



General Assembly

February Session, 2002

**Raised Bill No. 414**

LCO No. 1584

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING SPECIAL EDUCATION SERVICES FOR CHILDREN IN THE JUVENILE JUSTICE SYSTEM.**

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

1 Section 1. Section 46b-134 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 Prior to the disposition of the case of any child convicted of a  
4 delinquent act, investigation shall be made of the facts as [herein]  
5 specified in this section by the probation officer, and until such  
6 investigation has been completed and the results thereof placed before  
7 the judge, no disposition of the child's case shall be made. Such  
8 investigation shall consist of an examination of the parentage and  
9 surroundings of the child [, his] and the child's age, habits and history,  
10 and shall include also an inquiry into the home conditions, habits and  
11 character of [his] the child's parents or guardians. Such investigation  
12 shall include an inquiry into the circumstances of the offense, the  
13 attitude of the complainant or victim, the criminal record, the present  
14 condition of the child and any damages suffered by the victim  
15 including medical expenses, loss of earnings and property loss. [Where  
16 a] If the child is or legally should be in attendance at school, [it] such

17 investigation shall further contain a report of the child's school  
18 attendance, adjustment and behavior, the child's individual  
19 educational plan if the child has been identified pursuant to sections  
20 10-76a to 10-76h, inclusive, as amended, as requiring special education  
21 and related services and any recommendations from school officials on  
22 conditions of probation if the child is placed on probation pursuant to  
23 section 46b-140, as amended, which shall be furnished by the school  
24 officials to the court upon its request. The court shall, when it is found  
25 necessary to the disposition, cause a complete physical or mental  
26 examination or an educational assessment, or [both] any combination  
27 thereof, to be made of the child by persons professionally qualified to  
28 do so. Such examination or assessment may include testing to  
29 determine whether the child is alcohol-dependent or drug-dependent  
30 as defined in section 46b-120 and whether the child requires special  
31 education and related services. [Where] If the court causes a complete  
32 physical or mental examination, or both, to be made of a child whose  
33 parents, guardian or custodian is found able to pay in whole or in part  
34 the cost thereof, it shall assess as costs against such parents, guardian  
35 or custodian, including any agency vested with the legal custody of the  
36 child, the expense so incurred and paid for by the court in having such  
37 examination performed, to the extent of their financial ability to do so.  
38 Prior to the disposition of the case of any child convicted of a  
39 delinquent act, the court may cause a complete diagnostic examination  
40 to be made, unless such information is otherwise available. Such  
41 information shall include physical and psychological diagnoses and  
42 may include medical, psychiatric, neurological, learning disability  
43 diagnoses and such other diagnoses as the court deems necessary. If  
44 such child is committed to the Department of Children and Families,  
45 such information shall be shared with the Department of Children and  
46 Families.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

***JUD***      *Joint Favorable*