



General Assembly

Substitute Bill No. 417

February Session, 2012

* SB00417JUD 032812 *

AN ACT CONCERNING JUVENILE MATTERS AND PERMANENT GUARDIANSHIPS.

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

1 Section 1. Subdivision (1) of section 46b-120 of the 2012 supplement
2 to the general statutes, as amended by section 82 of public act 09-7 of
3 the September special session, sections 9 and 10 of public act 11-71,
4 section 12 of public act 11-157 and section 3 of public act 11-240, is
5 repealed and the following is substituted in lieu thereof (*Effective*
6 *October 1, 2012*):

7 (1) "Child" means any person under eighteen years of age who has
8 not been legally emancipated, except that (A) for purposes of
9 delinquency matters and proceedings, "child" means any person [(i)]
10 who (i) is at least seven years of age at the time of the alleged
11 commission of a delinquent act and who is (I) under eighteen years of
12 age [who] and has not been legally emancipated, or [(ii)] (II) eighteen
13 years of age or older [who,] and committed a delinquent act prior to
14 attaining eighteen years of age, [has committed a delinquent act or,] or
15 (ii) is subsequent to attaining eighteen years of age, (I) violates any
16 order of the Superior Court or any condition of probation ordered by
17 the Superior Court with respect to a delinquency proceeding, or (II)
18 wilfully fails to appear in response to a summons under section 46b-
19 133 or at any other court hearing in a delinquency proceeding of which

20 the child had notice, and (B) for purposes of family with service needs
21 matters and proceedings, child means a person who is at least seven
22 years of age and is under eighteen years of age;

23 Sec. 2. Subdivision (5) of section 46b-120 of the 2012 supplement to
24 the general statutes, as amended by section 82 of public act 09-7 of the
25 September special session, sections 9 and 10 of public act 11-71, section
26 12 of public act 11-157 and section 3 of public act 11-240, is repealed
27 and the following is substituted in lieu thereof (*Effective October 1,*
28 *2012*):

29 (5) "Family with service needs" means a family that includes a child
30 who is at least seven years of age and is under eighteen years of age
31 who (A) has without just cause run away from the parental home or
32 other properly authorized and lawful place of abode, (B) is beyond the
33 control of the child's or youth's parent, parents, guardian or other
34 custodian, (C) has engaged in indecent or immoral conduct, (D) is a
35 truant or habitual truant or who, while in school, has been
36 continuously and overtly defiant of school rules and regulations, or (E)
37 is thirteen years of age or older and has engaged in sexual intercourse
38 with another person and such other person is thirteen years of age or
39 older and not more than two years older or younger than such child or
40 youth;

41 Sec. 3. (NEW) (*Effective October 1, 2012*) (a) In any juvenile matter, as
42 defined in section 46b-121 of the general statutes, in which a child or
43 youth is alleged to have committed a delinquent act or an act or
44 omission for which a petition may be filed under section 46b-149 of the
45 general statutes, the child or youth shall not be tried, convicted,
46 adjudicated or subject to any disposition pursuant to section 46b-140,
47 as amended by this act, or 46b-149 of the general statutes while the
48 child or youth is not competent. For the purposes of this section, a
49 transfer to the regular criminal docket of the Superior Court pursuant
50 to section 46b-127 of the general statutes, as amended by this act, shall
51 not be considered a disposition. A child or youth is not competent if
52 the child or youth is unable to understand the proceedings against him

53 or her or to assist in his or her own defense.

54 (b) If, at any time during a proceeding on a juvenile matter, it
55 appears that the child or youth is not competent, counsel for the child
56 or youth, the prosecutorial official, or the court, on its own motion,
57 may request an examination to determine the child's or youth's
58 competency. Whenever a request for a competency examination is
59 under consideration by the court, the child or youth shall be
60 represented by counsel in accordance with the provisions of sections
61 46b-135 and 46b-136 of the general statutes.

62 (c) A child or youth alleged to have committed an offense is
63 presumed to be competent. The age of the child or youth is not a per se
64 determinant of incompetency. The burden of going forward with the
65 evidence and proving that the child or youth is not competent by a
66 preponderance of the evidence shall be on the party raising the issue of
67 competency, except that if the court raises the issue of competency, the
68 burden of going forward with the evidence shall be on the state. The
69 court may call its own witnesses and conduct its own inquiry.

70 (d) If the court finds that the request for a competency examination
71 is justified and that there is probable cause to believe that the child or
72 youth has committed the alleged offense, the court shall order a
73 competency examination of the child or youth. Competency
74 examinations shall be conducted by (1) a clinical team constituted
75 under policies and procedures established by the Chief Court
76 Administrator, or (2) if agreed to by all parties, a physician specializing
77 in psychiatry who has experience in conducting forensic interviews
78 and in child and adult psychiatry. Any clinical team constituted under
79 this section shall consist of three persons: A clinical psychologist with
80 experience in child and adolescent psychology, and two of the
81 following three types of professionals: (A) A clinical social worker
82 licensed pursuant to chapter 383b of the general statutes, (B) a child
83 and adolescent psychiatric nurse clinical specialist holding a master's
84 degree in nursing, or (C) a physician specializing in psychiatry. At
85 least one member of the clinical team shall have experience in

86 conducting forensic interviews and at least one member of the clinical
87 team shall have experience in child and adolescent psychology. The
88 court may authorize a physician, a clinical psychologist, a child and
89 adolescent psychiatric nurse specialist or a clinical social worker
90 licensed pursuant to chapter 383b of the general statutes, selected by
91 the child or youth, to observe the examination, at the expense of the
92 child or youth or, if the child or youth is represented by counsel
93 appointed through the Public Defender Services Commission, the
94 Office of the Chief Public Defender. In addition, counsel for the child
95 or youth, his or her designated representative and, if the child or youth
96 is represented by a public defender, a social worker from the Division
97 of Public Defender Services, may observe the examination.

98 (e) The examination shall be completed not later than fifteen
99 business days after the date it was ordered, unless the time for
100 completion is extended by the court for good cause shown. The
101 members of the clinical team or the examining physician shall prepare
102 and sign, without notarization, a written report and file such report
103 with the court not later than twenty-one business days after the date of
104 the order. The report shall address the child's or youth's ability to
105 understand the proceedings against such child or youth and such
106 child's or youth's ability to assist in his or her own defense. If the
107 opinion of the clinical team or the examining physician set forth in
108 such report is that the child cannot understand the proceedings against
109 such child or youth or is not able to assist in his or her own defense,
110 the members of the team or the examining physician must determine
111 and address in their report: (1) Whether there is a substantial
112 probability that the child or youth will attain or regain competency
113 within ninety days of an intervention being ordered by the court; and
114 (2) the nature and type of intervention, in the least restrictive setting
115 possible, recommended to attain or regain competency. On receipt of
116 the written report, the clerk of the court shall cause copies of such
117 written report to be delivered to counsel for the state and counsel for
118 the child or youth at least forty-eight hours prior to the hearing held
119 under subsection (f) of this section.

