



General Assembly

Substitute Bill No. 1196

January Session, 2007

* SB01196JUD 041307 *

AN ACT CONCERNING CHILDREN AND YOUTH IN JUVENILE MATTERS.

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

1 Section 1. Section 46b-120 of the general statutes, as amended by
2 section 1 of public act 05-250, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2009*):

4 The terms used in this chapter shall, in its interpretation and in the
5 interpretation of other statutes, be defined as follows: (1) "Child"
6 means any person under sixteen years of age, [and,] except that for
7 purposes of delinquency matters and family with service needs
8 proceedings, "child" means any person (A) under [sixteen] eighteen
9 years of age, or (B) [sixteen] eighteen years of age or older who, prior
10 to attaining [sixteen] eighteen years of age, has violated any federal or
11 state law [or municipal or local ordinance, other than an ordinance
12 regulating behavior of a child in a family with service needs,] and,
13 subsequent to attaining [sixteen] eighteen years of age, violates any
14 order of the Superior Court or any condition of probation ordered by
15 the Superior Court with respect to such delinquency [proceeding] or
16 family with service needs proceedings; (2) "youth" means any person
17 sixteen or seventeen years of age who [; (3) "youth in crisis" means any
18 youth who, within the last two years,] (A) has without just cause run
19 away from the parental home or other properly authorized and lawful

20 place of abode, (B) is beyond the control of the youth's parents,
21 guardian or other custodian, or (C) has four unexcused absences from
22 school in any one month or ten unexcused absences in any school year;
23 [(4)] (3) "abused" means that a child or youth (A) has been inflicted
24 with physical injury or injuries other than by accidental means, or (B)
25 has injuries that are at variance with the history given of them, or (C) is
26 in a condition that is the result of maltreatment, [such as] including,
27 but not limited to, malnutrition, sexual molestation or exploitation,
28 deprivation of necessities, emotional maltreatment or cruel
29 punishment; [(5)] (4) a child or youth may be found "mentally
30 deficient" who, by reason of a deficiency of intelligence that has existed
31 from birth or from early age, requires, or will require, for [his] such
32 child's or youth's protection or for the protection of others, special care,
33 supervision and control; [(6)] (5) a child or youth may be convicted as
34 "delinquent" who has violated (A) any federal or state law, [or
35 municipal or local ordinance, other than an ordinance regulating
36 behavior of a child in a family with service needs,] (B) any order of the
37 Superior Court, except as provided in section 46b-148, or (C)
38 conditions of probation as ordered by the court; [(7)] (6) a child or
39 youth may be found "dependent" whose home is a suitable one for the
40 child or youth, save for the financial inability of the child's or youth's
41 parents, parent or guardian, or other person maintaining such home,
42 to provide the specialized care the condition of the child or youth
43 requires; [(8)] (7) "family with service needs" means a family that
44 includes a child or youth who (A) has without just cause run away
45 from the parental home or other properly authorized and lawful place
46 of abode, (B) is beyond the control of the child's or youth's parent,
47 parents, guardian or other custodian, (C) has engaged in indecent or
48 immoral conduct, (D) is a truant or habitual truant or who, while in
49 school, has been continuously and overtly defiant of school rules and
50 regulations, or (E) is thirteen years of age or older and has engaged in
51 sexual intercourse with another person and such other person is
52 thirteen years of age or older and not more than two years older or
53 younger than such child or youth; [(9)] (8) a child or youth may be
54 found "neglected" who (A) has been abandoned, or (B) is being denied

55 proper care and attention, physically, educationally, emotionally or
56 morally, or (C) is being permitted to live under conditions,
57 circumstances or associations injurious to the well-being of the child or
58 youth, or (D) has been abused; [(10)] (9) a child or youth may be found
59 "uncared for" who is homeless or whose home cannot provide the
60 specialized care that the physical, emotional or mental condition of the
61 child or youth requires. For the purposes of this section, the treatment
62 of any child or youth by an accredited Christian Science practitioner, in
63 lieu of treatment by a licensed practitioner of the healing arts, shall not
64 of itself constitute neglect or maltreatment; [(11)]
65 (10) "delinquent act" means the violation of any federal or state law [or
66 municipal or local ordinance, other than an ordinance regulating the
67 behavior of a child in a family with service needs,] or the violation of
68 any order of the Superior Court; [(12)] (11) "serious juvenile offense"
69 means (A) the violation of, including attempt or conspiracy to violate,
70 section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,
71 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
72 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
73 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to
74 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
75 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
76 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section
77 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a
78 child or youth, or (B) running away, without just cause, from any
79 secure placement other than home while referred as a delinquent child
80 or youth to the Court Support Services Division or committed as a
81 delinquent child or youth to the Commissioner of Children and
82 Families for a serious juvenile offense; [(13)] (12) "serious juvenile
83 offender" means any child or youth convicted as delinquent for
84 commission of a serious juvenile offense; [(14)] (13) "serious juvenile
85 repeat offender" means any child or youth charged with the
86 commission of any felony if such child or youth has previously been
87 convicted delinquent at any age for two violations of any provision of
88 title 21a, 29, 53 or 53a that is designated as a felony; [(15)]
89 "alcohol-dependent child" means any child who has] (14) "alcohol-

