



General Assembly

Amendment

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LCO No. 4694

HB0549504694HDO

Offered by:

REP. HAMM, 34th Dist.
REP. SERRA, 33rd Dist.
REP. O'ROURKE, 32nd Dist.

REP. KALINOWSKI, 100th Dist.
SEN. GAFFEY, 13th Dist.
SEN. DOYLE, 9th Dist.

To: Subst. House Bill No. 5495

File No. 395

Cal. No. 226

"AN ACT CONCERNING THE TRANSITION OF YOUTH FROM THE CARE OF THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (*Effective from passage*) Sections 73 to 82, inclusive, 85 and
4 123 of public act 07-4 of the June special session shall take effect
5 January 1, 2012.

6 Sec. 502. Subsection (b) of section 46b-124 of the 2008 supplement to
7 the general statutes, as amended by section 81 of public act 07-4 of the
8 June special session, is repealed and the following is substituted in lieu
9 thereof (*Effective January 1, 2012*):

10 (b) All records of cases of juvenile matters, as provided in section
11 46b-121 of the 2008 supplement to the general statutes, except

12 delinquency proceedings, or any part thereof, and all records of
13 appeals from probate brought to the superior court for juvenile matters
14 pursuant to subsection (b) of section 45a-186 of the 2008 supplement to
15 the general statutes, shall be confidential and for the use of the court in
16 juvenile matters, and open to inspection or disclosure to any third
17 party, including bona fide researchers commissioned by a state agency,
18 only upon order of the Superior Court, except that: (1) The records
19 concerning any matter transferred from a court of probate pursuant to
20 section 45a-623 or subsection (g) of section 45a-715 or any appeal from
21 probate to the superior court for juvenile matters pursuant to
22 subsection (b) of section 45a-186 of the 2008 supplement to the general
23 statutes, shall be available to the court of probate from which such
24 matter was transferred or from which such appeal was taken; (2) such
25 records shall be available to (A) the attorney representing the child or
26 youth, including the Division of Public Defender Services, in any
27 proceeding in which such records are relevant, (B) the parents or
28 guardian of the child or youth until such time as the child or youth
29 reaches the age of majority or becomes emancipated, (C) an adult
30 adopted person in accordance with the provisions of sections 45a-736,
31 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the
32 Division of Criminal Justice who in the performance of their duties
33 require access to such records, (E) employees of the judicial branch
34 who in the performance of their duties require access to such records,
35 (F) another court under the provisions of subsection (d) of section 46b-
36 115j, (G) the subject of the record, upon submission of satisfactory
37 proof of the subject's identity, pursuant to guidelines prescribed by the
38 Office of the Chief Court Administrator, provided the subject has
39 reached the age of majority or has been emancipated, (H) the
40 Department of Children and Families, and (I) the employees of the
41 Commission on Child Protection who in the performance of their
42 duties require access to such records; and (3) all or part of the records
43 concerning a youth in crisis with respect to whom a court order was
44 issued prior to January 1, [2010] 2012, may be made available to the
45 Department of Motor Vehicles, provided such records are relevant to
46 such order. Any records of cases of juvenile matters, or any part

47 thereof, provided to any persons, governmental and private agencies,
48 and institutions pursuant to this section shall not be disclosed, directly
49 or indirectly, to any third party not specified in subsection (d) of this
50 section, except as provided by court order or in the report required
51 under section 54-76d or 54-91a.

52 Sec. 503. (*Effective from passage*) Section 86 of public act 07-4 of the
53 June special session shall take effect April 1, 2011.

54 Sec. 504. Subsection (a) of section 51-165 of the 2008 supplement to
55 the general statutes, as amended by section 86 of public act 07-4 of the
56 June special session, is repealed and the following is substituted in lieu
57 thereof (*Effective April 1, 2011*):

58 (a) (1) On and after July 1, 1998, the Superior Court shall consist of
59 one hundred eighty-one judges, including the judges of the Supreme
60 Court and the Appellate Court, who shall be appointed by the General
61 Assembly upon nomination of the Governor.

62 (2) On and after October 1, 1998, the Superior Court shall consist of
63 one hundred eighty-three judges, including the judges of the Supreme
64 Court and the Appellate Court, who shall be appointed by the General
65 Assembly upon nomination of the Governor.

66 (3) On and after January 1, 1999, the Superior Court shall consist of
67 one hundred eighty-six judges, including the judges of the Supreme
68 Court and the Appellate Court, who shall be appointed by the General
69 Assembly upon nomination of the Governor.

70 (4) On and after October 1, 1999, the Superior Court shall consist of
71 one hundred ninety-one judges, including the judges of the Supreme
72 Court and the Appellate Court, who shall be appointed by the General
73 Assembly upon nomination of the Governor.

