



# House of Representatives

**File No. 984**

General Assembly

January Session, 2019

**(Reprint of File No. 849)**

Substitute House Bill No. 7389  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 23, 2019

***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 Section 46b-127 of the general statutes is repealed and the  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) (A) 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 except as provided in subparagraph (B) of this subdivision, unless and  
80 until the court or jury renders a verdict or a guilty plea is entered in

81 such case on the regular criminal docket.

82 (B) Records of any child whose case is transferred to the regular  
83 criminal docket under this section, or any part of such records, shall be  
84 available to the victim of the crime committed by the child to the same  
85 extent as the records of the case of a defendant in a criminal  
86 proceeding in the regular criminal docket of the Superior Court is  
87 available to a victim of the crime committed by such defendant. The  
88 court shall designate an official from whom the victim may request  
89 such records. Records disclosed pursuant to this subparagraph shall  
90 not be further disclosed.

91 (2) If a case is transferred to the regular criminal docket pursuant to  
92 [subdivision (1) of this subsection or] subdivision (3) of subsection (a)  
93 of this section or subsection (b) of this section, or if a case is transferred  
94 to the regular criminal docket pursuant to subdivision (1) of subsection  
95 (a) of this section and the charge in such case is subsequently reduced  
96 to that of the commission of an offense for which a case may be  
97 transferred pursuant to subdivision (2) or (3) of subsection (a) of this  
98 section or subsection (b) of this section, the court sitting for the regular  
99 criminal docket may return the case to the docket for juvenile matters  
100 at any time prior to [a] the court or jury rendering a verdict or the  
101 entry of a guilty plea for good cause shown for proceedings in  
102 accordance with the provisions of this chapter.

103 [(c)] (d) Upon the effectuation of the transfer, such child shall stand  
104 trial and be sentenced, if convicted, as if such child were eighteen years  
105 of age, subject to the provisions of subsection (c) of this section and  
106 section 54-91g. Such child shall receive credit against any sentence  
107 imposed for time served in a juvenile facility prior to the effectuation  
108 of the transfer. A child who has been transferred may enter a guilty  
109 plea to a lesser offense if the court finds that such plea is made  
110 knowingly and voluntarily. Any child transferred to the regular  
111 criminal docket who pleads guilty to a lesser offense shall not resume  
112 such child's status as a juvenile regarding such offense. If the action is  
113 dismissed or nolleed or if such child is found not guilty of the charge for

114 which such child was transferred or of any lesser included offenses,  
115 the child shall resume such child's status as a juvenile until such child  
116 attains the age of eighteen years.

117 ~~[(d)]~~ (e) Any child whose case is transferred to the regular criminal  
118 docket of the Superior Court who is detained pursuant to such case  
119 shall be in the custody of the Commissioner of Correction upon the  
120 finalization of such transfer. A transfer shall be final (1) upon the  
121 arraignment on the regular criminal docket until a motion filed by the  
122 state's attorney pursuant to subsection (a) of this section is granted by  
123 the court, or (2) upon the arraignment on the regular criminal docket  
124 of a transfer ordered pursuant to subsection (b) of this section until the  
125 court sitting for the regular criminal docket orders the case returned to  
126 the docket for juvenile matters for good cause shown. Any child whose  
127 case is returned to the docket for juvenile matters who is detained  
128 pursuant to such case shall be in the custody of the Judicial  
129 Department.

130 ~~[(e)]~~ (f) The transfer of a child to a Department of Correction facility  
131 shall be limited as provided in subsection ~~[(d)]~~ (e) of this section and  
132 said subsection shall not be construed to permit the transfer of or  
133 otherwise reduce or eliminate any other population of juveniles in  
134 detention or confinement within the Judicial Department or the  
135 Department of Children and Families.

