



House of Representatives

File No. 799

General Assembly

January Session, 2011

(Reprint of File No. 619)

Substitute House Bill No. 6638
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 13, 2011

AN ACT CONCERNING JUVENILE JUSTICE.

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

1 Section 1. Section 7-282c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 Any municipal police department which receives a report of a
4 missing child or missing youth under [fifteen] eighteen years of age or
5 a missing person who is eligible for assistance under subsection (a) of
6 section 29-1f shall immediately accept such report for filing and inform
7 all on-duty police officers of the existence of the missing child, missing
8 youth or missing person report and communicate the report to other
9 appropriate law enforcement agencies.

10 Sec. 2. Section 10-233h of the general statutes is repealed and the
11 following is substituted in lieu thereof (*Effective October 1, 2011*):

12 If any person who is at least seven years of age but less than
13 twenty-one years of age and an enrolled student is arrested for a
14 violation of section 53-206c, a class A misdemeanor or a felony, the

15 municipal police department or Division of State Police within the
16 Department of Public Safety that made such arrest shall, not later than
17 the end of the weekday following such arrest, orally notify the
18 superintendent of schools of the school district in which such person
19 resides or attends school of the identity of such person and the offense
20 or offenses for which he was arrested and shall, within seventy-two
21 hours of such arrest, provide written notification of such arrest,
22 containing a brief description of the incident, to such superintendent.
23 The superintendent shall maintain such written report in a secure
24 location and the information in such report shall be maintained as
25 confidential in accordance with section 46b-124, as amended by this
26 act. The superintendent may disclose such information only to the
27 principal of the school in which such person is a student or to the
28 principal or supervisory agent of any other school in which the
29 superintendent knows such person is a student. The principal or
30 supervisory agent may disclose such information only to special
31 services staff or a consultant, such as a psychiatrist, psychologist or
32 social worker, for the purposes of assessing the risk of danger posed by
33 such person to himself, other students, school employees or school
34 property and effectuating an appropriate modification of such person's
35 educational plan or placement, and for disciplinary purposes. If the
36 arrest occurred during the school year, such assessment shall be
37 completed not later than the end of the next school day. If an expulsion
38 hearing is held pursuant to section 10-233d, a representative of the
39 municipal police department or the Division of State Police, as
40 appropriate, may testify and provide reports and information on the
41 arrest at such hearing, provided such police participation is requested
42 by any of the following: The local or regional board of education, the
43 impartial hearing board, the principal of the school or the student or
44 his parent or guardian. Such information with respect to a child under
45 [sixteen] eighteen years of age shall be confidential in accordance with
46 [section] sections 46b-124, as amended by this act, and 54-76l, and shall
47 only be disclosed as provided in this section and shall not be further
48 disclosed.

49 Sec. 3. Section 17a-1 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2011*):

51 As used in sections 17a-1 to 17a-26, inclusive, as amended by this
52 act, 17a-28 to 17a-49, inclusive, 17a-127 and 46b-120, as amended by
53 this act, unless otherwise provided in said sections:

54 (1) "Commissioner" means the Commissioner of Children and
55 Families;

56 (2) "Council" means the State Advisory Council on Children and
57 Families;

58 (3) "Advisory committee" means the Children's Behavioral Health
59 Advisory Committee to the council;

60 (4) "Department" means the Department of Children and Families;

61 (5) "Child" means [any person under sixteen years of age] a child, as
62 defined in section 46b-120, as amended by this act;

63 (6) "Youth" means [any person at least sixteen years of age and
64 under nineteen years of age] a youth, as defined in section 46b-120, as
65 amended by this act;

66 (7) "Delinquent child" [shall have the meaning ascribed thereto in]
67 means a child convicted of a delinquent act, as defined in section 46b-
68 120, as amended by this act;

69 (8) "Child or youth with behavioral health needs" means a child or
70 youth who is suffering from one or more mental disorders as defined
71 in the most recent edition of the American Psychiatric Association's
72 "Diagnostic and Statistical Manual of Mental Disorders";

73 (9) "Individual service plan" means a written plan to access
74 specialized, coordinated and integrated care for a child or youth with
75 complex behavioral health service needs that is designed to meet the
76 needs of the child or youth and his or her family and may include,

77 when appropriate (A) an assessment of the individual needs of the
78 child or youth, (B) an identification of service needs, (C) an
79 identification of services that are currently being provided, (D) an
80 identification of opportunities for full participation by parents or
81 emancipated minors, (E) a reintegration plan when an out-of-home
82 placement is made or recommended, (F) an identification of criteria for
83 evaluating the effectiveness and appropriateness of such plan, and (G)
84 coordination of the individual service plan with any educational
85 services provided to the child or youth. The plan shall be subject to
86 review at least every six months or upon reasonable request by the
87 parent based on a changed circumstance, and be approved, in writing,
88 by the parents, guardian of a child or youth and emancipated minors;

89 (10) "Family" means a child or youth with behavioral health needs
90 and (A) one or more biological or adoptive parents, except for a parent
91 whose parental rights have been terminated, (B) one or more persons
92 to whom legal custody or guardianship has been given, or (C) one or
93 more adults who have a primary responsibility for providing
94 continuous care to such child or youth;

95 (11) "Parent" means a biological or adoptive parent, except a parent
96 whose parental rights have been terminated;

97 (12) "Guardian" means a person who has a judicially created
98 relationship between a child or youth and such person that is intended
99 to be permanent and self-sustaining as evidenced by the transfer to
100 such person of the following parental rights with respect to the child or
101 youth: (A) The obligation of care and control; (B) the authority to make
102 major decisions affecting the child's or youth's welfare, including, but
103 not limited to, consent determinations regarding marriage, enlistment
104 in the armed forces and major medical, psychiatric or surgical
105 treatment; (C) the obligation of protection of the child or youth; (D) the
106 obligation to provide access to education; and (E) custody of the child
107 or youth;

108 (13) "Serious emotional disturbance" and "seriously emotionally

109 "disturbed" means, with regard to a child or youth, that the child or
110 youth (A) has a range of diagnosable mental, behavioral or emotional
111 disorders of sufficient duration to meet diagnostic criteria specified in
112 the most recent edition of the American Psychiatric Association's
113 "Diagnostic and Statistical Manual of Mental Disorders", and (B)
114 exhibits behaviors that substantially interfere with or limit the child's
115 or youth's ability to function in the family, school or community and
116 are not a temporary response to a stressful situation;

117 (14) "Child or youth with complex behavioral health service needs"
118 means a child or youth with behavioral health needs who needs
119 specialized, coordinated behavioral health services;

120 (15) "Transition services" means services in the areas of education,
121 employment, housing and community living designed to assist a youth
122 with a serious emotional disturbance who is transitioning into
123 adulthood; and

124 (16) "Community collaborative" means a local consortium of public
125 and private health care providers, parents and guardians of children
126 with behavioral health needs and service and education agencies that
127 have organized to develop coordinated comprehensive community
128 resources for children or youths with complex behavioral health
129 service needs and their families in accordance with principles and
130 goals of Connecticut Community KidCare.