120 (f) The court shall hold a hearing as to the competency of the child
121 or youth not later than ten business days after the court receives the
122 written report of the clinical team or the examining physician pursuant
123 to subsection (e) of this section. A child or youth may waive such
124 evidentiary hearing only if the clinical team or examining physician
125 has determined without qualification that the child or youth is
126 competent. Any evidence regarding the child's or youth's competency,
127 including, but not limited to, the written report, may be introduced in
128 evidence at the hearing by either the child or youth or the state. If the
129 written report is introduced as evidence, at least one member of the
130 clinical team or the examining physician shall be present to testify as to
131 the determinations in the report, unless the clinical team's or the
132 examining physician's presence is waived by the child or youth and
133 the state. Any member of the clinical team shall be considered
134 competent to testify as to the clinical team's determinations.

135 (g) (1) If the court, after the competency hearing, finds by a
136 preponderance of the evidence that the child or youth is competent,
137 the court shall continue with the prosecution of the juvenile matter. (2)
138 If the court, after the competency hearing, finds that the child or youth
139 is not competent, the court shall determine: (A) Whether there is a
140 substantial probability that the child or youth will attain or regain
141 competency within ninety days of an intervention being ordered by
142 the court; and (B) whether the recommended intervention to attain or
143 regain competency is appropriate. In making its determination on an
144 appropriate intervention, the court may consider: (i) The nature and
145 circumstances of the alleged offense; (ii) the length of time the clinical
146 team or examining physician estimates it will take for the child or
147 youth to attain or regain competency; (iii) whether the child or youth
148 poses a substantial risk to reoffend; and (iv) whether the child or youth
149 is able to receive community-based services or treatment that would
150 prevent the child or youth from reoffending.

151 (h) If the court finds that there is not a substantial probability that
152 the child or youth will attain or regain competency within ninety days
153 or that the recommended intervention to attain or regain competency

154 is not appropriate, the court may issue an order in accordance with
155 subsection (k) of this section.

156 (i) (1) If the court finds that there is a substantial probability that the
157 child or youth will attain or regain competency within ninety days if
158 provided an appropriate intervention, the court shall schedule a
159 hearing on the implementation of such intervention within five
160 business days.

161 (2) An intervention implemented for the purpose of restoring
162 competency shall comply with the following conditions: (A) The
163 period of intervention shall not exceed ninety days, unless extended
164 for an additional ninety days in accordance with the criteria set forth in
165 subsection (j) of this section; and (B) the intervention services shall be
166 provided by the Department of Children and Families or, if the child's
167 or youth's parent or guardian agrees to pay for such services, by any
168 appropriate person, agency, mental health facility or treatment
169 program that agrees to provide appropriate intervention services in the
170 least restrictive setting available to the child or youth and comply with
171 the requirements of this section.

172 (3) Prior to the hearing, the court shall notify the Commissioner of
173 Children and Families, the commissioner's designee or the appropriate
174 person, agency, mental health facility or treatment program that has
175 agreed to provide appropriate intervention services to the child or
176 youth that an intervention to attain or regain competency will be
177 ordered. The commissioner, the commissioner's designee or the
178 appropriate person, agency, mental health facility or treatment
179 program shall be provided with a copy of the report of the clinical
180 team or examining physician and shall report to the court on a
181 proposed implementation of the intervention prior to the hearing.

182 (4) At the hearing, the court shall review the written report and
183 order an appropriate intervention for a period not to exceed ninety
184 days in the least restrictive setting available to restore competency. In
185 making its determination, the court shall use the criteria set forth in

186 subdivision (2) of subsection (g) of this section. Upon ordering an
187 intervention, the court shall set a date for a hearing, to be held at least
188 ten business days after the completion of the intervention period, for
189 the purpose of reassessing the child's or youth's competency.

190 (j) (1) At least ten business days prior to the date of any scheduled
191 hearing on the issue of the reassessment of the child's or youth's
192 competency, the Commissioner of Children and Families, the
193 commissioner's designee or other person, agency, mental health facility
194 or treatment program providing intervention services to restore a child
195 or youth to competency shall report on the progress of such
196 intervention services to the clinical team or examining physician.

197 (2) Upon receipt of the report on the progress of such intervention,
198 the child or youth shall be reassessed by the original clinical team or
199 examining physician, except that if the original team or examining
200 physician is unavailable, the court may appoint a new clinical team
201 that, where possible, shall include at least one member of the original
202 team, or a new examining physician. The new clinical team or
203 examining physician shall have the same qualifications as the original
204 team or examining physician, as provided in subsection (d) of this
205 section, and shall have access to clinical information available from the
206 provider of the intervention services. Not less than two business days
207 prior to the date of any scheduled hearing on the reassessment of the
208 child's or youth's competency, the clinical team or examining physician
209 shall submit a report to the court that includes: (A) The clinical
210 findings of the provider of the intervention services and the facts upon
211 which the findings are made; (B) the clinical team's or the examining
212 physician's opinion on whether the child or youth has attained or
213 regained competency or is making progress toward attaining or
214 regaining competency within the period covered by the intervention
215 order; and (C) any other information concerning the child or youth
216 requested by the court, including, but not limited to, the method of
217 intervention or the type, dosage and effect of any medication the child
218 or youth is receiving.

219 (3) Within two business days of the filing of a reassessment report,
220 the court shall hold a hearing to determine if the child or youth has
221 attained or regained competency within the period covered by the
222 intervention order. If the court finds that the child or youth has
223 attained or regained competency, the court shall continue with the
224 prosecution of the juvenile matter. If the court finds that the child or
225 youth has not attained or regained competency within the period
226 covered by the intervention order, the court shall determine whether
227 further efforts to attain or regain competency are appropriate. The
228 court shall make its determination of whether further efforts to attain
229 or regain competency are appropriate in accordance with the criteria
230 set forth in subdivision (2) of subsection (g) of this section. If the court
231 finds that further intervention to attain or regain competency is
232 appropriate, the court shall order a new period for restoration of
233 competency not to exceed ninety days. If the court finds that further
234 intervention to attain or regain competency is not appropriate or the
235 child or youth has not attained or regained competency after an
236 additional intervention of ninety days, the court shall issue an order in
237 accordance with subsection (k) of this section.

