

CT CHINS statute

Senate Bill No. 1500

June Special Session, Public Act No. 07-4

**AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET
CONCERNING GENERAL GOVERNMENT.**

Sec. 30. Section 46b-149 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

(b) The court shall refer a complaint filed under subsection (a) of this section to a probation officer, who shall promptly determine whether it appears that the alleged facts, if true, would be sufficient to meet the definition of a family with service needs, provided a complaint alleging that a child is a truant or habitual truant shall not be determined to be insufficient to meet the definition of a family with service needs solely because it was filed during the months of April, May or June. If such probation officer so determines, [he] the probation

officer shall, after an initial assessment, promptly [either (1) refer the matter, with the consent of the child and his parents or guardian, to a suitable community-based or other service provider, or (2)] refer the child and the child's family to a suitable community-based program or other service provider, or to a family support center as provided in

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section 31 of this act, for voluntary services. If the child and the child's family are referred to a community-based program or other service provider and the person in charge of such program or provider determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who shall, after an appropriate assessment, either refer the child and the child's family to a family support center for additional services or determine whether or not to file a petition with the court under subsection (c) of this section. If the child and the child's family are referred to a family support center and the person in charge of the family support center determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who may file a petition with the court in the manner prescribed in subsection (c) of this section. [In either case, the] The probation officer shall inform the complainant in writing of [his] the probation officer's action under this subsection. If it appears that the allegations are not true, or that the child's family does not meet the definition of a family with service needs, the probation officer shall

inform the complainant in writing of such finding. [In any case in which the probation officer does not file a petition, he shall also inform the complainant of the right of such person to file a petition pursuant to subsection (c) of this section. Any person who has filed a complaint pursuant to subsection (a) of this section, and who has been notified by a probation officer that such officer does not intend to file a petition for a family with service needs may, within thirty days after mailing of such notice, file a petition under subsection (c) of this section.]

(c) A petition alleging that a family constitutes a family with service needs shall be verified and filed with the Superior Court which has venue over the matter. The petition shall set forth plainly: (1) The facts which bring the child within the jurisdiction of the court; [,] (2) the name, date of birth, sex and residence of the child; [,] (3) the name and residence of [his] the child's parent or parents, guardian or other

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person having control of [him,] the child; and (4) a prayer for appropriate action by the court in conformity with the provisions of this section.

(d) When a petition is filed under subsection (c) of this section, the court may issue a summons to the child and [his] the child's parents, guardian or other person having control of [him] the child to appear in court at a specified time and place. The summons shall be signed by a judge or by the clerk or assistant clerk of the court, and a copy of the petition shall be attached to it. Whenever it appears to the judge that

orders addressed to an adult, as set forth in section 46b-121, are necessary for the welfare of such child, a similar summons shall be issued and served upon such adult if he or she is not already in court. Service of summons shall be made in accordance with section 46b-128. The court may punish for contempt, as provided in section 46b-121, any parent, guardian or other person so summoned who fails to appear in court at the time and place so specified. If a petition is filed under subsection (c) of this section alleging that a family is a family with service needs because a child is a truant or habitual truant, the court may not dismiss such petition solely because it was filed during the months of April, May or June.

(e) When a petition is filed under subsection (c) of this section alleging that a family constitutes a family with service needs because it includes a child who has been habitually truant, the court shall order that the local or regional board of education for the town in which the child resides, or the private school in the case of a child enrolled in a private school, shall cause an educational evaluation of such child to be performed if no such evaluation has been performed within the preceding year. Any costs incurred for the performance of such evaluation shall be borne by such local or regional board of education or such private school.

(f) If it appears from the allegations of a petition or other sworn

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affirmations that there is: (1) A strong probability that the child may do

something that is injurious to himself prior to court disposition; (2) a strong probability that the child will run away prior to the hearing; or (3) a need to hold the child for another jurisdiction, a judge may vest temporary custody of such child in some suitable person or agency. No nondelinquent juvenile runaway from another state may be held in a state-operated detention home in accordance with the provisions of sections 46b-151 to 46b-151g, inclusive, Interstate Compact on Juveniles. A hearing on temporary custody shall be held not later than ten days after the date on which a judge signs an order of temporary custody. Following such hearing, the judge may order that the child's temporary custody continue to be vested in some suitable person or agency. Any expenses of temporary custody shall be paid in the same manner as provided in subsection (b) of section 46b-129.

