



House of Representatives

General Assembly

File No. 492

February Session, 2024

Substitute House Bill No. 5506

House of Representatives, April 15, 2024

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 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 2024 supplement
2 to the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024*):

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. (NEW) (*Effective October 1, 2024*) (a) Any parent or guardian
17 who believes that the acts or omissions of such parent or guardian's
18 child are such that the child is from a family with service needs, as
19 defined in section 46b-120 of the general statutes, as amended by this
20 act, may file a written complaint setting forth those facts with the
21 Superior Court that has venue over the matter.

22 (b) The court shall refer a complaint filed under subsection (a) of this
23 section to a probation officer, who shall promptly determine whether it
24 appears that the alleged facts, if true, would be sufficient to meet the
25 definition of a family with service needs. A complaint alleging that a
26 child is a truant or habitual truant shall not be determined to be
27 insufficient to meet the definition of a family with service needs solely
28 because it was filed during the months of April, May or June. If such
29 probation officer so determines, the probation officer shall, after an
30 initial assessment, promptly refer the child and the child's family to a
31 youth services bureau, established pursuant to section 10-19m of the
32 general statutes, or to a family support center established pursuant to
33 section 5 of this act, for services for a period of at least ninety days. If the
34 child and the child's family are referred to a youth services bureau or to
35 a family support center and the person in charge of such program
36 determines that the child and the child's family can no longer benefit
37 from its services after an initial ninety-day period of such services, the
38 person in charge of such program shall inform the probation officer,
39 who shall, after an appropriate assessment, either refer the child and the
40 child's family to a youth services bureau or family support center for
41 additional services or determine whether or not to file a petition with
42 the court under subsection (c) of this section. If the child and the child's
43 family are referred to a youth services bureau or family support center
44 and the person in charge of the youth services bureau or family support
45 center determines that the child and the child's family can no longer
46 benefit from its services, the person in charge of the youth services
47 bureau or family support center shall inform the probation officer, who
48 may file a petition with the court in the manner prescribed in subsection
49 (c) of this section. The probation officer shall inform the complainant in
50 writing of the probation officer's action under this subsection. If it

51 appears that the allegations are not true, or that the child's family does
52 not meet the definition of a family with service needs, the probation
53 officer shall inform the complainant in writing of such finding.

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

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

80 (e) When a petition is filed under subsection (c) of this section alleging
81 that a child is from a family with service needs because such child has
82 been habitually truant, the court shall order that the local or regional
83 board of education for the town in which the child resides, or the private

84 school in the case of a child enrolled in a private school, shall cause an
85 educational evaluation of such child to be performed if no such
86 evaluation has been performed within the one-year period preceding
87 the date of the filing of the petition.

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

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

112 (h) If the court finds, based on clear and convincing evidence, that a
113 child is from a family with service needs, the court may, in addition to
114 issuing any orders under section 46b-121 of the general statutes: (1)
115 Refer the child to the Department of Children and Families for any
116 voluntary services provided by the department or, if the child is from a

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

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

152 guardian and probation officer.

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

179 (k) At least sixty days prior to each permanency hearing required
180 under subsection (j) of this section, the Commissioner of Children and
181 Families shall file a permanency plan with the court. At each
182 permanency hearing, the court shall review and approve a permanency
183 plan that is in the best interests of the child and takes into consideration
184 the child's need for permanency. Such permanency plan may include
185 the goal of: (1) Revocation of commitment and subsequent placement of

186 the child with the parent or guardian, (2) transfer of guardianship, (3)
187 permanent placement with a relative, (4) adoption, or (5) any other
188 planned permanent living arrangement ordered by the court, provided
189 the Commissioner of Children and Families has documented a
190 compelling reason why it would not be in the best interest of the child
191 for the permanency plan to include the goals set forth in subdivisions
192 (1) to (4), inclusive, of this subsection. Such other planned permanent
193 living arrangement may include, but not be limited to, placement of the
194 child in an independent living program. At any such permanency
195 hearing, the court shall also determine whether the Commissioner of
196 Children and Families has made reasonable efforts to achieve the goals
197 in the permanency plan.