238 (k) (1) If the court determines after the period covered by the
239 intervention order that the child or youth has not attained or regained
240 competency and that there is not a substantial probability that the
241 child or youth will attain or regain competency, or that further
242 intervention to attain or regain competency is not appropriate based
243 on the criteria set forth in subdivision (2) of subsection (g) of this
244 section, the court shall: (A) Dismiss the petition if it is a delinquency or
245 family with service needs petition; (B) vest temporary custody of the
246 child or youth in the Commissioner of Children and Families and
247 notify the Office of the Chief Public Defender, which shall assign an
248 attorney to serve as guardian ad litem for the child or youth and
249 investigate whether a petition should be filed under section 46b-129 of
250 the general statutes, as amended by this act; or (C) order that the
251 Department of Children and Families or some other person, agency,
252 mental health facility or treatment program, or such child's or youth's

253 probation officer, conduct or obtain an appropriate assessment and,
254 where appropriate, propose a plan for services that can appropriately
255 address the child's or youth's needs in the least restrictive setting
256 available and appropriate. Any plan for services may include a plan
257 for interagency collaboration for the provision of appropriate services
258 after the child or youth attains the age of eighteen.

259 (2) Not later than ten business days after the issuance of an order
260 pursuant to subparagraph (B) or (C) of subdivision (1) of this
261 subsection, the court shall hold a hearing to review the order of
262 temporary custody or any recommendations of the Department of
263 Children and Families, such probation officer or such attorney or
264 guardian ad litem for the child or youth.

265 (3) If the child or youth is adjudicated neglected, uncared-for or
266 abused subsequent to such a petition being filed, or if a plan for
267 services pursuant to subparagraph (C) of subdivision (1) of this
268 subsection has been approved by the court and implemented, the court
269 may dismiss the delinquency or family with service needs petition, or,
270 in the discretion of the court, order that the prosecution of the case be
271 suspended for a period not to exceed eighteen months. During the
272 period of suspension, the court may order the Department of Children
273 and Families to provide periodic reports to the court to ensure that
274 appropriate services are being provided to the child or youth. If during
275 the period of suspension, the child or youth or the parent or guardian
276 of the child or youth does not comply with the requirements set forth
277 in the plan for services, the court may hold a hearing to determine
278 whether the court should follow the procedure under subparagraph
279 (B) of subdivision (1) of this subsection for instituting a petition
280 alleging that a child is neglected, uncared for or abused. Whenever the
281 court finds that the need for the suspension of prosecution is no longer
282 necessary, but not later than the expiration of such period of
283 suspension, the delinquency or family with service needs petition shall
284 be dismissed.

285 Sec. 4. Subsection (c) of section 46b-129 of the 2012 supplement to

286 the general statutes is repealed and the following is substituted in lieu
287 thereof (*Effective October 1, 2012*):

288 (c) The preliminary hearing on the order of temporary custody or
289 order to appear or the first hearing on a petition filed pursuant to
290 subsection (a) of this section shall be held in order for the court to:

291 (1) Advise the parent or guardian of the allegations contained in all
292 petitions and applications that are the subject of the hearing and the
293 parent's or guardian's right to counsel pursuant to subsection (b) of
294 section 46b-135;

295 (2) [assure] Ensure that an attorney, and where appropriate, a
296 separate guardian ad litem has been appointed to represent the child
297 or youth in accordance with subsection (b) of section 51-296a and
298 sections 46b-129a, as amended by this act, and 46b-136;

299 (3) [upon] Upon request, appoint an attorney to represent the
300 respondent when the respondent is unable to afford representation, in
301 accordance with subsection (b) of section 51-296a;

302 (4) [advise] Advise the parent or guardian of the right to a hearing
303 on the petitions and applications, to be held not later than ten days
304 after the date of the preliminary hearing if the hearing is pursuant to
305 an order of temporary custody or an order to show cause;

306 (5) [accept] Accept a plea regarding the truth of [such] the
307 allegations;

308 (6) [make] Make any interim orders, including visitation orders, that
309 the court determines are in the best interests of the child or youth. The
310 court, after a hearing pursuant to this subsection, shall order specific
311 steps the commissioner and the parent or guardian shall take for the
312 parent or guardian to regain or to retain custody of the child or youth;

313 (7) [take] Take steps to determine the identity of the father of the
314 child or youth, including, if necessary, inquiring of the mother of the
315 child or youth, under oath, as to the identity and address of any person

316 who might be the father of the child or youth and ordering genetic
317 testing, and order service of the petition and notice of the hearing date,
318 if any, to be made upon him;

319 (8) [if] If the person named as the father appears [,] and admits that
320 he is the father, provide him and the mother with the notices that
321 comply with section 17b-27 and provide them with the opportunity to
322 sign a paternity acknowledgment and affirmation on forms that
323 comply with section 17b-27. Such documents shall be executed and
324 filed in accordance with chapter 815y and a copy delivered to the clerk
325 of the superior court for juvenile matters. The clerk of the superior
326 court for juvenile matters shall send a certified copy of the paternity
327 acknowledgment and affirmation to the Department of Public Health
328 for filing in the paternity registry maintained under section 19a-42a,
329 and shall maintain a certified copy of the paternity acknowledgment
330 and affirmation in the court file;

331 (9) [in the event that] If the person named as a father appears and
332 denies that he is the father of the child or youth, [advise him that he
333 may have no further standing in any proceeding concerning the child,
334 and either] order genetic testing to determine paternity in accordance
335 with section 46b-168. [or direct him to execute a written denial of
336 paternity on a form promulgated by the Office of the Chief Court
337 Administrator. Upon execution of such a form by the putative father,]
338 If the results of the genetic tests indicate a ninety-nine per cent or
339 greater probability that the person named as father is the father of the
340 child or youth, such results shall constitute a rebuttable presumption
341 that the person named as father is the father of the child or youth,
342 provided the court finds evidence that sexual intercourse occurred
343 between the mother and the person named as father during the period
344 of time in which the child was conceived. If the court finds such
345 rebuttable presumption, the court may issue judgment adjudicating
346 paternity after providing the father an opportunity for a hearing. The
347 clerk of the court shall send a certified copy of any judgment
348 adjudicating paternity to the Department of Public Health for filing in
349 the paternity registry maintained under section 19a-42a. If the results

350 of the genetic tests indicate that the person named as father is not the
351 biological father of the child or youth, the court shall enter a judgment
352 that he is not the father and the court [may] shall remove him from the
353 case and afford him no further standing in the case or in any
354 subsequent proceeding regarding the child or youth; [until such time
355 as paternity is established by formal acknowledgment or adjudication
356 in a court of competent jurisdiction;]

357 (10) [identify] Identify any person or persons related to the child or
358 youth by blood or marriage residing in this state who might serve as
359 licensed foster parents or temporary custodians and order the
360 Commissioner of Children and Families to investigate and report to
361 the court, not later than thirty days after the preliminary hearing, the
362 appropriateness of [placement of] placing the child or youth with such
363 relative or relatives; and

364 (11) [in] In accordance with the provisions of the Interstate Compact
365 on the Placement of Children pursuant to section 17a-175, identify any
366 person or persons related to the child or youth by blood or marriage
367 residing out of state who might serve as licensed foster parents or
368 temporary custodians, and order the Commissioner of Children and
369 Families to investigate and determine, within a reasonable time, the
370 appropriateness of [placement of] placing the child or youth with such
371 relative or relatives.