131 Sec. 4. Section 17a-3 of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective October 1, 2011*):

133 (a) The department shall plan, create, develop, operate or arrange
134 for, administer and evaluate a comprehensive and integrated
135 state-wide program of services, including preventive services, for
136 children and youths whose behavior does not conform to the law or to
137 acceptable community standards, or who are mentally ill, including
138 deaf and hearing impaired children and youths who are mentally ill,
139 emotionally disturbed, substance abusers, delinquent, abused,
140 neglected or uncared for, including all children and youths who are or

141 may be committed to it by any court, and all children and youths
142 voluntarily admitted to, or remaining voluntarily under the
143 supervision of, the commissioner for services of any kind. Services
144 shall not be denied to any such child or youth solely because of other
145 complicating or multiple disabilities. The department shall work in
146 cooperation with other child-serving agencies and organizations to
147 provide or arrange for preventive programs, including, but not limited
148 to, teenage pregnancy and youth suicide prevention, for children and
149 youths and their families. The program shall provide services and
150 placements that are clinically indicated and appropriate to the needs of
151 the child or youth, except that such services and placements shall not
152 commence or continue for a delinquent child who has attained the age
153 of twenty. In furtherance of this purpose, the department shall: (1)
154 Maintain the Connecticut Juvenile Training School and other
155 appropriate facilities exclusively for delinquents; (2) develop a
156 comprehensive program for prevention of problems of children and
157 youths and provide a flexible, innovative and effective program for the
158 placement, care and treatment of children and youths committed by
159 any court to the department, transferred to the department by other
160 departments, or voluntarily admitted to the department; (3) provide
161 appropriate services to families of children and youths as needed to
162 achieve the purposes of sections 17a-1 to 17a-26, inclusive, as amended
163 by this act, 17a-28 to 17a-49, inclusive, and 17a-51; (4) establish
164 incentive paid work programs for children and youths under the care
165 of the department and the rates to be paid such children and youths
166 for work done in such programs and may provide allowances to
167 children and youths in the custody of the department; (5) be
168 responsible to collect, interpret and publish statistics relating to
169 children and youths within the department; (6) conduct studies of any
170 program, service or facility developed, operated, contracted for or
171 supported by the department in order to evaluate its effectiveness; (7)
172 establish staff development and other training and educational
173 programs designed to improve the quality of departmental services
174 and programs, provided no social worker trainee shall be assigned a
175 case load prior to completing training, and may establish educational

176 or training programs for children, youths, parents or other interested
177 persons on any matter related to the promotion of the well-being of
178 children, or the prevention of mental illness, emotional disturbance,
179 delinquency and other disabilities in children and youths; (8) develop
180 and implement aftercare and follow-up services appropriate to the
181 needs of any child or youth under the care of the department; (9)
182 establish a case audit unit to monitor each area office's compliance
183 with regulations and procedures; (10) develop and maintain a database
184 listing available community service programs funded by the
185 department; (11) provide outreach and assistance to persons caring for
186 children whose parents are unable to do so by informing such persons
187 of programs and benefits for which they may be eligible; and (12)
188 collect data sufficient to identify the housing needs of children served
189 by the department and share such data with the Department of
190 Economic and Community Development.

191 (b) (1) The department, with the assistance of the State Advisory
192 Council on Children and Families, and in consultation with
193 representatives of the children and families served by the department,
194 providers of services to children and families, advocates, and others
195 interested in the well-being of children and families in this state, shall
196 develop and regularly update a single, comprehensive strategic plan
197 for meeting the needs of children and families served by the
198 department. In developing and updating the strategic plan, the
199 department shall identify and define agency goals and indicators of
200 progress, including benchmarks, in achieving such goals. The strategic
201 plan shall include, but not be limited to: (A) The department's mission
202 statement; (B) the expected results for the department and each of its
203 mandated areas of responsibility; (C) a schedule of action steps and a
204 time frame for achieving such results and fulfilling the department's
205 mission that includes strategies for working with other state agencies
206 to leverage resources and coordinate service delivery; (D) priorities for
207 services and estimates of the funding and other resources necessary to
208 carry them out; (E) standards for programs and services that are based
209 on research-based best practices, when available; and (F) relevant

210 measures of performance.

211 (2) The department shall begin the strategic planning process on
212 July 1, 2009. The department shall hold regional meetings on the plan
213 to ensure public input and shall post the plan and the plan's updates
214 and progress reports on the department's web site. The department
215 shall submit the strategic plan to the State Advisory Council on
216 Children and Families for review and comment prior to its final
217 submission to the General Assembly and the Governor. On or before
218 July 1, 2010, the department shall submit the strategic plan, in
219 accordance with section 11-4a, to the General Assembly and the
220 Governor.

221 (3) The commissioner shall track and report on progress in
222 achieving the strategic plan's goals not later than October 1, 2010, and
223 quarterly thereafter, to said State Advisory Council. The commissioner
224 shall submit a status report on progress in achieving the results in the
225 strategic plan, in accordance with section 11-4a, not later than July 1,
226 2011, and annually thereafter to the General Assembly and the
227 Governor.

228 [(c) The department shall prepare a plan to keep children who are
229 convicted as delinquent and will be committed to the Department of
230 Children and Families and placed in the Connecticut Juvenile Training
231 School in such facility for at least one year after their referral to the
232 department, which plan shall include provisions for development of a
233 comprehensive approach to juvenile rehabilitation.]

234 Sec. 5. Section 17a-8 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective October 1, 2011*):

236 (a) All children and youths who are or have been committed to the
237 custody of the Commissioner of Children and Families as delinquent
238 shall remain in such custody until the earliest of the following: (1) The
239 date such [custody] commitment expires [or] as provided by order of
240 the Superior Court, (2) the date such commitment terminates as
241 provided by order of the Superior Court, or (3) the date the child or

242 youth attains the age of twenty. Any child or youth who while placed
243 in an institution administered by the Department of Children and
244 Families escapes from such institution or any child or youth who
245 violates the terms or conditions of parole may be returned to actual
246 custody. The request of the Commissioner of Children and Families, or
247 the commissioner's designee, shall be sufficient warrant to authorize
248 any officer of the Department of Children and Families or any officer
249 authorized by law to serve criminal process within this state to return
250 any such child or youth into actual custody; and any such officer,
251 police officer or constable shall arrest and hold any such child or youth
252 when so requested, without written warrant.

253 (b) If the commissioner finds that a child or youth committed to his
254 custody as delinquent who is fourteen years of age or older cannot
255 benefit from continued school attendance and if [he] the commissioner
256 further finds that such person may benefit from part or full-time
257 employment at some useful occupation, the commissioner may place
258 [him] the child or youth on vocational parole, under the supervision of
259 an employee of the department. For the purposes of this section, the
260 limitations of subsection (a) of section 31-23, on the employment of
261 minors under the age of sixteen years, shall not apply for the duration
262 of such vocational parole.

263 Sec. 6. Subsection (a) of section 17a-10 of the general statutes is
264 repealed and the following is substituted in lieu thereof (*Effective*
265 *October 1, 2011*):

266 (a) Any child committed to the department by the Superior Court
267 shall be deemed to be within the custody of the commissioner until
268 such commitment [has been terminated] terminates as provided in
269 subsection (a) of section 17a-8, as amended by this act.