198 (l) (1) Notwithstanding any provision of chapter 815t of the general
199 statutes: (A) No child who has been adjudicated as a child from a family
200 with service needs in accordance with this section may be processed or
201 held in a juvenile residential center as a delinquent child, or be convicted
202 as delinquent, solely for the violation of a valid order which regulates
203 future conduct of the child that was issued by the court following such
204 an adjudication; and (B) no such child who is found to be in violation of
205 any such order may be punished for such violation by placement in any
206 juvenile residential center.

207 (2) In entering any order that directs or authorizes placement or
208 commitment of a child who has been adjudicated as a child from a
209 family with service needs in accordance with this section, the court shall
210 make a determination that there is no less restrictive alternative
211 appropriate to the needs of such child and the community.

212 Sec. 3. (NEW) (*Effective October 1, 2024*) (a) When a child who has been
213 adjudicated as a child from a family with service needs pursuant to a
214 petition filed in accordance with section 2 of this act, violates any valid
215 order which regulates future conduct of the child made by the court
216 following such an adjudication, a probation officer, on receipt of a
217 complaint setting forth facts alleging such a violation, or on the
218 probation officer's own motion on the basis of such officer's knowledge

219 of such a violation, may file a petition with the court alleging that the
220 child has violated a valid court order and setting forth the facts claimed
221 to constitute such a violation. Service shall be made in the same manner
222 as set forth for a summons in subsection (d) of section 2 of this act. The
223 child shall be entitled to representation by counsel and an evidentiary
224 hearing on the allegations contained in the petition. If the court finds, by
225 clear and convincing evidence, that the child has violated a valid court
226 order, the court may (1) order the child to remain in such child's home
227 or in the custody of a relative or any other suitable person, subject to the
228 supervision of a probation officer or an existing commitment to the
229 Commissioner of Children and Families, or (2) order that the child be
230 committed to the care and custody of the Commissioner of Children and
231 Families for a period not to exceed eighteen months and that the child
232 cooperate in such care and custody, except that after all other options
233 are exhausted in the case of a child who is a child from a family with
234 service needs solely because such child is a truant or habitual truant or
235 who, while in school, has been continuously and overtly defiant of
236 school rules and regulations, such child may be placed in the
237 Connecticut Juvenile Training School or other staff-secure facility for
238 completion of a residential education program for a period not to exceed
239 forty-five days, subject to a review by the court of the continuing
240 placement of such child following each fifteen-day period of such
241 placement.

242 (b) When a child who has been adjudicated as a child from a family
243 with service needs pursuant to a petition filed in accordance with
244 section 2 of this act, is under an order of supervision or an order of
245 commitment to the Commissioner of Children and Families and
246 believed to be in imminent risk of physical harm from the child's
247 surroundings or other circumstances, a probation officer, on receipt of a
248 complaint setting forth facts alleging such risk, or on the probation
249 officer's own motion on the basis of such officer's knowledge of such
250 risk, may file a petition with the court alleging that the child is in
251 imminent risk of physical harm and setting forth the facts claimed to
252 constitute such risk. Service shall be made in the same manner as set
253 forth for a summons in subsection (d) of section 2 of this act. If it appears

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

278 (c) No child shall be held prior to a hearing on a petition under this
279 section for more than twenty-four hours, excluding Saturdays, Sundays
280 and holidays. For the purposes of this section, "staff-secure facility"
281 means a residential facility (1) that does not include construction
282 features designed to physically restrict the movements and activities of
283 juvenile residents who are placed therein, (2) that may establish
284 reasonable rules restricting entrance to and egress from the facility, and
285 (3) in which the movements and activities of individual juvenile
286 residents may, for treatment purposes, be restricted or subject to control
287 through the use of intensive staff supervision.

288 Sec. 4. Section 46b-149a of the 2024 supplement to the general statutes
289 is repealed and the following is substituted in lieu thereof (*Effective*
290 *October 1, 2024*):

