



General Assembly

February Session, 2024

Raised Bill No. 5506

LCO No. 3054



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 to the general statutes is repealed and the following is substituted in lieu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, provided a complaint alleging
26 that a 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 referred to a youth services bureau or to a
35 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, such
38 person shall inform the probation officer, who shall, after an appropriate
39 assessment, either refer the child and the child's family to a youth
40 services bureau or family support center for additional services or
41 determine whether or not to file a petition with the court under
42 subsection (c) of this section. If the child and the child's family are
43 referred to a youth services bureau or family support center and the
44 person in charge of the youth services bureau or family support center
45 determines that the child and the child's family can no longer benefit
46 from its services, such person shall inform the probation officer, who
47 may file a petition with the court in the manner prescribed in subsection
48 (c) of this section. The probation officer shall inform the complainant in
49 writing of the probation officer's action under this subsection. If it

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

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

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

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

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

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

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

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

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

146 (i) At any time during the period of supervision, after hearing and for
147 good cause shown, the court may modify or enlarge the conditions,
148 whether originally imposed by the court under this section or otherwise,
149 as deemed appropriate by the court. The court shall cause a copy of any

150 such orders to be delivered to the child and to such child's parent or
151 guardian and probation officer.

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

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

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

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

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

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

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

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

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

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

285 through the use of intensive staff supervision.

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

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

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

313 Sec. 5. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
314 section, "family support center" means a community-based service
315 center for children and families against whom a complaint has been filed
316 with the Superior Court under section 2 of this act that provides

317 multiple services, or access to such services, for the purpose of
318 preventing such children and families from having further involvement
319 with the court as families with service needs.

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

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

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

350 admitted and that a competent acceptance of such a disposition has been
 351 given by the child and his parent or guardian. If a nonjudicial
 352 disposition is made, the term of any nonjudicial supervision shall be
 353 established by the juvenile probation supervisor or designee provided
 354 such period of supervision shall not exceed one hundred eighty days. In
 355 the case of a child assigned to nonjudicial supervision following a
 356 nonjudicial disposition who violates the terms of such supervision, the
 357 juvenile probation supervisor or designee may refer the matter of the
 358 alleged delinquency of such child to the court for further proceedings.
 359 Each verified petition of delinquency filed by the court shall set forth
 360 plainly (1) the facts which bring the child within the jurisdiction of the
 361 court, (2) the name, date of birth, sex and residence of the child, (3) the
 362 names and residence of his parent or parents, guardian or other person
 363 having control of the child, and (4) a prayer for appropriate action by
 364 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	<i>October 1, 2024</i>	46b-120(3)
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	New section
Sec. 4	<i>October 1, 2024</i>	46b-149a
Sec. 5	<i>October 1, 2024</i>	New section
Sec. 6	<i>October 1, 2024</i>	46b-128(a)

Statement of Purpose:

To reestablish services for families with service needs, including those that include a child who is truant or habitually truant, and to permit a juvenile probation supervisor to refer the matter of alleged delinquency of a child to the court in the case of a child assigned to nonjudicial supervision following a nonjudicial disposition who violates the terms of such supervision.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]