



General Assembly

January Session, 2017

**Raised Bill No. 7286**

LCO No. 5304



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE  
JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any  
2 provision of the general statutes, on and after December 31, 2017, any  
3 person under eighteen years of age detained prior to sentencing or  
4 disposition of such person's case shall be detained in the custody of the  
5 Judicial Branch.

6 (b) Notwithstanding any provision of the general statutes, on and  
7 after July 1, 2018, the Department of Correction may not hold in its  
8 custody any person under eighteen years of age, provided legislation  
9 enacted in conformance with the recommendations reported pursuant  
10 to subsection (c) of this section is in effect.

11 (c) Not later than October 1, 2017, the Departments of Correction,  
12 Children and Families and Education, and the Court Support Services  
13 Division of the Judicial Branch shall jointly develop and submit in  
14 accordance with the provisions of section 11-4a of the general statutes,

15 to the joint standing committee of the General Assembly having  
16 cognizance of matters relating to the judiciary and to the Juvenile  
17 Justice Planning and Oversight Committee established pursuant to  
18 section 46b-121n of the general statutes, as amended by this act, a plan  
19 to implement the provisions of subsection (b) of this section. The plan  
20 shall include recommendations for legislation as may be necessary or  
21 appropriate and any other recommendations to implement the  
22 provisions of said subsection (b).

23 (d) Upon request of the Juvenile Justice Policy and Oversight  
24 Committee, a state agency shall timely provide statistical data and  
25 other information relevant to the development of the plan required by  
26 this section.

27 Sec. 2. Section 4-68t of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective October 1, 2017*):

29 The Secretary of the Office of Policy and Management shall track  
30 and analyze the rates of recidivism for children in this state. Not later  
31 than August 15, 2018, and annually thereafter, the secretary shall  
32 submit, in accordance with section 11-4a, a report containing and  
33 analyzing such rates of recidivism to the joint standing committee of  
34 the General Assembly having cognizance of matters relating to the  
35 judiciary.

36 Sec. 3. Section 46b-121n of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2017*):

38 (a) There is established a Juvenile Justice Policy and Oversight  
39 Committee. The committee shall evaluate policies related to the  
40 juvenile justice system and the expansion of juvenile jurisdiction to  
41 include persons sixteen and seventeen years of age.

42 (b) The committee shall consist of the following members:

43 (1) Two members of the General Assembly, one of whom shall be

44 appointed by the speaker of the House of Representatives, and one of  
45 whom shall be appointed by the president pro tempore of the Senate;

46 (2) The chairpersons and ranking members of the joint standing  
47 committees of the General Assembly having cognizance of matters  
48 relating to the judiciary, children, human services and appropriations,  
49 or their designees;

50 (3) The Chief Court Administrator, or the Chief Court  
51 Administrator's designee;

52 (4) A judge of the superior court for juvenile matters, appointed by  
53 the Chief Justice;

54 (5) The executive director of the Court Support Services Division of  
55 the Judicial Department, or the executive director's designee;

56 (6) The executive director of the Superior Court Operations  
57 Division, or the executive director's designee;

58 (7) The Chief Public Defender, or the Chief Public Defender's  
59 designee;

60 (8) The Chief State's Attorney, or the Chief State's Attorney's  
61 designee;

62 (9) The Commissioner of Children and Families, or the  
63 commissioner's designee;

64 (10) The Commissioner of Correction, or the commissioner's  
65 designee;

66 (11) The Commissioner of Education, or the commissioner's  
67 designee;

68 (12) The Commissioner of Mental Health and Addiction Services, or  
69 the commissioner's designee;

- 70 (13) The Labor Commissioner, or the commissioner's designee;
- 71 (14) The Commissioner of Social Services, or the commissioner's  
72 designee;
- 73 (15) The Commissioner of Public Health, or the commissioner's  
74 designee;
- 75 (16) The president of the Connecticut Police Chiefs Association, or  
76 the president's designee;
- 77 (17) The chief of police of a municipality with a population in excess  
78 of one hundred thousand, appointed by the president of the  
79 Connecticut Police Chiefs Association;
- 80 (18) Two child [or youth] advocates, one of whom shall be  
81 appointed by one chairperson of the Juvenile Justice Policy and  
82 Oversight Committee, and one of whom shall be appointed by the  
83 other chairperson of the Juvenile Justice Policy and Oversight  
84 Committee;
- 85 (19) Two parents or parent advocates, at least one of whom is the  
86 parent of a child who has been involved with the juvenile justice  
87 system, one of whom shall be appointed by the minority leader of the  
88 House of Representatives, and one of whom shall be appointed by the  
89 minority leader of the Senate;
- 90 (20) The Victim Advocate, or the Victim Advocate's designee;
- 91 (21) The Child Advocate, or the Child Advocate's designee; and
- 92 (22) The Secretary of the Office of Policy and Management, or the  
93 secretary's designee.
- 94 (c) Any vacancy shall be filled by the appointing authority.
- 95 (d) The Secretary of the Office of Policy and Management, or the  
96 secretary's designee, and a member of the General Assembly selected

97 jointly by the speaker of the House of Representatives and the  
98 president pro tempore of the Senate from among the members serving  
99 pursuant to subdivision (1) or (2) of subsection (b) of this section shall  
100 be cochairpersons of the committee. Such cochairpersons shall  
101 schedule the first meeting of the committee, which shall be held not  
102 later than sixty days after June 13, 2014.

103 (e) Members of the committee shall serve without compensation,  
104 except for necessary expenses incurred in the performance of their  
105 duties.

