



# House of Representatives

General Assembly

**File No. 849**

January Session, 2019

Substitute House Bill No. 7389

*House of Representatives, April 30, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.***

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

1 Section 1. Section 46b-127 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) (1) The court shall automatically transfer from the docket for  
4 juvenile matters to the regular criminal docket of the Superior Court  
5 the case of any child charged with the commission of a capital felony  
6 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
7 a class A felony, or a class B felony, except as provided in subdivision  
8 (3) of this subsection, or a violation of section 53a-54d, provided such  
9 offense was committed after such child attained the age of fifteen years  
10 and counsel has been appointed for such child if such child is indigent.  
11 Such counsel may appear with the child but shall not be permitted to

12 make any argument or file any motion in opposition to the transfer.  
13 The child shall be arraigned in the regular criminal docket of the  
14 Superior Court at the next court date following such transfer, provided  
15 any proceedings held prior to the finalization of such transfer shall be  
16 private and shall be conducted in such parts of the courthouse or the  
17 building in which the court is located that are separate and apart from  
18 the other parts of the court which are then being used for proceedings  
19 pertaining to adults charged with crimes.

20 (2) A state's attorney may, at any time after such arraignment, file a  
21 motion to transfer the case of any child charged with the commission  
22 of a class B felony or a violation of subdivision (2) of subsection (a) of  
23 section 53a-70 to the docket for juvenile matters for proceedings in  
24 accordance with the provisions of this chapter.

25 (3) No case of any child charged with the commission of a violation  
26 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of  
27 subsection (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b,  
28 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section  
29 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall  
30 be transferred from the docket for juvenile matters to the regular  
31 criminal docket of the Superior Court, except as provided in this  
32 subdivision. Upon motion of a prosecutorial official, the superior court  
33 for juvenile matters shall conduct a hearing to determine whether the  
34 case of any child charged with the commission of any such offense  
35 shall be transferred from the docket for juvenile matters to the regular  
36 criminal docket of the Superior Court. The court shall not order that  
37 the case be transferred under this subdivision unless the court finds  
38 that (A) such offense was committed after such child attained the age  
39 of fifteen years, (B) there is probable cause to believe the child has  
40 committed the act for which the child is charged, and (C) the best  
41 interests of the child and the public will not be served by maintaining  
42 the case in the superior court for juvenile matters. In making such  
43 findings, the court shall consider (i) any prior criminal or juvenile  
44 offenses committed by the child, (ii) the seriousness of such offenses,  
45 (iii) any evidence that the child has intellectual disability or mental

46 illness, and (iv) the availability of services in the docket for juvenile  
47 matters that can serve the child's needs. Any motion under this  
48 subdivision shall be made, and any hearing under this subdivision  
49 shall be held, not later than thirty days after the child is arraigned in  
50 the superior court for juvenile matters.

51 (b) [(1)] Upon motion of a prosecutorial official, the superior court  
52 for juvenile matters shall conduct a hearing to determine whether the  
53 case of any child charged with the commission of a class C, D or E  
54 felony or an unclassified felony shall be transferred from the docket for  
55 juvenile matters to the regular criminal docket of the Superior Court.  
56 The court shall not order that the case be transferred under this  
57 subdivision unless the court finds that [(A)] (1) such offense was  
58 committed after such child attained the age of fifteen years, [(B)] (2)  
59 there is probable cause to believe the child has committed the act for  
60 which the child is charged, and [(C)] (3) the best interests of the child  
61 and the public will not be served by maintaining the case in the  
62 superior court for juvenile matters. In making such findings, the court  
63 shall consider [(i)] (A) any prior criminal or juvenile offenses  
64 committed by the child, [(ii)] (B) the seriousness of such offenses, [(iii)]  
65 (C) any evidence that the child has intellectual disability or mental  
66 illness, and [(iv)] (D) the availability of services in the docket for  
67 juvenile matters that can serve the child's needs. Any motion under  
68 this subdivision shall be made, and any hearing under this subdivision  
69 shall be held, not later than thirty days after the child is arraigned in  
70 the superior court for juvenile matters.

71 (c) (1) Any proceeding of any case transferred to the regular  
72 criminal docket pursuant to this section shall be private and shall be  
73 conducted in such parts of the courthouse or the building in which the  
74 court is located that are separate and apart from the other parts of the  
75 court which are then being used for proceedings pertaining to adults  
76 charged with crimes. Any records of such proceedings shall be  
77 confidential in the same manner as records of cases of juvenile matters  
78 are confidential in accordance with the provisions of section 46b-124,  
79 unless and until a jury renders a verdict or a guilty plea is entered in

80 such case on the regular criminal docket.

81 (2) If a case is transferred to the regular criminal docket pursuant to  
82 [subdivision (1) of this subsection or] subdivision (3) of subsection (a)  
83 of this section or subsection (b) of this section, or if a case is transferred  
84 to the regular criminal docket pursuant to subdivision (1) of subsection  
85 (a) of this section and the charge in such case is subsequently reduced  
86 to that of the commission of an offense for which a case may be  
87 transferred pursuant to subdivision (2) or (3) of subsection (a) of this  
88 section or subsection (b) of this section, the court sitting for the regular  
89 criminal docket may return the case to the docket for juvenile matters  
90 at any time prior to a jury rendering a verdict or the entry of a guilty  
91 plea for good cause shown for proceedings in accordance with the  
92 provisions of this chapter.

93 [(c)] (d) Upon the effectuation of the transfer, such child shall stand  
94 trial and be sentenced, if convicted, as if such child were eighteen years  
95 of age, subject to the provisions of subsection (c) of this section and  
96 section 54-91g. Such child shall receive credit against any sentence  
97 imposed for time served in a juvenile facility prior to the effectuation  
98 of the transfer. A child who has been transferred may enter a guilty  
99 plea to a lesser offense if the court finds that such plea is made  
100 knowingly and voluntarily. Any child transferred to the regular  
101 criminal docket who pleads guilty to a lesser offense shall not resume  
102 such child's status as a juvenile regarding such offense. If the action is  
103 dismissed or nolle or if such child is found not guilty of the charge for  
104 which such child was transferred or of any lesser included offenses,  
105 the child shall resume such child's status as a juvenile until such child  
106 attains the age of eighteen years.

107 [(d)] (e) Any child whose case is transferred to the regular criminal  
108 docket of the Superior Court who is detained pursuant to such case  
109 shall be in the custody of the Commissioner of Correction upon the  
110 finalization of such transfer. A transfer shall be final (1) upon the  
111 arraignment on the regular criminal docket until a motion filed by the  
112 state's attorney pursuant to subsection (a) of this section is granted by

113 the court, or (2) upon the arraignment on the regular criminal docket  
114 of a transfer ordered pursuant to subsection (b) of this section until the  
115 court sitting for the regular criminal docket orders the case returned to  
116 the docket for juvenile matters for good cause shown. Any child whose  
117 case is returned to the docket for juvenile matters who is detained  
118 pursuant to such case shall be in the custody of the Judicial  
119 Department.

120 [(e)] (f) The transfer of a child to a Department of Correction facility  
121 shall be limited as provided in subsection [(d)] (e) of this section and  
122 said subsection shall not be construed to permit the transfer of or  
123 otherwise reduce or eliminate any other population of juveniles in  
124 detention or confinement within the Judicial Department or the  
125 Department of Children and Families.