74 (5) On and after October 1, 2000, the Superior Court shall consist of
75 one hundred ninety-six judges, including the judges of the Supreme
76 Court and the Appellate Court, who shall be appointed by the General

77 Assembly upon nomination of the Governor.

78 (6) On and after April 1, [2009] 2011, the Superior Court shall consist
79 of two hundred one judges, including the judges of the Supreme Court
80 and the Appellate Court, who shall be appointed by the General
81 Assembly upon nomination of the Governor.

82 Sec. 505. (*Effective from passage*) Section 87 of public act 07-4 of the
83 June special session shall take effect July 1, 2010.

84 Sec. 506. Section 87 of public act 07-4 of the June special session is
85 repealed and the following is substituted in lieu thereof (*Effective July*
86 *1, 2010*):

87 Not later than July 1, [2009] 2011, the Chief Court Administrator and
88 the executive director of the Court Support Services Division of the
89 judicial branch shall evaluate the programs and services provided in
90 the juvenile justice system, including, but not limited to, services
91 provided pursuant to chapter 815t of the general statutes, to ensure
92 that such programs and services meet the needs of persons sixteen
93 years of age or older in the juvenile justice system, and shall
94 implement, within available resources, any changes deemed necessary
95 in the programs and services.

96 Sec. 507. Subsections (f) to (i), inclusive, of section 88 of public act
97 07-4 of the June special session are repealed and the following is
98 substituted in lieu thereof (*Effective from passage*):

99 (f) Prior to January 1, [2009] 2011, the council shall monitor the
100 implementation of the central components of the implementation plan
101 contained in the final report of the Juvenile Jurisdiction Planning and
102 Implementation Committee dated February 8, 2007, including, but not
103 limited to, the development and implementation of a comprehensive
104 system of community-based services and residential services for
105 juveniles.

106 (g) Prior to January 1, [2009] 2011, the council shall study and

107 develop recommendations regarding the issues identified in the final
108 report of the Juvenile Jurisdiction Planning and Implementation
109 Committee to prepare for the introduction of persons sixteen and
110 seventeen years of age into the juvenile justice system and to improve
111 the juvenile justice system. Such issues and study shall include, but
112 need not be limited to, the following:

113 (1) The development of diversion programs and the most
114 appropriate programs for such persons;

115 (2) The development of comprehensive projections to determine the
116 short-term and long-term placement capacity required to
117 accommodate an expanded juvenile population in the juvenile justice
118 system, including an identification of available pretrial detention
119 facilities, the need for additional pretrial detention facilities and
120 feasible alternatives to detention;

121 (3) An analysis of the impact of the expansion of juvenile
122 jurisdiction to persons sixteen and seventeen years of age on state
123 agencies and a determination of which state agencies shall be
124 responsible for providing relevant services to juveniles, including, but
125 not limited to, mental health and substance abuse services, housing,
126 education and employment;

127 (4) An examination of the emancipation of minors with respect to
128 the juvenile justice system;

129 (5) An examination and modification of offenses categorized as
130 serious juvenile offenses in subdivision (12) of section 46b-120 of the
131 2008 supplement to the general statutes, as amended by this act;

132 (6) A comparison and analysis of procedures used in the juvenile
133 justice system versus the criminal court system to determine the most
134 suitable procedures for juveniles, including, but not limited to, the
135 most suitable procedures for the lawful interrogation of juveniles;

136 (7) An examination of school-related issues related to delinquency,

137 including intervention strategies to reduce the number of suspensions,
138 expulsions, truancies and arrests of juveniles;

139 (8) An examination of practices and procedures that result in
140 disproportionate minority contact with the juvenile justice system and
141 strategies to reduce disproportionate minority contact with the
142 juvenile justice system; and

143 (9) An examination of whether the inclusion of persons sixteen and
144 seventeen years of age in the juvenile justice system requires a revision
145 of provisions of the general statutes that establish a mandatory age for
146 school attendance.

147 (h) Not later than January 1, 2008, and quarterly thereafter until
148 January 1, [2009] 2011, the council shall submit a status report to the
149 Governor and the joint standing committees of the General Assembly
150 having cognizance of matters relating to the judiciary, human services
151 and appropriations, and the select committee of the General Assembly
152 having cognizance of matters relating to children, in accordance with
153 section 11-4a of the general statutes, on implementation of the plan
154 components set forth in subsection (f) of this section and resolution of
155 the issues identified in subsection (g) of this section.

156 (i) Not later than January 1, [2009] 2011, the council shall submit a
157 final report on the council's recommendations and such
158 implementation and resolution of issues to the Governor and the joint
159 standing committees of the General Assembly having cognizance of
160 matters relating to the judiciary, human services and appropriations,
161 and the select committee of the General Assembly having cognizance
162 of matters relating to children, in accordance with section 11-4a of the
163 general statutes.

164 Sec. 508. (*Effective from passage*) Sections 1 to 10, inclusive, of
165 substitute senate bill 337 of the current session shall take effect January
166 1, 2012."