372 Sec. 5. Subparagraph (C) of subdivision (2) of section 46b-129a of the
373 2012 supplement to the general statutes is repealed and the following
374 is substituted in lieu thereof (*Effective from passage*):

375 (C) The primary role of any counsel for the child shall be to
376 advocate for the child in accordance with the Rules of Professional
377 Conduct, except that if the child is incapable of expressing the child's
378 wishes to the child's counsel because of age or other incapacity, the
379 counsel for the child shall advocate for the best interests of the child.

380 Sec. 6. Subsection (b) of section 46b-140 of the 2012 supplement to
381 the general statutes is repealed and the following is substituted in lieu

382 thereof (*Effective from passage*):

383 (b) Upon conviction of a child as delinquent, the court: (1) May (A)
384 [place the child in the care of any institution or agency which is
385 permitted by law to care for children; (B)] order the child to participate
386 in an alternative incarceration program; [(C)] (B) order the child to
387 participate in a program at a wilderness school [program] facility
388 operated by the Department of Children and Families; [(D)] (C) order
389 the child to participate in a youth service bureau program; [(E)] (D)
390 place the child on probation; [(F)] (E) order the child or the parents or
391 guardian of the child, or both, to make restitution to the victim of the
392 offense in accordance with subsection (d) of this section; [(G)] (F) order
393 the child to participate in a program of community service in
394 accordance with subsection (e) of this section; or [(H)] (G) withhold or
395 suspend execution of any judgment; and (2) shall impose the penalty
396 established in subsection (b) of section 30-89 [,] for any violation of said
397 subsection (b).

398 Sec. 7. Subdivision (4) of subsection (d) of section 46b-129 of the
399 2012 supplement to the general statutes is repealed and the following
400 is substituted in lieu thereof (*Effective October 1, 2012*):

401 (4) Any person related to a child or youth may file a motion to
402 intervene for purposes of seeking [permanent] guardianship of a child
403 or youth more than ninety days after the date of the preliminary
404 hearing. The granting of such motion to intervene shall be solely in the
405 court's discretion, except that such motion shall be granted absent
406 good cause shown whenever the child's or youth's most recent
407 placement has been disrupted or is about to be disrupted. The court
408 may, in the court's discretion, order the Commissioner of Children and
409 Families to conduct an assessment of such relative granted intervenor
410 status pursuant to this subdivision.

411 Sec. 8. Subsections (j) to (r), inclusive, of section 46b-129 of the 2012
412 supplement to the general statutes are repealed and the following is
413 substituted in lieu thereof (*Effective October 1, 2012*):

414 (j) (1) For the purposes of this subsection and subsection (k) of this
415 section, "permanent legal guardianship" means a permanent
416 guardianship, as defined in section 45a-604, as amended by this act.

417 ~~[(j)]~~ (2) Upon finding and adjudging that any child or youth is
418 uncared-for, neglected or abused the court may (A) commit such child
419 or youth to the Commissioner of Children and Families, [Such] and
420 such commitment shall remain in effect until further order of the court,
421 except that such commitment may be revoked or parental rights
422 terminated at any time by the court; [or the court may] (B) vest such
423 child's or youth's legal guardianship in any private or public agency
424 that is permitted by law to care for neglected, uncared-for or abused
425 children or youths or with any other person or persons found to be
426 suitable and worthy of such responsibility by the court, including, but
427 not limited to, any relative of such child or youth by blood or
428 marriage; (C) vest such child's or youth's permanent legal
429 guardianship in any person or persons found to be suitable and
430 worthy of such responsibility by the court, including, but not limited
431 to, any relative of such child or youth by blood or marriage in
432 accordance with the requirements set forth in subdivision (5) of this
433 subsection; or (D) place the child or youth in the custody of the parent
434 or guardian with protective supervision by the Commissioner of
435 Children and Families subject to conditions established by the court.

436 (3) If the court determines that the commitment should be revoked
437 and the child's or youth's legal guardianship or permanent legal
438 guardianship should vest in someone other than the respondent
439 parent, parents or former guardian, or if parental rights are terminated
440 at any time, there shall be a rebuttable presumption that an award of
441 legal guardianship or permanent legal guardianship upon revocation
442 to, or adoption upon termination of parental rights by, any relative
443 who is licensed as a foster parent for such child or youth, or who is,
444 pursuant to an order of the court, the temporary custodian of the child
445 or youth at the time of the revocation or termination, shall be in the
446 best interests of the child or youth and that such relative is a suitable
447 and worthy person to assume legal guardianship or permanent legal

448 guardianship upon revocation or to adopt such child or youth upon
449 termination of parental rights. The presumption may be rebutted by a
450 preponderance of the evidence that an award of legal guardianship or
451 permanent legal guardianship to, or an adoption by, such relative
452 would not be in the child's or youth's best interests and such relative is
453 not a suitable and worthy person. The court shall order specific steps
454 that the parent must take to facilitate the return of the child or youth to
455 the custody of such parent.