126 [(f)] (g) Upon the motion of any party or upon the court's own  
127 motion, the case of any youth age sixteen or seventeen, except a case  
128 that has been transferred to the regular criminal docket of the Superior  
129 Court pursuant to subsection (a) or (b) of this section, which is pending  
130 on the youthful offender docket, regular criminal docket of the  
131 Superior Court or any docket for the presentment of defendants in  
132 motor vehicle matters, where the youth is charged with committing  
133 any offense or violation for which a term of imprisonment may be  
134 imposed, other than a violation of section 14-227a, 14-227g or 14-227m  
135 or subdivision (1) or (2) of subsection (a) of section 14-227n, may,  
136 before trial or before the entry of a guilty plea, be transferred to the  
137 docket for juvenile matters if (1) the youth is alleged to have  
138 committed such offense or violation on or after January 1, 2010, while  
139 sixteen years of age, or is alleged to have committed such offense or  
140 violation on or after July 1, 2012, while seventeen years of age, and (2)  
141 after a hearing considering the facts and circumstances of the case and  
142 the prior history of the youth, the court determines that the programs  
143 and services available pursuant to a proceeding in the superior court  
144 for juvenile matters would more appropriately address the needs of  
145 the youth and that the youth and the community would be better  
146 served by treating the youth as a delinquent. Upon ordering such

147 transfer, the court shall vacate any pleas entered in the matter and  
148 advise the youth of the youth's rights, and the youth shall (A) enter  
149 pleas on the docket for juvenile matters in the jurisdiction where the  
150 youth resides, and (B) be subject to prosecution as a delinquent child.  
151 The decision of the court concerning the transfer of a youth's case from  
152 the youthful offender docket, regular criminal docket of the Superior  
153 Court or any docket for the presentment of defendants in motor  
154 vehicle matters shall not be a final judgment for purposes of appeal.

155 Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any provision  
156 of the general statutes, on and after July 1, 2021, no person under  
157 eighteen years of age may be detained or incarcerated in any  
158 correctional facility operated by the Department of Correction,  
159 regardless of whether such person was convicted of an offense on the  
160 regular criminal docket.

161 Sec. 3. Section 18-73 of the general statutes is repealed and the  
162 following is substituted in lieu thereof (*Effective July 1, 2021*):

163 Any [male child transferred to the regular criminal docket of the  
164 Superior Court under section 46b-127, or any] male person between  
165 the ages of [sixteen] eighteen and twenty-one years who is convicted of  
166 an offense for which he may be punished by imprisonment for a  
167 shorter period than life may be committed to the John R. Manson  
168 Youth Institution, Cheshire, if he appears to the trial court to be  
169 amenable to reformatory methods. The judge imposing a sentence to  
170 the John R. Manson Youth Institution, Cheshire, shall impose a  
171 sentence to a definite term of imprisonment therein for a specified  
172 period of time; provided in no event shall any sentence under this  
173 section be for a term longer than the maximum term of imprisonment  
174 for the offense committed or for a term of more than five years. The  
175 judge, at the time of imposing any sentence to imprisonment in said  
176 institution, may order its suspension after any specified number of  
177 months and may place the defendant on probation for the unexpired  
178 portion of the sentence. Uniform forms of mittimus for commitments  
179 to the John R. Manson Youth Institution, Cheshire, shall be used,

180 which forms shall be prepared by the Judicial Department and  
181 furnished by said institution.

182 Sec. 4. Section 18-65a of the general statutes is repealed and the  
183 following is substituted in lieu thereof (*Effective July 1, 2021*):

184 Any female person between the ages of [sixteen] eighteen and  
185 twenty-one years who is convicted in the Superior Court for an offense  
186 for which she may be punished by imprisonment for a shorter period  
187 than life, [or any female child transferred to the regular docket of said  
188 court under section 46b-127,] may, if it appears to the trial court that  
189 such person is amenable to reformatory methods, be sentenced to a  
190 definite term of imprisonment in the York Correctional Institution or  
191 to the Commissioner of Correction for placement in any institution  
192 available to said commissioner; provided in no event shall any  
193 sentence under this section be for a term longer than the maximum  
194 term of imprisonment for the offense committed, nor shall such term  
195 be for more than five years. The judge at the time of imposing any  
196 sentence to imprisonment in said institution or to the custody of said  
197 commissioner for placement in any institution available to him, may  
198 order suspension of such sentence after any specified number of  
199 months and may place such person on probation for the unexpired  
200 portion of the sentence.

201 Sec. 5. Section 46b-121n of the general statutes is repealed and the  
202 following is substituted in lieu thereof (*Effective October 1, 2019*):

203 (a) There is established a Juvenile Justice Policy and Oversight  
204 Committee. The committee shall evaluate policies related to the  
205 juvenile justice system and the expansion of juvenile jurisdiction to  
206 include persons sixteen and seventeen years of age.

207 (b) The committee shall consist of the following members:

208 (1) Two members of the General Assembly, one of whom shall be  
209 appointed by the speaker of the House of Representatives, and one of  
210 whom shall be appointed by the president pro tempore of the Senate;

211 (2) The chairpersons and ranking members of the joint standing  
212 committees of the General Assembly having cognizance of matters  
213 relating to the judiciary, children, human services and appropriations,  
214 or their designees;

215 (3) The Chief Court Administrator, or the Chief Court  
216 Administrator's designee;

217 (4) A judge of the superior court for juvenile matters, appointed by  
218 the Chief Justice;

219 (5) The executive director of the Court Support Services Division of  
220 the Judicial Department, or the executive director's designee;

221 (6) The executive director of the Superior Court Operations  
222 Division, or the executive director's designee;

223 (7) The Chief Public Defender, or the Chief Public Defender's  
224 designee;

225 (8) The Chief State's Attorney, or the Chief State's Attorney's  
226 designee;

227 (9) The Commissioner of Children and Families, or the  
228 commissioner's designee;

229 (10) The Commissioner of Correction, or the commissioner's  
230 designee;

231 (11) The Commissioner of Education, or the commissioner's  
232 designee;

233 (12) The Commissioner of Mental Health and Addiction Services, or  
234 the commissioner's designee;

235 (13) The Labor Commissioner, or the commissioner's designee;

236 (14) The Commissioner of Social Services, or the commissioner's  
237 designee;



238 (15) The Commissioner of Public Health, or the commissioner's  
239 designee;

240 (16) The president of the Connecticut Police Chiefs Association, or  
241 the president's designee;

242 (17) The chief of police of a municipality with a population in excess  
243 of one hundred thousand, appointed by the president of the  
244 Connecticut Police Chiefs Association;

245 (18) Two child or youth advocates, one of whom shall be appointed  
246 by one chairperson of the Juvenile Justice Policy and Oversight  
247 Committee, and one of whom shall be appointed by the other  
248 chairperson of the Juvenile Justice Policy and Oversight Committee;

249 (19) Two parents or parent advocates, at least one of whom is the  
250 parent of a child who has been involved with the juvenile justice  
251 system, one of whom shall be appointed by the minority leader of the  
252 House of Representatives, and one of whom shall be appointed by the  
253 minority leader of the Senate;

254 (20) The Victim Advocate, or the Victim Advocate's designee;

255 (21) The Child Advocate, or the Child Advocate's designee; and

256 (22) The Secretary of the Office of Policy and Management, or the  
257 secretary's designee.

258 (c) Any vacancy shall be filled by the appointing authority.

259 (d) The Secretary of the Office of Policy and Management, or the  
260 secretary's designee, and a member of the General Assembly selected  
261 jointly by the speaker of the House of Representatives and the  
262 president pro tempore of the Senate from among the members serving  
263 pursuant to subdivision (1) or (2) of subsection (b) of this section shall  
264 be cochairpersons of the committee. Such cochairpersons shall  
265 schedule the first meeting of the committee, which shall be held not  
266 later than sixty days after June 13, 2014.

267 (e) Members of the committee shall serve without compensation,  
268 except for necessary expenses incurred in the performance of their  
269 duties.