270 Sec. 7. Subsection (a) of section 17a-12 of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective*
272 *October 1, 2011*):

273 (a) When the commissioner, or the commissioner's designee,

274 determines that a change of program is in the best interest of any child
275 or youth committed or transferred to the department, the
276 commissioner or the commissioner's designee, may transfer such
277 person to any appropriate resource or program administered by or
278 available to the department, to any other state department or agency,
279 or to any private agency or organization within or without the state
280 under contract with the department; provided no child or youth
281 voluntarily admitted to the department under section 17a-11 shall be
282 placed or subsequently transferred to the Connecticut Juvenile
283 Training School; and further provided no transfer shall be made to any
284 institution, hospital or facility under the jurisdiction of the Department
285 of Correction, except as authorized by section 18-87, unless it is so
286 ordered by the Superior Court after a hearing. When, in the opinion of
287 the commissioner, or the commissioner's designee, a person fourteen
288 years of age or older is dangerous to himself or herself or others or
289 cannot be safely held at the Connecticut Juvenile Training School, if a
290 male, or at any other facility within the state available to the
291 Commissioner of Children and Families, the commissioner, or the
292 commissioner's designee, may request an immediate hearing before
293 the Superior Court on the docket for juvenile matters where such
294 person was originally committed to determine whether such person
295 shall be transferred to the John R. Manson Youth Institution, Cheshire,
296 if a male, or the Connecticut Correctional Institution, Niantic, if a
297 female. The court shall, within three days of the hearing, make such
298 determination. If the court orders such transfer, the transfer shall be
299 reviewed by the court every six months thereafter to determine
300 whether it should be continued or terminated, unless the
301 commissioner has already exercised the powers granted to the
302 commissioner under section 17a-13, as amended by this act, by
303 removing such person from the John R. Manson Youth Institution,
304 Cheshire or the Connecticut Correctional Institution, Niantic. Such
305 transfer shall terminate upon the expiration of the commitment in such
306 juvenile matter.

307 Sec. 8. Section 17a-13 of the general statutes is repealed and the

308 following is substituted in lieu thereof (*Effective October 1, 2011*):

309 Any person committed to the Department of Children and Families
310 who is transferred to the John R. Manson Youth Institution, Cheshire,
311 or the Connecticut Correctional Institution, Niantic, pursuant to
312 section 17a-12, as amended by this act, shall be deemed, while so
313 transferred, to be under the jurisdiction of the Department of
314 Correction except that the Commissioner of Children and Families
315 shall retain his powers to remove such person and to place him in
316 another facility or in the community or to terminate the commitment.
317 The jurisdiction of the Department of Correction shall terminate upon
318 the expiration of the commitment as provided in subsection (a) of
319 section 17a-8, as amended by this act.

320 Sec. 9. Subdivision (5) of section 46b-120 of the general statutes is
321 repealed and the following is substituted in lieu thereof (*Effective*
322 *October 1, 2011*):

323 (5) (A) A child may be convicted as "delinquent" who has, while
324 under sixteen years of age, (i) violated any federal or state law, except
325 section 53a-172, [or] 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or
326 violated a municipal or local ordinance, except an ordinance regulating
327 behavior of a child in a family with service needs, (ii) wilfully failed to
328 appear in response to a summons under section 46b-133 or at any other
329 court hearing in a delinquency proceeding of which the child had
330 notice, (iii) violated any order of the Superior Court in a delinquency
331 proceeding, except as provided in section 46b-148, or (iv) violated
332 conditions of probation in a delinquency proceeding as ordered by the
333 court;

334 (B) A child may be convicted as "delinquent" who has (i) while
335 sixteen years of age, violated any federal or state law, other than (I) an
336 infraction, (II) a violation, (III) a motor vehicle offense or violation
337 under title 14, (IV) a violation of a municipal or local ordinance, or (V)
338 a violation of section 51-164r, 53a-172, [or] 53a-173, 53a-222, 53a-222a,
339 53a-223 or 53a-223a, (ii) while sixteen years of age or older wilfully

340 failed to appear in response to a summons under section 46b-133 or at
341 any other court hearing in a delinquency proceeding of which the child
342 had notice, (iii) while sixteen years of age or older, violated any order
343 of the Superior Court in a delinquency proceeding, except as provided
344 in section 46b-148, or (iv) while sixteen years of age or older, violated
345 conditions of probation in a delinquency proceeding as ordered by the
346 court;

347 Sec. 10. Subdivision (10) of section 46b-120 of the general statutes is
348 repealed and the following is substituted in lieu thereof (*Effective*
349 *October 1, 2011*):

350 (10) "Delinquent act" means (A) the violation by a child under the
351 age of sixteen of any federal or state law, except the violation of section
352 53a-172, [or] 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the
353 violation of a municipal or local ordinance, except an ordinance
354 regulating behavior of a child in a family with service needs, (B) the
355 violation by a child sixteen years of age of any federal or state law,
356 other than (i) an infraction, (ii) a violation, (iii) a motor vehicle offense
357 or violation under title 14, (iv) the violation of a municipal or local
358 ordinance, or (v) the violation of section 51-164r, 53a-172, [or] 53a-173,
359 53a-222, 53a-222a, 53a-223 or 53a-223a, (C) the wilful failure of a child,
360 including a child who has attained the age of seventeen, [or older,] to
361 appear in response to a summons under section 46b-133 or at any other
362 court hearing in a delinquency proceeding of which the child has
363 notice, (D) the violation of any order of the Superior Court in a
364 delinquency proceeding by a child, including a child who has attained
365 the age of seventeen, [or older,] except as provided in section 46b-148,
366 or (E) the violation of conditions of probation in a delinquency
367 proceeding by a child, including a child who has attained the age of
368 seventeen, [or older,] as ordered by the court;

369 Sec. 11. Subdivision (11) of section 46b-120 of the general statutes is
370 repealed and the following is substituted in lieu thereof (*Effective*
371 *October 1, 2011*):

372 (11) "Serious juvenile offense" means (A) the violation of, including
373 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,
374 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a,
375 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
376 inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to
377 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
378 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
379 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
380 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
381 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
382 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause,
383 from any secure placement other than home while referred as a
384 delinquent child to the Court Support Services Division or committed
385 as a delinquent child to the Commissioner of Children and Families for
386 a serious juvenile offense;

387 Sec. 12. Section 46b-120 of the general statutes, as amended by
388 section 82 of public act 09-7 of the September special session, is
389 repealed and the following is substituted in lieu thereof (*Effective July*
390 *1, 2012*):

391 The terms used in this chapter shall, in its interpretation and in the
392 interpretation of other statutes, be defined as follows:

393 (1) "Child" means any person under [~~sixteen~~] eighteen years of age
394 who has not been legally emancipated, except that (A) for purposes of
395 delinquency matters and proceedings, "child" means any person (i)
396 under eighteen years of age who has not been legally emancipated, or
397 (ii) eighteen years of age or older who, prior to attaining eighteen years
398 of age, has committed a delinquent act [~~and~~] or, subsequent to
399 attaining eighteen years of age, (I) violates any order of the Superior
400 Court or any condition of probation ordered by the Superior Court
401 with respect to [~~such~~] a delinquency proceeding, or (II) wilfully fails to
402 appear in response to a summons under section 46b-133 [~~with respect~~
403 ~~to such delinquency proceeding~~] or at any other court hearing in a
404 delinquency proceeding of which the child had notice, and (B) for

405 purposes of family with service needs matters and proceedings, child
406 means a person under eighteen years of age;

407 (2) "Youth" means any person sixteen or seventeen years of age who
408 has not been legally emancipated;