456 (4) The commissioner shall be the guardian of such child or youth
457 for the duration of the commitment, provided the child or youth has
458 not reached the age of eighteen years or, in the case of a child or youth
459 in full-time attendance in a secondary school, a technical school, a
460 college or a state-accredited job training program, provided such child
461 or youth has not reached the age of twenty-one years, by consent of
462 such child or youth, or until another guardian has been legally
463 appointed, and in like manner, upon such vesting of the care of such
464 child or youth, such other public or private agency or individual shall
465 be the guardian of such child or youth until such child or youth has
466 reached the age of eighteen years or, in the case of a child or youth in
467 full-time attendance in a secondary school, a technical school, a college
468 or a state-accredited job training program, until such child or youth
469 has reached the age of twenty-one years or until another guardian has
470 been legally appointed. The commissioner may place any child or
471 youth so committed to the commissioner in a suitable foster home or in
472 the home of a person related by blood or marriage to such child or
473 youth or in a licensed child-caring institution or in the care and
474 custody of any accredited, licensed or approved child-caring agency,
475 within or without the state, provided a child shall not be placed
476 outside the state except for good cause and unless the parents or
477 guardian of such child are notified in advance of such placement and
478 given an opportunity to be heard, or in a receiving home maintained
479 and operated by the Commissioner of Children and Families. In
480 placing such child or youth, the commissioner shall, if possible, select a
481 home, agency, institution or person of like religious faith to that of a

482 parent of such child or youth, if such faith is known or may be
483 ascertained by reasonable inquiry, provided such home conforms to
484 the standards of said commissioner and the commissioner shall, when
485 placing siblings, if possible, place such children together. [As an
486 alternative to commitment, the court may place the child or youth in
487 the custody of the parent or guardian with protective supervision by
488 the Commissioner of Children and Families subject to conditions
489 established by the court.] Upon the issuance of an order committing
490 the child or youth to the Commissioner of Children and Families, or
491 not later than sixty days after the issuance of such order, the court shall
492 determine whether the Department of Children and Families made
493 reasonable efforts to keep the child or youth with his or her parents or
494 guardian prior to the issuance of such order and, if such efforts were
495 not made, whether such reasonable efforts were not possible, taking
496 into consideration the child's or youth's best interests, including the
497 child's or youth's health and safety.

498 (5) Prior to issuing an order for permanent legal guardianship, the
499 court shall provide notice to each parent that the parent may not file a
500 motion to terminate the permanent legal guardianship, or the court
501 shall indicate on the record why such notice could not be provided,
502 and the court shall find by clear and convincing evidence that the
503 permanent legal guardianship is in the best interests of the child or
504 youth and that the following have been proven by clear and
505 convincing evidence:

506 (A) One of the statutory grounds for termination of parental rights
507 exists, as set forth in subsection (j) of section 17a-112, or the parents
508 have voluntarily consented to the establishment of the permanent legal
509 guardianship;

510 (B) Adoption of the child or youth is not possible or appropriate;

511 (C) (i) If the child or youth is as least twelve years of age, such child
512 or youth consents to the proposed permanent legal guardianship, or
513 (ii) if the child is under twelve years of age, the proposed permanent

514 legal guardian is: (I) A relative, or (II) already serving as the
515 permanent legal guardian of at least one of the child's siblings, if any;

516 (D) The child or youth has resided with the proposed permanent
517 legal guardian for at least a year; and

518 (E) The proposed permanent legal guardian is (i) a suitable and
519 worthy person, and (ii) committed to remaining the permanent legal
520 guardian and assuming the right and responsibilities for the child or
521 youth until the child or youth attains the age of majority.

522 (6) An order of permanent legal guardianship may be reopened and
523 modified and the permanent legal guardian removed upon the filing
524 of a motion with the court, provided it is proven by a fair
525 preponderance of the evidence that the permanent legal guardian is no
526 longer suitable and worthy. A parent may not file a motion to
527 terminate a permanent legal guardianship. If, after a hearing, the court
528 terminates a permanent legal guardianship, the court, in appointing a
529 successor legal guardian or permanent legal guardian for the child or
530 youth shall do so in accordance with this subsection.

531 (k) (1) Nine months after placement of the child or youth in the care
532 and custody of the commissioner pursuant to a voluntary placement
533 agreement, or removal of a child or youth pursuant to section 17a-101g
534 or an order issued by a court of competent jurisdiction, whichever is
535 earlier, the commissioner shall file a motion for review of a
536 permanency plan. Nine months after a permanency plan has been
537 approved by the court pursuant to this subsection, the commissioner
538 shall file a motion for review of the permanency plan. Any party
539 seeking to oppose the commissioner's permanency plan, including a
540 relative of a child or youth by blood or marriage who has intervened
541 pursuant to subsection (d) of this section and is licensed as a foster
542 parent for such child or youth or is vested with such child's or youth's
543 temporary custody by order of the court, shall file a motion in
544 opposition not later than thirty days after the filing of the
545 commissioner's motion for review of the permanency plan, which

546 motion shall include the reason therefor. A permanency hearing on
547 any motion for review of the permanency plan shall be held not later
548 than ninety days after the filing of such motion. The court shall hold
549 evidentiary hearings in connection with any contested motion for
550 review of the permanency plan and credible hearsay evidence
551 regarding any party's compliance with specific steps ordered by the
552 court shall be admissible at such evidentiary hearings. The
553 commissioner shall have the burden of proving that the proposed
554 permanency plan is in the best interests of the child or youth. After the
555 initial permanency hearing, subsequent permanency hearings shall be
556 held not less frequently than every twelve months while the child or
557 youth remains in the custody of the Commissioner of Children and
558 Families. The court shall provide notice to the child or youth, the
559 parent or guardian of such child or youth, and any intervenor of the
560 time and place of the court hearing on any such motion not less than
561 fourteen days prior to such hearing.

562 (2) At a permanency hearing held in accordance with the provisions
563 of subdivision (1) of this subsection, the court shall approve a
564 permanency plan that is in the best interests of the child or youth and
565 takes into consideration the child's or youth's need for permanency.
566 The child's or youth's health and safety shall be of paramount concern
567 in formulating such plan. Such permanency plan may include the goal
568 of (A) revocation of commitment and reunification of the child or
569 youth with the parent or guardian, with or without protective
570 supervision; (B) transfer of guardianship or permanent legal
571 guardianship; (C) long-term foster care with a relative licensed as a
572 foster parent; (D) filing of termination of parental rights and adoption;
573 or (E) another planned permanent living arrangement ordered by the
574 court, provided the Commissioner of Children and Families has
575 documented a compelling reason why it would not be in the best
576 [interest] interests of the child or youth for the permanency plan to
577 include the goals in subparagraphs (A) to (D), inclusive, of this
578 subdivision. Such other planned permanent living arrangement may
579 include, but not be limited to, placement of a child or youth in an

580 independent living program or long term foster care with an identified
581 foster parent.

582 (3) At a permanency hearing held in accordance with the provisions
583 of subdivision (1) of this subsection, the court shall review the status of
584 the child, the progress being made to implement the permanency plan,
585 determine a timetable for attaining the permanency plan, determine
586 the services to be provided to the parent if the court approves a
587 permanency plan of reunification and the timetable for such services,
588 and determine whether the commissioner has made reasonable efforts
589 to achieve the permanency plan. The court may revoke commitment if
590 a cause for commitment no longer exists and it is in the best interests of
591 the child or youth.