291 (a) Any police officer who receives a report from the parent or
292 guardian of a child that such child has run away from his or her parent
293 or guardian's home, shall promptly attempt to locate the child. If the
294 officer locates such child, or any child the officer believes has run away
295 from his or her parent or guardian's home without just cause, or any
296 nondelinquent juvenile runaway from another state, the officer shall
297 report the location of the child to the parent or guardian, and may
298 respond in one of the following ways: (1) The officer may transport the
299 child to the home of the child's parent or guardian or any other person;
300 [(2) the officer may hold the child in protective custody for a maximum
301 period of twelve hours until the officer can determine a more suitable
302 disposition of the matter, provided (A) the child is not held in any
303 locked room or cell, and (B) the officer may release the child at any time
304 without taking further action; or (3)] or (2) the officer may transport or
305 refer a child to a youth service bureau or any public or private agency
306 serving children, with or without the agreement of the child. If a child
307 is transported or referred to an agency pursuant to this section, such
308 agency may provide services to the child unless or until the child's
309 parent or guardian at any time refuses to agree to those services. Such
310 agency shall be immune from any liability, civil or criminal, which
311 might otherwise be incurred or imposed; provided such services are
312 provided in good faith and in a nonnegligent manner.

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

315 Sec. 5. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
316 section, "family support center" means a community-based service
317 center for children and families against whom a complaint has been filed
318 with the Superior Court under section 2 of this act that provides
319 multiple services, or access to such services, for the purpose of
320 preventing such children and families from having further involvement

321 with the court as families with service needs.

322 (b) The Court Support Services Division shall contract with one or
323 more private providers, or with one or more youth service bureaus, or
324 both, to develop a network of family support centers. Each family
325 support center shall provide, or ensure access to, appropriate services
326 that shall include, but not be limited to, screening and assessment, crisis
327 intervention, family mediation, educational evaluations and advocacy,
328 mental health treatment and services, including gender specific trauma
329 treatment and services, resiliency skills building, access to positive
330 social activities, short-term respite care and access to services available
331 to children in the juvenile justice system. The Court Support Services
332 Division shall conduct an independent evaluation of each family
333 support center to measure the quality of the services delivered and the
334 outcomes for the children and families served by such center.

335 Sec. 6. Subsection (a) of section 46b-128 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective October*
337 *1, 2024*):

338 (a) Whenever the Superior Court is in receipt of any written
339 complaint filed by any person, any public or private agency or any
340 federal, state, city or town department maintaining that a child's
341 conduct constitutes delinquency within the meaning of section 46b-120,
342 as amended by this act, it shall make a preliminary investigation to
343 determine whether the facts, if true, would be sufficient to be a juvenile
344 matter and whether the interests of the public or the child require that
345 further action be taken. If so, the court may authorize the filing of a
346 verified petition of alleged delinquency or it may make without such
347 petition whatever nonjudicial disposition is practicable, including the
348 ordering of such child to do work of which he is capable in public
349 buildings or on public property, particularly in cases in which the
350 complaint alleges that the conduct of such child resulted in the wilful
351 destruction of property, provided the facts establishing jurisdiction are
352 admitted and that a competent acceptance of such a disposition has been
353 given by the child and his parent or guardian. If a nonjudicial

354 disposition is made, the term of any nonjudicial supervision shall be
 355 established by the juvenile probation supervisor or designee provided
 356 such period of supervision shall not exceed one hundred eighty days. In
 357 the case of a child assigned to nonjudicial supervision following a
 358 nonjudicial disposition who violates the terms of such supervision, the
 359 juvenile probation supervisor or designee may refer the matter of the
 360 alleged delinquency of such child to the court for further proceedings.
 361 Each verified petition of delinquency filed by the court shall set forth
 362 plainly (1) the facts which bring the child within the jurisdiction of the
 363 court, (2) the name, date of birth, sex and residence of the child, (3) the
 364 names and residence of his parent or parents, guardian or other person
 365 having control of the child, and (4) a prayer for appropriate action by
 366 the court in conformity with the provisions of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	46b-120(3)
Sec. 2	October 1, 2024	New section
Sec. 3	October 1, 2024	New section
Sec. 4	October 1, 2024	46b-149a
Sec. 5	October 1, 2024	New section
Sec. 6	October 1, 2024	46b-128(a)

Statement of Legislative Commissioners:

In Section 2(b), a proviso clause was changed to be a sentence, "such person" was changed to "the person in charge of such program" and "the person in charge of the youth services bureau or family support center" for clarity; and in Section 3(a)(2), "a similar facility" was changed to "other staff-secure facility" for clarity.

