



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF THE CHIEF PUBLIC DEFENDER

30 TRINITY STREET
FOURTH FLOOR
HARTFORD, CONNECTICUT 06106

CHRISTINE PERRA RAPILLO

EXECUTIVE ASSISTANT PUBLIC DEFENDER
DIRECTOR OF JUVENILE DELINQUENCY DEFENSE
(860) 509-6431 TELEPHONE
(860) 509-6495 FAX

TESTIMONY OF CHRISTINE RAPILLO EXECUTIVE ASSISTANT PUBLIC DEFENDER OFFICE OF CHIEF PUBLIC DEFENDER

JUDICIARY COMMITTEE PUBLIC HEARING MARCH 20, 2006

RAISED BILL NO. 667 AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE PROCEEDINGS

I am Christine Rapillo and I am the Director of Juvenile Delinquency Defense for the Office of the Chief Public Defender Assistant Public Defender at the Public Defender office at the Hartford Juvenile Court. I submit this testimony today on behalf of the Office of the Chief Public Defender to support *Raised Bill No. 667, An Act Concerning Determinations of Competency in Juvenile Proceedings*.

Although the Office of the Chief Public Defender supports this proposed legislation, we would urge this Committee to consider increasing the minimum age for presumed competence to from 9 to 12 years of age. This proposal sets 9 as the age for competence to be presumed, which is still a lower age standard than the recognized science on child development supports. The intent of this proposal is to allow the court to treat children whose competence to stand trial is questioned in the most appropriate manner and should ensure that competency evaluations on children apply meaningful age appropriate standards. Even with a minimum age of 9, this effort to create a special procedure for competency in delinquency matters increases the likelihood that a child will be developmentally able to understand the complex legal proceedings involved in juvenile court and provides the court with more options to help achieve competence in a child. It is an effort to improve the way we service the most vulnerable children in the juvenile justice system-the very young, the developmentally compromised and the mentally ill.

Page 2 of 2 Judiciary Committee Public Hearing - March 20, 2006
Testimony - Christine Rapillo, Executive Assistant Public Defender, Office of Chief Public Defender
Raised Bill No. 667, An Act Concerning Determinations of Competency in Juvenile Proceedings

In addition, this proposal attempts to create a specialized system for competency determinations in juvenile proceedings. Under current law, there is no established procedure to be followed when competence of a juvenile is in question. The court follows the law and the criteria set out for adults. Current scientific research shows that children are different from adults and fail to be competent in different ways. Children, for example can be too young, too developmentally immature or too mentally ill to meaningfully participate in a case against them.

This proposed legislation is substantially the same as Raised Bill 05-1087 which was introduced in this committee last session. The language before the Committee today results from the continued collaboration of professionals from the judicial, advocacy and mental health fields, including representatives from the Public Defender's Office. Therefore, the Office of Chief Public Defender respectfully requests that this committee approve this proposal and increase the age for a presumption of competence to 12 years of age.