106 (f) Not later than January 1, 2015, and periodically thereafter as the  
107 committee deems appropriate, the committee shall report [, in  
108 accordance with section 11-4a, to the joint standing committees of the  
109 General Assembly having cognizance of matters relating to  
110 appropriations, the judiciary, human services and children, and the  
111 Secretary of the Office of Policy and Management,] regarding the  
112 following:

113 (1) Any statutory changes concerning the juvenile justice system  
114 that the committee recommends to (A) improve public safety; (B)  
115 promote the best interests of children [and youths] who are under the  
116 supervision, care or custody of the Commissioner of Children and  
117 Families or the Court Support Services Division of the Judicial  
118 Department; (C) improve transparency and accountability with respect  
119 to state-funded services for children [and youths] in the juvenile justice  
120 system with an emphasis on goals identified by the committee for  
121 community-based programs and facility-based interventions; and (D)  
122 promote the efficient sharing of information between the Department  
123 of Children and Families and the Judicial Department to ensure the  
124 regular collection and reporting of recidivism data and promote public  
125 welfare and public safety outcomes related to the juvenile justice  
126 system;

127 (2) A definition of "recidivism" that the committee recommends to

128 be used by state agencies with responsibilities with respect to the  
129 juvenile justice system, and recommendations to reduce recidivism for  
130 children [and youths] in the juvenile justice system;

131 (3) Short-term goals to be met within six months, medium-term  
132 goals to be met within twelve months and long-term goals to be met  
133 within eighteen months, for the Juvenile Justice Policy and Oversight  
134 Committee and state agencies with responsibilities with respect to the  
135 juvenile justice system to meet, after considering existing relevant  
136 reports related to the juvenile justice system and any related state  
137 strategic plan;

138 (4) The impact of legislation that expanded the jurisdiction of the  
139 juvenile court to include persons sixteen and seventeen years of age, as  
140 measured by the following:

141 (A) Any change in the average age of children [and youths]  
142 involved in the juvenile justice system;

143 (B) The types of services used by designated age groups and the  
144 outcomes of those services;

145 (C) The types of delinquent acts or criminal offenses that children  
146 [and youths] have been charged with since the enactment and  
147 implementation of such legislation; and

148 (D) The gaps in services identified by the committee with respect to  
149 children [and youths] involved in the juvenile justice system,  
150 including, but not limited to, children [and youths] who have attained  
151 the age of eighteen after being involved in the juvenile justice system,  
152 and recommendations to address such gaps in services; and

153 (5) Strengths and barriers identified by the committee that support  
154 or impede the educational needs of children [and youths] in the  
155 juvenile justice system, with specific recommendations for reforms.

156 (g) Not later than July 1, 2015, and periodically thereafter as the

157 committee deems appropriate, the committee shall report [, in  
158 accordance with section 11-4a, to the joint standing committees of the  
159 General Assembly having cognizance of matters relating to  
160 appropriations, the judiciary, human services and children, and the  
161 Secretary of the Office of Policy and Management,] regarding the  
162 following:

163 (1) The quality and accessibility of diversionary programs available  
164 to children [and youths] in this state, including juvenile review boards  
165 and services for a child [or youth] who is a member of a family with  
166 service needs;

167 (2) An assessment of the system of community-based services for  
168 children [and youths] who are under the supervision, care or custody  
169 of the Commissioner of Children and Families or the Court Support  
170 Services Division of the Judicial Department;

171 (3) An assessment of the congregate care settings that are operated  
172 privately or by the state and have housed children [and youths]  
173 involved in the juvenile justice system in the past twelve months;

174 (4) An examination of how the state Department of Education and  
175 local boards of education, the Department of Children and Families,  
176 the Department of Mental Health and Addiction Services, the Court  
177 Support Services Division of the Judicial Department, and other  
178 appropriate agencies can work collaboratively through school-based  
179 efforts and other processes to reduce the number of children [and  
180 youths] who enter the juvenile justice system;

181 (5) An examination of practices and procedures that result in  
182 disproportionate minority contact, as defined in section 4-68y, within  
183 the juvenile justice system;

184 (6) A plan to provide that all facilities and programs that are part of  
185 the juvenile justice system and are operated privately or by the state  
186 provide results-based accountability;

187 (7) An assessment of the number of children [and youths] who, after  
188 being under the supervision of the Department of Children and  
189 Families, are convicted as delinquent; and

190 (8) An assessment of the overlap between the juvenile justice system  
191 and the mental health care system for children.

192 (h) The committee shall complete its duties under this section after  
193 consultation with one or more organizations that focus on relevant  
194 issues regarding children, [and youths,] such as the University of New  
195 Haven and any of the university's institutes. The committee may  
196 accept administrative support and technical and research assistance  
197 from any such organization. The committee shall work in collaboration  
198 with any results first initiative implemented pursuant to section 2-111  
199 or any public or special act.

200 (i) The committee shall establish a time frame for review and  
201 reporting regarding the responsibilities outlined in subdivision (5) of  
202 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of  
203 subsection (g) of this section. Each report submitted by the committee  
204 shall include specific recommendations to improve outcomes and a  
205 timeline by which specific tasks or outcomes must be achieved.