592 (4) If the court approves the permanency plan of adoption: (A) The
593 Commissioner of Children and Families shall file a petition for
594 termination of parental rights not later than sixty days after such
595 approval if such petition has not previously been filed; (B) the
596 commissioner may conduct a thorough adoption assessment and
597 child-specific recruitment; and (C) the court may order that the child
598 be photo-listed within thirty days if the court determines that such
599 photo-listing is in the best [interest] interests of the child. As used in
600 this subdivision, "thorough adoption assessment" means conducting
601 and documenting face-to-face interviews with the child, foster care
602 providers and other significant parties and "child specific recruitment"
603 means recruiting an adoptive placement targeted to meet the
604 individual needs of the specific child, including, but not limited to, use
605 of the media, use of photo-listing services and any other in-state or
606 out-of-state resources that may be used to meet the specific needs of
607 the child, unless there are extenuating circumstances that indicate that
608 such efforts are not in the best [interest] interests of the child.

609 (l) The Commissioner of Children and Families shall pay directly to
610 the person or persons furnishing goods or services determined by said
611 commissioner to be necessary for the care and maintenance of such
612 child or youth the reasonable expense thereof, payment to be made at

613 intervals determined by said commissioner; and the Comptroller shall
614 draw his or her order on the Treasurer, from time to time, for such part
615 of the appropriation for care of committed children or youths as may
616 be needed in order to enable the commissioner to make such
617 payments. The commissioner shall include in the department's annual
618 budget a sum estimated to be sufficient to carry out the provisions of
619 this section. Notwithstanding that any such child or youth has income
620 or estate, the commissioner may pay the cost of care and maintenance
621 of such child or youth. The commissioner may bill to and collect from
622 the person in charge of the estate of any child or youth aided under
623 this chapter, or the payee of such child's or youth's income, the total
624 amount expended for care of such child or youth or such portion
625 thereof as any such estate or payee is able to reimburse, provided the
626 commissioner shall not collect from such estate or payee any
627 reimbursement for the cost of care or other expenditures made on
628 behalf of such child or youth from (1) the proceeds of any cause of
629 action received by such child or youth; (2) any lottery proceeds due to
630 such child or youth; (3) any inheritance due to such child or youth; (4)
631 any payment due to such child or youth from a trust other than a trust
632 created pursuant to 42 USC 1396p, as amended from time to time; or
633 (5) the decedent estate of such child or youth.

634 (m) The commissioner, a parent or the child's attorney may file a
635 motion to revoke a commitment, and, upon finding that cause for
636 commitment no longer exists, and that such revocation is in the best
637 interests of such child or youth, the court may revoke the commitment
638 of such child or youth. No such motion shall be filed more often than
639 once every six months.

640 (n) If the court has ordered legal guardianship of a child or youth to
641 be vested in a suitable and worthy person pursuant to subsection (j) of
642 this section, the child's or youth's parent or former legal guardian may
643 file a petition to reinstate guardianship of the child or youth in such
644 parent or former legal guardian. Upon the filing of such a petition, the
645 court may order the Commissioner of Children and Families to
646 investigate the home conditions and needs of the child or youth and

647 the home conditions of the person seeking reinstatement of
648 guardianship, and to make a recommendation to the court. A party to
649 a petition for reinstatement of guardianship shall not be entitled to
650 court-appointed counsel or representation by Division of Public
651 Defender Services assigned counsel, except as provided in section 46b-
652 136. Upon finding that the cause for the removal of guardianship no
653 longer exists, and that reinstatement is in the best interests of the child
654 or youth, the court may reinstate the guardianship of the parent or the
655 former legal guardian. No such petition may be filed more often than
656 once every six months.

657 [(n)] (o) Upon service on the parent, guardian or other person
658 having control of the child or youth of any order issued by the court
659 pursuant to the provisions of subsections (b) and (j) of this section, the
660 child or youth concerned shall be surrendered to the person serving
661 the order who shall forthwith deliver the child or youth to the person,
662 agency, department or institution awarded custody in the order. Upon
663 refusal of the parent, guardian or other person having control of the
664 child or youth to surrender the child or youth as provided in the order,
665 the court may cause a warrant to be issued charging the parent,
666 guardian or other person having control of the child or youth with
667 contempt of court. If the person arrested is found in contempt of court,
668 the court may order such person confined until the person complies
669 with the order, but for not more than six months, or may fine such
670 person not more than five hundred dollars, or both.

671 [(o)] (p) A foster parent, prospective adoptive parent or relative
672 caregiver shall receive notice and have the right to be heard for the
673 purposes of this section in Superior Court in any proceeding
674 concerning a foster child living with such foster parent, prospective
675 adoptive parent or relative caregiver. A foster parent, prospective
676 adoptive parent or relative caregiver who has cared for a child or
677 youth shall have the right to be heard and comment on the best
678 interests of such child or youth in any proceeding under this section
679 which is brought not more than one year after the last day the foster
680 parent, prospective adoptive parent or relative caregiver provided

681 such care.

682 [(p)] (q) Upon motion of any sibling of any child committed to the
683 Department of Children and Families pursuant to this section, such
684 sibling shall have the right to be heard concerning visitation with, and
685 placement of, any such child. In awarding any visitation or modifying
686 any placement, the court shall be guided by the best interests of all
687 siblings affected by such determination.

688 [(q)] (r) The provisions of section 17a-152, regarding placement of a
689 child from another state, and section 17a-175, regarding the Interstate
690 Compact on the Placement of Children, shall apply to placements
691 pursuant to this section. In any proceeding under this section
692 involving the placement of a child or youth in another state where the
693 provisions of section 17a-175 are applicable, the court shall, before
694 ordering or approving such placement, state for the record the court's
695 finding concerning compliance with the provisions of section 17a-175.
696 The court's statement shall include, but not be limited to: (1) A finding
697 that the state has received notice in writing from the receiving state, in
698 accordance with subsection (d) of Article III of section 17a-175,
699 indicating that the proposed placement does not appear contrary to the
700 interests of the child, (2) the court has reviewed such notice, (3)
701 whether or not an interstate compact study or other home study has
702 been completed by the receiving state, and (4) if such a study has been
703 completed, whether the conclusions reached by the receiving state as a
704 result of such study support the placement.

705 [(r)] (s) In any proceeding under this section, the Department of
706 Children and Families shall provide notice to [every] each attorney of
707 record for each party involved in the proceeding when the department
708 seeks to transfer a child or youth in its care, custody or control to an
709 out-of-state placement.

