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Testimony Supporting, in Part, H.B. No 5926: An Act Concerning Families with Service Needs, Certificates of Birth Resulting in Stillbirth, Reentry and Diversionary Services for Youth, and Drug Courts for Youth

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Senator McDonald, Representative Lawlor and Members of the Judiciary Committee:

We testify on behalf of Connecticut Voices for Children, a statewide, independent, citizen-based organization dedicated to speaking up for children and youth in the policymaking process that has such a great impact on their lives.

1. Connecticut Voices for Children strongly supports sections 1-3 and 6-12 of HB 5926 as they would further strengthen recently-enacted changes to Connecticut law pertaining to Families with Service Needs and other at risk youth.

With the passage of Public Act 06-188, the Families with Service Needs (FWSN) Advisory Board¹ was charged with recommending statutory language to address unresolved issues concerning changes to FWSN law, and also making recommendations to address gaps in care and measures to reduce FWSN referrals. The FWSN Advisory Board and its Subcommittees—comprised of the state’s experts in juvenile legal matters— responded by proposing a series of recommendations that are reflected in H.B. 5926. CT Voices supports the Board’s recommendations as follows:

- **CT Voices supports clarifying the FWSN law and requiring permanency hearings for FWSN youth as proposed in §§ 1-3.**

Section 1 clarifies that it is the child (and not the child’s family) that is the subject of court petitions and adjudications in families with service needs (FWSN) matters. The status offenses that give rise to a FWSN petition (e.g., truancy, running away) pertain to conduct of a youth.

Subsection (i) in Section 2 explicitly authorizes the court “at any time during the period of supervision” to “modify or enlarge” conditions imposed on a FSWN youth under supervision, while subsection (j) explicitly requires there to be a “permanency” hearing for any FSWN youth no later than 12 months after commitment to DCF (and then at least once every 12 months for so long as the youth remains

¹ The FWSN Advisory Board includes representatives from each branch of state government as well as from community organizations. A multi-disciplinary group, it includes legislators, juvenile judiciary experts, child advocates, researchers, private providers and educators.

committed). Recognizing that life-long family connections are essential for healthy development, subsection (k) would establish a presumption in favor of a permanent placement with a family. It would require the DCF Commissioner to file a permanency plan with the court that “may” include the goals of reunification with parents, transfer of guardianship, permanent placement with a relative, adoption, or “such other planned living arrangement order by the court” provided that if this last option is chosen, the DCF Commission must document “a compelling reason” why none of the other four family-based permanency goals would be in the child’s best interests.²

The revisions proposed in Section 3 would clarify the court’s procedures regarding an adjudicated FWSN child who is alleged to be in violation of court orders or believed to be in imminent risk of physical harm.³ It also would provide some basic due process protections absent in current law, such as requiring that proof of violation of a court order or that a child is “in imminent risk of physical harm from the child’s surroundings” be by “clear and convincing evidence” and that there also be a finding (based on clear and convincing evidence) that there is “no less restrictive alternative” to a commitment of up to 18 months to DCF for a child who had been in a staff-secure facility under the auspices of CSSD for up to 45 days.

- **CT Voices supports establishing truancy reduction initiatives in the state’s three to five school districts with the greatest number of FWSN youth referred for truancy or habitual truancy (§6) and appropriating \$325,000 for this purpose (§10).**

Reducing truancy is essential to the well-being of Connecticut’s children, communities, and future workforce. In fiscal year 2007, 42% of FWSN court referrals were of truant youth.⁴ Truancy is a frequently cited cause of educational failure; even the most dedicated teachers cannot teach students who are not in school.⁵ Moreover, many students who fall behind due to missing school have difficulty catching up, become discouraged, and eventually drop out.⁶

Research in Connecticut indicates that unmet educational needs, particularly for special education students, have a complex and likely reinforcing relationship with truancy,⁷ and that truancy is often the first step in the process of dropping out.⁸ In addition, truancy can lead to juvenile delinquency, substance abuse, and

² The Federal Adoption and Safe Families Act (1997) requires that status offenders, including Connecticut’s FWSN population, have permanency plan reviews and hearings. The first must be within the first 12 months from the date the child enters care (See 45 CFR Sec. 1356.21(h)).

³ Previously, a FWSN child violating a court order would be treated as a delinquent. The passage of Public Act 07-04 now treats violations of a court order as an additional FWSN allegation that does not constitute as a delinquent act. A new petition must be filed with the court alleging such a violation occurred. A child is entitled to an attorney and a hearing on the allegations. If a violation is found, the court determines the least restrictive alternative available to meet the child and community’s needs.

⁴ Families with Service Needs Advisory Board. “Report to the Connecticut General Assembly” (February 2008), at 27.

⁵ The precise scope of the truancy problem is not known due to problems in data collection and analysis. However, in Hartford nearly 10% of students are truant on any given day (see S. Goode, “Officers Find Few Truants in City Sweep,” *The Hartford Courant* (May 4, 2007)) and New Haven estimates approximately 8 percent of students are truant daily (see W. Kaempffer, “City Schools to Crack Down on Truancy,” *The New Haven Register* (January 6, 2007)). Further, the use of average daily attendance numbers, which are often reported to be above 90% for many schools, can obscure the true extent of the truancy problem as students are often absent on different days of the week (see. H. O’Leave and K Henry, “Mistaking Attendance,” *The New York Times* (September 2, 2007)).