270 (f) Not later than January 1, 2015, the committee shall report, in  
271 accordance with section 11-4a, to the joint standing committees of the  
272 General Assembly having cognizance of matters relating to  
273 appropriations, the judiciary, human services and children, and the  
274 Secretary of the Office of Policy and Management, regarding the  
275 following:

276 (1) Any statutory changes concerning the juvenile justice system  
277 that the committee recommends to (A) improve public safety; (B)  
278 promote the best interests of children and youths who are under the  
279 supervision, care or custody of the Commissioner of Children and  
280 Families or the Court Support Services Division of the Judicial  
281 Department; (C) improve transparency and accountability with respect  
282 to state-funded services for children and youths in the juvenile justice  
283 system with an emphasis on goals identified by the committee for  
284 community-based programs and facility-based interventions; and (D)  
285 promote the efficient sharing of information between the Department  
286 of Children and Families and the Judicial Department to ensure the  
287 regular collection and reporting of recidivism data and promote public  
288 welfare and public safety outcomes related to the juvenile justice  
289 system;

290 (2) A definition of "recidivism" that the committee recommends to  
291 be used by state agencies with responsibilities with respect to the  
292 juvenile justice system, and recommendations to reduce recidivism for  
293 children and youths in the juvenile justice system;

294 (3) Short-term goals to be met within six months, medium-term  
295 goals to be met within twelve months and long-term goals to be met  
296 within eighteen months, for the Juvenile Justice Policy and Oversight  
297 Committee and state agencies with responsibilities with respect to the  
298 juvenile justice system to meet, after considering existing relevant  
299 reports related to the juvenile justice system and any related state

300 strategic plan;

301 (4) The impact of legislation that expanded the jurisdiction of the  
302 juvenile court to include persons sixteen and seventeen years of age, as  
303 measured by the following:

304 (A) Any change in the average age of children and youths involved  
305 in the juvenile justice system;

306 (B) The types of services used by designated age groups and the  
307 outcomes of those services;

308 (C) The types of delinquent acts or criminal offenses that children  
309 and youths have been charged with since the enactment and  
310 implementation of such legislation; and

311 (D) The gaps in services identified by the committee with respect to  
312 children and youths involved in the juvenile justice system, including,  
313 but not limited to, children and youths who have attained the age of  
314 eighteen after being involved in the juvenile justice system, and  
315 recommendations to address such gaps in services; and

316 (5) Strengths and barriers identified by the committee that support  
317 or impede the educational needs of children and youths in the juvenile  
318 justice system, with specific recommendations for reforms.

319 (g) Not later than July 1, 2015, the committee shall report, in  
320 accordance with section 11-4a, to the joint standing committees of the  
321 General Assembly having cognizance of matters relating to  
322 appropriations, the judiciary, human services and children, and the  
323 Secretary of the Office of Policy and Management, regarding the  
324 following:

325 (1) The quality and accessibility of diversionary programs available  
326 to children and youths in this state, including juvenile review boards  
327 and services for a child or youth who is a member of a family with  
328 service needs;

329 (2) An assessment of the system of community-based services for  
330 children and youths who are under the supervision, care or custody of  
331 the Commissioner of Children and Families or the Court Support  
332 Services Division of the Judicial Department;

333 (3) An assessment of the congregate care settings that are operated  
334 privately or by the state and have housed children and youths  
335 involved in the juvenile justice system in the past twelve months;

336 (4) An examination of how the state Department of Education and  
337 local boards of education, the Department of Children and Families,  
338 the Department of Mental Health and Addiction Services, the Court  
339 Support Services Division of the Judicial Department, and other  
340 appropriate agencies can work collaboratively through school-based  
341 efforts and other processes to reduce the number of children and  
342 youths who enter the juvenile justice system;

343 (5) An examination of practices and procedures that result in  
344 disproportionate minority contact, as defined in section 4-68y, within  
345 the juvenile justice system;

346 (6) A plan to provide that all facilities and programs that are part of  
347 the juvenile justice system and are operated privately or by the state  
348 provide results-based accountability;

349 (7) An assessment of the number of children and youths who, after  
350 being under the supervision of the Department of Children and  
351 Families, are convicted as delinquent; and

352 (8) An assessment of the overlap between the juvenile justice system  
353 and the mental health care system for children.

354 (h) The committee shall complete its duties under this section after  
355 consultation with one or more organizations that focus on relevant  
356 issues regarding children and youths, such as the University of New  
357 Haven and any of the university's institutes. The committee may  
358 accept administrative support and technical and research assistance  
359 from any such organization. The committee shall work in collaboration

360 with any results first initiative implemented pursuant to section 2-111  
361 or any public or special act.

362 (i) The committee shall establish a time frame for review and  
363 reporting regarding the responsibilities outlined in subdivision (5) of  
364 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of  
365 subsection (g) of this section. Each report submitted by the committee  
366 shall include specific recommendations to improve outcomes and a  
367 timeline by which specific tasks or outcomes must be achieved.

368 (j) The committee shall implement a strategic plan that integrates  
369 the short-term, medium-term and long-term goals identified pursuant  
370 to subdivision (3) of subsection (f) of this section. As part of the  
371 implementation of such plan, the committee shall collaborate with any  
372 state agency with responsibilities with respect to the juvenile justice  
373 system, including, but not limited to, the Departments of Education,  
374 Mental Health and Addiction Services, Correction and Children and  
375 Families and the Labor Department and Judicial Department, and  
376 municipal police departments. Not later than January 1, 2016, the  
377 committee shall report such plan, in accordance with section 11-4a, to  
378 the joint standing committees of the General Assembly having  
379 cognizance of matters relating to appropriations, the judiciary, human  
380 services and children, and the Secretary of the Office of Policy and  
381 Management, regarding progress toward the full implementation of  
382 such plan and any recommendations concerning the implementation  
383 of such identified goals by any state agency with responsibilities with  
384 respect to the juvenile justice system or municipal police departments.

385 (k) Not later than January 1, 2017, the committee shall submit a  
386 report, in accordance with section 11-4a, to the joint standing  
387 committees of the General Assembly having cognizance of matters  
388 relating to appropriations, the judiciary, human services and children  
389 and the Secretary of the Office of Policy and Management, regarding a  
390 plan that includes cost options for the development of a community-  
391 based diversion system. Such plan shall include recommendations to  
392 address issues concerning mental health and juvenile justice. The plan

393 shall include recommendations regarding the following:

394 (1) Diversion of children who commit crimes, excluding serious  
395 juvenile offenses, from the juvenile justice system;

396 (2) Identification of services that are evidence-based, trauma-  
397 informed and culturally and linguistically appropriate;

398 (3) Expansion of the capacity of juvenile review boards to accept  
399 referrals from municipal police departments and schools and  
400 implement restorative practices;

401 (4) Expansion of the provision of prevention, intervention and  
402 treatment services by youth service bureaus;

403 (5) Expansion of access to in-home and community-based services;

404 (6) Identification and expansion of services needed to support  
405 children who are truant or exhibiting behaviors defiant of school rules  
406 and enhance collaboration between school districts and community  
407 providers in order to best serve such children;

408 (7) Expansion of the use of memoranda of understanding pursuant  
409 to section 10-233m between local law enforcement agencies and local  
410 and regional boards of education;

411 (8) Expansion of the use of memoranda of understanding between  
412 local and regional boards of education and community providers for  
413 provision of community-based services;

414 (9) Recommendations to ensure that children in the juvenile justice  
415 system have access to a full range of community-based behavioral  
416 health services;

417 (10) Reinvestment of cost savings associated with reduced  
418 incarceration rates for children and increased accessibility to  
419 community-based behavioral health services;

420 (11) Reimbursement policies that incentivize providers to deliver

421 evidence-based practices to children in the juvenile justice system;

422 (12) Recommendations to promote the use of common behavioral  
423 health screening tools in schools and communities;

424 (13) Recommendations to ensure that secure facilities operated by  
425 the Department of Children and Families or the Court Support  
426 Services Division of the Judicial Department and private service  
427 providers contracting with said department or division to screen  
428 children in such facilities for behavioral health issues; and

429 (14) Expansion of service capacities informed by an examination of  
430 grant funds and federal Medicaid reimbursement rates.

