



General Assembly

January Session, 2007

Raised Bill No. 7039

LCO No. 3665

03665_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

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 Section 46b-122 of the general statutes is repealed and the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, 2007*):

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 shall not be excluded unless, after hearing
13 from the parties and the victim and for good cause shown, which shall
14 be clearly and specifically stated on the record, the judge orders
15 otherwise. For the purposes of this section, "victim" means a person
16 who is the victim of a delinquent act, a parent or guardian of such

17 person, the legal representative of such person or an advocate
18 appointed for such person pursuant to section 54-221.

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

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

50 information is disclosed; and (5) the public interest in disclosure.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	46b-122

Statement of Purpose:

To (1) permit members of the public to observe certain juvenile court proceedings concerning termination of parental rights or children or youth who are alleged to be uncared for, neglected or dependent, and (2) permit the court, on a case-by-case basis, to prohibit the dissemination of certain identifying information disclosed in such proceedings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]