136 ~~[(f)]~~ (g) Upon the motion of any party or upon the court's own  
137 motion, the case of any youth age sixteen or seventeen, except a case  
138 that has been transferred to the regular criminal docket of the Superior  
139 Court pursuant to subsection (a) or (b) of this section, which is pending  
140 on the youthful offender docket, regular criminal docket of the  
141 Superior Court or any docket for the presentment of defendants in  
142 motor vehicle matters, where the youth is charged with committing  
143 any offense or violation for which a term of imprisonment may be  
144 imposed, other than a violation of section 14-227a, 14-227g or 14-227m  
145 or subdivision (1) or (2) of subsection (a) of section 14-227n, may,  
146 before trial or before the entry of a guilty plea, be transferred to the

147 docket for juvenile matters if (1) the youth is alleged to have  
148 committed such offense or violation on or after January 1, 2010, while  
149 sixteen years of age, or is alleged to have committed such offense or  
150 violation on or after July 1, 2012, while seventeen years of age, and (2)  
151 after a hearing considering the facts and circumstances of the case and  
152 the prior history of the youth, the court determines that the programs  
153 and services available pursuant to a proceeding in the superior court  
154 for juvenile matters would more appropriately address the needs of  
155 the youth and that the youth and the community would be better  
156 served by treating the youth as a delinquent. Upon ordering such  
157 transfer, the court shall vacate any pleas entered in the matter and  
158 advise the youth of the youth's rights, and the youth shall (A) enter  
159 pleas on the docket for juvenile matters in the jurisdiction where the  
160 youth resides, and (B) be subject to prosecution as a delinquent child.  
161 The decision of the court concerning the transfer of a youth's case from  
162 the youthful offender docket, regular criminal docket of the Superior  
163 Court or any docket for the presentment of defendants in motor  
164 vehicle matters shall not be a final judgment for purposes of appeal.

165 Sec. 2. Section 46b-121n of the general statutes is repealed and the  
166 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

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

175 (2) The chairpersons and ranking members of the joint standing  
176 committees of the General Assembly having cognizance of matters  
177 relating to the judiciary, children, human services and appropriations,  
178 or their designees;

179 (3) The Chief Court Administrator, or the Chief Court  
180 Administrator's designee;

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

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

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

187 (7) The Chief Public Defender, or the Chief Public Defender's  
188 designee;

189 (8) The Chief State's Attorney, or the Chief State's Attorney's  
190 designee;

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

193 (10) The Commissioner of Correction, or the commissioner's  
194 designee;

195 (11) The Commissioner of Education, or the commissioner's  
196 designee;

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

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

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

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

204 (16) The president of the Connecticut Police Chiefs Association, or

205 the president's designee;

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

209 (18) Two child or youth advocates, one of whom shall be appointed  
210 by one chairperson of the Juvenile Justice Policy and Oversight  
211 Committee, and one of whom shall be appointed by the other  
212 chairperson of the Juvenile Justice Policy and Oversight Committee;

213 (19) Two parents or parent advocates, at least one of whom is the  
214 parent of a child who has been involved with the juvenile justice  
215 system, one of whom shall be appointed by the minority leader of the  
216 House of Representatives, and one of whom shall be appointed by the  
217 minority leader of the Senate;

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

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

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

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

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

231 (e) Members of the committee shall serve without compensation,  
232 except for necessary expenses incurred in the performance of their  
233 duties.



234 (f) Not later than January 1, 2015, the committee shall report, in  
235 accordance with section 11-4a, to the joint standing committees of the  
236 General Assembly having cognizance of matters relating to  
237 appropriations, the judiciary, human services and children, and the  
238 Secretary of the Office of Policy and Management, regarding the  
239 following:

240 (1) Any statutory changes concerning the juvenile justice system  
241 that the committee recommends to (A) improve public safety; (B)  
242 promote the best interests of children and youths who are under the  
243 supervision, care or custody of the Commissioner of Children and  
244 Families or the Court Support Services Division of the Judicial  
245 Department; (C) improve transparency and accountability with respect  
246 to state-funded services for children and youths in the juvenile justice  
247 system with an emphasis on goals identified by the committee for  
248 community-based programs and facility-based interventions; and (D)  
249 promote the efficient sharing of information between the Department  
250 of Children and Families and the Judicial Department to ensure the  
251 regular collection and reporting of recidivism data and promote public  
252 welfare and public safety outcomes related to the juvenile justice  
253 system;

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

258 (3) Short-term goals to be met within six months, medium-term  
259 goals to be met within twelve months and long-term goals to be met  
260 within eighteen months, for the Juvenile Justice Policy and Oversight  
261 Committee and state agencies with responsibilities with respect to the  
262 juvenile justice system to meet, after considering existing relevant  
263 reports related to the juvenile justice system and any related state  
264 strategic plan;