409 (3) "Abused" means that a child or youth (A) has been inflicted with
410 physical injury or injuries other than by accidental means, (B) has
411 injuries that are at variance with the history given of them, or (C) is in
412 a condition that is the result of maltreatment, including, but not
413 limited to, malnutrition, sexual molestation or exploitation,
414 deprivation of necessities, emotional maltreatment or cruel
415 punishment;

416 (4) A child may be found "mentally deficient" who, by reason of a
417 deficiency of intelligence that has existed from birth or from early age,
418 requires, or will require, for such child's protection or for the
419 protection of others, special care, supervision and control;

420 (5) (A) A child may be convicted as "delinquent" who has, [(i)] while
421 under sixteen years of age, (i) violated any federal or state law, except
422 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or
423 violated a municipal or local ordinance, except an ordinance regulating
424 behavior of a child in a family with service needs, (ii) wilfully failed to
425 appear in response to a summons under section 46b-133 or at any other
426 court hearing in a delinquency proceeding of which the child had
427 notice, (iii) violated any order of the Superior Court in a delinquency
428 proceeding, except as provided in section 46b-148, or (iv) violated
429 conditions of probation in a delinquency proceeding as ordered by the
430 court;

431 (B) A child may be convicted as "delinquent" who has (i) while
432 sixteen or seventeen years of age, violated any federal or state law,
433 other than (I) an infraction, (II) a violation, (III) a motor vehicle offense
434 or violation [as defined in chapter 248, or] under title 14, (IV) a
435 violation of a municipal or local ordinance, or (V) a violation of section
436 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (ii)

437 while sixteen years of age or older, wilfully failed to appear in
438 response to a summons under section 46b-133 or at any other court
439 hearing in a delinquency proceeding of which the child had notice, (iii)
440 while sixteen years of age or older, violated any order of the Superior
441 Court in a delinquency proceeding, except as provided in section 46b-
442 148, or (iv) while sixteen years of age or older, violated conditions of
443 probation in a delinquency proceeding as ordered by the court;

444 (6) A child or youth may be found "dependent" whose home is a
445 suitable one for the child or youth, except for the financial inability of
446 the child's or youth's parents, parent or guardian, or other person
447 maintaining such home, to provide the specialized care the condition
448 of the child or youth requires;

449 (7) "Family with service needs" means a family that includes a child
450 [or a youth] under eighteen years of age who (A) has without just
451 cause run away from the parental home or other properly authorized
452 and lawful place of abode, (B) is beyond the control of the child's or
453 youth's parent, parents, guardian or other custodian, (C) has engaged
454 in indecent or immoral conduct, (D) is a truant or habitual truant or
455 who, while in school, has been continuously and overtly defiant of
456 school rules and regulations, or (E) is thirteen years of age or older and
457 has engaged in sexual intercourse with another person and such other
458 person is thirteen years of age or older and not more than two years
459 older or younger than such child or youth;

460 (8) A child or youth may be found "neglected" who (A) has been
461 abandoned, (B) is being denied proper care and attention, physically,
462 educationally, emotionally or morally, (C) is being permitted to live
463 under conditions, circumstances or associations injurious to the
464 well-being of the child or youth, or (D) has been abused;

465 (9) A child or youth may be found "uncared for" who is homeless or
466 whose home cannot provide the specialized care that the physical,
467 emotional or mental condition of the child or youth requires. For the
468 purposes of this section, the treatment of any child or youth by an

469 accredited Christian Science practitioner, in lieu of treatment by a
470 licensed practitioner of the healing arts, shall not of itself constitute
471 neglect or maltreatment;

472 (10) "Delinquent act" means (A) the violation by a child under the
473 age of sixteen of any federal or state law, except the violation of section
474 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the
475 violation of a municipal or local ordinance, except an ordinance
476 regulating behavior of a child in a family with service needs, (B) the
477 violation by a child sixteen or seventeen years of age of any federal or
478 state law, other than (i) an infraction, (ii) a violation, (iii) a motor
479 vehicle offense or violation under [chapter 248 or] title 14, (iv) [a] the
480 violation of a municipal or local ordinance, or (v) the violation of
481 section 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-
482 223a, (C) the wilful failure of a child, including a child who has
483 attained the age of eighteen, to appear in response to a summons
484 under section 46b-133 or at any other court hearing in a delinquency
485 proceeding of which the child has notice, (D) the violation of any order
486 of the Superior Court in a delinquency proceeding by a child,
487 including a child who has attained the age of eighteen, except as
488 provided in section 46b-148, or (E) the violation of conditions of
489 probation in a delinquency proceeding by a child, including a child
490 who has attained the age of eighteen, as ordered by the court;

491 (11) "Serious juvenile offense" means (A) the violation of, including
492 attempt or conspiracy to violate, [(i)] section 21a-277, 21a-278, 29-33,
493 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
494 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to [53a-
495 56a] 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb,
496 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive,
497 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113,
498 inclusive, subdivision (1) of subsection (a) of section 53a-122,
499 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
500 53a-135, 53a-136a [, 53a-166] or 53a-167c, subsection (a) of section
501 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, [by
502 a child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years

503 of age,] or (B) running away, without just cause, from any secure
504 placement other than home while referred as a delinquent child to the
505 Court Support Services Division or committed as a delinquent child to
506 the Commissioner of Children and Families for a serious juvenile
507 offense;

508 (12) "Serious juvenile offender" means any child convicted as
509 delinquent for the commission of a serious juvenile offense;

510 (13) "Serious juvenile repeat offender" means any child charged
511 with the commission of any felony if such child has previously been
512 convicted as delinquent or otherwise convicted at any age for two
513 violations of any provision of title 21a, 29, 53 or 53a that is designated
514 as a felony;

515 (14) "Alcohol-dependent" means a psychoactive substance
516 dependence on alcohol as that condition is defined in the most recent
517 edition of the American Psychiatric Association's "Diagnostic and
518 Statistical Manual of Mental Disorders"; and

519 (15) "Drug-dependent" means a psychoactive substance dependence
520 on drugs as that condition is defined in the most recent edition of the
521 American Psychiatric Association's "Diagnostic and Statistical Manual
522 of Mental Disorders". No child shall be classified as drug-dependent
523 who is dependent (A) upon a morphine-type substance as an incident
524 to current medical treatment of a demonstrable physical disorder other
525 than drug dependence, or (B) upon amphetamine-type, ataractic,
526 barbiturate-type, hallucinogenic or other stimulant and depressant
527 substances as an incident to current medical treatment of a
528 demonstrable physical or psychological disorder, or both, other than
529 drug dependence.