431 (l) The committee shall establish a data working group to develop a  
432 plan for a data integration process to link data related to children  
433 across executive branch agencies, through the Office of Policy and  
434 Management's integrated data system, and the Judicial Department  
435 through the Court Support Services Division, for purposes of  
436 evaluation and assessment of programs, services and outcomes in the  
437 juvenile justice system. Membership of the working group shall  
438 include, but not be limited to, the Commissioners of Children and  
439 Families, Correction, Education and Mental Health and Addiction  
440 Services, or their designees; the Chief State's Attorney, or the Chief  
441 State's Attorney's designee; the Chief Public Defender, or the Chief  
442 Public Defender's designee; the Secretary of the Office of Policy and  
443 Management, or the secretary's designee; and the Chief Court  
444 Administrator of the Judicial Branch, or the Chief Court  
445 Administrator's designee. Such working group shall include persons  
446 with expertise in data development and research design. The plan shall  
447 include cost options and provisions to:

448 (1) Access relevant data on juvenile justice populations;

449 (2) Coordinate the handling of data and research requests;

450 (3) Link the data maintained by executive branch agencies and the  
451 Judicial Department for the purposes of facilitating the sharing and

452 analysis of data;

453 (4) Establish provisions for protecting confidential information and  
454 enforcing state and federal confidentiality protections and ensure  
455 compliance with related state and federal laws and regulations;

456 (5) Develop specific recommendations for the committee on the use  
457 of limited releases of client specific data sharing across systems,  
458 including with the Office of Policy and Management, the Division of  
459 Criminal Justice, the Departments of Children and Families, Education  
460 and Mental Health and Addiction Services, the Judicial Department  
461 and other agencies; and

462 (6) Develop a standard template for memoranda of understanding  
463 for data-sharing between executive branch agencies, the Judicial  
464 Department, and when necessary, researchers outside of state  
465 government.

466 (m) (1) The committee shall periodically request, receive and review  
467 information regarding conditions of confinement, including services  
468 available, for persons under eighteen years of age detained prior to  
469 July 1, 2021, at the John R. Manson Youth Institution, Cheshire.

470 (2) Not later than October 1, 2018, the committee shall submit a  
471 report, in accordance with section 11-4a, to the joint standing  
472 committees of the General Assembly having cognizance of matters  
473 relating to appropriations, the judiciary, human services and children  
474 and the Secretary of the Office of Policy and Management on current  
475 conditions of confinement, including services available, for persons  
476 under eighteen years of age who are detained or incarcerated in  
477 correctional facilities, juvenile secure facilities and other out-of-home  
478 placements in the juvenile and criminal justice systems. The report  
479 shall include, but need not be limited to, a description of any gaps in  
480 services and the continued availability and utilization of mental health,  
481 education, rehabilitative and family engagement services.

482 (n) Not later than January 1, 2020, the committee shall submit a



483 report, in accordance with section 11-4a, to the joint standing  
484 committees of the General Assembly having cognizance of matters  
485 relating to appropriations, the judiciary, human services and children  
486 and the Secretary of the Office of Policy and Management regarding a  
487 juvenile justice reinvestment plan. The report shall include a study and  
488 make recommendations for the reinvestment of savings realized from  
489 the decreased use of incarceration and congregate care towards  
490 strategic investments in home-based, school-based and community-  
491 based behavioral health services and supports for children diverted  
492 from, or involved with, the juvenile justice system.

493 (o) Not later than January 1, 2019, and annually thereafter, the  
494 Department of Correction and the Court Support Services Division of  
495 the Judicial Branch shall report to the committee on compliance with  
496 the provisions of section 46b-126a. Such reports shall present indicia of  
497 compliance in both state facilities and those facilities managed by a  
498 private provider under contract with the state, and shall include data  
499 on all persons under eighteen years of age who have been removed or  
500 excluded from educational settings as a result of alleged behavior  
501 occurring in those educational settings.

502 (p) Not later than January 1, 2019, and annually thereafter, all state  
503 agencies that detain or otherwise hold in custody a person under  
504 eighteen years of age involved with the juvenile justice or criminal  
505 justice system, or that contract for the housing of any person involved  
506 with the juvenile justice or criminal justice system under eighteen  
507 years of age, shall report to committee on compliance with the  
508 provisions of section 46b-121p. Such reports shall include indicia of  
509 compliance in both direct-run and contract facilities, and shall include  
510 data on all rearrests and uses of confinements and restraints for youth  
511 in justice system custody, as defined in section 10-253.

512 (q) Not later than July 1, 2018, the committee shall convene a  
513 subcommittee to develop a detailed plan concerning the overall  
514 coordination, oversight, supervision, and direction of all vocational  
515 and academic education services and programs for children in justice

516 system custody, and the provision of education-related transitional  
517 support services for children returning to the community from justice  
518 system custody. The subcommittee shall consist of:

519 (1) One person designated by the Commissioner of Education;

520 (2) One person designated by the executive director of the Court  
521 Support Services Division of the Judicial Branch;

522 (3) One person designated by the Bridgeport School District;

523 (4) One person designated by the Hartford School District;

524 (5) One person designated by the Commissioner of Correction;

525 (6) One person who is an expert in state budgeting and who can  
526 assist the subcommittee in obtaining data on relevant expenditures  
527 and available resources, designated by the Secretary of the Office of  
528 Policy and Management;

529 (7) Three persons, who are experts with significant career  
530 experience in providing and coordinating education in justice-system  
531 settings and who are not employees of the state of Connecticut,  
532 designated by the chairpersons of the Juvenile Justice Oversight and  
533 Planning Committee; and

534 (8) Two persons representing the interests of students and families,  
535 one designated by the executive director of an organization in this  
536 state with the mission of stopping the criminalization of this state's  
537 children and one designated by the executive director of an  
538 organization in this state that advocates for legal rights for the most  
539 vulnerable children in this state.

540 (A) The plan developed pursuant to this subsection shall include,  
541 but need not be limited to:

542 (i) Identification of a single state agency and designation of a  
543 program manager within that agency who will be responsible for  
544 planning, coordination, oversight, supervision, quality control, legal

545 compliance and allocation of relevant federal and state funds for  
546 children in justice system custody;

547 (ii) A detailed description of how educational services will be  
548 provided to children in justice system custody and how education-  
549 related supports will be provided to children during transition out of  
550 justice system custody, either directly by the single state agency  
551 identified by the plan pursuant to clause (i) of this subparagraph or  
552 through a state-wide contract with a single nonprofit provider;

553 (iii) An analysis of resources expended for educating children in  
554 justice system custody and for supporting educational success during  
555 transitions out of justice system custody, and recommendations for  
556 consolidating and reallocating resources towards the oversight,  
557 accountability, services and supports provided for in the plan  
558 pursuant to this subsection;

559 (iv) Provisions for ensuring that a range of pathways to educational  
560 and economic opportunity are available for children in justice system  
561 custody, including at a minimum a traditional high school diploma  
562 program, an accelerated credit recovery program, vocational training  
563 programs and access to post-secondary educational options;

564 (v) Specifications for a state-wide accountability and quality control  
565 system for schools that serve children in justice system custody. The  
566 accountability and quality control system shall include, but need not  
567 be limited to:

568 (I) A specialized school profile and performance report, to be  
569 produced annually for each school that serves children in justice  
570 system custody. The profiles and performance reports shall be  
571 consistent with other accountability systems required by law and shall  
572 include criteria and metrics tailored to measuring the quality of  
573 schools that serve children in justice system custody. Such metrics  
574 shall include, but need not be limited to: Student growth in reading  
575 and math; credit accumulation; modified graduation rates and high  
576 school equivalent passage rates; school attendance, defined as the

577 percentage of children who are actually physically present in  
578 classrooms for school and educational programs; the percentage of  
579 students pursuing a high school diploma, an industry-based  
580 certification, a recognized high school diploma equivalent, credits for  
581 advanced courses and post-secondary education programs;  
582 performance in educating children with exceptionalities, including  
583 identification of special education needs, the development of best-  
584 practices for individualized education programs and the provision of  
585 services and supports mandated by individualized education  
586 programs; student reenrollment in school or other educational or  
587 vocational training programs after leaving justice system custody;  
588 student success in post-release high school, post-secondary education,  
589 or job-training programs; and compliance with the protocols for  
590 support of educational transitions delineated in clause (vi) of this  
591 subparagraph;

592 (II) Identifying achievement benchmarks for each measurement of  
593 school quality;

594 (III) Written standards for educational quality for schools that serve  
595 children in custody;