⁶ E. Garry. “Truancy: First Step in a Lifetime of Problems” (Juvenile Justice Bulletin, The Office of Juvenile Justice and Delinquency Prevention, October 1996), available online at <http://www.ncjrs.gov/pdffiles/truncy.pdf>.

⁷ A. Spencer and E Breon. “Truancy: A Closer Look” (Center for Children’s Advocacy, December 2006), available online at: <http://www.kidscounsel.org/final%20truancy%20report%20dec%2020%2006.pdf>.

⁸ E. Garry. “Truancy: First Step in a Lifetime of Problems” (Juvenile Justice Bulletin, The Office of Juvenile Justice and Delinquency Prevention, October 1996), available online at: <http://www.ncjrs.gov/pdffiles/truncy.pdf>.

unwanted pregnancy⁹ since many truant youth are left unsupervised at home or are on the streets without productive activities to occupy their time.¹⁰ Not surprisingly, the short and long-term costs of such untapped potential are devastating. Indeed, some estimate that the average high school dropout costs society more than \$800,000 over the course of his/her lifetime.¹¹

Others' experiences have shown that truancy reduction programs that incorporate schools, families and communities can be successful in lowering truancy rates.¹² Given the exceedingly high cost of high school dropouts, truancy prevention programs can be a remarkably efficient use of state dollars. A study prepared for the Colorado Department of Public Safety found that programs with success rates as low as 1 successful case out of 383 truants served would result in a locality breaking even on its original investment.¹³ It is reasonable to expect that a well-designed program in Connecticut also would be a wise and efficient use of state money that could pay for itself many times over.

Although some individual schools and districts in Connecticut have effective truancy reduction programs, these programs are ad hoc, uncoordinated, and sometimes so under-funded that they cannot meet the needs of all of the students who would benefit from them.¹⁴ Moreover, although the long-term costs of truancy are borne by the state as a whole – in terms of increased incarceration rates and decreased productivity and tax revenue – the responsibility for preventing truancy has, in large part, been left to individual districts. No single department or person within the State Department of Education (SDE) provides assistance to schools struggling with truancy.¹⁵ Indeed, there are not even reliable state-wide data available as to the number, distribution, or characteristics of truants.¹⁶

In response to these concerns, the Truancy Subcommittee (a working group of the FWSN Advisory Board) – comprised of school officials, advocates and representatives knowledgeable in the field¹⁷ --

⁹ "Truancy Prevention," Office of Juvenile Justice and Delinquency Prevention. Available online at: <http://www.ojjdp.ncjrs.gov/truancy/overview.html>.

¹⁰ For police efforts to reduce day-time street crime through truancy prevention initiatives see N. Chokshi, "Taking Truants Off the Street: Police are Fighting City Schools' Truancy Rate as a Way to Fight the City's Crime Rate," *The Hartford Courant* (July 26, 2007).

¹¹ Office of Juvenile Justice and Delinquency Prevention citing "Truancy: Costs and Benefits," National Center for School Engagement. Available online at: <http://www.ojjdp.ncjrs.gov/truancy/pdf/CostsandBenefitFacts.pdf>.

¹² "Truancy Prevention," Office of Juvenile Justice and Delinquency Prevention. Available online at: <http://www.ojjdp.ncjrs.gov/truancy/overview.html>.

¹³ The Colorado Foundation for Families and Children, "The Costs and Benefits of Truancy Prevention in Colorado" (August 2002). Available online at: <http://www.coloradofoundation.org/pdf/costbenefitscolorado.pdf>.

¹⁴ According to the January 22, 2007 minutes from the Truancy Subcommittee Meeting of the FWSN Advisory Board, there is a range of attendance improvement programs occurring throughout the state. Some programs (such as the Truancy Court Prevention Project serving Hartford) are staffed full-time, while others (such as New London's Attendance Review Committee) are comprised of teachers and administrators who meet after school hours to provide tailored attendance improvement interventions. A list of truancy initiatives through the state is available at: www.cga.ct.gov/kid/FWSN/NOTES%20from%20Truancy%20Subcommittee%20Meeting.pdf.

¹⁵ Currently, the Connecticut Consortium on School Attendance is the only statewide entity focused on improving school attendance in Connecticut. It is organized by the Office of Policy and Management's Criminal Justice Policy and Planning Division. As of November 2007 (the most recent update), the Consortium included 26 districts. For more information, go to www.ct.gov/opm/cwp/view.asp?a=2974&q=383642.

¹⁶ The Judicial Branch does collect on the number and demographics of truants referred to the court system. However, not every truant within a school is referred to the courts.

