



DIVISION OF PUBLIC DEFENDER SERVICES

State of Connecticut

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Testimony of the Office of Chief Public Defender Susan I. Hamilton, MSW, JD Director of Delinquency Defense and Child Protection

Appropriations Committee – March 28, 2023 Raised H.B. 6902– An Act Concerning Youth Service Bureaus and Establishment of a Juvenile Diversion Program

The Office of Chief Public Defender (OCPD) supports the underlying intent of ***Raised H.B. 6902 – An Act Concerning Youth Service Bureaus and Establishment of a Juvenile Diversion System*** but offers the following comments to address concerns with the language as currently drafted. As an active member of the Juvenile Justice Policy and Oversight Committee, OCPD is committed to advancing the goals of the youth justice system, including increased diversion, accountability and improved outcomes for youth. To that end, there is a related JJPOC bill (R.B. 6888), which includes language that more clearly requires mandatory pre-arrest diversion for certain infractions and misdemeanors. While the instant bill before this committee may have intended to create a similar mandatory diversion requirement, the current language does not accomplish that goal.

More specifically, this bill as currently drafted simply creates a definition of “divert” in lines 130 – 137, which may have intended to provide mandatory alternatives to court referrals for certain infractions and misdemeanors, but it fails to use that defined term anywhere else in the bill that would require pre-arrest diversion by law enforcement. Instead, the term is only used to describe the purpose of a new “Diversion First” program to be developed by DCF and the Chief Court Administrator (line 4) and to describe a goal of youth service bureau services (line 76). In addition, the definition of “divert” in this bill refers only to diversion *after* a child has been arrested (line 133), which is counterproductive to the goal of minimizing unnecessary arrest of children. If the intent of this bill is to specifically require pre-arrest

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us.

We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

diversion consistent with the related JJPOC recommendation, OCPD would recommend using the applicable language in RB 6888 for this purpose.

OCPD also has concerns with the language in lines 1 – 6, which seems to infer that chronic absenteeism is a criminal offense that would be subject to juvenile court jurisdiction if not diverted. However, under current law and consistent with national efforts to decriminalize truancy behavior, this issue is not and should not be included in the list of “offenses” that can be referred to the juvenile court. OCPD strongly supports providing timely and effective services for children and their families to improve school attendance but not in a criminal context as proposed in lines 84 – 87. On a related note, given that the term “juvenile” is not a statutorily defined term in the juvenile court statutes, nor is it a label that is used to describe children in any other context, OCPD would suggest using the term “child” as defined in CGS Sec. 46b-120 in lieu of “juvenile” at lines 4 and 39.

Connecticut has made significant strides in recent years towards successfully diverting children and their families from unnecessary and often counterproductive court involvement. This has been done in partnership with children, families, communities and critical stakeholders and providers who comprise the current diversion system, including youth service bureaus. OCPD supports continuing those partnerships and building on those successes in ways that will increase access, quality, effectiveness and measurable outcome data. This includes the need for increased funding for the community-based diversion system, and OCPD is hopeful that this bill could serve as vehicle for those critical resources. Thank you.