265 (4) The impact of legislation that expanded the jurisdiction of the

266 juvenile court to include persons sixteen and seventeen years of age, as  
267 measured by the following:

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

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

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

275 (D) The gaps in services identified by the committee with respect to  
276 children and youths involved in the juvenile justice system, including,  
277 but not limited to, children and youths who have attained the age of  
278 eighteen after being involved in the juvenile justice system, and  
279 recommendations to address such gaps in services; and

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

283 (g) Not later than July 1, 2015, the committee shall report, in  
284 accordance with section 11-4a, to the joint standing committees of the  
285 General Assembly having cognizance of matters relating to  
286 appropriations, the judiciary, human services and children, and the  
287 Secretary of the Office of Policy and Management, regarding the  
288 following:

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

293 (2) An assessment of the system of community-based services for  
294 children and youths who are under the supervision, care or custody of  
295 the Commissioner of Children and Families or the Court Support

296 Services Division of the Judicial Department;

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

300 (4) An examination of how the state Department of Education and  
301 local boards of education, the Department of Children and Families,  
302 the Department of Mental Health and Addiction Services, the Court  
303 Support Services Division of the Judicial Department, and other  
304 appropriate agencies can work collaboratively through school-based  
305 efforts and other processes to reduce the number of children and  
306 youths who enter the juvenile justice system;

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

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

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

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

318 (h) The committee shall complete its duties under this section after  
319 consultation with one or more organizations that focus on relevant  
320 issues regarding children and youths, such as the University of New  
321 Haven and any of the university's institutes. The committee may  
322 accept administrative support and technical and research assistance  
323 from any such organization. The committee shall work in collaboration  
324 with any results first initiative implemented pursuant to section 2-111  
325 or any public or special act.

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

332 (j) The committee shall implement a strategic plan that integrates  
333 the short-term, medium-term and long-term goals identified pursuant  
334 to subdivision (3) of subsection (f) of this section. As part of the  
335 implementation of such plan, the committee shall collaborate with any  
336 state agency with responsibilities with respect to the juvenile justice  
337 system, including, but not limited to, the Departments of Education,  
338 Mental Health and Addiction Services, Correction and Children and  
339 Families and the Labor Department and Judicial Department, and  
340 municipal police departments. Not later than January 1, 2016, the  
341 committee shall report such plan, in accordance with section 11-4a, to  
342 the joint standing committees of the General Assembly having  
343 cognizance of matters relating to appropriations, the judiciary, human  
344 services and children, and the Secretary of the Office of Policy and  
345 Management, regarding progress toward the full implementation of  
346 such plan and any recommendations concerning the implementation  
347 of such identified goals by any state agency with responsibilities with  
348 respect to the juvenile justice system or municipal police departments.

349 (k) Not later than January 1, 2017, the committee shall submit a  
350 report, in accordance with section 11-4a, to the joint standing  
351 committees of the General Assembly having cognizance of matters  
352 relating to appropriations, the judiciary, human services and children  
353 and the Secretary of the Office of Policy and Management, regarding a  
354 plan that includes cost options for the development of a community-  
355 based diversion system. Such plan shall include recommendations to  
356 address issues concerning mental health and juvenile justice. The plan  
357 shall include recommendations regarding the following:

358 (1) Diversion of children who commit crimes, excluding serious

- 359 juvenile offenses, from the juvenile justice system;
- 360 (2) Identification of services that are evidence-based, trauma-  
361 informed and culturally and linguistically appropriate;
- 362 (3) Expansion of the capacity of juvenile review boards to accept  
363 referrals from municipal police departments and schools and  
364 implement restorative practices;
- 365 (4) Expansion of the provision of prevention, intervention and  
366 treatment services by youth service bureaus;
- 367 (5) Expansion of access to in-home and community-based services;
- 368 (6) Identification and expansion of services needed to support  
369 children who are truant or exhibiting behaviors defiant of school rules  
370 and enhance collaboration between school districts and community  
371 providers in order to best serve such children;
- 372 (7) Expansion of the use of memoranda of understanding pursuant  
373 to section 10-233m between local law enforcement agencies and local  
374 and regional boards of education;
- 375 (8) Expansion of the use of memoranda of understanding between  
376 local and regional boards of education and community providers for  
377 provision of community-based services;
- 378 (9) Recommendations to ensure that children in the juvenile justice  
379 system have access to a full range of community-based behavioral  
380 health services;
- 381 (10) Reinvestment of cost savings associated with reduced  
382 incarceration rates for children and increased accessibility to  
383 community-based behavioral health services;
- 384 (11) Reimbursement policies that incentivize providers to deliver  
385 evidence-based practices to children in the juvenile justice system;

