



General Assembly

January Session, 2011

Raised Bill No. 1095

LCO No. 3970

03970_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT LIMITING THE USE OF RESTRAINTS ON A CHILD WHO IS
SUBJECT TO A DELINQUENCY PROCEEDING.**

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

1 Section 1. Subsection (b) of section 46b-121 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (b) (1) In juvenile matters, the Superior Court shall have authority to
5 make and enforce such orders directed to parents, including any
6 person who acknowledges before the court paternity of a child born
7 out of wedlock, guardians, custodians or other adult persons owing
8 some legal duty to a child or youth therein, as the court deems
9 necessary or appropriate to secure the welfare, protection, proper care
10 and suitable support of a child or youth subject to the court's
11 jurisdiction or otherwise committed to or in the custody of the
12 Commissioner of Children and Families. The Superior Court may
13 order a local or regional board of education to provide to the court
14 educational records of a child or youth for the purpose of determining
15 the need for services or placement of the child or youth. In proceedings
16 concerning a child charged with a delinquent act or with being from a

17 family with service needs, records produced subject to such an order
18 shall be maintained under seal by the court and shall be released only
19 after a hearing or with the consent of the child. Educational records
20 obtained pursuant to this section shall be used only for dispositional
21 purposes. In addition, with respect to proceedings concerning
22 delinquent children, the Superior Court shall have authority to make
23 and enforce such orders as the court deems necessary or appropriate to
24 punish the child, deter the child from the commission of further
25 delinquent acts, assure that the safety of any other person will not be
26 endangered and provide restitution to any victim. The Superior Court
27 shall also have authority to grant and enforce temporary and
28 permanent injunctive relief in all proceedings concerning juvenile
29 matters.

30 (2) In proceedings concerning a child charged with a delinquent act,
31 such child shall not be physically restrained by the use of shackles,
32 handcuffs or other mechanical restraint prior to being convicted or
33 adjudicated as delinquent, unless the judge determines that the use of
34 such restraints on the child is necessary to ensure public safety.
35 Nothing in this section shall prevent the use of restraints on a child
36 while such child is being transported from one place to another with
37 respect to such proceeding.

38 [(2)] (3) If any order for the payment of money is issued by the
39 Superior Court, including any order assessing costs issued under
40 section 46b-134 or 46b-136, the collection of such money shall be made
41 by the court, except orders for support of children committed to any
42 state agency or department, which orders shall be made payable to
43 and collected by the Department of Administrative Services. If the
44 Superior Court after due diligence is unable to collect such moneys
45 within six months, the court shall refer such case to the Department of
46 Administrative Services for collection as a delinquent account. In
47 juvenile matters, the Superior Court shall have authority to make and
48 enforce orders directed to persons liable hereunder on petition of the
49 Department of Administrative Services made to the court in the same

50 manner as is provided in section 17b-745, in accordance with the
51 provisions of section 17b-81 or 17b-223, subsection (b) of section
52 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of the provisions
53 of section 17b-745 shall be applicable to such proceedings. Any judge
54 hearing a juvenile matter may make any other order in connection
55 therewith that a judge of the Superior Court is authorized to grant and
56 such order shall have the same force and effect as any other order of
57 the Superior Court. In the enforcement of the court's orders, in
58 connection with any juvenile matter, the court may issue process for
59 the arrest of any person, compel attendance of witnesses and punish
60 for contempt by a fine not exceeding one hundred dollars or
61 imprisonment not exceeding six months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	46b-121(b)

Statement of Purpose:

To prohibit a child from being mechanically restrained during a delinquency proceeding prior to being adjudicated as delinquent, unless such restraint is deemed necessary to ensure public safety.

[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.]