530 Sec. 13. Subsection (b) of section 46b-121 of the general statutes is
531 repealed and the following is substituted in lieu thereof (*Effective*
532 *October 1, 2011*):

533 (b) (1) In juvenile matters, the Superior Court shall have authority to

534 make and enforce such orders directed to parents, including any
535 person who acknowledges before the court paternity of a child born
536 out of wedlock, guardians, custodians or other adult persons owing
537 some legal duty to a child or youth therein, as the court deems
538 necessary or appropriate to secure the welfare, protection, proper care
539 and suitable support of a child or youth subject to the court's
540 jurisdiction or otherwise committed to or in the custody of the
541 Commissioner of Children and Families. The Superior Court may
542 order a local or regional board of education to provide to the court
543 educational records of a child or youth for the purpose of determining
544 the need for services or placement of the child or youth. In proceedings
545 concerning a child charged with a delinquent act or with being from a
546 family with service needs, records produced subject to such an order
547 shall be maintained under seal by the court and shall be released only
548 after a hearing or with the consent of the child. Educational records
549 obtained pursuant to this section shall be used only for dispositional
550 purposes. In addition, with respect to proceedings concerning
551 delinquent children, the Superior Court shall have authority to make
552 and enforce such orders as the court deems necessary or appropriate to
553 punish the child, deter the child from the commission of further
554 delinquent acts, assure that the safety of any other person will not be
555 endangered and provide restitution to any victim. The Superior Court
556 shall also have authority to grant and enforce temporary and
557 permanent injunctive relief in all proceedings concerning juvenile
558 matters.

559 (2) If any order for the payment of money is issued by the Superior
560 Court, including any order assessing costs issued under section
561 46b-134 or 46b-136, the collection of such money shall be made by the
562 court, except orders for support of children committed to any state
563 agency or department, which orders shall be made payable to and
564 collected by the Department of Administrative Services. If the Superior
565 Court after due diligence is unable to collect such moneys within six
566 months, the court shall refer such case to the Department of
567 Administrative Services for collection as a delinquent account. In

568 juvenile matters, the Superior Court shall have authority to make and
569 enforce orders directed to persons liable hereunder on petition of the
570 Department of Administrative Services made to the court in the same
571 manner as is provided in section 17b-745, in accordance with the
572 provisions of section 17b-81 or 17b-223, subsection (b) of section
573 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of the provisions
574 of section 17b-745 shall be applicable to such proceedings. Any judge
575 hearing a juvenile matter may make any other order in connection
576 therewith that a judge of the Superior Court is authorized to grant and
577 such order shall have the same force and effect as any other order of
578 the Superior Court. No commitment to the Department of Children
579 and Families may be ordered or continued for a delinquent child who
580 has attained the age of twenty. Notwithstanding the terms of any order
581 in effect on the effective date of this section, any commitment to the
582 Department of Children and Families in a delinquency proceeding
583 pursuant to this chapter shall terminate not later than the date the
584 child attains the age of twenty.

585 (3) In the enforcement of the court's orders, in connection with any
586 juvenile matter, the court may issue process for the arrest of any
587 person, compel attendance of witnesses and punish for contempt by a
588 fine not exceeding one hundred dollars or imprisonment not exceeding
589 six months.

590 Sec. 14. Subsections (e) and (f) of section 46b-124 of the general
591 statutes are repealed and the following is substituted in lieu thereof
592 (*Effective October 1, 2011*):

593 (e) Records of cases of juvenile matters involving delinquency
594 proceedings, or any part thereof, may be disclosed upon order of the
595 court to any person who has a legitimate interest in the information
596 and is identified in such order. Records disclosed pursuant to this
597 subsection shall not be further disclosed, except as specifically
598 authorized by a subsequent order of the court.

599 (f) Records of cases of juvenile matters involving delinquency

600 proceedings, or any part thereof, shall be available to the victim of the
601 crime committed by such child to the same extent as the record of the
602 case of a defendant in a criminal proceeding in the regular criminal
603 docket of the Superior Court is available to a victim of the crime
604 committed by such defendant. The court shall designate an official
605 from whom such victim may request such information. Records
606 disclosed pursuant to this subsection shall not be further disclosed,
607 except as specifically authorized by a subsequent order of the court.

608 Sec. 15. Subsection (k) of section 46b-124 of the general statutes is
609 repealed and the following is substituted in lieu thereof (*Effective*
610 *October 1, 2011*):

611 (k) Records of cases of juvenile matters involving delinquency
612 proceedings, or any part thereof, containing information that a child
613 has been convicted as delinquent for a violation of subdivision (e) of
614 section 1-1h, subsection (c) of section 14-147, subsection (a) of section
615 14-215, section 14-222, subsection (b) of section 14-223, subsection (a),
616 (b) or (c) of section 14-224, section 30-88a or subsection (b) of section
617 30-89, shall be disclosed to the Department of Motor Vehicles for
618 administrative use in determining whether administrative sanctions
619 regarding such child's motor vehicle operator's license are warranted.
620 Records disclosed pursuant to this subsection shall not be further
621 disclosed.

622 Sec. 16. Subsections (g) to (j), inclusive, of section 46b-140 of the
623 general statutes are repealed and the following is substituted in lieu
624 thereof (*Effective October 1, 2011*):

625 (g) Any child or youth coming within the jurisdiction of the court,
626 who is found to be mentally ill, may be committed by said court to the
627 Commissioner of Children and Families and, if the court convicts a
628 child as delinquent and finds such child to be mentally deficient, the
629 court may commit such child to an institution for mentally deficient
630 children or youth or delinquents. No such commitment may be
631 ordered or continued for any child who has attained the age of twenty.

632 Whenever it is found that a child convicted as delinquent or adjudged
633 to be a member of a family with service needs would benefit from a
634 work-study program or employment with or without continued school
635 attendance, the court may, as a condition of probation or supervision,
636 authorize such child to be employed for part or full-time at some
637 useful occupation that would be favorable to such child's welfare, and
638 the probation officer shall supervise such employment. For the
639 purposes of this section, the limitations of subsection (a) of section 31-
640 23 on the employment of minors under the age of sixteen years shall
641 not apply for the duration of such probation or supervision.

642 (h) Whenever the court commits a child to the Department of
643 Children and Families, there shall be delivered with the mittimus a
644 copy of the results of the investigations made as required by section
645 46b-134. The court may, at any time, require from the department in
646 whose care a child has been placed such report as to such child and
647 such child's treatment.

648 (i) If the delinquent act for which the child is committed to the
649 Department of Children and Families is a serious juvenile offense, the
650 court may set a minimum period of twelve months during which the
651 child shall be placed in a residential facility operated by or under
652 contract with said department, as determined by the Commissioner of
653 Children and Families. No such commitment may be ordered or
654 continued for any child who has attained the age of twenty. The setting
655 of such minimum period shall be in the form of an order of the court
656 included in the mittimus. For good cause shown in the form of an
657 affidavit annexed thereto, the Department of Children and Families,
658 the parent or guardian of the child or the child may petition the court
659 for modification of any such order.

660 (j) Except as otherwise provided in this section, the court may order
661 a child be (1) committed to the Department of Children and Families
662 and be placed directly in a residential facility within this state and
663 under contract with said department, or (2) committed to the
664 Commissioner of Children and Families for placement by the

665 commissioner, in said commissioner's discretion, (A) with respect to
666 the juvenile offenders determined by the Department of Children and
667 Families to be the highest risk, in the Connecticut Juvenile Training
668 School, if the juvenile offender is a male, or in another state facility,
669 presumptively for a minimum period of twelve months, or (B) in a
670 private residential or day treatment facility within or outside this state,
671 or (C) on parole. No such commitment may be ordered or continued
672 for any child who has attained the age of twenty. The commissioner
673 shall use a risk and needs assessment classification system to ensure
674 that male children who are in the highest risk level will be placed in
675 the Connecticut Juvenile Training School.