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

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

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

395 (l) The committee shall establish a data working group to develop a  
396 plan for a data integration process to link data related to children  
397 across executive branch agencies, through the Office of Policy and  
398 Management's integrated data system, and the Judicial Department  
399 through the Court Support Services Division, for purposes of  
400 evaluation and assessment of programs, services and outcomes in the  
401 juvenile justice system. Membership of the working group shall  
402 include, but not be limited to, the Commissioners of Children and  
403 Families, Correction, Education and Mental Health and Addiction  
404 Services, or their designees; the Chief State's Attorney, or the Chief  
405 State's Attorney's designee; the Chief Public Defender, or the Chief  
406 Public Defender's designee; the Secretary of the Office of Policy and  
407 Management, or the secretary's designee; and the Chief Court  
408 Administrator of the Judicial Branch, or the Chief Court  
409 Administrator's designee. Such working group shall include persons  
410 with expertise in data development and research design. The plan shall  
411 include cost options and provisions to:

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

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

414 (3) Link the data maintained by executive branch agencies and the  
415 Judicial Department for the purposes of facilitating the sharing and  
416 analysis of data;

417 (4) Establish provisions for protecting confidential information and  
418 enforcing state and federal confidentiality protections and ensure  
419 compliance with related state and federal laws and regulations;

420 (5) Develop specific recommendations for the committee on the use  
421 of limited releases of client specific data sharing across systems,  
422 including with the Office of Policy and Management, the Division of  
423 Criminal Justice, the Departments of Children and Families, Education  
424 and Mental Health and Addiction Services, the Judicial Department  
425 and other agencies; and

426 (6) Develop a standard template for memoranda of understanding  
427 for data-sharing between executive branch agencies, the Judicial  
428 Department, and when necessary, researchers outside of state  
429 government.

430 (m) (1) The committee shall periodically request, receive and review  
431 information regarding conditions of confinement, including services  
432 available, for persons under eighteen years of age detained at the John  
433 R. Manson Youth Institution, Cheshire.

434 (2) Not later than October 1, 2018, the committee shall submit a  
435 report, in accordance with section 11-4a, to the joint standing  
436 committees of the General Assembly having cognizance of matters  
437 relating to appropriations, the judiciary, human services and children  
438 and the Secretary of the Office of Policy and Management on current  
439 conditions of confinement, including services available, for persons  
440 under eighteen years of age who are detained or incarcerated in  
441 correctional facilities, juvenile secure facilities and other out-of-home  
442 placements in the juvenile and criminal justice systems. The report  
443 shall include, but need not be limited to, a description of any gaps in  
444 services and the continued availability and utilization of mental health,  
445 education, rehabilitative and family engagement services.

446 (n) Not later than January 1, 2020, the committee shall submit a  
447 report, in accordance with section 11-4a, to the joint standing  
448 committees of the General Assembly having cognizance of matters

449 relating to appropriations, the judiciary, human services and children  
450 and the Secretary of the Office of Policy and Management regarding a  
451 juvenile justice reinvestment plan. The report shall include a study and  
452 make recommendations for the reinvestment of savings realized from  
453 the decreased use of incarceration and congregate care towards  
454 strategic investments in home-based, school-based and community-  
455 based behavioral health services and supports for children diverted  
456 from, or involved with, the juvenile justice system.

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

466 (p) Not later than January 1, 2019, and annually thereafter, all state  
467 agencies that detain or otherwise hold in custody a person under  
468 eighteen years of age involved with the juvenile justice or criminal  
469 justice system, or that contract for the housing of any person involved  
470 with the juvenile justice or criminal justice system under eighteen  
471 years of age, shall report to committee on compliance with the  
472 provisions of section 46b-121p. Such reports shall include indicia of  
473 compliance in both direct-run and contract facilities, and shall include  
474 data on all rearrests and uses of confinements and restraints for youth  
475 in justice system custody, as defined in section 10-253.