596 (IV) A program for quality control and evaluation of schools serving  
597 children in custody. The program shall include, but need not be  
598 limited to, in-person observation and monitoring of each school  
599 serving children in justice system custody. The monitoring shall occur  
600 at least annually, and shall be conducted by experts in special  
601 education and education in justice-system settings;

602 (V) Provisions for ensuring that each school serving children in  
603 justice system custody seeks and obtains external accreditation by a  
604 recognized accrediting agency; and

605 (VI) A set of supports, interventions and remedies that shall be  
606 implemented when a school serving children in justice system custody  
607 falls consistently or significantly short of quality benchmarks;

608 (vi) Provisions for ensuring that the state-wide education system for  
609 children in justice system custody includes:

610 (I) The engagement of one or more curriculum development  
611 specialists to support learning in schools serving children in justice  
612 system custody and to develop a flexible, high-interest, modular  
613 curriculum that is aligned with state standards and adapted to the  
614 context of educating children in justice system custody;

615 (II) The engagement of one or more professional development and  
616 teacher training specialists to support teachers in schools that serve  
617 children in justice system custody; and

618 (III) The engagement of professional reentry coordinators to support  
619 educational success in children returning to the community from  
620 justice system custody;

621 (vii) A protocol for educational support of children transitioning  
622 into, and out of, justice system custody. The protocol shall include, but  
623 need not be limited to:

624 (I) Team-based reentry planning for every child in justice system  
625 custody;

626 (II) Clear and ambitious timelines for transfer of educational records  
627 at intake and release from justice system custody; and

628 (III) Timelines for reenrollment and credit transfer;

629 (viii) Recommendations for any legislation that may be necessary or  
630 appropriate to implement the provisions of the plan developed  
631 pursuant to this subsection; and

632 (ix) A timeline for implementation of the plan developed pursuant  
633 to this subsection.

634 (B) The plan developed pursuant to this subsection shall be  
635 submitted on or before January 1, 2020, to the joint standing committee  
636 of the General Assembly having cognizance of matters relating to

637 education, in accordance with the provisions of section 11-4a.

638 (C) For purposes of this subsection: "Justice system custody" means  
639 justice system custody, as defined in section 10-253; "school" means  
640 any program or institution, or any project or unit thereof, that provides  
641 any academic or vocational education programming for any children  
642 in justice system custody; and "child" means child, as defined in  
643 section 10-253.

644 (r) The committee shall review methods other states employ to (1)  
645 transfer juvenile cases to the regular criminal docket, and (2) detain  
646 persons fifteen, sixteen and seventeen years of age whose cases are  
647 transferred to the regular criminal docket. Such review shall consider  
648 (A) the transfer of juvenile cases to the regular criminal docket and  
649 outcomes associated with such transfers, including the impact on  
650 public safety and the effectiveness in changing the behavior of  
651 juveniles, and (B) preadjudication and postadjudication detention and  
652 include an examination of organizational and programmatic  
653 alternatives. The committee shall, in accordance with the provisions of  
654 section 11-4a, not later than January 1, 2020, report such review  
655 including a plan for implementation not later than July 1, 2021, of any  
656 recommended changes, including cost options where appropriate to  
657 the committee of the General Assembly having cognizance of matters  
658 relating to the judiciary.

659 Sec. 6. (NEW) (*Effective from passage*) (a) Not later than July 1, 2020,  
660 the Commissioner of Correction and the executive director of the  
661 Court Support Services Division of the Judicial Department, in  
662 consultation with the Commissioner of Children and Families, shall  
663 develop a policy of best practices in juvenile detention centers and  
664 correctional facilities where persons ages seventeen years and under  
665 are detained. Such practices shall address:

666 (1) Suicidal and self-harming behaviors, including the development  
667 of a screening tool designed to determine which detained persons are  
668 at risk for suicidal and self-harming behaviors;

669 (2) Negative impacts of solitary confinement;

670 (3) Harmful effects of using chemical agents and prone restraints on  
671 detained persons, including limiting and documenting the use of such  
672 chemical agents and limiting the use of prone restraints on such  
673 persons; and

674 (4) Programming and services for such detained persons, including  
675 implementing behavior intervention plans for such persons whose  
676 behavior interferes with the safety or rehabilitation of other detained  
677 persons and providing trauma-responsive rehabilitative, pro-social  
678 and clinical services embedded into such person's schedule.

679 (b) The policy of best practices developed under subsection (a) of  
680 this section shall provide developmentally healthy and appropriate  
681 activities and recreational opportunities for such detained persons and  
682 their family members during visitation periods that are designed to  
683 strengthen family bonds and minimize trauma of separation. Such  
684 visitations shall include contact visits, unless such visit creates a risk of  
685 a harm to any person.

686 (c) Not later than July 1, 2021, the Commissioner of Correction and  
687 the executive director of the Court Support Services Division of the  
688 Judicial Department shall fully implement the policy of best practices  
689 developed under subsection (a) of this section in juvenile detention  
690 centers and correctional facilities where persons ages seventeen years  
691 and under are detained that are operated or overseen by said  
692 commissioner or executive director.

693 (d) The Commissioner of Correction and the executive director of  
694 the Court Support Services Division of the Judicial Department shall  
695 report to the Juvenile Justice Policy and Oversight Committee  
696 established under section 46b-121n of the general statutes, as amended  
697 by this act, annually, not later than January fifteenth for the previous  
698 calendar year on the following:

699 (1) Suicidal and self-harming behaviors exhibited by persons

700 detained in juvenile detention centers and correctional facilities where  
701 persons ages seventeen years and under are detained under said  
702 commissioner's or executive director's control or oversight;

703 (2) Uses of force against and the imposition of physical isolation of  
704 persons detained in juvenile detention centers and correctional  
705 facilities where persons ages seventeen years and under are detained  
706 under said commissioner's or executive director's control or oversight;  
707 and

708 (3) Any educational or mental health concerns for persons detained  
709 in juvenile detention centers and correctional facilities where persons  
710 ages seventeen years and under are detained under said  
711 commissioner's or executive director's control or oversight.

712 Sec. 7. (NEW) (*Effective July 1, 2020*) Not later than August 1, 2020, and  
713 monthly thereafter, the Commissioner of Correction and the executive  
714 director of the Court Support Services Division of the Judicial Department  
715 shall report to the Juvenile Justice Policy and Oversight Committee  
716 established pursuant to section 46b-121n of the general statutes, as  
717 amended by this act, each instance, if any, of use of chemical agents or  
718 prone restraints on any person ages seventeen years of age or younger  
719 detained in any facility operated or overseen by said commissioner or  
720 executive director.

721 Sec. 8. Section 18-81cc of the general statutes is repealed and the  
722 following is substituted in lieu thereof (*Effective July 1, 2020*):

723 (a) Any agency of the state or any political subdivision of the state  
724 that incarcerates or detains adult or juvenile offenders, including  
725 persons detained for immigration violations, shall, within available  
726 appropriations, adopt and comply with the applicable standards  
727 recommended by the National Prison Rape Elimination Commission  
728 for the prevention, detection and monitoring of, and response to,  
729 sexual abuse in adult prisons and jails, community correctional  
730 centers, juvenile facilities and lockups.