206 (j) The committee shall implement a strategic plan that integrates  
207 the short-term, medium-term and long-term goals identified pursuant  
208 to subdivision (3) of subsection (f) of this section. As part of the  
209 implementation of such plan, the committee shall collaborate with any  
210 state agency with responsibilities with respect to the juvenile justice  
211 system, including, but not limited to, the Departments of Education,  
212 Mental Health and Addiction Services, Correction and Children and  
213 Families and the Labor Department and Judicial Department, and  
214 municipal police departments. Not later than January 1, 2016, the  
215 committee shall report such plan, in accordance with section 11-4a, to  
216 the joint standing committees of the General Assembly having  
217 cognizance of matters relating to appropriations, the judiciary, human



218 services and children, and the Secretary of the Office of Policy and  
219 Management, regarding progress toward the full implementation of  
220 such plan and any recommendations concerning the implementation  
221 of such identified goals by any state agency with responsibilities with  
222 respect to the juvenile justice system or municipal police departments.

223 (k) [Not later than January 1, 2017, the] The committee shall submit  
224 a report [, in accordance with section 11-4a, to the joint standing  
225 committees of the General Assembly having cognizance of matters  
226 relating to appropriations, the judiciary, human services and children  
227 and the Secretary of the Office of Policy and Management,] regarding a  
228 plan that includes cost options for the development of a community-  
229 based diversion system. Such plan shall include recommendations to  
230 address issues concerning mental health and juvenile justice. The plan  
231 shall include recommendations regarding the following:

232 (1) Diversion of children who commit crimes, excluding serious  
233 juvenile offenses, from the juvenile justice system;

234 (2) Identification of services that are evidence-based, trauma-  
235 informed and culturally and linguistically appropriate;

236 (3) Expansion of the capacity of juvenile review boards to accept  
237 referrals from municipal police departments and schools and  
238 implement restorative practices;

239 (4) Expansion of the provision of prevention, intervention and  
240 treatment services by youth service bureaus;

241 (5) Expansion of access to in-home and community-based services;

242 (6) Identification and expansion of services needed to support  
243 children who are truant or exhibiting behaviors defiant of school rules  
244 and enhance collaboration between school districts and community  
245 providers in order to best serve such children;

246 (7) Expansion of the use of memoranda of understanding pursuant

247 to section 10-233m between local law enforcement agencies and local  
248 and regional boards of education;

249 (8) Expansion of the use of memoranda of understanding between  
250 local and regional boards of education and community providers for  
251 provision of community-based services;

252 (9) Recommendations to ensure that children in the juvenile justice  
253 system have access to a full range of community-based behavioral  
254 health services;

255 (10) Reinvestment of cost savings associated with reduced  
256 incarceration rates for children and increased accessibility to  
257 community-based behavioral health services;

258 (11) Reimbursement policies that incentivize providers to deliver  
259 evidence-based practices to children in the juvenile justice system;

260 (12) Recommendations to promote the use of common behavioral  
261 health screening tools in schools and communities;

262 (13) Recommendations to ensure that secure facilities operated by  
263 the Department of Children and Families or the Court Support  
264 Services Division of the Judicial Department and private service  
265 providers contracting with said department or division to screen  
266 children in such facilities for behavioral health issues; and

267 (14) Expansion of service capacities informed by an examination of  
268 grant funds and federal Medicaid reimbursement rates.

269 (l) (1) The committee shall establish a data working group to  
270 develop a plan for a data integration process to link data related to  
271 children across executive branch agencies, through the Office of Policy  
272 and Management's integrated data system, and the Judicial  
273 Department through the Court Support Services Division, for purposes  
274 of evaluation and assessment of programs, services and outcomes in  
275 the juvenile justice system. Membership of the working group shall

276 include, but not be limited to, the Commissioners of Children and  
277 Families, Correction, Education and Mental Health and Addiction  
278 Services, or their designees; the Chief State's Attorney, or the Chief  
279 State's Attorney's designee; the Chief Public Defender, or the Chief  
280 Public Defender's designee; the Secretary of the Office of Policy and  
281 Management, or the secretary's designee; and the Chief Court  
282 Administrator of the Judicial Branch, or the Chief Court  
283 Administrator's designee. Such working group shall include persons  
284 with expertise in data development and research design. The plan shall  
285 include cost options and provisions to:

286       [(1)] (A) Access relevant data on juvenile justice populations;

287       [(2)] (B) Coordinate the handling of data and research requests;

288       [(3)] (C) Link the data maintained by executive branch agencies and  
289 the Judicial Department for the purposes of facilitating the sharing and  
290 analysis of data;

291       [(4)] (D) Establish provisions for protecting confidential information  
292 and enforcing state and federal confidentiality protections and ensure  
293 compliance with related state and federal laws and regulations;

294       [(5)] (E) Develop specific recommendations for the committee on the  
295 use of limited releases of client specific data sharing across systems,  
296 including with the Office of Policy and Management, the Division of  
297 Criminal Justice, the Departments of Children and Families, Education  
298 and Mental Health and Addiction Services, the Judicial Department  
299 and other agencies; and

300       [(6)] (F) Develop a standard template for memoranda of  
301 understanding for data-sharing between executive branch agencies,  
302 the Judicial Department, and when necessary, researchers outside of  
303 state government.

304       (2) Not later than October 1, 2017, the data working group shall

305 submit to the committee a data collection work plan to support the  
306 recidivism reduction framework developed pursuant to section 46b-  
307 121o. The plan shall identify, and shall make recommendations  
308 concerning the consistent and reliable collection of a set of data points  
309 that is consistent with the recidivism reduction framework and  
310 consistent with national best practices. The data points shall include,  
311 but need not be limited to, data points concerning risk level, treatment  
312 matching and treatment dosage.

313 (m) Upon the request of the committee, a state agency shall timely  
314 provide statistical data and other information relevant to any  
315 evaluation, review, report, examination, assessment or development of  
316 a plan required by this section.