676 Sec. 17. Section 46b-141 of the general statutes is repealed and the
677 following is substituted in lieu thereof (*Effective October 1, 2011*):

678 (a) (1) Except as otherwise limited by subsection (i) of section 46b-
679 140, as amended by this act, and subdivision (2) of this subsection,
680 commitment of children convicted as delinquent by the Superior Court
681 to the Department of Children and Families shall be for [(1)] (A) an
682 indeterminate time up to a maximum of eighteen months, or [(2)] (B)
683 when so convicted for a serious juvenile offense, up to a maximum of
684 four years at the discretion of the court, unless extended as hereinafter
685 provided.

686 (2) Commitment of children convicted as delinquent by the Superior
687 Court to the Department of Children and Families shall terminate
688 when the child attains the age of twenty.

689 (b) The Commissioner of Children and Families may file a motion
690 for an extension of the commitment as provided in subparagraph (A)
691 of subdivision (1) of subsection (a) of this section beyond the eighteen-
692 month period on the grounds that such extension is for the best
693 interest of the child or the community. The court shall give notice to
694 the parent or guardian and to the child at least fourteen days prior to
695 the hearing upon such motion. The court may, after hearing and upon
696 finding that such extension is in the best interest of the child or the

697 community, continue the commitment for an additional period of not
698 more than eighteen months, except that such additional period shall
699 not continue beyond the date the child attains the age of twenty. Not
700 later than twelve months after a child is committed to the Department
701 of Children and Families in accordance with subparagraph (A) of
702 subdivision (1) of subsection (a) of this section the court shall hold a
703 permanency hearing in accordance with subsection (d) of this section.
704 After the initial permanency hearing, subsequent permanency hearings
705 shall be held not less frequently than every twelve months while the
706 child remains committed to the Department of Children and Families.

707 (c) The court shall hold a permanency hearing in accordance with
708 subsection (d) of this section for each child convicted as delinquent for
709 a serious juvenile offense as provided in subparagraph (B) of
710 subdivision [(2)] (1) of subsection (a) of this section within twelve
711 months of commitment to the Department of Children and Families
712 and every twelve months thereafter if the child remains committed to
713 the Department of Children and Families. Such hearing may include
714 the submission of a motion to the court by the commissioner to either
715 (1) modify such commitment, or (2) extend the commitment beyond
716 such four-year period on the grounds that such extension is for the
717 best interest of the child or the community. The court shall give notice
718 to the parent or guardian and to the child at least fourteen days prior
719 to the hearing upon such motion. The court, after hearing, may modify
720 such commitment or, upon finding that such extension is in the best
721 interest of the child or the community, continue the commitment for an
722 additional period of not more than eighteen months.

723 (d) At least sixty days prior to each permanency hearing required
724 pursuant to subsection (b) or (c) of this section, the Commissioner of
725 Children and Families shall file a permanency plan with the court. At
726 each permanency hearing, the court shall review and approve a
727 permanency plan that is in the best interest of the child and takes into
728 consideration the child's need for permanency. Such permanency plan
729 may include the goal of: (1) Revocation of commitment and placement
730 of the child with the parent or guardian, (2) transfer of guardianship,

731 (3) permanent placement with a relative, (4) adoption, or (5) such other
732 planned permanent living arrangement ordered by the court, provided
733 the Commissioner of Children and Families has documented a
734 compelling reason why it would not be in the best interest of the child
735 for the permanency plan to include the goals in subdivisions (1) to (4),
736 inclusive, of this subsection. Such other planned permanent living
737 arrangement may include, but not be limited to, placement of the child
738 in an independent living program. At any such permanency hearing,
739 the court shall also determine whether the Commissioner of Children
740 and Families has made reasonable efforts to achieve the permanency
741 plan.

742 (e) All other commitments of delinquent, mentally deficient or
743 mentally ill children by the court pursuant to the provisions of section
744 46b-140, as amended by this act, may be for an indeterminate time,
745 except that no such commitment may be ordered or continued for any
746 child who has attained the age of twenty. Commitments may be
747 reopened and terminated at any time by said court, provided the
748 Commissioner of Children and Families shall be given notice of such
749 proposed reopening and a reasonable opportunity to present the
750 commissioner's views thereon. The parents or guardian of such child
751 may apply not more than twice in any calendar year for such
752 reopening and termination of commitment. Any order of the court
753 made under the provisions of this section shall be deemed a final order
754 for purposes of appeal, except that no bond shall be required and no
755 costs shall be taxed on such appeal.

756 Sec. 18. Subsection (f) of section 46b-127 of the general statutes is
757 repealed and the following is substituted in lieu thereof (*Effective July*
758 *1, 2012*):

759 (f) Upon the motion of any party or upon the court's own motion,
760 the case of any youth age sixteen or seventeen, except a case that has
761 been transferred to the regular criminal docket of the Superior Court
762 pursuant to subsection (a) or (b) of this section, which is pending on
763 the youthful offender docket, regular criminal docket of the Superior

764 Court or any docket for the presentment of defendants in motor
765 vehicle matters, where the youth is charged with committing any
766 offense or violation for which a term of imprisonment may be
767 imposed, other than a violation of section 14-227a or 14-227g, may,
768 before trial or before the entry of a guilty plea, be transferred to the
769 docket for juvenile matters if (1) the youth is alleged to have
770 committed such offense or violation on or after January 1, 2010, while
771 sixteen years of age, or is alleged to have committed such offense or
772 violation on or after July 1, 2012, while seventeen years of age, and (2)
773 after a hearing considering the facts and circumstances of the case and
774 the prior history of the youth, the court determines that the programs
775 and services available pursuant to a proceeding in the superior court
776 for juvenile matters would more appropriately address the needs of
777 the youth and that the youth and the community would be better
778 served by treating the youth as a delinquent. Upon ordering such
779 transfer, the court shall vacate any pleas entered in the matter and
780 advise the youth of the youth's rights, and the youth shall (A) enter
781 pleas on the docket for juvenile matters in the jurisdiction where the
782 youth resides, and (B) be subject to prosecution as a delinquent child.
783 The decision of the court concerning the transfer of a youth's case from
784 the youthful offender docket, regular criminal docket of the Superior
785 Court or any docket for the presentment of defendants in motor
786 vehicle matters shall not be a final judgment for purposes of appeal.

787 Sec. 19. Subsections (b) and (c) of section 46b-137 of the general
788 statutes, as amended by section 87 of public act 09-7 of the September
789 special session and section 40 of public act 10-43, are repealed and the
790 following is substituted in lieu thereof (*Effective July 1, 2012*):

791 (b) Any admission, confession or statement, written or oral, made
792 by a child sixteen or seventeen years of age to a police officer or
793 Juvenile Court official, except an admission, confession or statement,
794 written or oral, made by a child sixteen or seventeen years of age to a
795 police officer in connection with a case transferred to the Juvenile
796 Court from the youthful offender docket, regular criminal docket of
797 the Superior Court or any docket for the presentment of defendants in

798 motor vehicle matters, shall be inadmissible in any proceeding
799 concerning the alleged delinquency of the child making such
800 admission, confession or statement, unless (1) the police or Juvenile
801 Court official has made reasonable efforts to contact a parent or
802 guardian of the child, and (2) such child has been advised that (A) the
803 child has the right to contact a parent or guardian and to have a parent
804 or guardian present during any interview, (B) the child has the right to
805 retain counsel or, if unable to afford counsel, to have counsel
806 appointed on behalf of the child, (C) the child has the right to refuse to
807 make any statement, and (D) any statement the child makes may be
808 introduced into evidence against the child.

