date on which a judge signs an order
105 of temporary custody. Following such hearing, the judge may order
106 that the child's temporary custody continue to be vested in some
107 suitable person or agency. Any expenses of temporary custody shall be
108 paid in the same manner as provided in subsection (b) of section 46b-
109 129.

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

118 [(f)] (h) If the court finds, based on clear and convincing evidence,

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

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

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

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

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

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

220 (d) of section 46b-149, as amended by this act. The child shall be
221 entitled to representation by counsel and an evidentiary hearing on the
222 allegations contained in the petition. If the court finds, by clear and
223 convincing evidence, that the child has violated a valid court order, the
224 court may (1) order the child to remain in such child's home or in the
225 custody of a relative or any other suitable person, subject to the
226 supervision of a probation officer or an existing commitment to the
227 Commissioner of Children and Families, (2) upon a finding that there
228 is no less restrictive alternative appropriate to the needs of the child
229 and the community, enter an order that directs or authorizes a peace
230 officer or other appropriate person to place the child in a staff-secure
231 facility under the auspices of the Court Support Services Division for a
232 period not to exceed forty-five days, with court review every fifteen
233 days to consider whether continued placement is appropriate, at the
234 end of which period the child shall be returned to the community and
235 may be subject to the supervision of a probation officer, or (3) order
236 that the child be committed to the care and custody of the
237 Commissioner of Children and Families for a period not to exceed
238 eighteen months and that the child cooperate in such care and custody.

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

254 thereto, that there is probable cause to believe that (1) the child is in
 255 imminent risk of physical harm from the child's surroundings, (2) as a
 256 result of such condition, the child's safety is endangered and
 257 immediate removal from such surroundings is necessary to ensure the
 258 child's safety, and (3) there is no less restrictive alternative available,
 259 the court shall enter an order that directs or authorizes a peace officer
 260 or other appropriate person to place the child in a staff-secure facility
 261 under the auspices of the Court Support Services Division for a period
 262 not to exceed forty-five days, subject to subsection (c) of this section,
 263 with court review every fifteen days to consider whether continued
 264 placement is appropriate, at the end of which period the child shall
 265 either be (A) returned to the community for appropriate services,
 266 subject to the supervision of a probation officer or an existing
 267 commitment to the Commissioner of Children and Families, or (B)
 268 committed to the Department of Children and Families for a period
 269 not to exceed eighteen months if a hearing has been held and the court
 270 has found, based on clear and convincing evidence, that (i) the child is
 271 in imminent risk of physical harm from the child's surroundings, (ii) as
 272 a result of such condition, the child's safety is endangered and removal
 273 from such surroundings is necessary to ensure the child's safety, and
 274 (iii) there is no less restrictive alternative available. Any such child
 275 shall be entitled to the same procedural protections as are afforded to a
 276 delinquent child.

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

JUD *Joint Favorable Subst.*