



STATE OF CONNECTICUT
JUDICIAL BRANCH

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**Testimony of the Honorable Christine E. Keller,
Chief Administrative Judge for Juvenile Matters**

**Judiciary Committee Public Hearing
March 2, 2009**

**H.B. 6575, An Act Concerning Revisions to Provisions Raising the
Age of Juvenile Jurisdiction**

Good morning. My name is Christine Keller and I serve as the Judicial Branch's Chief Administrative Judge for Juvenile Matters. I am here today to testify, on behalf of the Branch, in support of **House Bill 6575, *An Act Concerning Revisions to Provisions Raising the Age of Juvenile Jurisdiction.***

There are two other bills before you today that propose changing the effective date of the expansion of juvenile jurisdiction to include 16 and 17 year olds. I hope that if you ultimately determine that needs to be done, you will use this bill, with its technical revisions, as the vehicle for that change. That way, we will ensure that these necessary revisions will be in place when the change goes into effect. The Juvenile Jurisdiction Policy and Operations and Coordinating Council, of which I am a member, continues its planning to improve our juvenile justice system, and it would be very helpful to have had these technical changes taken care of.

This bill is the product of a working group of the Juvenile Jurisdiction Policy and Operations Oversight Council. The working group also included representatives of the Office of the Chief Public Defender, the Department of Children and Families, child advocacy groups, including the Juvenile Justice Alliance, the Office of the Child Advocate and the Center for Children's Advocacy, the Office of the Chief State's Attorney and the Police Chiefs' Association. The bill before you today represents the

consensus of that group, and I can represent that all the members support its provisions.

This bill contains technical and clarifying revisions to the bill that was passed in 2007 raising the age of juvenile jurisdiction. It:

- Corrects language enacted in 2007 to reinstate as a delinquency offense the violation of a municipal or local ordinance, except for an ordinance regulating FWSN behavior. This will allow these violations, sometimes important to communities concerned with quality of life issues, to continue to be handled in juvenile court as they always have been in the past;
- Clarifies that a youth (a 16 or 17 year old) is treated as a child in juvenile court, except when he or she commits a violation or infraction, including motor vehicle infractions and violations, or violates a municipal or local ordinance. These matters will continue to be handled in adult court as they are now. The 2007 bill kept in adult court only certain violations enumerated in a statute, Section 51-164n, along with only those motor vehicle violations for which a term of imprisonment can be imposed. Although section 51-164n lists some violations which only require the payment and/or mailing in of a fine, it does not include hundreds of other statutory violations and infractions which also call for nothing other than the payment of a fine, some of which also can be resolved by mailing in the fine if the maximum penalty is less than \$90.00. In planning for the absorption of additional juvenile cases involving 16 and 17 year olds, the Judicial Branch, working with the Juvenile Jurisdiction Planning and Implementation Committee, did not plan to include offenses and motor vehicle violations that routinely resolve in the payment of a fine either by mail or after a court appearance. Without a more inclusive approach with respect to what violations by youth remain in adult court, it would be difficult for an arresting officer to delineate which minor violation calls for an adult, as opposed to a juvenile appearance. In addition, the administrative support to collect and desposit fine monies does not exist in the juvenile courts. All the planning and budget projections have been premised on the introduction of youth accused of felonies and misdemeanors, not youth accused of minor violations, infractions and

motor vehicle offenses. Leaving minor offenses which usually do not call for more than a single appearance and the payment of a fine is consistent with the purpose of the raise the age law, which is to insure that rehabilitative services are offered to youth who need them and avoid incarceration in adult facilities.

- Adds, in cases where the charged conduct, even if it's a minor offense, is indicative of a youth in need of special services or supervision available in the juvenile court, an amendment that creates a provision allowing a judge to transfer a case originating in the adult court on the youthful offender, motor vehicle or criminal docket back to the juvenile court if such a transfer best serves the needs of the youth and the community. This would occur on the motion of the state or the youth, or on the court's own motion prior to trial or the entry of a guilty plea in the adult court. Any motor vehicle sanctions applicable, such as a license suspension, would still be imposed even if the youth is convicted as a juvenile.
- Gives police officers the authority to release a child on his or her own recognizance without having to locate and wait for the child's parent or guardian to arrive at the police station, which often leads to the child being detained because the parent or guardian cannot be located. The officer must make reasonable efforts to serve the summons on the parent or guardian prior to the court date.
- Provides for the admissibility of confessions, admissions and statements made by a 16 or 17 year old using a comprehensive totality of the circumstances test, but only after the police officer advises the youth of his or her rights, including the right to have a parent present when making any statement and only if the police make reasonable efforts to contact a parent or guardian. Older youth will more likely be apprehended in locations further away from their home towns since they have driver's licenses. This amendment was seen as facilitating the provision that an officer will be allowed to release a youth who appears responsible enough on his or her own recognizance. If the officer can ask a few questions, after advisement, it may avoid the need for holding the youth,

transportation to a local lockup or detention or even arrest despite the fact that the parent cannot be located or lives far away.

- Clarifies that a child who willfully fails to appear in response to a summons can be charged with failure to appear;
- Revises the grounds for detention of a child, modifying one ground by requiring a finding that the child poses a risk to himself or herself, or to the community as opposed to a best interests finding in order to be detained, and requires in all instances that the court find that there is no less restrictive alternative available before ordering a child detained;
- Adapts the record erasure provisions to the raise in the jurisdictional age and provides that a convicted delinquent may, for good cause shown, petition the court for erasure earlier. This could be helpful, for example, to a child who is trying to enter the military.
- Allows for the development of vocational and employment programs for older youth
- Allows the Branch to contract for office space for probation officers with private providers of alternate incarceration facilities
- Reduces the number of offenses that are considered serious juvenile offenses, and allows a judge signing an order to detain, warrant or take into custody order to allow the detention facility to release the child to a parent or guardian before the first court appearance, which will serve to reduce the need confinement in detention immediately after arrest.
- Makes changes to the definitional statute to exclude legally emancipated youth from the definition of "child" and "youth", in order to clarify that they cannot be the subject of a delinquency or family with service needs petition;
- Provides access to local educational records by the juvenile courts for planning services and placements, if necessary. This will assist the educational coordinators and advocates already working with our juveniles.

This bill addresses gaps that exist in the 2007 juvenile jurisdiction legislation, and also provides additional options to the children and youth in that system. In addition, it addresses some of the operational concerns raised by the 2007 bill, without narrowing the scope of that legislation. This is evidenced by the fact that it has been endorsed by the Juvenile Jurisdiction Planning and Oversight Council. I urge the Committee to act favorably on it.

The Judicial Branch is committed to helping to find a cost effective way to attain the goals of the raise the age legislation without undermining the needs of our existing clientele. If the goals cannot all be achieved at once, we hope you will at the very least provide us with funding to continue to improve a solid base of preventive services and diversion, in partnership with other agencies and our local communities. Connecticut has been recognized as being at the forefront of a national movement to improve prevention and treatment for at risk youth. We are making tremendous strides in diverting children from the court who are from families with service needs and would also appreciate your efforts to fully fund that legislation, *already* in effect, to the full extent envisioned. We have only four family support centers covering only four juvenile districts, we are required by law to have them available to all districts. The four centers now operating provide many unique opportunities for at-risk youth to receive crucial services including contact within 3 hours of referral; 24-hour crisis intervention, case management; family mediations, educational advocacy, psychological support and respite beds for youth. They prevent involvement with the juvenile justice system, and eventually could be expanded to deal with delinquents.

Thank you for the opportunity to testify.