



General Assembly

January Session, 2009

**Raised Bill No. 6702**

LCO No. 5051

\*05051\_\_\_\_\_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 Section 46b-122 of the general statutes is repealed and the  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, 2009*):

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 Except as provided in subsection (b) of this section, any judge hearing  
9 a juvenile matter may, during such hearing, exclude from the room in  
10 which such hearing is held any person whose presence is, in the court's  
11 opinion, not necessary, except that in delinquency proceedings, any  
12 victim shall not be excluded unless, after hearing from the parties and  
13 the victim and for good cause shown, which shall be clearly and  
14 specifically stated on the record, the judge orders otherwise. For the  
15 purposes of this section, "victim" means a person who is the victim of a  
16 delinquent act, a parent or guardian of such person, the legal

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

19 (b) From October 1, 2009, until October 1, 2010, there is established a  
20 pilot program in the superior court for juvenile matters in the judicial  
21 districts of Hartford and New Haven and a third judicial district  
22 selected by the Chief Court Administrator. Under the pilot program,  
23 members of the public may attend a proceeding in which a child is  
24 alleged to be uncared for, neglected, abused or dependent or is the  
25 subject of a petition for termination of parental rights, except that the  
26 court may exclude any person from such proceeding if the court  
27 determines, on a case-by-case basis, that such exclusion is in the best  
28 interest of the child. In making such determination, the court may also  
29 consider, among other factors, whether: (1) The person is causing or is  
30 likely to cause a disruption in the proceedings; (2) the presence of the  
31 person is objected to for a compelling reason by one of the parties,  
32 including the attorney for the child or a guardian ad litem; (3) the  
33 privacy interests of individuals before the court and the need to protect  
34 the child and other parties from harm requires that the person, or some  
35 or all observers, be excluded from the courtroom; (4) the presence of  
36 the person will inhibit testimony or the disclosure or discussion of  
37 information material to the proceedings; and (5) less restrictive  
38 alternatives to exclusion are unavailable or inappropriate to the  
39 circumstances of the particular case. The attendance of a member of  
40 the public at any such proceeding shall be subject to the availability of  
41 suitable space at the facility where such proceeding takes place. The  
42 court shall make its findings and determination on the record.

43 (c) If a member of the public is in attendance at any proceeding  
44 pursuant to subsection (b) of this section, the court shall consider, on a  
45 case-by-case basis, whether there is a compelling reason to issue an  
46 order prohibiting the member of the public from using or  
47 disseminating the name, address, photograph or other personally  
48 identifiable information about a child, parent or guardian disclosed  
49 during the proceedings. In determining whether a compelling reason

50 to issue such order exists, the court shall consider, among other factors:  
51 (1) The nature of the allegations; (2) the age and maturity of the child;  
52 (3) the emotional well-being of the child; (4) the potential harm to the  
53 child if such information is disclosed; and (5) the public interest in  
54 disclosure.

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

58 Sec. 2. (*Effective October 1, 2009*) Not later than January 1, 2011, the  
59 Chief Court Administrator shall submit a report to the joint standing  
60 committee of the General Assembly having cognizance of matters  
61 relating to the judiciary on the pilot program established in section  
62 46b-122 of the general statutes, as amended by this act. The report shall  
63 include, but need not be limited to, a review of the efficacy of the pilot  
64 program in (1) protecting the best interests of children in proceedings  
65 under the pilot program, and (2) providing public access to such  
66 proceedings. The report may include recommendations with respect to  
67 (A) the pilot program, and (B) implementation of the program on a  
68 permanent basis throughout the state. The Chief Court Administrator  
69 shall submit the report in accordance with section 11-4a of the general  
70 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	46b-122
Sec. 2	<i>October 1, 2009</i>	New section

**Statement of Purpose:**

To (1) establish a pilot program in designated superior courts to provide public access to proceedings in which a child is alleged to be uncared for, neglected, abused or dependent or is the subject of a petition for termination of parental rights, and (2) require the Chief Court Administrator to prepare and submit a report concerning the pilot program.

*[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.]*