710 Sec. 9. Section 45a-604 of the general statutes is repealed and the
711 following is substituted in lieu thereof (*Effective October 1, 2012*):

712 As used in sections 45a-603 to 45a-622, inclusive, and section 10 of

713 this act:

714 (1) "Mother" means a woman who can show proof by means of a
715 birth certificate or other sufficient evidence of having given birth to a
716 child and an adoptive mother as shown by a decree of a court of
717 competent jurisdiction or otherwise;

718 (2) "Father" means a man who is a father under the law of this state
719 including a man who, in accordance with section 46b-172, executes a
720 binding acknowledgment of paternity and a man determined to be a
721 father under chapter 815y;

722 (3) "Parent" means a mother as defined in subdivision (1) of this
723 section or a "father" as defined in subdivision (2) of this section;

724 (4) "Minor" or "minor child" means a person under the age of
725 eighteen;

726 (5) "Guardianship" means guardianship of the person of a minor,
727 and includes: (A) The obligation of care and control; (B) the authority
728 to make major decisions affecting the minor's education and welfare,
729 including, but not limited to, consent determinations regarding
730 marriage, enlistment in the armed forces and major medical,
731 psychiatric or surgical treatment; and (C) upon the death of the minor,
732 the authority to make decisions concerning funeral arrangements and
733 the disposition of the body of the minor;

734 (6) "Guardian" means [one] a person who has the authority and
735 obligations of "guardianship", as defined in subdivision (5) of this
736 section;

737 (7) "Termination of parental rights" means the complete severance
738 by court order of the legal relationship, with all its rights and
739 responsibilities, between the child and the child's parent or parents so
740 that the child is free for adoption, except that it shall not affect the right
741 of inheritance of the child or the religious affiliation of the child;

742 (8) "Permanent guardianship" means a guardianship, as defined in

743 subdivision (5) of this section, that is intended to endure until the
744 minor reaches the age of majority without termination of the parental
745 rights of the minor's parents; and

746 (9) "Permanent guardian" means a person who has the authority
747 and obligations of a permanent guardianship, as defined in
748 subdivision (8) of this section.

749 Sec. 10. (NEW) (*Effective October 1, 2012*) (a) In appointing a
750 guardian of the person of a minor pursuant to section 45a-616 of the
751 general statutes, or at any time following such appointment, the court
752 of probate may establish a permanent guardianship if the court
753 provides notice to each parent that the parent may not petition for
754 reinstatement as guardian or petition to terminate the permanent
755 guardianship, except as provided in subsection (b) of this section, or
756 the court indicates on the record why such notice could not be
757 provided, and the court finds by clear and convincing evidence that
758 the establishment of a permanent guardianship is in the best interests
759 of the minor and that the following have been proven by clear and
760 convincing evidence:

761 (1) One of the grounds for termination of parental rights, as set forth
762 in subparagraphs (A) to (G), inclusive, of subdivision (2) of subsection
763 (g) of section 45a-717 of the general statutes exists, or the parents have
764 voluntarily consented to the appointment of a permanent guardian;

765 (2) Adoption of the minor is not possible or appropriate;

766 (3) (A) If the minor is at least twelve years of age, such minor
767 consents to the proposed appointment of a permanent guardian, or (B)
768 if the minor is under twelve years of age, the proposed permanent
769 guardian is a relative or already serving as the permanent guardian of
770 at least one of the minor's siblings;

771 (4) The minor has resided with the proposed permanent guardian
772 for at least one year; and

773 (5) The proposed permanent guardian is suitable and worthy and
774 committed to remaining the permanent guardian and assuming the
775 rights and responsibilities for the minor until the minor reaches the age
776 of majority.

777 (b) If a permanent guardian appointed under this section becomes
778 unable or unwilling to serve as permanent guardian, the court may
779 appoint a successor guardian or permanent guardian in accordance
780 with this section and sections 45a-616 and 45a-617 of the general
781 statutes, as amended by this act, or may reinstate a parent of the minor
782 who was previously removed as guardian of the person of the minor if
783 the court finds that the factors that resulted in the removal of the
784 parent as guardian have been resolved satisfactorily, and that it is in
785 the best interests of the child to reinstate the parent as guardian.

786 Sec. 11. Section 45a-611 of the general statutes is repealed and the
787 following is substituted in lieu thereof (*Effective October 1, 2012*):

788 (a) [Any] Except as provided in subsection (d) of this section, any
789 parent who has been removed as the guardian of the person of a minor
790 may apply to the court of probate which removed him or her for
791 reinstatement as the guardian of the person of the minor, if in his or
792 her opinion the factors which resulted in removal have been resolved
793 satisfactorily.

794 (b) In the case of a parent who seeks reinstatement, the court shall
795 hold a hearing following notice to the guardian, to the parent or
796 parents and to the minor, if over twelve years of age, as provided in
797 section 45a-609. If the court determines that the factors which resulted
798 in the removal of the parent have been resolved satisfactorily, the court
799 may remove the guardian and reinstate the parent as guardian of the
800 person of the minor, if it determines that it is in the best interests of the
801 minor to do so. At the request of a parent, guardian, counsel or
802 guardian ad litem representing one of the parties, filed within thirty
803 days of the decree, the court shall make findings of fact to support its
804 conclusions.

805 (c) The provisions of this section shall also apply to the
806 reinstatement of any guardian of the person of a minor other than a
807 parent.

808 (d) Notwithstanding the provisions of this section, and subject to the
809 provisions of subsection (b) of section 10 of this act, a parent who has
810 been removed as guardian of the person of a minor may not petition
811 for reinstatement as guardian if a court has established a permanent
812 guardianship for the person of the minor pursuant to section 10 of this
813 act.

814 Sec. 12. Section 45a-613 of the general statutes is repealed and the
815 following is substituted in lieu thereof (*Effective October 1, 2012*):

816 (a) Any guardian, [or] coguardians or permanent guardian of the
817 person of a minor appointed under section 45a-616 or section 10 of this
818 act, or appointed by a court of comparable jurisdiction in another state,
819 may be removed by the court of probate which made the appointment,
820 and another guardian, [or] coguardian or permanent guardian
821 appointed, in the same manner as that provided in sections 45a-603 to
822 45a-622, inclusive, for removal of a parent as guardian.

823 (b) Any removal of a guardian, coguardian or permanent guardian
824 under subsection (a) of this section shall be preceded by notice to the
825 guardian, [or] coguardians or permanent guardian, the parent or
826 parents and the minor if over twelve years of age, as provided by
827 section 45a-609.

828 (c) If a new guardian, coguardian or permanent guardian is
829 appointed, the court shall send a copy of that order to the parent or
830 parents of the minor.