JUD *Joint Favorable Subst. -LCO*

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 25 \$	FY 26 \$
Judicial Dept. (Probation); Children & Families, Dept.	GF - Cost	Significant	Significant
State Comptroller - Fringe Benefits ¹	GF - Cost	Significant	Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows parents to file a family with service needs (FWSN) petition with the juvenile court, including referrals for children who are truant or who are habitually defiant of school rules. The FWSN program was eliminated in 2020. This bill 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 Department 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 population will vary based on the needs of the population and the

¹The 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 41.25% of payroll in FY 25.

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 bill also eliminates the option of a police officer to hold a child who has run away from home in protective custody. This is not anticipated to have a fiscal impact to the state or to municipalities as officers may exercise other options.

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>*

OLR Bill Analysis**HB 5506*****AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS.*****SUMMARY**

Under prior law, up to June 30, 2020, a party (e.g., a parent or guardian) was allowed to file a “family with service needs” (FWSN) petition with the juvenile court for a child who (1) committed certain status offenses, such as running away from home, or (2) was out of the control of his or her parent or guardian. The FWSN designation was made obsolete by PA 19-187, §§ 8-10; and in 2023 the relevant statutes and various corresponding internal references were repealed (PA 23-46, §§ 10-19 & 45).

This bill generally restores the FWSN laws by reinstating the option for a party to file such a petition with the juvenile court and reestablishing corresponding provisions that address these petitions and findings, such as referral of the petitions to probation officers. Under the bill, as under prior law, a court that adjudicates a child as being from a FWSN can take various actions, such as referring the child to the Department of Children and Families (DCF) for voluntary services, ordering the child to stay home subject to a probation officer’s supervision, or in certain circumstances, committing the child to DCF custody. The bill also generally restores the provisions that applied under prior law when a child from a FWSN (1) violated the court order or (2) was placed under DCF’s supervision or commitment and believed to be in imminent risk of physical harm.

In most respects, the bill’s FWSN provisions are similar to prior law, including certain provisions on truancy as a basis for a FWSN petition that were removed from the law in 2017. (Differences from prior law are generally noted below.)

The bill also makes changes to other related provisions, by (1) no longer allowing a police officer to hold a child in protective custody when the officer locates a child who ran away from home; and (2) allowing a juvenile probation supervisor, or designee, to refer a child's alleged delinquency matter to the court for further proceedings if the child violates the terms of nonjudicial supervision.

Lastly, it also makes conforming changes.

EFFECTIVE DATE: October 1, 2024

§ 1 — FWSN DEFINITION AND JUVENILE COURT JURISDICTION

Under current law, a FWSN is a family with a child at least age seven and under age 18 who, according to a petition filed in juvenile court on or before June 30, 2020:

1. has without just cause run away from home;
2. is beyond the control of the child's parent, parents, guardian, or other custodian;
3. has engaged in indecent or immoral conduct; or
4. is age 13 and had sexual intercourse with another person age 13 or older and not more than two years older or younger than the child.

The bill removes the June 30, 2020, deadline for making FWSN petitions to the juvenile court, making it possible again for a family to be designated as a FWSN. The bill also expands the circumstances under which a petition can be made 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.

§§ 2 & 5 — FWSN COMPLAINT, REFERRAL, PETITION, REVIEW, HEARING, FINDINGS, ORDERS, PERMANENCY PLAN

The bill establishes provisions governing FWSN petitions, including summons, temporary custody, service referrals, finding of FWSN, legal

representation, DCF commitment, permanency plans and hearings, and violation of orders.

Parent or Guardian Complaint

Under the bill, any parent or guardian (complainant) who believes that their child's acts or omissions are such that the child is from a FWSN, may file a written complaint with the Superior Court that has venue over the matter.

(Under prior law, certain other people were also authorized to file a FWSN complaint, such as police officers, school superintendents and certain other local officials, and the DCF commissioner.)

Court's Referral to a Probation Officer

The bill requires the court to refer a parent or guardian's complaint to a probation officer, who must promptly determine whether it appears that the alleged facts, if true, would meet the FWSN definition.

Allegations Are True. Under the bill, if the probation officer determines that the allegations meet the FWSN definition, he or she must, after an initial assessment, promptly refer the child and the child's family to a youth service bureau (see BACKGROUND) or family support center (see below) to receive services for at least 90 days. (Prior law required a referral to a suitable community-based program or other service provider or a family support center.)