¹⁷ A full of list of members is available at: www.cga.ct.gov/kid/FWSN/Current%20Members-Truancy%20Subcommittee.pdf.

outlined a \$350,000 plan to specifically address truancy in 3-5 high-need school districts.¹⁸ The plan includes funds to support a full-time State Department of Education staff member whose responsibility would be to track and provide technical assistance for truancy initiatives and participate in statewide efforts to increase school attendance. Further, the majority of the funds would be allocated among the three to five districts with the highest FWSN court referrals for truancy so they could create attendance improvement programs using best practices and based on FWSN Advisory Board recommendations. The recommendations include district-wide and child-specific interventions (such as implementation of Positive Behavioral Intervention and Supports within each school, and linking students with community-based resources to re-engage them with the learning process).

- **CT Voices supports providing \$252,000 in funds to Youth Service Bureaus with active Juvenile Review Boards that accept FWSN referrals (§§7, 11).**

The FWSN Advisory Board also recommended an SDE-based initiative to reduce the risk of FWSN referrals, including truancy referrals, to the court.¹⁹ The recommendation called for increasing the capacity of four Youth Service Bureaus (YSBs) with Juvenile Review Boards that accept FSWN referrals by providing grants to allow the YSBs to provide additional services to FSWN youth.²⁰ Currently, not all Juvenile Review Boards accept FWSN referrals; these grants would fund such services in high need communities in four judicial districts (e.g., Hartford’s Juvenile Review Board does not handle FWSN cases).

B. CT Voices supports the proposal in §8 of HB 5926 for the Judicial Department to establish a community-based pilot program in Hartford, Bridgeport, New Haven, and Waterbury to provide additional employment and educational services for youth eligible for reentry and diversionary services, and the appropriation of \$1,500,000 for this purpose (§12).

In 2007, Hornby Zeller Associates (a consultant to the Juvenile Jurisdiction Planning and Implementation Committee) did a study of the service needs of Connecticut’s court-involved 16 and 17 year olds. Their research identified “education and employment” as the greatest need, across all racial demographics.²¹ Given that 50% of all youth arrests in Connecticut result in diversion or dismissal from the court process (a key *goal* of the juvenile justice rehabilitative model being such diversion),²² it is imperative that Connecticut’s high need communities of Hartford, Bridgeport, New Haven, and Waterbury have comprehensive employment and education services available for their diverted youth. Connecticut has a

¹⁸ “Recommendations Relating to the FWSN Population,” Presented at FWSN Advisory Board meeting, January 28, 2008. The plan also included recommendations on: a) improving data collection on the number and characteristics of truant students; b) creating a differential response system for truancy referrals to the Department of Children and Families; and c) raising the age of withdrawal from school from 16 to 18.

¹⁹ Ibid.

²⁰ Youth Service Bureaus are SDE-funded community-based agencies that link youth and their families to services and programs that assist in positive youth development. A Juvenile Review Board’s primary function is to divert from the court those juveniles whose behavior at home or school indicates they are at risk for delinquency. S. Spigel, “Youth in Crisis Law and Juvenile Review Boards” (CT Office of Legislative Research Report, December 27, 2004). Available at: <http://www.cga.ct.gov/2004/rpt/2004-r-0941.htm>.

²¹ 96% of Hispanics, 87% of Blacks, and 81% whites youth surveyed identified education and employment as the most important service. See Hornby Zeller report “Connecticut Service Needs Study: 16 and 17 year old court involved youth” in Appendix G of Connecticut Juvenile Jurisdiction Planning and Implementation Committee’s Final Report (2007).

²² Ibid. In FY 2006, 54% of 16 and 17 year old arrests resulted in diversion or dismissal.

variety of effective employment and educational support models for youth in place across the state; these sections of HB 5926 would provide additional funding in these key cities.²³

C. CT Voices for Children supports the proposal in §9 of HB 5926 to create a Task Force to study the feasibility of establishing a separate court or docket to hear matters related to drug offenders under the age of 18.

Consistent with the values of the juvenile justice system, the goals of juvenile drug courts are to:²⁴

- Provide immediate treatment and structure to juveniles who use drugs through active monitoring by the drug court judge;
- Address problems that may be contributing to a juvenile's drug use;
- Connect juveniles with skill-building programs to lead substance-free and crime-free lives—including educational and employment, conflict resolution and peer mediation;
- Strengthen families of drug-involved youth through family therapy services

Research indicates that juvenile drug courts effectively reduce drug use and criminal activity while participants are in the program and also lower recidivism rates once youth have completed the program. Juvenile drug courts are cost-effective when compared to a traditional court model when working with youthful drug offenders.²⁵

Creating a Task Force charged with determining the feasibility of a juvenile drug court or docket would provide a vehicle for identifying gaps in substance abuse services for Connecticut youth and assessing if a youth drug court (or docket) model would be appropriate and useful in Connecticut.

Thank you for your consideration of our testimony.

²³ Ibid at 39-43 for a complete list of evaluated and recommended employment and educational diversionary programs.

²⁴ Goals taken from Bureau of Justice Assistance. "Juvenile Drug Courts: Strategies and Practice Monograph" (National Criminal Justice Reference Service, March 2003).

²⁵ S Belenko. "Research on Drug Courts: A Critical Review 2001 Update" (National Center on Addiction and Substance Abuse at Columbia University, June 2001).