317 (n) (1) The committee shall examine the community-based diversion  
318 system created in accordance with the plan developed under  
319 subsection (k) of this section. As part of such examination, the  
320 committee shall assess the system's capacity to manage and provide  
321 services effectively in accordance with the plan.

322 (2) (A) Not later than January 1, 2018, the committee shall report its  
323 findings pursuant to subdivision (1) of this subsection.

324 (B) Not later than January 1, 2019, the committee shall report any  
325 updates to the findings reported pursuant to subparagraph (A) of this  
326 subdivision.

327 (o) (1) Not later than July 1, 2018, the committee, in collaboration  
328 with the Children's Mental, Emotional and Behavioral Health Plan  
329 Implementation Advisory Board established pursuant to section 17a-  
330 22ff, shall submit a report concerning the array of behavioral health  
331 services that is most appropriate for addressing the mental health and  
332 substance abuse needs of children diverted from justice system  
333 involvement or diverted from pre-adjudication detention.

334 (2) The report shall include, but need not be limited to:

335 (A) Statistical data concerning the behavioral health needs of  
336 children who are eligible for diversion from justice involvement or pre-  
337 adjudication detention, or might become so eligible with appropriate  
338 behavioral health services;

339 (B) An analysis and description of the existing and the optimal  
340 nature, quality, availability and geographical distribution of behavioral  
341 health services appropriate for meeting the needs of such children;

342 (C) Recommendations concerning any policies and procedures that  
343 should be adopted to increase the availability of behavioral health  
344 services for such children; and

345 (D) An analysis of costs associated with enhancing the existing array  
346 of behavioral health services.

347 (p) (1) Not later than January 1, 2018, the committee shall develop a  
348 plan for the creation and implementation of a system for improving  
349 vocational and education outcomes for children involved in the  
350 juvenile justice system.

351 (2) The plan shall include at least the following:

352 (A) An analysis of the costs and benefits of vocational education  
353 programs in this state for fiscal years ending June 30, 2016, and June  
354 30, 2017;

355 (B) An analysis of cost options for the system described in  
356 subdivision (1) of this subsection;

357 (C) Articulation of a definition of the term "vocational education  
358 program" for children involved in the juvenile justice system;

359 (D) A pilot program for an educational records exchange system to  
360 ensure that credits and educational records follow children across  
361 placements, educational programs and service providers;

362       (E) Identification of and proposals for the use by all state agencies,  
363 schools and private providers of contracted-for services who work  
364 with children involved in the juvenile justice system of one or more  
365 vocational education assessment instruments to assess vocational  
366 readiness, strengths, interests, protective factors, risk factors for  
367 delinquency and behavioral and academic needs of such children;

368       (F) Provisions for ensuring that any vocational education  
369 assessments and all educational planning documents, follow children  
370 across placements, educational programs and service providers;

371       (G) Establishment of a framework to be used by state agencies and  
372 private providers when developing dispositional plans for adjudicated  
373 children. Such framework should ensure that each dispositional plan  
374 includes vocational and educational goals as well as measures to  
375 promote protective factors and address risk factors that might interfere  
376 with a child's ability to be successful in an educational or vocational  
377 program;

378       (H) Identification of potential barriers to success and promising  
379 practices to improve educational and vocational outcomes for children  
380 involved in the juvenile justice system, including, but not limited to,  
381 delinquency risk factors, protective factors, housing stability, academic  
382 needs and deficits, transportation needs and behavioral health needs;

383       (I) Identification of, and provisions for adopting, best-practice  
384 components of a state-funded vocational education continuum for  
385 children involved in the juvenile justice system, including, but not  
386 limited to, credit recovery, contextualized learning, pre-employment  
387 and life skills, work-based learning, entrepreneurial skills, bridges to  
388 post-secondary programming, stackable skills and credits, and  
389 programs that meet the special education needs of children involved in  
390 the juvenile justice system;

391       (J) The establishment of discharge teams and protocols, including a  
392 discharge planning process to ensure that all children returning to the

393 community from state custody have access to a full range of  
394 programming, including vocational and technical education, job  
395 readiness, secondary education and life skills training; and

396 (K) The development of an interagency accountability system and  
397 common cross-agency outcome measures within this state's results-  
398 based accountability framework to track child outcomes and  
399 performance of the system described in subdivision (1) of this  
400 subsection.

401 (q) Any evaluation, review, report, examination, assessment or  
402 development of a plan required of the committee by this section shall  
403 be submitted in accordance with the provisions of section 11-4a to the  
404 Secretary of the Office of Policy and Management and to the joint  
405 standing committees of the General Assembly having cognizance of  
406 matters relating to appropriations, the judiciary, human services and  
407 children.

408 (r) The provisions of section 2c-21 do not apply to this section.

409 Sec. 4. Subsections (d) to (f), inclusive, of section 46b-127 of the  
410 general statutes are repealed and the following is substituted in lieu  
411 thereof (*Effective January 1, 2018*):

412 (d) Any child whose case is transferred to the regular criminal  
413 docket of the Superior Court who is detained pursuant to such case  
414 prior to sentencing or disposition shall be in the custody of the  
415 [Commissioner of Correction upon the finalization of such transfer. A  
416 transfer shall be final (1) upon the arraignment on the regular criminal  
417 docket until a motion filed by the state's attorney pursuant to  
418 subsection (a) of this section is granted by the court, or (2) upon the  
419 arraignment on the regular criminal docket of a transfer ordered  
420 pursuant to subsection (b) of this section until the court sitting for the  
421 regular criminal docket orders the case returned to the docket for  
422 juvenile matters for good cause shown. Any child whose case is  
423 returned to the docket for juvenile matters who is detained pursuant to

424 such case shall be in the custody of the Judicial Department.