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

(h) If the court finds, based on clear and convincing evidence, that the family of a child is a family with service needs, the court may, in addition to issuing any orders under section 46b-121: [, (1) refer] (1) Refer the child to the Department of Children and Families for any

voluntary services provided by said department or, if the family is a family with service needs solely as a result of a finding that a child is a truant or habitual truant, to the authorities of the local or regional school district or private school for services provided by such school district or such school, which services may include summer school, or

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to community agencies providing child and family services; [(2) commit that child to the care and custody of the Commissioner of Children and Families for an indefinite period not to exceed eighteen months; (3)] (2) order the child to remain in [his] the child's own home or in the custody of a relative or any other suitable person (A) subject to the supervision of a probation officer, or (B) in the case of a family which is a family with service needs solely as a result of a finding that a child is a truant or habitual truant, subject to the supervision of a probation officer and the authorities of the local or regional school district or private school; [or (4)] (3) if the family is a family with service needs as a result of the child engaging in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child, (A) refer the child to a youth service bureau or other appropriate service agency for participation in a program such as a teen pregnancy program or a sexually transmitted disease program, and (B) require such child to perform community service such as service in a hospital, an AIDS prevention program or an obstetrical and gynecological

program; or (4) upon a finding that there is no less restrictive alternative, commit the child to the care and custody of the Commissioner of Children and Families for an indefinite period not to exceed eighteen months. The child shall be entitled to representation by counsel and an evidentiary hearing. If the court issues any order which regulates future conduct of the child, parent or guardian, the child, parent or guardian, shall receive adequate and fair warning of the consequences of violation of the order at the time it is issued, and such warning shall be provided to the child, parent or guardian, to his or her attorney and to his or her legal guardian in writing and shall be reflected in the court record and proceedings.

(i) (1) The Commissioner of Children and Families may petition the court for an extension of a commitment under this section on the grounds that an extension would be in the best interest of the child.

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The court shall give notice to the child and [his] the child's parent or guardian at least fourteen days prior to the hearing upon [that] such petition. The court may, after hearing and upon finding that such extension is in the best interest of the child and that there is no suitable less restrictive alternative, continue the commitment for an additional indefinite period of not more than eighteen months. (2) The Commissioner of Children and Families may at any time petition the court to discharge a child [,] committed under this section, and any child committed to the commissioner under this section, or the parent

or guardian of such child, may at any time but not more often than once every six months petition the court which committed the child to revoke such commitment. The court shall notify the child, [his] the child's parent or guardian and the commissioner of any petition filed under this subsection, and of the time when a hearing on such petition will be held. Any order of the court made under this subsection shall be deemed a final order for purposes of appeal, except that no bond shall be required [nor] and no costs shall be taxed on such appeal.

Sec. 31. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this section, "family support center" means a community-based service center for children and families against whom a complaint has been filed with the Superior Court under section 46b-149 of the general statutes, as amended by this act, that provides multiple services, or access to such services, for the purpose of preventing such children and families from having further involvement with the court as families with service needs.

(b) The Court Support Services Division shall contract with one or more private providers, or with one or more youth service bureaus, or both, to develop a network of family support centers. Each family support center shall provide, or ensure access to, appropriate services that shall include, but not be limited to, screening and assessment, crisis intervention, family mediation, educational evaluations and

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advocacy, mental health treatment and services, including gender specific trauma 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 Court Support Services Division shall conduct an independent evaluation of each family support center to measure the quality of the services delivered and the outcomes for the children and families served by such center.

Sec. 32. (NEW) (*Effective October 1, 2007*) (a) When a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 of the general statutes, as amended by this act, violates any valid order which regulates future conduct of the child made by the court following such an adjudication, a probation officer, on receipt of a complaint setting forth facts alleging such a violation, or on the probation officer's own motion on the basis of his or her knowledge of such a violation, may file a petition with the court alleging that the child has violated a valid court order and setting forth the facts claimed to constitute such a violation. The child shall be entitled to representation by counsel and an evidentiary hearing on the allegations contained in the petition. Upon a finding by the court that the child has violated a valid court order, the court may (1) order the child to remain in such child's home or in the custody of a relative or any other suitable person, subject to the supervision of a probation officer, (2) upon a finding that there is no less restrictive alternative appropriate to the needs of the child and the community, enter an

order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the Court Support Services Division for a period not to exceed fortyfive days, with court review every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall be returned to the community and may be subject to the supervision of a probation officer, or (3) order that the child be

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committed to the care and custody of the Commissioner of Children and Families for a period not to exceed eighteen months and that the child cooperate in such care and custody.

(b) When a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 of the general statutes, as amended by this act, is believed to be at risk of immediate physical harm from the child's surroundings or other circumstances, a probation officer, on receipt of a complaint setting forth facts alleging such risk, or on the probation officer's own motion on the basis of his or her knowledge of such risk, may file a petition with the court alleging that the child is at risk of immediate physical harm and setting forth the facts claimed to constitute such risk. If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or subsequent thereto, that 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 of such

condition, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the court shall enter an order directing the placement of the child in a staff-secure facility under the auspices of the Court Support Services Division for a period not to exceed forty-five days, with court review every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall either be (A) returned to the community for appropriate services, or (B) committed to the Department of Children and Families for a period not to exceed eighteen months. Any such child shall be entitled to the same procedural protections as are afforded to a delinquent child.

(c) No child shall be held prior to a hearing on a petition under this section for more than twenty-four hours, excluding Saturdays, Sundays and holidays. For the purposes of this section, "staff-secure

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facility" means a residential facility (1) that does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein, (2) that may establish reasonable rules restricting entrance to and egress from the facility, and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.