731 (b) Such standards include, but are not limited to:



- 732 (1) Zero tolerance of sexual abuse;
- 733 (2) Contracting with other entities for the confinement of inmates or  
734 detainees;
- 735 (3) Inmate or detainee supervision;
- 736 (4) Heightened protection for vulnerable detainees;
- 737 (5) Limits to cross-gender viewing and searches;
- 738 (6) Accommodating inmates or detainees with special needs;
- 739 (7) Hiring and promotion decisions;
- 740 (8) Assessment and use of monitoring technology;
- 741 (9) Evidence protocol and forensic medical examinations;
- 742 (10) Agreements with outside public entities and community service  
743 providers;
- 744 (11) Agreements with outside law enforcement agencies;
- 745 (12) Agreements with the prosecuting authority;
- 746 (13) Employee training;
- 747 (14) Volunteer and contractor training;
- 748 (15) Inmate education;
- 749 (16) Detainee, attorney, contractor and inmate worker notification of  
750 agency's zero-tolerance policy;
- 751 (17) Specialized training: Investigations;
- 752 (18) Specialized training: Medical and mental health care;
- 753 (19) Screening for risk of victimization and abusiveness;
- 754 (20) Use of screening information;
-

- 755 (21) Inmate or detainee reporting;
- 756 (22) Exhaustion of administrative remedies;
- 757 (23) Inmate access to outside confidential support services or legal  
758 representation;
- 759 (24) Third-party reporting;
- 760 (25) Staff and facility or agency head reporting duties;
- 761 (26) Reporting to other confinement facilities;
- 762 (27) Staff first responder duties;
- 763 (28) Coordinated response;
- 764 (29) Agency protection against retaliation;
- 765 (30) Duty to investigate;
- 766 (31) Criminal and administrative agency investigations;
- 767 (32) Evidence standard for administrative investigations;
- 768 (33) Disciplinary sanctions for staff;
- 769 (34) Disciplinary sanctions for inmates;
- 770 (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 771 (36) Medical and mental health screenings: History of sexual abuse;
- 772 (37) Access to emergency medical and mental health services;
- 773 (38) Ongoing medical and mental health care for sexual abuse  
774 victims and abusers;
- 775 (39) Sexual abuse incident reviews;
- 776 (40) Data collection;

777 (41) Data review for corrective action;

778 (42) Data storage, publication, and destruction; and

779 (43) Audits of standards.

780 (c) The agency head of any agency of the state or the chief elected  
781 official or governing legislative body of any political subdivision of the  
782 state that incarcerates or detains juvenile offenders shall, annually, not  
783 later than January fifteenth, certify its compliance with the provisions  
784 of subsections (a) and (b) of this section to the Criminal Justice Policy  
785 and Planning Division within the Office of Policy and Management.

786 Sec. 9. Section 17a-101 of the general statutes is repealed and the  
787 following is substituted in lieu thereof (*Effective July 1, 2020*):

788 (a) The public policy of this state is: To protect children whose  
789 health and welfare may be adversely affected through injury and  
790 neglect; to strengthen the family and to make the home safe for  
791 children by enhancing the parental capacity for good child care; to  
792 provide a temporary or permanent nurturing and safe environment for  
793 children when necessary; and for these purposes to require the  
794 reporting of suspected child abuse or neglect, investigation of such  
795 reports by a social agency, and provision of services, where needed, to  
796 such child and family.

797 (b) The following persons shall be mandated reporters: (1) Any  
798 physician or surgeon licensed under the provisions of chapter 370, (2)  
799 any resident physician or intern in any hospital in this state, whether  
800 or not so licensed, (3) any registered nurse, (4) any licensed practical  
801 nurse, (5) any medical examiner, (6) any dentist, (7) any dental  
802 hygienist, (8) any psychologist, (9) any school employee, as defined in  
803 section 53a-65, (10) any social worker, (11) any person who holds or is  
804 issued a coaching permit by the State Board of Education, is a coach of  
805 intramural or interscholastic athletics and is eighteen years of age or  
806 older, (12) any individual who is employed as a coach or director of  
807 youth athletics and is eighteen years of age or older, (13) any

808 individual who is employed as a coach or director of a private youth  
809 sports organization, league or team and is eighteen years of age or  
810 older, (14) any paid administrator, faculty, staff, athletic director,  
811 athletic coach or athletic trainer employed by a public or private  
812 institution of higher education who is eighteen years of age or older,  
813 excluding student employees, (15) any police officer, (16) any juvenile  
814 or adult probation officer, (17) any juvenile or adult parole officer, (18)  
815 any member of the clergy, (19) any pharmacist, (20) any physical  
816 therapist, (21) any optometrist, (22) any chiropractor, (23) any  
817 podiatrist, (24) any mental health professional, (25) any physician  
818 assistant, (26) any person who is a licensed or certified emergency  
819 medical services provider, (27) any person who is a licensed or  
820 certified alcohol and drug counselor, (28) any person who is a licensed  
821 marital and family therapist, (29) any person who is a sexual assault  
822 counselor or a domestic violence counselor, as defined in section 52-  
823 146k, (30) any person who is a licensed professional counselor, (31) any  
824 person who is a licensed foster parent, (32) any person paid to care for  
825 a child in any public or private facility, child care center, group child  
826 care home or family child care home licensed by the state, (33) any  
827 employee of the Department of Children and Families, (34) any  
828 employee of the Department of Public Health, (35) any employee of the  
829 Office of Early Childhood who is responsible for the licensing of child  
830 care centers, group child care homes, family child care homes or youth  
831 camps, (36) any paid youth camp director or assistant director, (37) the  
832 Child Advocate and any employee of the Office of the Child Advocate,  
833 (38) any person who is a licensed behavior analyst, [and] (39) any  
834 family relations counselor, family relations counselor trainee or family  
835 services supervisor employed by the Judicial Department, and (40) any  
836 person employed, including any person employed under contract and  
837 any independent ombudsperson, to work at a juvenile detention  
838 facility or any other facility where children under eighteen years of age  
839 are detained.

840 (c) The Commissioner of Children and Families shall develop an  
841 educational training program and refresher training program for the  
842 accurate and prompt identification and reporting of child abuse and

843 neglect. Such training program and refresher training program shall be  
844 made available to all persons mandated to report child abuse and  
845 neglect at various times and locations throughout the state as  
846 determined by the Commissioner of Children and Families. Such  
847 training program and refresher training program shall be provided in  
848 accordance with the provisions of subsection (g) of section 17a-101i to  
849 each school employee, as defined in section 53a-65, within available  
850 appropriations.

851 (d) On or before October 1, 2011, the Department of Children and  
852 Families, in consultation with the Department of Education, shall  
853 develop a model mandated reporting policy for use by local and  
854 regional boards of education. Such policy shall state applicable state  
855 law regarding mandated reporting and any relevant information that  
856 may assist school districts in the performance of mandated reporting.  
857 Such policy shall include, but not be limited to, the following  
858 information: (1) Those persons employed by the local or regional board  
859 of education who are required pursuant to this section to be mandated  
860 reporters, (2) the type of information that is to be reported, (3) the time  
861 frame for both written and verbal mandated reports, (4) a statement  
862 that the school district may conduct its own investigation into an  
863 allegation of abuse or neglect by a school employee, provided such  
864 investigation does not impede an investigation by the Department of  
865 Children and Families, and (5) a statement that retaliation against  
866 mandated reporters is prohibited. Such policy shall be updated and  
867 revised as necessary.

868 Sec. 10. (NEW) (*Effective July 1, 2020*) (a) For purposes of this section,  
869 "independent ombudsperson services" includes (1) the receipt of  
870 complaints by the ombudsperson from persons detained in juvenile  
871 detention centers and correctional facilities where persons ages  
872 seventeen years and under are detained and the parent or guardian of  
873 any such person regarding decisions, actions and omissions, policies,  
874 procedures, rules and regulations of the center or facility, (2) touring  
875 each such center or facility, (3) investigating such complaints,  
876 rendering a decision on the merits of each complaint and

877 communicating the decision to the complainant, (4) recommending to  
878 the head of the agency that operates or oversees such center or facility  
879 a resolution of any complaint found to have merit, and (5)  
880 recommending policy revisions to the head of such center or facility.

881 (b) The Commissioner of Correction and the executive director of  
882 the Court Support Services Division of the Judicial Department shall  
883 ensure that independent ombudsperson services are provided and  
884 available at any juvenile detention center or correctional facility where  
885 persons ages seventeen years and under are detained that any such  
886 agency operates or oversees.