90 dependent" means a psychoactive substance dependence on alcohol as
91 that condition is defined in the most recent edition of the American
92 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
93 Disorders"; [and (16) "drug-dependent child" means any child who
94 has] (15) "drug-dependent" means a psychoactive substance
95 dependence on drugs as that condition is defined in the most recent
96 edition of the American Psychiatric Association's "Diagnostic and
97 Statistical Manual of Mental Disorders"; and (16) "juvenile" means a
98 child or youth. No child or youth shall be classified as drug dependent
99 who is dependent (A) upon a morphine-type substance as an incident
100 to current medical treatment of a demonstrable physical disorder other
101 than drug dependence, or (B) upon amphetamine-type, ataractic,
102 barbiturate-type, hallucinogenic or other stimulant and depressant
103 substances as an incident to current medical treatment of a
104 demonstrable physical or psychological disorder, or both, other than
105 drug dependence.

106 Sec. 2. Section 46b-121 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective July 1, 2009*):

108 (a) (1) Juvenile matters in the civil session include all proceedings
109 concerning uncared-for, neglected or dependent children and youths
110 within this state, termination of parental rights of children or youths
111 committed to a state agency, matters concerning families with service
112 needs, contested matters involving termination of parental rights or
113 removal of guardian transferred from the Probate Court [,] and the
114 emancipation of minors, [and youths in crisis,] but does not include
115 matters of guardianship and adoption or matters affecting property
116 rights of any child [, youth or youth in crisis] or youth over which the
117 Probate Court has jurisdiction, [provided] except that appeals from
118 probate concerning adoption, termination of parental rights and
119 removal of a parent as guardian shall be included.

120 (2) Juvenile matters in the criminal session include all proceedings
121 concerning delinquent children [in the] or youths within this state and
122 persons [sixteen] eighteen years of age and older who are under the

123 supervision of a juvenile probation officer while on probation or a
124 suspended commitment to the Department of Children and Families,
125 for purposes of enforcing any court orders entered as part of such
126 probation or suspended commitment.

127 (b) (1) In juvenile matters, the Superior Court shall have authority to
128 make and enforce such orders directed to parents, including any
129 person who acknowledges before [said] the court paternity of a child
130 born out of wedlock, guardians, custodians or other adult persons
131 owing some legal duty to a child [, youth or youth in crisis] or youth
132 therein, as [it] the court deems necessary or appropriate to secure the
133 welfare, protection, proper care and suitable support of a child [, youth
134 or youth in crisis] or youth subject to [its] the court's jurisdiction or
135 otherwise committed to or in the custody of the Commissioner of
136 Children and Families. In addition, with respect to proceedings
137 concerning delinquent children or youths, the Superior Court shall
138 have authority to make and enforce such orders as [it] the court deems
139 necessary or appropriate to punish the child or youth, deter the child
140 or youth from the commission of further delinquent acts, assure that
141 the safety of any other person will not be endangered and provide
142 restitution to any victim. [Said court] The Superior Court shall also
143 have authority to grant and enforce temporary and permanent
144 injunctive relief [, temporary or permanent] in all proceedings
145 concerning juvenile matters.

146 (2) If any order for the payment of money is issued by [said court]
147 the Superior Court, including any order assessing costs issued under
148 section 46b-134 or 46b-136, the collection of such money shall be made
149 by [said] the court, except orders for support of children or youths
150 committed to any state agency or department, which orders shall be
151 made payable to and collected by the Department of Administrative
152 Services. [Where] If the [court] Superior Court after due diligence is
153 unable to collect such moneys within six months, [it] the court shall
154 refer such case to the Department of Administrative Services for
155 collection as a delinquent account. In juvenile matters, the [court]
156 Superior Court shall have authority to make and enforce orders

157 directed to persons liable hereunder on petition of [said] the
158 Department of Administrative Services made to [said] the court in the
159 same manner as is provided in section 17b-745, in accordance with the
160 provisions of section 17b-81 [,] or 17b-223, subsection (b) of section
161 17b-179 [,] or section 17a-90, 46b-129 or 46b-130, and all of the
162 provisions of section 17b-745 shall be applicable to such proceedings.
163 Any judge hearing a juvenile matter may make any other order in
164 connection therewith that a judge of the Superior Court is authorized
165 to grant and such order shall have the same force and effect as any
166 other order of the Superior Court. In the enforcement of [its] the court's
167 orders, in connection with any juvenile matter, the court may issue
168 process for the arrest of any person, compel attendance of witnesses
169 and punish for contempt by a fine not exceeding one hundred dollars
170 or imprisonment not exceeding six months.