831 Sec. 13. Section 45a-614 of the general statutes is repealed and the
832 following is substituted in lieu thereof (*Effective October 1, 2012*):

833 (a) [The] Except as provided in subsection (b) of this section, the
834 following persons may apply to the court of probate for the district in

835 which the minor resides for the removal as guardian of one or both
836 parents of the minor: (1) Any adult relative of the minor, including
837 those by blood or marriage; (2) the court on its own motion; or (3)
838 counsel for the minor.

839 (b) A parent may not petition for the removal of a permanent
840 guardian appointed pursuant to section 10 of this act.

841 Sec. 14. Section 45a-617 of the general statutes is repealed and the
842 following is substituted in lieu thereof (*Effective October 1, 2012*):

843 When appointing a guardian, [or] coguardians or permanent
844 guardian of the person of a minor, the court shall take into
845 consideration the following factors: (1) The ability of the prospective
846 guardian, [or] coguardians or permanent guardian to meet, on a
847 continuing day to day basis, the physical, emotional, moral and
848 educational needs of the minor; (2) the minor's wishes, if he or she is
849 over the age of twelve or is of sufficient maturity and capable of
850 forming an intelligent preference; (3) the existence or nonexistence of
851 an established relationship between the minor and the prospective
852 guardian, [or] coguardians or permanent guardian; and (4) the best
853 interests of the child. There shall be a rebuttable presumption that
854 appointment of a grandparent or other relative related by blood or
855 marriage as a guardian, coguardian or permanent guardian is in the
856 best interests of the minor child.

857 Sec. 15. Subsections (a) and (b) of section 46b-127 of the 2012
858 supplement to the general statutes are repealed and the following is
859 substituted in lieu thereof (*Effective October 1, 2012*):

860 (a) (1) The court shall automatically transfer from the docket for
861 juvenile matters to the regular criminal docket of the Superior Court
862 the case of any child charged with the commission of a capital felony, a
863 class A or B felony or a violation of section 53a-54d, provided such
864 offense was committed after such child attained the age of fourteen
865 years and counsel has been appointed for such child if such child is
866 indigent. Such counsel may appear with the child but shall not be

867 permitted to make any argument or file any motion in opposition to
868 the transfer. The child shall be arraigned in the regular criminal docket
869 of the Superior Court at the next court date following such transfer,
870 provided any proceedings held prior to the finalization of such transfer
871 shall be private and shall be conducted in such parts of the courthouse
872 or the building [wherein] in which the court is located [as shall be] that
873 are separate and apart from the other parts of the court which are then
874 being [held] used for proceedings pertaining to adults charged with
875 crimes. [The file of any case so transferred shall remain sealed until the
876 end of the tenth working day following such arraignment unless the
877 state's attorney has filed a motion pursuant to this subsection, in which
878 case such file shall remain sealed until the court makes a decision on
879 the motion.]

880 (2) A state's attorney may, [not later than ten working days] at any
881 time after such arraignment, file a motion to transfer the case of any
882 child charged with the commission of a class B felony or a violation of
883 subdivision (2) of subsection (a) of section 53a-70 to the docket for
884 juvenile matters for proceedings in accordance with the provisions of
885 this chapter. [The court sitting for the regular criminal docket shall,
886 after hearing and not later than ten working days after the filing of
887 such motion, decide such motion.]

888 (b) (1) Upon motion of a prosecutorial official, [and order of the
889 court,] the superior court for juvenile matters shall conduct a hearing
890 to determine whether the case of any child charged with the
891 commission of a class C or D felony or an unclassified felony shall be
892 transferred from the docket for juvenile matters to the regular criminal
893 docket of the Superior Court. [, provided] The court shall not order
894 that the case be transferred under this subdivision unless the court
895 finds that (A) such offense was committed after such child attained the
896 age of fourteen years, [and the court finds ex parte that] (B) there is
897 probable cause to believe the child has committed the act for which
898 [he] the child is charged, and (C) the best interests of the child and the
899 public will not be served by maintaining the case in the superior court
900 for juvenile matters. In making such findings, the court shall consider

901 (i) any prior criminal or juvenile offenses committed by the child, (ii)
902 the seriousness of such offenses, (iii) any evidence that the child has
903 intellectual disability or mental illness, and (iv) the availability of
904 services in the docket for juvenile matters that can serve the child's
905 needs. Any motion under this subdivision shall be made, and any
906 hearing under this subdivision shall be held, not later than thirty days
907 after the child is arraigned in the superior court for juvenile matters.
908 The file of any case [so] transferred pursuant to this subdivision shall
909 remain sealed until such time as the court sitting for the regular
910 criminal docket accepts such transfer.

911 (2) [The] If a case is transferred to the regular criminal docket
912 pursuant to subdivision (1) of this subsection, the court sitting for the
913 regular criminal docket may return [any such] the case to the docket
914 for juvenile matters [not later than ten working days after the date of
915 the transfer] at any time for good cause shown for proceedings in
916 accordance with the provisions of this chapter. The child shall be
917 arraigned in the regular criminal docket of the Superior Court by the
918 next court date following such transfer, provided any proceedings held
919 prior to the finalization of such transfer shall be private and shall be
920 conducted in such parts of the courthouse or the building [wherein] in
921 which the court is located [as shall be] that are separate and apart from
922 the other parts of the court which are then being [held] used for
923 proceedings pertaining to adults charged with crimes.

924 Sec. 16. Subsection (d) of section 46b-122 of the 2012 supplement to
925 the general statutes is repealed and the following is substituted in lieu
926 thereof (*Effective October 1, 2012*):

927 (d) Nothing in this section shall be construed to affect the
928 confidentiality of records of cases of juvenile matters as set forth in
929 section 46b-124 or the right of foster parents to be heard pursuant to
930 subsection [(o)] (p) of section 46b-129, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	46b-120(1)
Sec. 2	<i>October 1, 2012</i>	46b-120(5)
Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	46b-129(c)
Sec. 5	<i>from passage</i>	46b-129a(2)(C)
Sec. 6	<i>from passage</i>	46b-140(b)
Sec. 7	<i>October 1, 2012</i>	46b-129(d)(4)
Sec. 8	<i>October 1, 2012</i>	46b-129(j) to (r)
Sec. 9	<i>October 1, 2012</i>	45a-604
Sec. 10	<i>October 1, 2012</i>	New section
Sec. 11	<i>October 1, 2012</i>	45a-611
Sec. 12	<i>October 1, 2012</i>	45a-613
Sec. 13	<i>October 1, 2012</i>	45a-614
Sec. 14	<i>October 1, 2012</i>	45a-617
Sec. 15	<i>October 1, 2012</i>	46b-127(a) and (b)
Sec. 16	<i>October 1, 2012</i>	46b-122(d)

JUD *Joint Favorable Subst.*