887 Sec. 11. Subdivision (3) of section 46b-120 of the general statutes, as  
888 amended by section 146 of public act 17-2 of the June special session  
889 and section 26 of public act 18-31, is repealed and the following is  
890 substituted in lieu thereof (*Effective July 1, 2019*):

891 (3) "Family with service needs" means a family that includes a child  
892 who is at least seven years of age and is under eighteen years of age  
893 who, according to a petition lawfully filed on or before June 30, [2019]  
894 2020, (A) has without just cause run away from the parental home or  
895 other properly authorized and lawful place of abode, (B) is beyond the  
896 control of the child's parent, parents, guardian or other custodian, (C)  
897 has engaged in indecent or immoral conduct, or (D) is thirteen years of  
898 age or older and has engaged in sexual intercourse with another  
899 person and such other person is thirteen years of age or older and not  
900 more than two years older or younger than such child;

901 Sec. 12. Subsection (a) of section 46b-149 of the general statutes, as  
902 amended by section 145 of public act 17-2 of the June special session, is  
903 repealed and the following is substituted in lieu thereof (*Effective July*  
904 *1, 2019*):

905 (a) The provisions of this section in effect on June 30, [2019] 2020,  
906 revision of 1958, revised to January 1, 2019, as amended by this act,  
907 shall be applicable to any petition filed in accordance with such  
908 provisions on or before June 30, [2019] 2020.

909 Sec. 13. Subsections (a) and (b) of section 46b-149f of the general  
910 statutes, as amended by section 148 of public act 17-2 of the June  
911 special session, are repealed and the following is substituted in lieu  
912 thereof (*Effective July 1, 2019*):

913 (a) When a child who has been adjudicated as a child from a family  
914 with service needs pursuant to a petition filed on or before June 30,  
915 [2019] 2020, in accordance with section 46b-149, as amended by this  
916 act, violates any valid order which regulates future conduct of the  
917 child made by the court following such an adjudication, a probation  
918 officer, on receipt of a complaint setting forth facts alleging such a  
919 violation, or on the probation officer's own motion on the basis of his  
920 or her knowledge of such a violation, may file a petition with the court  
921 alleging that the child has violated a valid court order and setting forth  
922 the facts claimed to constitute such a violation. Service shall be made  
923 in the same manner as set forth for a summons in subsection (c) of  
924 section 46b-149. The child shall be entitled to representation by counsel  
925 and an evidentiary hearing on the allegations contained in the petition.  
926 If the court finds, by clear and convincing evidence, that the child has  
927 violated a valid court order, the court may (1) order the child to remain  
928 in such child's home or in the custody of a relative or any other  
929 suitable person, subject to the supervision of a probation officer or an  
930 existing commitment to the Commissioner of Children and Families,  
931 (2) upon a finding that there is no less restrictive alternative  
932 appropriate to the needs of the child and the community, enter an  
933 order that directs or authorizes a peace officer or other appropriate  
934 person to place the child in a staff-secure facility under the auspices of  
935 the Court Support Services Division for a period not to exceed forty-  
936 five days, with court review every fifteen days to consider whether  
937 continued placement is appropriate, at the end of which period the  
938 child shall be returned to the community and may be subject to the  
939 supervision of a probation officer, or (3) order that the child be  
940 committed to the care and custody of the Commissioner of Children  
941 and Families for a period not to exceed eighteen months and that the  
942 child cooperate in such care and custody.

943 (b) When a child who has been adjudicated as a child from a family  
944 with service needs pursuant to a petition filed on or before June 30,  
945 [2019] 2020, in accordance with section 46b-149, as amended by this  
946 act, is under an order of supervision or an order of commitment to the  
947 Commissioner of Children and Families and believed to be in  
948 imminent risk of physical harm from the child's surroundings or other  
949 circumstances, a probation officer, on receipt of a complaint setting  
950 forth facts alleging such risk, or on the probation officer's own motion  
951 on the basis of his or her knowledge of such risk, may file a petition  
952 with the court alleging that the child is in imminent risk of physical  
953 harm and setting forth the facts claimed to constitute such risk. Service  
954 shall be made in the same manner as set forth for a summons in  
955 subsection (c) of section 46b-149. If it appears from the specific  
956 allegations of the petition and other verified affirmations of fact  
957 accompanying the petition, or subsequent thereto, that there is  
958 probable cause to believe that (1) the child is in imminent risk of  
959 physical harm from the child's surroundings, (2) as a result of such  
960 condition, the child's safety is endangered and immediate removal  
961 from such surroundings is necessary to ensure the child's safety, and  
962 (3) there is no less restrictive alternative available, the court shall enter  
963 an order that directs or authorizes a peace officer or other appropriate  
964 person to place the child in a staff-secure facility under the auspices of  
965 the Court Support Services Division for a period not to exceed forty-  
966 five days, subject to subsection (c) of this section, with court review  
967 every fifteen days to consider whether continued placement is  
968 appropriate, at the end of which period the child shall either be (A)  
969 returned to the community for appropriate services, subject to the  
970 supervision of a probation officer or an existing commitment to the  
971 Commissioner of Children and Families, or (B) committed to the  
972 Department of Children and Families for a period not to exceed  
973 eighteen months if a hearing has been held and the court has found,  
974 based on clear and convincing evidence, that (i) the child is in  
975 imminent risk of physical harm from the child's surroundings, (ii) as a  
976 result of such condition, the child's safety is endangered and removal  
977 from such surroundings is necessary to ensure the child's safety, and



978 (iii) there is no less restrictive alternative available. Any such child  
 979 shall be entitled to the same procedural protections as are afforded to a  
 980 delinquent child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46b-127
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2021</i>	18-73
Sec. 4	<i>July 1, 2021</i>	18-65a
Sec. 5	<i>October 1, 2019</i>	46b-121n
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2020</i>	New section
Sec. 8	<i>July 1, 2020</i>	18-81cc
Sec. 9	<i>July 1, 2020</i>	17a-101
Sec. 10	<i>July 1, 2020</i>	New section
Sec. 11	<i>July 1, 2019</i>	46b-120(3)
Sec. 12	<i>July 1, 2019</i>	46b-149(a)
Sec. 13	<i>July 1, 2019</i>	46b-149f(a) and (b)

**JUD**      *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$	FY 22 \$
Judicial Dept.	GF - Cost	None	None	18 million
Correction, Dept.	GF - Cost	None	77,172	None
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	None	31,787	None
Correction, Dept.	GF - Savings	None	None	103,000

Note: GF=General Fund

**Municipal Impact:** None

### Explanation

#### Judicial Department

The bill prohibits the Department of Correction (DOC) from holding anyone under 18 in its custody, starting July 1, 2021. There are currently 57 inmates under the age of 18 in DOC custody.

While the bill does not specify that the Judicial Department (JUD) must take custody of the inmates under 18 currently housed in DOC, it is assumed that JUD will now have responsibility for approximately 60 additional juveniles annually. JUD will have to contract with six additional community based locked facilities at a cost of approximately \$3 million each annually for a total of \$18 million each fiscal year beginning in FY 22.

#### Department of Correction

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

The bill requires the DOC to provide ombudsman services to inmates aged 17 and under and results in a cost (\$77,172 salary and \$31,787 fringe benefits) to hire one 12-month durational Ombudsman. The position is only needed for FY 21 because all inmates under 18 will be transferred out of DOC facilities in FY 22.

The bill also requires the department to develop best practices in juvenile detention centers resulting in no fiscal impact because the DOC has the expertise to meet this requirement of the bill.

The bill prohibits the DOC from holding anyone under 18 in its custody, starting July 1, 2021 resulting in a savings of approximately \$103,000 in FY 22 due to these inmates no longer being housed in DOC.

### ***The Out Years***

The FY 22 impact described above will continue into the future, subject to inflation and the number of juvenile offenders.