After the initial 90-day period, if the person in charge of the program or the provider determines that the child and 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 youth service bureau or family support center for additional services or (2) determine whether to file a FWSN petition with the court. For these subsequent referrals, if the person in charge determines that the child and family can no longer benefit from the services, the person must inform the probation officer, who may file a FWSN petition. The probation officer must inform the complainant of his or her actions in writing.

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.

Family Support Center

Definition. Under the bill, a "family support center" is a community-based service center that (1) is for children and families against whom a FWSN-related complaint has been filed and (2) provides multiple services, or access to services, to prevent the children and families from having further involvement with the court as FWSN.

CSSD Contract. The bill requires the judicial branch's Court Support Services Division (CSSD) to contract with one or more private providers, youth service bureaus, or both, to develop a network of family support centers. Each center must provide, or ensure access to, appropriate services including screening and assessment, crisis intervention, family mediation, educational evaluations and advocacy, mental health treatment and services, resiliency skills building, access to positive social activities, short-term respite care, and access to services available to children in the juvenile justice system. The mental health treatment and services must include gender specific trauma treatment and services. CSSD must independently evaluate each family support center to measure the quality of its services and the outcomes for the children and families the center served.

Petition to the Superior Court

The bill requires a FWSN petition to be verified and filed with the Superior Court with venue over it. The petition must plainly set out the following:

1. the facts that bring the child within the court's jurisdiction;
2. the child's name, birth date, sex, and residence;
3. the name and residence of the child's parent or parents, guardian, or other person having control of the child; and

4. a request for appropriate court action in line with the FWSN-related provisions.

FWSN Petition Due to Truancy

Under the bill, if a FWSN petition is filed based on truancy or habitual truancy and a probation officer cannot determine that it is insufficient, or the court may not dismiss the petition, just because it was filed during April, May, or June.

When a petition is filed based on habitual truancy, the court must order the local or regional school board 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 done within the last year. (Prior law specified that the school board or private school had to bear the costs of the evaluation.)

Court Summons

Under the bill, when a FWSN petition is filed, the court may issue a summons to the child and the child's parents, guardian, or other person having control of the child to appear in court at a specified time and place. The summons must be signed by a judge or by the court clerk or assistant clerk, with a copy of the petition attached, and served in the way required for delinquency petitions. A similar summons must be issued and served on an adult who is not already in the court and to whom orders have been issued that the court believes are necessary for the child's welfare. The court may punish for contempt anyone who fails to appear in court as required by the summons.

Temporary Custody Order

The bill allows the court to put a child in the temporary custody of a suitable person or agency, if it appears from the allegations that there is a:

1. strong probability that the child may do something that results in self-injury before court disposition,
2. strong probability that the child will run away before the hearing,

or

3. need to hold the child for another jurisdiction.

Nondelinquent juvenile runaways from other states may not be held in a state-operated detention home.

A temporary custody hearing must be held within 10 days after the judge signs the order. After the hearing, the judge may order that the child's temporary custody order continue. Any associated expenses must be paid in the same way as under existing law for temporary custody related to child abuse or neglect.

Referral to Community Based or Other Services

Under the bill, if a FWSN petition is filed and the child's or family's interests may be best served by a referral to community-based or other services before adjudication, the judge may allow the matter to be continued for a reasonable time up to six months, with a three-month extension for cause. After that, the judge may dismiss the petition if it appears the matter has been satisfactorily resolved.

FWSN Finding

Finding of FWSN. Under the bill, if the court finds, based on clear and convincing evidence, that a child is from a family with service needs, the court may, in addition to issuing any orders under its authority in juvenile matters:

1. refer the child to DCF for any voluntary services the department provides;
2. order the child to remain in their own home or in the custody of a relative or any other suitable person subject to a probation officer's supervision;
3. if the child is from a FWSN because of engaging in sexual intercourse with someone at least age 13 and no more than two years older or younger, (a) refer the child to a youth service bureau or other services for a teen pregnancy or sexually

transmitted disease programs, and (b) require the child to perform certain community service; or

4. if there is no less restrictive alternative, commit the child to DCF care and custody for an indefinite period of up to 18 months.