809 (c) The admissibility of any admission, confession or statement,
810 written or oral, made by a child sixteen or seventeen years of age to a
811 police officer or Juvenile Court official, except an admission,
812 confession or statement, written or oral, made by a child sixteen or
813 seventeen years of age to a police officer in connection with a case
814 transferred to the Juvenile Court from the youthful offender docket,
815 regular criminal docket of the Superior Court or any docket for the
816 presentment of defendants in motor vehicle matters, shall be
817 determined by considering the totality of the circumstances at the time
818 of the making of such admission, confession or statement. When
819 determining the admissibility of such admission, confession or
820 statement, the court shall consider (1) the age, experience, education,
821 background and intelligence of the child, (2) the capacity of the child to
822 understand the advice concerning rights and warnings required under
823 subdivision (2) of subsection (b) of this section, the nature of the
824 privilege against self-incrimination under the United States and
825 Connecticut Constitutions, and the consequences of waiving such
826 rights and privilege, (3) the opportunity the child had to speak with a
827 parent, guardian or some other suitable individual prior to or while
828 making such admission, confession or statement, and (4) the
829 circumstances surrounding the making of the admission, confession or
830 statement, including, but not limited to, (A) when and where the
831 admission, confession or statement was made, (B) the reasonableness

832 of proceeding, or the need to proceed, without a parent or guardian
833 present, and (C) the reasonableness of efforts by the police or Juvenile
834 Court official to attempt to contact a parent or guardian.

835 Sec. 20. (NEW) (*Effective October 1, 2011*) In the case of a student
836 confined pursuant to court order to a state-operated detention facility
837 or community detention facility, the local or regional board of
838 education of the town where the student attends school or the charter
839 school that the student attends shall, upon request of the detention
840 facility, disclose the student's educational records to personnel at such
841 facility. Records disclosed pursuant to this section shall be used for the
842 sole purpose of providing the student with educational services. Such
843 disclosure shall be made pursuant to the provisions of 34 CFR 99.38
844 without the prior written consent of the student's parent or guardian.
845 If the student's parent or guardian did not give prior written consent
846 for the disclosure of such records, the local or regional board of
847 education or the charter school shall send notification of such
848 disclosure to the parent or guardian at the same time that it discloses
849 the records. The student's educational records may not be further
850 disclosed without a court order or the written consent of the student's
851 parent or guardian.

852 Sec. 21. Subdivision (3) of section 46b-38a of the general statutes is
853 repealed and the following is substituted in lieu thereof (*Effective*
854 *October 1, 2011*):

855 (3) "Family violence crime" means a crime as defined in section 53a-
856 24, other than a delinquent act as defined in section 46b-120, as
857 amended by this act, which, in addition to its other elements, contains
858 as an element thereof an act of family violence to a family member and
859 shall not include acts by parents or guardians disciplining minor
860 children unless such acts constitute abuse.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	7-282c

Sec. 2	<i>October 1, 2011</i>	10-233h
Sec. 3	<i>October 1, 2011</i>	17a-1
Sec. 4	<i>October 1, 2011</i>	17a-3
Sec. 5	<i>October 1, 2011</i>	17a-8
Sec. 6	<i>October 1, 2011</i>	17a-10(a)
Sec. 7	<i>October 1, 2011</i>	17a-12(a)
Sec. 8	<i>October 1, 2011</i>	17a-13
Sec. 9	<i>October 1, 2011</i>	46b-120(5)
Sec. 10	<i>October 1, 2011</i>	46b-120(10)
Sec. 11	<i>October 1, 2011</i>	46b-120(11)
Sec. 12	<i>July 1, 2012</i>	46b-120
Sec. 13	<i>October 1, 2011</i>	46b-121(b)
Sec. 14	<i>October 1, 2011</i>	46b-124(e) and (f)
Sec. 15	<i>October 1, 2011</i>	46b-124(k)
Sec. 16	<i>October 1, 2011</i>	46b-140(g) to (j)
Sec. 17	<i>October 1, 2011</i>	46b-141
Sec. 18	<i>July 1, 2012</i>	46b-127(f)
Sec. 19	<i>July 1, 2012</i>	46b-137(b) and (c)
Sec. 20	<i>October 1, 2011</i>	New section
Sec. 21	<i>October 1, 2011</i>	46b-38a(3)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various conforming and implementing changes to the juvenile justice system in Connecticut. These changes will not result in a fiscal impact to the Judicial Department nor to the Department of Children and Families (DCF) in FY 12 and FY 13. However, the DCF will experience a significant cost avoidance of \$1.1 to \$1.5 million in the out-years.

Sections 9 through 12 make clarifying and technical changes to the statutes concerning delinquency and family with service needs issues, in order to conform with other statutes and facilitate continuing implementation of the increase in the age of juvenile jurisdiction, which was effective 1/1/10.

Modifications made within these sections to the definition of serious juvenile offender are not anticipated to significantly alter the number of committed juveniles, and will not result in a fiscal impact.

Section 19 modifies statute concerning the legal admissibility of admissions, confessions or statements made by a child. These modifications do not result in a fiscal impact.

House "A" makes a variety of technical changes that do not result in a fiscal impact.

The Out Years

The bill results in a significant cost avoidance to DCF commencing in FY 14. It would preclude the department having to provide services to a committed delinquent beyond his or her twentieth birthday. By 2017, the value of averted costs is expected to grow to \$1.1 - \$1.5 million annually.

There are approximately eight delinquents who have commitment end dates that exceed age twenty (beginning in 2014). The continuing implementation of the “raise the age” legislation will cause this number to increase, beginning in 2016, as the age of juvenile jurisdiction will be raised to include seventeen year olds on 7/1/12. By 2017 the total number of cases that would otherwise remain in DCF care after age twenty is estimated at 15 to 20.

Actual costs avoided per child would depend upon programming he/she would have otherwise received. For comparison purposes, the annualized cost of commonly provided juvenile services is shown in the following table.

Juvenile Service	Estimated Cost/per Client/ per Year
Juvenile Case Management Collaborative: Outreach Tracking and Reunification	\$7,900
Support Team for Educational Process	\$10,500
Private Residential Treatment	\$125,000
Connecticut Juvenile Training School ¹	\$271,560

Annualized averted costs of \$1.1 - \$1.5 million are projected, based upon the configuration of services provided the delinquent population on December 15, 2009².

¹ Average direct DCF FY 10 costs per resident. Does not include the costs of fringe benefits or other centralized state services.

² Department of Children and Families, Connecticut Juvenile Training School Annual Report, Appendix 3 (February 2010).

OLR Bill Analysis**sHB 6638 (as amended by House "A")******AN ACT CONCERNING JUVENILE JUSTICE.*****SUMMARY:**

This bill makes a number of modifications to statutes governing the Department of Children and Families (DCF), any of which are designed to end DCF's responsibility for children when they reach age 20.