425 (e) The transfer of a child to a Department of Correction facility shall  
426 be limited as provided in subsection (d) of this section and said  
427 subsection shall not be construed to permit the transfer of or otherwise  
428 reduce or eliminate any other population of juveniles in detention or  
429 confinement within the Judicial Department or the Department of  
430 Children and Families] Judicial Department.

431 [(f)] (e) Upon the motion of any party or upon the court's own  
432 motion, the case of any youth age sixteen or seventeen, except a case  
433 that has been transferred to the regular criminal docket of the Superior  
434 Court pursuant to subsection (a) or (b) of this section, which is pending  
435 on the youthful offender docket, regular criminal docket of the  
436 Superior Court or any docket for the presentment of defendants in  
437 motor vehicle matters, where the youth is charged with committing  
438 any offense or violation for which a term of imprisonment may be  
439 imposed, other than a violation of section 14-227a, 14-227g or 14-227m  
440 or subdivision (1) or (2) of subsection (a) of section 14-227n, may,  
441 before trial or before the entry of a guilty plea, be transferred to the  
442 docket for juvenile matters if (1) the youth is alleged to have  
443 committed such offense or violation on or after January 1, 2010, while  
444 sixteen years of age, or is alleged to have committed such offense or  
445 violation on or after July 1, 2012, while seventeen years of age, and (2)  
446 after a hearing considering the facts and circumstances of the case and  
447 the prior history of the youth, the court determines that the programs  
448 and services available pursuant to a proceeding in the superior court  
449 for juvenile matters would more appropriately address the needs of  
450 the youth and that the youth and the community would be better  
451 served by treating the youth as a delinquent. Upon ordering such  
452 transfer, the court shall vacate any pleas entered in the matter and  
453 advise the youth of the youth's rights, and the youth shall (A) enter  
454 pleas on the docket for juvenile matters in the jurisdiction where the  
455 youth resides, and (B) be subject to prosecution as a delinquent child.  
456 The decision of the court concerning the transfer of a youth's case from



457 the youthful offender docket, regular criminal docket of the Superior  
458 Court or any docket for the presentment of defendants in motor  
459 vehicle matters shall not be a final judgment for purposes of appeal.

460 Sec. 5. (NEW) (*Effective from passage*) (a) The Department of Children  
461 and Families shall provide the Juvenile Justice Planning and Oversight  
462 Committee established pursuant to section 46b-121n of the general  
463 statutes, as amended by this act, with periodic written or oral reports,  
464 together with all data requested by the committee concerning planning  
465 for, and implementation of, the closure of the Connecticut Juvenile  
466 Training School and the Pueblo Unit for girls.

467 (b) The department, pursuant to subsection (a) of this section, shall  
468 report on any of the following, as requested by the committee:

469 (1) The conduct and results of an independent review of the  
470 Connecticut Juvenile Training School and Pueblo Unit population,  
471 including the risk and needs levels of the population and  
472 recommendations concerning additional use of probation and other  
473 alternatives in place of commitment;

474 (2) The development of a structured decision matrix to ensure that  
475 children who are at risk of commitment to the department's custody  
476 are referred to the appropriate level of supervision or care;

477 (3) The use of a validated risk and needs assessment tool for  
478 children committed to the custody of the department, to ensure that all  
479 such children are provided with appropriate programming and  
480 therapeutic services in the least restrictive environment;

481 (4) The issuance by the department of any request for information  
482 for private, not-for-profit providers regarding a continuum of secure  
483 community-based therapeutic facilities, with a maximum of fifteen  
484 beds in each facility, for children who have been committed to the  
485 department; and

486 (5) Any other information deemed relevant or appropriate by the  
487 committee.

488 Sec. 6. Section 46b-149 of the general statutes is repealed and the  
489 following is substituted in lieu thereof (*Effective July 1, 2018*):

490 [(a) Any selectman, town manager, police officer or welfare  
491 department of any town, city or borough, any probation officer or  
492 superintendent of schools, the Commissioner of Children and Families,  
493 any child-caring institution or agency approved or licensed by the  
494 Commissioner of Children and Families, any youth service bureau, a  
495 parent or foster parent of a child, or a child or the child's representative  
496 or attorney, who believes that the acts or omissions of a child are such  
497 that the child is from a family with service needs, may file a written  
498 complaint setting forth those facts with the Superior Court which has  
499 venue over the matter.

500 (b) The court shall refer a complaint filed under subsection (a) of  
501 this section to a probation officer, who shall promptly determine  
502 whether it appears that the alleged facts, if true, would be sufficient to  
503 meet the definition of a family with service needs, provided a  
504 complaint alleging that a child is a truant or habitual truant shall not  
505 be determined to be insufficient to meet the definition of a family with  
506 service needs solely because it was filed during the months of April,  
507 May or June. If such probation officer so determines, the probation  
508 officer shall, after an initial assessment, promptly refer the child and  
509 the child's family to a suitable community-based program or other  
510 service provider, or to a family support center as provided in section  
511 46b-149e, for voluntary services. If the child and the child's family are  
512 referred to a community-based program or other service provider and  
513 the person in charge of such program or provider determines that the  
514 child and the child's family can no longer benefit from its services,  
515 such person shall inform the probation officer, who shall, after an  
516 appropriate assessment, either refer the child and the child's family to  
517 a family support center for additional services or determine whether or

518 not to file a petition with the court under subsection (c) of this section.  
519 If the child and the child's family are referred to a family support  
520 center and the person in charge of the family support center  
521 determines that the child and the child's family can no longer benefit  
522 from its services, such person shall inform the probation officer, who  
523 may file a petition with the court in the manner prescribed in  
524 subsection (c) of this section. The probation officer shall inform the  
525 complainant in writing of the probation officer's action under this  
526 subsection. If it appears that the allegations are not true, or that the  
527 child's family does not meet the definition of a family with service  
528 needs, the probation officer shall inform the complainant in writing of  
529 such finding.]