Finding of FWSN Due to Truancy. Under the bill, if the court makes a FWSN finding (based on clear and convincing evidence) only due to truancy or habitual truancy, in addition to other options as applicable, it may:

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

Legal Representation, Evidentiary Hearing, and Court Order

The bill entitles a FWSN child to representation by counsel and an evidentiary hearing. If the court issues any order that regulates future conduct of the child, parent, or guardian, they must receive adequate and fair warning of the consequences of violating the order at the time it is issued. And the warning must be given to the child, parent or guardian, child's attorney, and child's legal guardian in writing and must be reflected in the court record and proceedings.

During the supervision period, after hearing and for good cause shown, the court may modify or enlarge the conditions as it deems appropriate. The court must have a copy of the order delivered to the child, the child's parent or guardian, and probation officer.

DCF Commitment

DCF's Motion for Extension. Under the bill, the DCF commissioner

may file a motion to extend a commitment on the grounds that it would be in the child's best interest. The court must notify the child and the child's parent or guardian at least 14 days before the hearing on that motion. After the hearing and upon finding that the extension is in the child's best interest and that there is no suitable less restrictive alternative, the court may continue the commitment for an additional indefinite period up to 18 months.

DCF's Motion to Discharge. The bill allows the (1) DCF commissioner, at any time, to file a motion to discharge a committed child, and (2) child or the child's parent or guardian, at any time up to once every six months, to file a motion to revoke the commitment. The court must notify the child, parent or guardian, and commissioner of any motion and of when a hearing will be held. Any order the court makes is a final order for appeal purposes, except no bond may be required and there must be no costs for the appeal.

Initial Permanency Hearing. Under the bill, within 12 months after a child is committed to the DCF commissioner, the court must hold a permanency hearing in the way described below. After this hearing, subsequent permanency hearings must be held at least once every 12 months while the child remains committed to DCF.

Permanency Hearings

Under the bill, at least 60 days before each permanency hearing, the DCF commissioner must file a permanency plan with the court. At the hearing, the court must review and approve a permanency plan that is in the child's best interests and considers the child's need for permanency. The permanency plan's goals may include:

1. revocation of commitment and subsequent placement of the child with the parent or guardian;
2. transfer of guardianship;
3. permanent placement with a relative;

4. adoption; or
5. any other planned permanent living arrangement ordered by the court, if the DCF commissioner has documented a compelling reason why it would not be in the child's best interest for the permanency plan to include the goals above.

These other planned permanent living arrangements may include placing the child in an independent living program.

At any permanency hearing, the court must determine whether the DCF commissioner has made reasonable efforts to achieve the permanency plan's goals.

The court must decide that there is no less restrictive alternative appropriate to the needs of the child and community when entering any order that directs or authorizes placement or commitment of a child who has been adjudicated as FWSN.

§§ 2 & 3 — VIOLATION OF A COURT ORDER OR CHILDREN AT IMMINENT RISK IN THEIR SURROUNDINGS

Probation Officer's Petition Alleging Violation

Under the bill, when a child adjudicated as one from a FWSN violates any court order regulating the child's future conduct, a probation officer may file a court petition alleging that the child has violated the order and stating the facts claimed to show that. The officer may do so when receiving a complaint alleging the violation, or on the officer's own motion based on the officer's knowledge of the violation. Service must be done as required for delinquency petitions. Also, the child must be entitled to legal representation and an evidentiary hearing on the allegations.

Court Orders for Violations

Under the bill, if the court finds by clear and convincing evidence that the child has violated a valid court order, the court may order that the child (1) remain at home or in the custody of a relative or any other suitable person, subject to the supervision of a probation officer or an

existing commitment to the DCF commissioner; or (2) be committed to the DCF commissioner's care and custody for up to 18 months and that the child cooperate in the care and custody.

If all other options are exhausted and the case concerns a child who is a child from a FWSN solely due to truancy, habitual truancy, or defying school rules, the court may order that the child be placed in the Connecticut Juvenile Training School (this facility is currently closed) or other staff-secure facility to complete a residential education program for up to 45 days, subject to a court review of the child's continuing placement after each 15 days of the placement.

(Prior law allowed similar 45-day placements in staff-secure facilities when no less restrictive alternatives were available for children in FWSN for any reason and who violated these orders.)