171 Sec. 3. Subsection (c) of section 46b-127 of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective July*
173 *1, 2009*):

174 (c) Upon the effectuation of the transfer, such child or youth shall
175 stand trial and be sentenced, if convicted, as if [he were sixteen] such
176 child or youth were eighteen years of age. Such child or youth shall
177 receive credit against any sentence imposed for time served in a
178 juvenile facility prior to the effectuation of the transfer. A child or
179 youth who has been transferred may enter a guilty plea to a lesser
180 offense if the court finds that such plea is made knowingly and
181 voluntarily. Any child or youth transferred to the regular criminal
182 docket who pleads guilty to a lesser offense shall not resume [his] such
183 child's or youth's status as a juvenile regarding [said] such offense. If
184 the action is dismissed or nolleed or if such child or youth is found not
185 guilty of the charge for which [he] such child or youth was transferred
186 or of any lesser included offenses, the child or youth shall resume [his]
187 such child's or youth's status as a juvenile until [he] such child or
188 youth attains the age of [sixteen] eighteen years.

189 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is

190 repealed and the following is substituted in lieu thereof (*Effective July*
191 *1, 2009*):

192 (f) Whenever a proceeding has been designated a serious juvenile
193 repeat offender prosecution pursuant to subsection (b) of this section
194 and the child or youth does not waive such child's or youth's right to a
195 trial by jury, the court shall transfer the case from the docket for
196 juvenile matters to the regular criminal docket of the Superior Court.
197 Upon transfer, such child or youth shall stand trial and be sentenced, if
198 convicted, as if such child or youth were [sixteen] eighteen years of
199 age, except that no such child or youth shall be placed in a correctional
200 facility but shall be maintained in a facility for children and youths
201 until such child or youth attains [sixteen] eighteen years of age or until
202 such child or youth is sentenced, whichever occurs first. Such child or
203 youth shall receive credit against any sentence imposed for time
204 served in a juvenile facility prior to the effectuation of the transfer. A
205 child or youth who has been transferred may enter a guilty plea to a
206 lesser offense if the court finds that such plea is made knowingly and
207 voluntarily. Any child or youth transferred to the regular criminal
208 docket who pleads guilty to a lesser offense shall not resume such
209 child's or youth's status as a juvenile regarding such offense. If the
210 action is dismissed or nolleed or if such child or youth is found not
211 guilty of the charge for which such child or youth was transferred, the
212 child or youth shall resume such child's or youth's status as a juvenile
213 until such child or youth attains [sixteen] eighteen years of age.

214 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is
215 repealed and the following is substituted in lieu thereof (*Effective July*
216 *1, 2009*):

217 (f) When a proceeding has been designated a serious sexual
218 offender prosecution pursuant to subsection (c) of this section and the
219 child or youth does not waive the right to a trial by jury, the court shall
220 transfer the case from the docket for juvenile matters to the regular
221 criminal docket of the Superior Court. Upon transfer, such child or
222 youth shall stand trial and be sentenced, if convicted, as if such child or

223 youth were [sixteen] eighteen years of age, except that no such child or
224 youth shall be placed in a correctional facility but shall be maintained
225 in a facility for children and youths until such child or youth attains
226 [sixteen] eighteen years of age or until such child or youth is
227 sentenced, whichever occurs first. Such child or youth shall receive
228 credit against any sentence imposed for time served in a juvenile
229 facility prior to the effectuation of the transfer. A child or youth who
230 has been transferred may enter a guilty plea to a lesser offense if the
231 court finds that such plea is made knowingly and voluntarily. Any
232 child or youth transferred to the regular criminal docket who pleads
233 guilty to a lesser offense shall not resume such child's or youth's status
234 as a juvenile regarding such offense. If the action is dismissed or nolle
235 or if such child or youth is found not guilty of the charge for which
236 such child or youth was transferred, the child or youth shall resume
237 such child's or youth's status as a juvenile until such child or youth
238 attains [sixteen] eighteen years of age.