530 (a) The provisions of this section in effect on June 30, 2017, revision  
531 of 1958, revised to January 1, 2017, shall be applicable to any petition  
532 filed in accordance with such provisions on or before June 30, 2017.

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

541 [(d)] (c) When a petition is filed under subsection [(c)] (b) of this  
542 section, the court may issue a summons to the child and the child's  
543 parents, guardian or other person having control of the child to appear  
544 in court at a specified time and place. The summons shall be signed by  
545 a judge or by the clerk or assistant clerk of the court, and a copy of the  
546 petition shall be attached to it. Whenever it appears to the judge that  
547 orders addressed to an adult, as set forth in section 46b-121, are  
548 necessary for the welfare of such child, a similar summons shall be  
549 issued and served upon such adult if he or she is not already in court.

550 Service of summons shall be made in accordance with section 46b-128.  
551 The court may punish for contempt, as provided in section 46b-121,  
552 any parent, guardian or other person so summoned who fails to  
553 appear in court at the time and place so specified. If a petition is filed  
554 under subsection [(c)] (b) of this section alleging that a child is from a  
555 family with service needs because a child is a truant or habitual truant,  
556 the court may not dismiss such petition solely because it was filed  
557 during the months of April, May or June.

558 [(e)] (d) When a petition is filed under subsection [(c)] (b) of this  
559 section alleging that a child is from a family with service needs because  
560 such child has been habitually truant, the court shall order that the  
561 local or regional board of education for the town in which the child  
562 resides, or the private school in the case of a child enrolled in a private  
563 school, shall cause an educational evaluation of such child to be  
564 performed if no such evaluation has been performed within the  
565 preceding year. Any costs incurred for the performance of such  
566 evaluation shall be borne by such local or regional board of education  
567 or such private school.

568 [(f)] (e) If it appears from the allegations of a petition or other sworn  
569 affirmations that there is: (1) A strong probability that the child may do  
570 something that is injurious to himself prior to court disposition; (2) a  
571 strong probability that the child will run away prior to the hearing; or  
572 (3) a need to hold the child for another jurisdiction, a judge may vest  
573 temporary custody of such child in some suitable person or agency. No  
574 nondelinquent juvenile runaway from another state may be held in a  
575 state-operated detention home in accordance with the provisions of  
576 section 46b-151h, the Interstate Compact for Juveniles. A hearing on  
577 temporary custody shall be held not later than ten days after the date  
578 on which a judge signs an order of temporary custody. Following such  
579 hearing, the judge may order that the child's temporary custody  
580 continue to be vested in some suitable person or agency. Any expenses  
581 of temporary custody shall be paid in the same manner as provided in  
582 subsection (b) of section 46b-129.

583        [(g)] (f) If a petition is filed under subsection [(c)] (b) of this section  
584 and it appears that the interests of the child or the family may be best  
585 served, prior to adjudication, by a referral to community-based or  
586 other services, the judge may permit the matter to be continued for a  
587 reasonable period of time not to exceed six months, which time period  
588 may be extended by an additional three months for cause. If it appears  
589 at the conclusion of the continuance that the matter has been  
590 satisfactorily resolved, the judge may dismiss the petition.

591        [(h)] (g) If the court finds, based on clear and convincing evidence,  
592 that a child is from a family with service needs, the court may, in  
593 addition to issuing any orders under section 46b-121: (1) Refer the  
594 child to the Department of Children and Families for any voluntary  
595 services provided by the department or, if the child is from a family  
596 with service needs solely as a result of a finding that the child is a  
597 truant or habitual truant, to the authorities of the local or regional  
598 school district or private school for services provided by such school  
599 district or such school, which services may include summer school, or  
600 to community agencies providing child and family services; (2) order  
601 the child to remain in the child's own home or in the custody of a  
602 relative or any other suitable person (A) subject to the supervision of a  
603 probation officer, or (B) in the case of a child who is from a family with  
604 service needs solely as a result of a finding that the child is a truant or  
605 habitual truant, subject to the supervision of a probation officer and  
606 the authorities of the local or regional school district or private school;  
607 (3) if the child is from a family with service needs as a result of the  
608 child engaging in sexual intercourse with another person and such  
609 other person is thirteen years of age or older and not more than two  
610 years older or younger than such child, (A) refer the child to a youth  
611 service bureau or other appropriate service agency for participation in  
612 a program such as a teen pregnancy program or a sexually transmitted  
613 disease program, and (B) require such child to perform community  
614 service such as service in a hospital, an AIDS prevention program or  
615 an obstetrical and gynecological program; or (4) upon a finding that

616 there is no less restrictive alternative, commit the child to the care and  
617 custody of the Commissioner of Children and Families for an  
618 indefinite period not to exceed eighteen months. The child shall be  
619 entitled to representation by counsel and an evidentiary hearing. If the  
620 court issues any order which regulates future conduct of the child,  
621 parent or guardian, the child, parent or guardian shall receive  
622 adequate and fair warning of the consequences of violation of the  
623 order at the time it is issued, and such warning shall be provided to the  
624 child, parent or guardian, to his or her attorney and to his or her legal  
625 guardian in writing and shall be reflected in the court record and  
626 proceedings.