The bill also:

1. gives uniform definitions to "child," "youth," and "delinquent child" in DCF statutes, thus expanding the laws regarding a child to cover 16- and 17-year-olds;
2. removes crimes related to failure to appear and violations of the conditions of release from the definition of "delinquent child," "delinquent act," and related provisions;
3. excludes delinquent acts from the definition of "family violence crimes" and related provisions;
4. adds as serious juvenile offenses (SJOs) 1st and 2nd degree strangulation and home invasion, and, after July 1, 2012, criminally negligent cruelty to a person, intentional child cruelty, and manslaughter with a motor vehicle, thereby increasing penalties for these offenses;
5. removes 2nd degree manslaughter with a firearm, 2nd degree hindering prosecution, 2nd degree manslaughter with a motor vehicle, and misconduct with a motor vehicle from the

- enumerated SJOs, thus either requiring them to be prosecuted on an adult docket or, in the case of hindering prosecution, as a less serious delinquent act;
6. beginning July 1, 2012, permits 17-year-olds alleged to have committed an offense which is pending on the youthful offender, regular criminal, or any motor vehicle docket on or after that date to have their cases transferred to juvenile court, when that is in their and the public's best interest;
 7. modifies the standards governing the admissibility of confessions made by 16- and 17-year-olds;
 8. eliminates the current requirement that DCF plan to keep juveniles sent to the Connecticut Juvenile Training School (CJTS) for at least one year;
 9. requires police to notify the superintendent of the school district an arrested student is attending, as an alternative to the district where he or she lives;
 10. requires schools to maintain confidentiality about matters that involve students age 16 and 17, as well as younger students;
 11. mandates that records of cases in which a child has been convicted as delinquent for evading responsibility with a motor vehicle involving death or serious injury be reported to the Department of Motor Vehicles for use in determining whether administrative sanctions against the child's driver's license are warranted;
 12. allows courts to specifically authorize by subsequent court order that confidential records the court has released to a (a) person with a legitimate interest in the information or (b) crime victim may be released further;
 13. streamlines the process for CJTS and community detention facilities to get educational records; and

14. requires police departments to handle reports of missing 15- to 17-year-olds in the same manner as they handle reports involving missing children and vulnerable adults.

*House Amendment "A" makes minor and technical changes.

EFFECTIVE DATE: October 1, 2011, except the provisions involving 17-year-olds in delinquency proceedings are effective July 1, 2012.

§§ 4-8, 13, 16, AND 17 — ENDING DCF SERVICES AT AGE 20

By law, courts can commit children to DCF's custody in cases of delinquency, Families with Service Needs (status offenders), and those with intensive behavioral health needs that could not otherwise be met. Under the bill, a DCF commitment ends at the earliest of (1) a court-ordered expiration or termination date or (2) age 20. If an existing court order goes beyond age 20, it is cut off when the individual reaches age 20. Courts are also prohibited from ordering or continuing orders for DCF services beyond that age.

The bill also specifies that DCF transfers to the Department of Correction's (DOC) Manson or Niantic facilities end when the offender's commitment ends, as described above, and the DOC jurisdiction over him or her ends simultaneously.

Current examples of instances where the age of a DCF-committed individual might go beyond age 19 include (1) serious juvenile offender convictions, which carry a maximum four-year commitment period that a court can extend or (2) situations in which a person suspected of committing a delinquent act is not caught for several years.

§ 3 — UNIFORM DEFINITIONS

The bill incorporates by reference definitions of "child" and "youth" from the delinquency statutes into the general definitions of those terms. The current general definition of a child is a person under 16 years of age. Beginning July 1, 2012, the definition will change to a person under 18 years of age who has not been emancipated (legally

designated an adult). The definition of youth changes from any person at least 16 years of age and under 19 to a 16- or 17-year-old who has not been emancipated. Emancipated minors thus can be arrested and prosecuted as adults.

§§ 9-12 — DELINQUENT ACTS

The bill excludes 1st and 2nd degree violations of conditions of release, criminal violation of a protective order, and criminal violation of a standing criminal protective order from the definitions of “delinquent” and “delinquent act.” It also specifies that beginning July 1, 2012, (1) failing to attend a court hearing or (2) violating a Superior Court order or conditions of probation only constitute delinquency when related to delinquency proceedings. In the case of 16- and 17-year-olds, the offense must have occurred while the child was 16 or older.

For 16- and 17-year-olds, the bill also excludes from delinquency definitions failure to appear or pay for an infraction or violation subject to the Centralized Infraction Bureau.

By excluding these offenses, the bill presumably authorizes them to be handled on regular or specialized adult dockets.

Serious Juvenile Offenses

The bill adds 1st and 2nd degree strangulation and home invasion to the list of serious juvenile offenses (SJOs). It removes from the list 2nd degree manslaughter with a firearm, 2nd degree hindering prosecution, 2nd degree manslaughter with a motor vehicle, and misconduct with a motor vehicle.

By law, SJOs are punishable by up to a four-year commitment to DCF, with the possibility of an extension (the delinquency commitment period would otherwise be up to 18 months with the possibility of an extension). They impose additional penalties on offenders such as (1) prohibiting them from obtaining a pistol permit, (2) preventing them from being released from jail on a promise to

appear, (3) barring them from certain court diversion programs, and (4) delaying the date on which their juvenile records can be erased.

§ 21 — EXCLUSION OF DELINQUENT ACTS FROM FAMILY VIOLENCE CRIMES

The bill excludes delinquent acts from the definition of “family violence crimes.” By law, these are crimes that contain as an element an act of family violence to a family member. However, since the bill excludes criminal violations of protective orders and violations of conditions of release from the definition of delinquent act, it appears that juveniles may be convicted as adults when such actions relate to family members.

§ 19 — ADMISSIBILITY OF JUVENILE CONFESSIONS

Currently, admissions, confessions, or statements made by a 16-year old child are inadmissible in any related delinquency proceeding unless (1) the police or juvenile court official made reasonable efforts to contact the child’s parent or guardian, (2) the child was advised that he or she has a right to contact a parent or guardian and have him or her present during the interview, and (3) the child was told about his or her *Miranda* rights. Under the bill, beginning July 1, 2012, these rules do not apply to admissions, confessions, or statements a 16- or 17-year-old makes to a police officer in connection with a case transferred to the juvenile docket from the youthful offender, regular criminal, or any motor vehicle docket, thus making them admissible in a court proceeding.

The bill also makes the same exception for such confessions from the “totality of circumstances” test that ordinarily governs the admissibility of confessions in juvenile court proceedings.

§ 20 — DISCLOSURE OF EDUCATIONAL RECORDS TO JUVENILE DETENTION FACILITIES

When a student is being held at CJTS or in a community detention facility, the bill requires the local or regional board of education of the town where a student is enrolled and in compliance with federal

regulations, to provide the student's educational records to the facility on request and without the parent's written permission. If the records are supplied without parental permission, the school must notify the parent or guardian at the same time it releases the records. These records may not be further disclosed without a court order or the written consent of the student's parent or guardian.

The facility can use the records only to provide the detainee with educational services.

BACKGROUND

Totality of Circumstances Test

Under the totality of circumstances test for the admissibility of juvenile confessions, the court considers the child's:

1. age, experience, education, background, and intelligence;
2. capacity to understand advice concerning rights and required warnings;
3. opportunity to speak with a parent, guardian, or some other suitable person before or while making the admission, confession, or statement; and
4. circumstances while making the confession, including (a) when or where the confession was made, (b) the reasonableness of proceeding, or the need to proceed, without a parent or guardian present, and (c) the reasonableness of efforts by the police or court to attempt to contact a parent or guardian.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/05/2011)