



General Assembly

Substitute Bill No. 6812

January Session, 2005

* _____ HB06812APP __ 051005 _____ *

AN ACT CONCERNING PUBLIC ACCESS TO PROCEEDINGS IN CERTAIN JUVENILE MATTERS.

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

1 Section 1. Section 46b-122 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) All matters which are juvenile matters, as provided in section
4 46b-121, shall be kept separate and apart from all other business of the
5 Superior Court as far as is practicable, except matters transferred
6 under the provisions of section 46b-127, which matters shall be
7 transferred to the regular criminal docket of the Superior Court. Any
8 judge hearing a [juvenile] delinquency matter or a matter concerning a
9 family with service needs may, during such hearing, exclude from the
10 room in which such hearing is held any person whose presence is, in
11 the court's opinion, not necessary, except that in delinquency
12 proceedings any victim of the delinquent act, the parents or guardian
13 of such victim and any victim advocate appointed pursuant to section
14 54-221 shall not be excluded unless the judge specifically orders
15 otherwise.

16 (b) Members of the public may attend proceedings in which a child
17 is alleged to be uncared for, neglected, abused or dependent or is the
18 subject of a petition for termination of parental rights, except that the
19 court may exclude any person from such proceedings if the court

20 determines, on a case-by-case basis, that such exclusion is warranted.
21 In making such determination, the court may consider, among other
22 factors, whether: (1) The person is causing or is likely to cause a
23 disruption in the proceedings; (2) the presence of the person is objected
24 to for a compelling reason by one of the parties, including the attorney
25 for the child or a guardian ad litem; (3) the privacy interests of
26 individuals before the court and the need to protect the child and other
27 parties from harm requires that the person, or some or all observers, be
28 excluded from the courtroom; (4) the presence of the person will
29 inhibit testimony or the disclosure or discussion of information
30 material to the proceedings; and (5) less restrictive alternatives to
31 exclusion are unavailable or inappropriate to the circumstances of the
32 particular case. The attendance of a member of the public at any such
33 proceeding shall be subject to the availability of suitable space at the
34 facility where such proceeding takes place. The court shall make its
35 findings and determination on the record.

36 (c) If a member of the public is in attendance at any proceeding
37 pursuant to subsection (b) of this section, the court shall consider, on a
38 case-by-case basis, whether there is a compelling reason to issue an
39 order prohibiting the member of the public from using or
40 disseminating the name, address, photograph or other personally
41 identifiable information about a child, parent or guardian disclosed
42 during the proceedings. In determining whether a compelling reason
43 to issue such order exists, the court shall consider, among other factors:
44 (1) The nature of the allegations; (2) the age and maturity of the child;
45 (3) the emotional well-being of the child; (4) the potential harm to the
46 child if such information is disclosed; and (5) the public interest in
47 disclosure.

48 (d) Nothing in this section shall be construed to affect the
49 confidentiality of records of cases of juvenile matters as set forth in
50 section 46b-124.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	46b-122
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APP *Joint Favorable Subst.*