627 [(i)] (h) At any time during the period of supervision, after hearing  
628 and for good cause shown, the court may modify or enlarge the  
629 conditions, whether originally imposed by the court under this section  
630 or otherwise, as deemed appropriate by the court. The court shall  
631 cause a copy of any such orders to be delivered to the child and to such  
632 child's parent or guardian and probation officer.

633 [(j)] (i) (1) The Commissioner of Children and Families may file a  
634 motion for an extension of a commitment under this section on the  
635 grounds that an extension would be in the best interest of the child.  
636 The court shall give notice to the child and the child's parent or  
637 guardian at least fourteen days prior to the hearing upon such motion.  
638 The court may, after hearing and upon finding that such extension is in  
639 the best interest of the child and that there is no suitable less restrictive  
640 alternative, continue the commitment for an additional indefinite  
641 period of not more than eighteen months. (2) The Commissioner of  
642 Children and Families may at any time file a motion to discharge a  
643 child committed under this section, and any child committed to the  
644 commissioner under this section, or the parent or guardian of such  
645 child, may at any time but not more often than once every six months  
646 file a motion to revoke such commitment. The court shall notify the  
647 child, the child's parent or guardian and the commissioner of any  
648 motion filed under this subsection, and of the time when a hearing on

649 such motion will be held. Any order of the court made under this  
650 subsection shall be deemed a final order for purposes of appeal, except  
651 that no bond shall be required and no costs shall be taxed on such  
652 appeal. (3) Not later than twelve months after a child is committed to  
653 the Commissioner of Children and Families in accordance with  
654 subdivision (4) of subsection [(h)] (g) of this section or section 46b-149f,  
655 the court shall hold a permanency hearing in accordance with  
656 subsection [(k)] (j) of this section. After the initial permanency hearing,  
657 subsequent permanency hearings shall be held at least once every  
658 twelve months while the child remains committed to the  
659 Commissioner of Children and Families.

660 [(k)] (j) At least sixty days prior to each permanency hearing  
661 required under subsection [(j)] (i) of this section, the Commissioner of  
662 Children and Families shall file a permanency plan with the court. At  
663 each permanency hearing, the court shall review and approve a  
664 permanency plan that is in the best interests of the child and takes into  
665 consideration the child's need for permanency. Such permanency plan  
666 may include the goal of: (1) Revocation of commitment and  
667 subsequent placement of the child with the parent or guardian, (2)  
668 transfer of guardianship, (3) permanent placement with a relative, (4)  
669 adoption, or (5) any other planned permanent living arrangement  
670 ordered by the court, provided the Commissioner of Children and  
671 Families has documented a compelling reason why it would not be in  
672 the best interest of the child for the permanency plan to include the  
673 goals set forth in subdivisions (1) to (4), inclusive, of this subsection.  
674 Such other planned permanent living arrangement may include, but  
675 not be limited to, placement of the child in an independent living  
676 program. At any such permanency hearing, the court shall also  
677 determine whether the Commissioner of Children and Families has  
678 made reasonable efforts to achieve the goals in the permanency plan.

679 Sec. 7. (NEW) (*Effective from passage*) Not later than June 30, 2019, the  
680 Department of Education shall implement the community-based  
681 diversion system, as planned by the Juvenile Justice and Policy

682 Oversight Committee pursuant to subsection (k) of section 46b-121n of  
683 the general statutes, as amended by this act, provided the department  
684 can implement such system within existing resources.

685 Sec. 8. (*Effective from passage*) (a) Not later than August 15, 2018, the  
686 Commissioner of Education and the superintendent of the technical  
687 high school system shall implement the plan pursuant to subsection  
688 (p) of section 46b-121n of the general statutes, as amended by this act,  
689 for the creation and implementation of a system for improving  
690 vocational and education outcomes for children involved in the  
691 juvenile justice system.

692 (b) Upon the request of the Juvenile Justice and Policy Oversight  
693 Committee established pursuant to section 46b-121n of the general  
694 statutes, as amended by this act, a state agency shall timely provide to  
695 the committee and the commissioner and superintendent any  
696 statistical data and other information relevant and in support of the  
697 implementation of the plan required by this section.

698 Sec. 9. Subdivision (5) of section 46b-120 of the general statutes is  
699 repealed and the following is substituted in lieu thereof (*Effective July*  
700 *1, 2018*):

701 (5) "Family with service needs" means a family that includes a child  
702 who is at least seven years of age and is under eighteen years of age  
703 who, according to a petition lawfully filed on or before June 30, 2018,  
704 (A) has without just cause run away from the parental home or other  
705 properly authorized and lawful place of abode, (B) is beyond the  
706 control of the child's or youth's parent, parents, guardian or other  
707 custodian, (C) has engaged in indecent or immoral conduct, (D) is a  
708 truant or habitual truant or who, while in school, has been  
709 continuously and overtly defiant of school rules and regulations, or (E)  
710 is thirteen years of age or older and has engaged in sexual intercourse  
711 with another person and such other person is thirteen years of age or  
712 older and not more than two years older or younger than such child or



713 youth;

714 Sec. 10. Subsection (l) of section 46b-124 of the general statutes is  
715 repealed and the following is substituted in lieu thereof (*Effective July*  
716 *1, 2018*):