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**OLR Bill Analysis****sHB 7389*****AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.*****SUMMARY**

This bill makes various changes in the juvenile justice laws. Principally, it does the following:

1. prohibits the incarceration or detention of individuals under age 18 in a Department of Correction (DOC) correctional facility starting July 1, 2021 (§§ 2-4);
2. allows for the adult court to transfer an automatically transferred juvenile case back to juvenile court if the charges are reduced (§ 1);
3. makes the proceedings and records of cases transferred from juvenile to adult court confidential (§ 1);
4. requires the DOC commissioner and Court Support Services Division (CSSD) executive director to ensure that independent ombudsperson services are available at their juvenile detention centers or correctional facilities where individuals under age 18 are detained and makes these ombudspersons and other facility employees mandated reporters of child abuse and neglect (§§ 9 & 10);
5. requires the Juvenile Justice Policy and Oversight Council (JJPOC) to (a) review methods other states use to detain and transfer children age 15 to 17 from juvenile to adult court and (b)

devise a plan to implement changes in Connecticut by July 1, 2021 (§ 5);

6. requires the DOC commissioner and CSSD executive director to develop best practices in juvenile detention centers and correctional facilities where individuals age 17 and under are detained and provide monthly reports to JJPOC on each instance when chemical agents or prone restraints were used on detained children (§§ 6 & 7);
7. requires an official from state agencies and municipalities that detain juvenile offenders to certify they comply with federal Prison Rape Elimination Act (PREA) standards to the Office of Policy and Management's (OPM) Criminal Justice Policy and Planning Division (§ 8); and
8. postpones by one year, from June 30, 2019, to June 30, 2020, the deadline by which a party (e.g., a parent or police officer) may file a family with service needs (FWSN) petition (§§ 11-13).

EFFECTIVE DATE: Various, see below

#### **§§ 2-4 — DETENTION OF MINORS IN A CORRECTIONAL FACILITY**

The bill prohibits the incarceration or detention of individuals under age 18 in a DOC correctional facility starting July 1, 2021, regardless of whether they were convicted of an offense on the regular criminal docket. Under current law, individuals age 16 or older may be detained in Manson Youth Institution (if male) or York Correctional Institution (if female) if they are convicted of certain crimes on the adult criminal docket. The bill raises the lower age limit at both facilities from 16 to 18 to conform with this change. (The bill does not specify an alternative placement for individuals under age 18 who are convicted of crimes on the adult criminal docket.)

EFFECTIVE DATE: Upon passage, except the provisions that make conforming changes are effective July 1, 2021.

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**§ 1 — TRANSFERRED CASES**

Under existing law, the juvenile court must automatically transfer a delinquency case to the adult criminal court docket if the child is at least age 15 and charged with murder with special circumstances, a class A felony, or certain class B felonies. Otherwise, transferring a case where a juvenile is charged with a felony is at the court's discretion and may only occur if the prosecutor makes a motion and the court makes certain findings at the transfer hearing.

The bill allows the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced to a charge that would have allowed the transfer to be discretionary. As is the case under existing law for when an adult court returns a discretionary transfer to juvenile court, the return must be for good cause shown and done before the jury renders a verdict or the defendant pleads guilty.

Under the bill, when a case is transferred from the juvenile delinquency court to the adult criminal docket, the transferred proceeding must be private and conducted separately and apart from the other parts of the court that are being used for proceedings involving adult defendants. The records must remain confidential, as required for juvenile records under existing law, unless and until a guilty plea or verdict is entered in the case on the regular criminal docket.

EFFECTIVE DATE: October 1, 2019

**§§ 9 & 10 — INDEPENDENT OMBUDSPERSON AND MANDATED REPORTERS**

The bill requires the DOC commissioner and CSSD executive director to ensure that independent ombudsperson services are provided and available at any juvenile detention center or correctional facility they operate or oversee where individuals age 17 and under are detained.

Under the bill, "independent ombudsperson services" include:

1. receiving complaints from individuals detained in such centers or facilities, and their parents or guardians, regarding the center's or facility's decisions, actions and omissions, policies, procedures, rules, and regulations;
2. touring each such center or facility;
3. investigating each of the above complaints, rendering a decision on the complaint's merits, and communicating the decision to the complainant;
4. recommending to the agency head who oversees or operates the center or facility a resolution of any complaint with merit; and
5. recommending policy revisions to the head of the center or facility.

### ***Mandated Reporters***

The bill adds to the list of professionals who are mandated reporters of child abuse and neglect the above ombudspersons and any person employed or contracted at juvenile detention facilities or other facilities where children under age 18 are detained.

As mandated reporters, they must report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child under age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § 17a-101a). A mandated reporter who fails to report may be subject to criminal penalties.

EFFECTIVE DATE: July 1, 2020

### **§ 5 — JJPOC REQUIREMENTS**

The bill requires JJPOC to review methods other states use to transfer juvenile cases to the adult criminal docket and detain children ages 15 through 17 whose cases are transferred to that docket. The review must consider:

1. transfers of juvenile cases to the adult docket and outcomes associated with these transfers, including the impact on public safety and the effectiveness in changing juveniles' behavior, and
2. pre- and post-adjudication detention, including an examination of organizational and programmatic alternatives.

By January 1, 2020, JJPOC must submit the review to the Judiciary Committee and include a plan for implementing any recommended changes, with cost options where appropriate, by July 1, 2021.

EFFECTIVE DATE: October 1, 2019

## **§§ 6 & 7 — DOC AND CSSD REQUIREMENTS**

### ***Best Practices Policy***

The bill requires the DOC commissioner and the CSSD executive director, by July 1, 2020 and in consultation with the Department of Children and Families (DCF) commissioner, to develop a best practices policy in juvenile detention centers and correctional facilities where individuals age 17 and under are detained. The practices must address:

1. suicidal and self-harming behaviors, including developing a screening tool to determine which detained individuals are at risk for those behaviors;
2. negative impacts of solitary confinement;
3. harmful effects of using chemical agents and prone restraints on detained individuals, including limiting and documenting the use of such agents and limiting the use of prone restraints; and
4. programming and services for detained individuals, including (a) implementing behavior intervention plans for those whose behavior interferes with other detained individuals' safety or rehabilitation and (b) providing trauma-responsive rehabilitative, pro-social, and clinical services in their schedule.



The policy must additionally provide developmentally healthy and appropriate activities and recreational opportunities for the detained individuals and their families during visitation periods that are designed to strengthen family bonds and minimize separation trauma. The visitations must include contact visits, unless such a visit creates a risk of harm to anyone.

The DOC commissioner and CSSD executive director must implement the above policy by July 1, 2021, in juvenile detention centers and correctional facilities they oversee or operate where individuals age 17 and under are detained.

### ***Reporting Requirement***

The DOC commissioner and CSSD executive director must also annually report to JJPOC, no later than January 15 for the previous calendar year, on the following information regarding facilities they oversee or operate where individuals age 17 and under are detained:

1. suicidal and self-harming behaviors that detainees exhibit,
2. uses of force against and imposing physical isolation on detainees, and
3. any educational or mental health concerns for detainees.

The bill also requires the DOC commissioner and CSSD executive director to report monthly to JJPOC, starting by August 1, 2020, on each instance in which chemical agents or prone restraints were used on anyone age 17 or under who is detained in such a facility.

EFFECTIVE DATE: Upon passage, except July 1, 2020, for the chemical agent or prone restraint reporting provision.

### **§ 8 — PREA COMPLIANCE**

By law, state agencies and municipalities that incarcerate or detain adult or juvenile offenders must, within available appropriations, adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission (i.e., PREA standards)

for preventing, detecting, monitoring, and responding to sexual abuse in prisons, jails, correctional facilities, juvenile facilities, and lock-ups.

The bill requires any state agency head or the chief elected official or governing legislative body of any municipality that detains juvenile offenders to annually certify, by January 15, that it complies with the PREA standards to OPM’s Criminal Justice Policy and Planning Division.

EFFECTIVE DATE: July 1, 2020

**§§ 11-13 — FAMILY WITH SERVICE NEEDS (FWSN) PETITIONS**

The bill postpones by one year, from June 30, 2019, to June 30, 2020, the deadline by which a party (e.g., a parent or police officer) may file a FWSN petition with the juvenile court for a child who (1) commits certain status offenses, such as running away from home, or (2) is out of the control of his or her parent or guardian. It also makes related conforming changes.

By law, a court that adjudicates a child as being from a FWSN can take various actions, such as referring the child to DCF for voluntary services or placing the child on probation.

EFFECTIVE DATE: July 1, 2019

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 15 (04/10/2019)