



Substitute House Bill No. 6978

Public Act No. 05-250

AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS.

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

Section 1. Section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows: (1) "Child" means any person under sixteen years of age and, for purposes of delinquency matters, "child" means any person (A) under sixteen years of age, or (B) sixteen years of age or older who, prior to attaining sixteen years of age, has violated any federal or state law or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs, and, subsequent to attaining sixteen years of age, violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to such delinquency proceeding; (2) "youth" means any person sixteen or seventeen years of age; (3) "youth in crisis" means any youth who, within the last two years, (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the youth's parents, guardian or other custodian, or (C) has four unexcused absences from school in any one

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month or ten unexcused absences in any school year; (4) "abused" means that a child or youth (A) has been inflicted with physical injury or injuries other than by accidental means, or (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment; (5) a child may be found "mentally deficient" who, by reason of a deficiency of intelligence that has existed from birth or from early age, requires, or will require, for his protection or for the protection of others, special care, supervision and control; (6) a child may be convicted as "delinquent" who has violated (A) any federal or state law or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs, (B) any order of the Superior Court, except as provided in section 46b-148, as amended by this act, or (C) conditions of probation as ordered by the court; (7) a child or youth may be found "dependent" whose home is a suitable one for the child or youth, save for the financial inability of the child's or youth's parents, parent [,] or guardian, or other person maintaining such home, to provide the specialized care the condition of the child or youth requires; (8) "family with service needs" means a family that includes a child who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged 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; (9) a child or youth may be found "neglected" who (A) has been abandoned, or (B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is being permitted to live under conditions, circumstances or

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associations injurious to the well-being of the child or youth, or (D) has been abused; (10) a child or youth may be found "uncared for" who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child requires. For the purposes of this section, the treatment of any child by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment; (11) "delinquent act" means the violation of any federal or state law or municipal or local ordinance, other than an ordinance regulating the behavior of a child in a family with service needs, or the violation of any order of the Superior Court; (12) "serious juvenile offense" means (A) the violation [by a child] of, including attempt or conspiracy to violate, [sections] section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a [] or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 [] or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (B) running away, without just cause, from any secure placement other than home while referred as a delinquent child to the Court Support Services Division or committed as a delinquent child to the Commissioner of Children and Families for a serious juvenile offense; (13) "serious juvenile offender" means any child convicted as delinquent for commission of a serious juvenile offense; (14) "serious juvenile repeat offender" means any child charged with the commission of any felony if such child has previously been convicted delinquent at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony; (15) "alcohol-dependent child" means any child who has a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the

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American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; and (16) "drug-dependent child" means any child who has a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as drug dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence.

Sec. 2. Section 46b-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

[When a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 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 his own motion on the basis of his knowledge of such a violation, may file a petition with the court alleging that the child has committed a delinquent act by reason of having violated a valid court order and setting forth the facts claimed to constitute such a violation. Such child may be processed as any other delinquent child under this chapter, except that (1) such child shall not be held in detention prior to a hearing on such petition for more than seventy-two hours excluding Saturdays, Sundays and holidays; and (2) in entering any order that directs or authorizes placement in a facility under the auspices of the Court Support Services Division or commitment to the Department of Children and Families, the judge shall make a determination that there

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is no less restrictive alternative appropriate to the needs of the child and the community.]

(a) Notwithstanding any provision of this chapter: (1) No child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 may be processed or held in a juvenile detention center as a delinquent child, or be convicted as delinquent, solely for the violation of a valid order which regulates future conduct of the child that was issued by the court following such an adjudication; and (2) no such child who is found to be in violation of any such order may be punished for such violation by commitment to any juvenile detention center.

(b) In entering any order that directs or authorizes placement or commitment of a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149, the court shall make a determination that there is no less restrictive alternative appropriate to the needs of such child and the community.

Approved July 11, 2005