Staff-Secure Facility. Under the bill, a "staff-secure facility" is a residential facility (1) that does not include construction features designed to physically restrict the movements and activities of juvenile residents placed there, (2) that may set reasonable restrictions on entering and exiting the facility, and (3) in which the residents' movements and activities may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

Limitations on Certain Placements. Under the bill, regardless of existing laws on juvenile matters, a child who has been adjudicated as a child from a FWSN may not be processed or held in a juvenile residential center as a delinquent child, or convicted as delinquent, solely for violating a court order that regulates the child's future conduct. Also, a child who violates any such order may not be punished by placement in a juvenile residential center.

Imminent Risk of Physical Harm to the Child

As described below, the bill also provides for staff-secure placement for a child from a FWSN who is placed under DCF's supervision or commitment and believed to be in imminent risk of physical harm.

Probation Officer's Petition. When such a child is believed to be in imminent risk of physical harm from his or her surroundings or other circumstances, a probation officer may file a court petition alleging this and stating the facts claimed to constitute the risk. The officer may do so after receiving a complaint to this effect or on his or her own motion. Service must be done in the same way as for delinquency actions.

Placement in Staff-Secure Facility. If it appears there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child's surroundings, (2) as a result, the child's safety is endangered and immediate removal from the surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the court must enter an order for a peace officer or other appropriate person to place the child in a staff-secure facility under CSSD supervision for up to 45 days, with court review every 15 days to consider whether continued placement is appropriate.

Return Home or DCF Commitment. At the end of the period described above, the child must either be:

1. returned to the community for appropriate services, subject to the supervision of a probation officer or an existing DCF commitment; or
2. committed to DCF for up to 18 months if after a hearing the court finds, based on clear and convincing evidence, that: (a) the child is in imminent risk of physical harm from the child's surroundings, (b) as a result, the child's safety is endangered and removal from the surroundings is necessary to ensure the child's safety, and (c) there is no less restrictive alternative available.

The child is entitled to the same procedural protections afforded to a delinquent child.

Pre-Trial Holding

A child found to be from a FWSN must not be held prior to a hearing on a probation officer's petition for more than 24 hours, excluding

weekends and holidays. This applies to petitions due to (1) the child's violation of a court order or (2) the child being at imminent risk, as described above.

§ 4 — POLICE OFFICERS' DUTY REGARDING RUNAWAY CHILDREN

The law requires any police officer who receives a report from a child's parent or guardian that the child has run away from home to promptly try to locate the child. If the officer locates the child, or any child the officer believes has run away without just cause, or any nondelinquent juvenile runaway from another state, the officer must report the child's location to the parent or guardian.

Under current law, upon locating the child the officer may respond by taking any of the following actions:

1. transport the child to the home of the child's parent or guardian or any other person;
2. hold the child in protective custody for up to 12 hours until the officer can determine a more suitable disposition, provided (a) the child is not held in a locked room or cell and (b) the officer may release the child at any time without taking further action; or
3. transport or refer the child to a youth service bureau or any public or private agency serving children, with or without the child's agreement.

The bill eliminates the option for the officer to hold the child in protective custody.

§ 6 — NONJUDICIAL SUPERVISION

By law, when the Superior Court receives a written complaint that a child's conduct constitutes delinquency, the court must make a preliminary investigation to determine whether the facts, if true, would be sufficient to be a juvenile matter and whether the interests of the public or the child require that further action be taken. If so, the court

may authorize (1) the filing of a verified petition of alleged delinquency or, (2) without the petition, whatever nonjudicial disposition is practicable (e.g., ordering the child to do suitable work at a public building). If a nonjudicial disposition is made, the term of any nonjudicial supervision must be set by the juvenile probation supervisor or designee, not to exceed 180 days.

Under the bill, if the child violates supervision terms, the juvenile probation supervisor, or designee, may refer the matter of the child’s alleged delinquency to the court for further proceedings.

BACKGROUND

Youth Service Bureaus

By law, municipalities, or private youth serving organizations acting as their agents, may establish a youth service bureau to evaluate, plan, coordinate and implement services, including prevention and intervention programs for delinquent, predelinquent, and troubled youths referred to the bureaus by schools, police, juvenile courts, adult courts, local youth-serving agencies, parents, and self-referrals. Under the law, a youth service bureau must be the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment, and follow-up services (CGS § 10-19m).

Related Bill

sSB 445, § 3, favorably reported by the Judiciary Committee, requires the probate court administrator to establish a truancy clinic within a regional children’s probate court or probate court that serves each town.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 35 Nay 2 (03/26/2024)