717 (l) Notwithstanding the provisions of subsection (d) of this section,  
718 any information concerning a child that is obtained during any  
719 detention screening or mental health screening or assessment of such  
720 child [, during the provision of services pursuant to subsection (b) of  
721 section 46b-149, or] during the performance of an educational  
722 evaluation pursuant to subsection [(e)] (d) of section 46b-149, as  
723 amended by this act, shall be used solely for planning and treatment  
724 purposes and shall otherwise be confidential and retained in the files  
725 of the entity providing such services or performing such screening,  
726 assessment or evaluation. Such information may be further disclosed  
727 only for the purposes of any court-ordered evaluation or treatment of  
728 the child or provision of services to the child, or pursuant to sections  
729 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Any  
730 information concerning a child that is obtained during the  
731 administration of the detention screening instrument in accordance  
732 with section 46b-133 shall be used solely for the purpose of making a  
733 recommendation to the court regarding the detention of the child. Such  
734 information shall not be subject to subpoena or other court process for  
735 use in any other proceeding or for any other purpose.

736 Sec. 11. Subsections (a) and (b) of section 46b-149f of the general  
737 statutes are repealed and the following is substituted in lieu thereof  
738 (*Effective July 1, 2018*):

739 (a) When a child who has been adjudicated as a child from a family  
740 with service needs in accordance with section 46b-149, as amended by  
741 this act, violates any valid order which regulates future conduct of the  
742 child made by the court following such an adjudication, a probation  
743 officer, on receipt of a complaint setting forth facts alleging such a

744 violation, or on the probation officer's own motion on the basis of his  
745 or her knowledge of such a violation, may file a petition with the court  
746 alleging that the child has violated a valid court order and setting forth  
747 the facts claimed to constitute such a violation. Service shall be made  
748 in the same manner as set forth for a summons in subsection [(d)] (c) of  
749 section 46b-149, as amended by this act. The child shall be entitled to  
750 representation by counsel and an evidentiary hearing on the  
751 allegations contained in the petition. If the court finds, by clear and  
752 convincing evidence, that the child has violated a valid court order, the  
753 court may (1) order the child to remain in such child's home or in the  
754 custody of a relative or any other suitable person, subject to the  
755 supervision of a probation officer or an existing commitment to the  
756 Commissioner of Children and Families, (2) upon a finding that there  
757 is no less restrictive alternative appropriate to the needs of the child  
758 and the community, enter an order that directs or authorizes a peace  
759 officer or other appropriate person to place the child in a staff-secure  
760 facility under the auspices of the Court Support Services Division for a  
761 period not to exceed forty-five days, with court review every fifteen  
762 days to consider whether continued placement is appropriate, at the  
763 end of which period the child shall be returned to the community and  
764 may be subject to the supervision of a probation officer, or (3) order  
765 that the child be committed to the care and custody of the  
766 Commissioner of Children and Families for a period not to exceed  
767 eighteen months and that the child cooperate in such care and custody.

768 (b) When a child who has been adjudicated as a child from a family  
769 with service needs in accordance with section 46b-149, as amended by  
770 this act, is under an order of supervision or an order of commitment to  
771 the Commissioner of Children and Families and believed to be in  
772 imminent risk of physical harm from the child's surroundings or other  
773 circumstances, a probation officer, on receipt of a complaint setting  
774 forth facts alleging such risk, or on the probation officer's own motion  
775 on the basis of his or her knowledge of such risk, may file a petition  
776 with the court alleging that the child is in imminent risk of physical

777 harm and setting forth the facts claimed to constitute such risk. Service  
 778 shall be made in the same manner as set forth for a summons in  
 779 subsection [(d)] (c) of section 46b-149, as amended by this act. If it  
 780 appears from the specific allegations of the petition and other verified  
 781 affirmations of fact accompanying the petition, or subsequent thereto,  
 782 that there is probable cause to believe that (1) the child is in imminent  
 783 risk of physical harm from the child's surroundings, (2) as a result of  
 784 such condition, the child's safety is endangered and immediate  
 785 removal from such surroundings is necessary to ensure the child's  
 786 safety, and (3) there is no less restrictive alternative available, the court  
 787 shall enter an order that directs or authorizes a peace officer or other  
 788 appropriate person to place the child in a staff-secure facility under the  
 789 auspices of the Court Support Services Division for a period not to  
 790 exceed forty-five days, subject to subsection (c) of this section, with  
 791 court review every fifteen days to consider whether continued  
 792 placement is appropriate, at the end of which period the child shall  
 793 either be (A) returned to the community for appropriate services,  
 794 subject to the supervision of a probation officer or an existing  
 795 commitment to the Commissioner of Children and Families, or (B)  
 796 committed to the Department of Children and Families for a period  
 797 not to exceed eighteen months if a hearing has been held and the court  
 798 has found, based on clear and convincing evidence, that (i) the child is  
 799 in imminent risk of physical harm from the child's surroundings, (ii) as  
 800 a result of such condition, the child's safety is endangered and removal  
 801 from such surroundings is necessary to ensure the child's safety, and  
 802 (iii) there is no less restrictive alternative available. Any such child  
 803 shall be entitled to the same procedural protections as are afforded to a  
 804 delinquent child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2017</i>	4-68t
Sec. 3	<i>October 1, 2017</i>	46b-121n

Sec. 4	<i>January 1, 2018</i>	46b-127(d) to (f)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2018</i>	46b-149
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>July 1, 2018</i>	46b-120(5)
Sec. 10	<i>July 1, 2018</i>	46b-124(l)
Sec. 11	<i>July 1, 2018</i>	46b-149f(a) and (b)

***Statement of Purpose:***

To implement the recommendations of the Juvenile Justice Policy and Oversight Committee.

*[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.]*