239 Sec. 6. Subsection (c) of section 10-19m of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective July*
241 *1, 2009*):

242 (c) The Commissioner of Education shall adopt regulations, in
243 accordance with the provisions of chapter 54, establishing minimum
244 standards for such youth service bureaus and the criteria for qualifying
245 for state cost-sharing grants, including, but not limited to, allowable
246 sources of funds covering the local share of the costs of operating such
247 bureaus, acceptable in-kind contributions and application procedures.
248 Said commissioner shall, on December 1, [1979] 2009, and annually
249 thereafter, report to the General Assembly on the referral or diversion
250 of children or youths under the age of [sixteen] eighteen years from the
251 juvenile justice system and [on the referral or diversion of children
252 between the ages of sixteen and eighteen years from] the court system.
253 Such report shall include, but not be limited to, the number of times
254 any child or youth is so diverted, the number of children or youths
255 diverted, the type of service provided to any such child or youth, by
256 whom such child or youth was diverted, the ages of the children or

257 youths diverted and such other information and statistics as the
258 General Assembly may request from time to time. Any such report
259 shall contain no identifying information about any particular child or
260 youth.

261 Sec. 7. Subsection (b) of section 46b-124 of the general statutes is
262 repealed and the following is substituted in lieu thereof (*Effective July*
263 *1, 2009*):

264 (b) All records of cases of juvenile matters, as provided in section
265 46b-121, as amended by this act, except delinquency proceedings, or
266 any part thereof, and all records of appeals from probate brought to
267 the superior court for juvenile matters pursuant to subsection (b) of
268 section 45a-186, shall be confidential and for the use of the court in
269 juvenile matters, and open to inspection or disclosure to any third
270 party, including bona fide researchers commissioned by a state agency,
271 only upon order of the Superior Court, except that: (1) The records
272 concerning any matter transferred from a court of probate pursuant to
273 section 45a-623 or subsection (g) of section 45a-715 or any appeal from
274 probate to the superior court for juvenile matters pursuant to
275 subsection (b) of section 45a-186 shall be available to the court of
276 probate from which such matter was transferred or from which such
277 appeal was taken; (2) such records shall be available to (A) the attorney
278 representing the child or youth, including the Division of Public
279 Defender Services, in any proceeding in which such records are
280 relevant, (B) the parents or guardian of the child or youth until such
281 time as the child or youth reaches the age of majority or becomes
282 emancipated, (C) an adult adopted person in accordance with the
283 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
284 inclusive, (D) employees of the Division of Criminal Justice who in the
285 performance of their duties require access to such records, (E)
286 employees of the judicial branch who in the performance of their
287 duties require access to such records, (F) another court under the
288 provisions of subsection (d) of section 46b-115j, (G) the subject of the
289 record, upon submission of satisfactory proof of the subject's identity,
290 pursuant to guidelines prescribed by the Office of the Chief Court

291 Administrator, provided the subject has reached the age of majority or
292 has been emancipated, (H) the Department of Children and Families,
293 and (I) the employees of the Commission on Child Protection who in
294 the performance of their duties require access to such records; and (3)
295 all or part of the records concerning a youth in crisis with respect to
296 whom a court order [has been] was issued prior to July 1, 2009,
297 [pursuant to subdivision (1) of subsection (c) of section 46b-150f] may
298 be made available to the Department of Motor Vehicles, provided such
299 records are relevant to such order. Any records of cases of juvenile
300 matters, or any part thereof, provided to any persons, governmental
301 and private agencies, and institutions pursuant to this section shall not
302 be disclosed, directly or indirectly, to any third party not specified in
303 subsection (d) of this section, except as provided by court order or in
304 the report required under section 54-76d or 54-91a.

305 Sec. 8. Section 46b-149b of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective July 1, 2009*):

307 [(a)] Any police officer or any official of a municipal or community
308 agency, who in the course of such police officer's or official's
309 employment under subsection (d) of section 17a-15 or section 46b-120,
310 as amended by this act, 46b-121, as amended by this act, 46b-149 [.] or
311 46b-149a [., 46b-150f or 46b-150g] provides assistance to a child or
312 youth or a family in need thereof, shall not be liable to such child or
313 youth or such family for civil damages for any personal injuries which
314 result from the voluntary termination of service by the child or youth
315 or the family.

316 [(b)] Each municipal police department and the Division of State
317 Police within the Department of Public Safety shall implement a
318 uniform protocol for providing intervention and assistance in matters
319 involving youths in crisis. Such uniform protocol shall be developed
320 by the Police Officer Standards and Training Council established
321 under section 7-294b.]

322 Sec. 9. Sections 46b-150f to 46b-150h, inclusive, of the general