476 (q) Not later than July 1, 2018, the committee shall convene a  
477 subcommittee to develop a detailed plan concerning the overall  
478 coordination, oversight, supervision, and direction of all vocational  
479 and academic education services and programs for children in justice  
480 system custody, and the provision of education-related transitional  
481 support services for children returning to the community from justice



482 system custody. The subcommittee shall consist of:

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

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

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

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

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

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

493 (7) Three persons, who are experts with significant career  
494 experience in providing and coordinating education in justice-system  
495 settings and who are not employees of the state of Connecticut,  
496 designated by the chairpersons of the Juvenile Justice Oversight and  
497 Planning Committee; and

498 (8) Two persons representing the interests of students and families,  
499 one designated by the executive director of an organization in this  
500 state with the mission of stopping the criminalization of this state's  
501 children and one designated by the executive director of an  
502 organization in this state that advocates for legal rights for the most  
503 vulnerable children in this state.

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

506 (i) Identification of a single state agency and designation of a  
507 program manager within that agency who will be responsible for  
508 planning, coordination, oversight, supervision, quality control, legal  
509 compliance and allocation of relevant federal and state funds for

510 children in justice system custody;

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

517 (iii) An analysis of resources expended for educating children in  
518 justice system custody and for supporting educational success during  
519 transitions out of justice system custody, and recommendations for  
520 consolidating and reallocating resources towards the oversight,  
521 accountability, services and supports provided for in the plan  
522 pursuant to this subsection;

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

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

532 (I) A specialized school profile and performance report, to be  
533 produced annually for each school that serves children in justice  
534 system custody. The profiles and performance reports shall be  
535 consistent with other accountability systems required by law and shall  
536 include criteria and metrics tailored to measuring the quality of  
537 schools that serve children in justice system custody. Such metrics  
538 shall include, but need not be limited to: Student growth in reading  
539 and math; credit accumulation; modified graduation rates and high  
540 school equivalent passage rates; school attendance, defined as the  
541 percentage of children who are actually physically present in

542 classrooms for school and educational programs; the percentage of  
543 students pursuing a high school diploma, an industry-based  
544 certification, a recognized high school diploma equivalent, credits for  
545 advanced courses and post-secondary education programs;  
546 performance in educating children with exceptionalities, including  
547 identification of special education needs, the development of best-  
548 practices for individualized education programs and the provision of  
549 services and supports mandated by individualized education  
550 programs; student reenrollment in school or other educational or  
551 vocational training programs after leaving justice system custody;  
552 student success in post-release high school, post-secondary education,  
553 or job-training programs; and compliance with the protocols for  
554 support of educational transitions delineated in clause (vi) of this  
555 subparagraph;

556 (II) Identifying achievement benchmarks for each measurement of  
557 school quality;

558 (III) Written standards for educational quality for schools that serve  
559 children in custody;

560 (IV) A program for quality control and evaluation of schools serving  
561 children in custody. The program shall include, but need not be  
562 limited to, in-person observation and monitoring of each school  
563 serving children in justice system custody. The monitoring shall occur  
564 at least annually, and shall be conducted by experts in special  
565 education and education in justice-system settings;

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

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

572 (vi) Provisions for ensuring that the state-wide education system for

573 children in justice system custody includes:

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

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

582 (III) The engagement of professional reentry coordinators to support  
583 educational success in children returning to the community from  
584 justice system custody;

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

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

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

592 (III) Timelines for reenrollment and credit transfer;

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

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

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

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

602 (C) For purposes of this subsection: "Justice system custody" means  
603 justice system custody, as defined in section 10-253; "school" means  
604 any program or institution, or any project or unit thereof, that provides  
605 any academic or vocational education programming for any children  
606 in justice system custody; and "child" means child, as defined in  
607 section 10-253.

608 (r) The committee shall review methods other states employ to (1)  
609 transfer juvenile cases to the regular criminal docket, and (2) detain  
610 persons fifteen, sixteen and seventeen years of age whose cases are  
611 transferred to the regular criminal docket. Such review shall consider  
612 (A) the transfer of juvenile cases to the regular criminal docket and  
613 outcomes associated with such transfers, including the impact on  
614 public safety and the effectiveness in changing the behavior of  
615 juveniles, and (B) preadjudication and postadjudication detention and  
616 include an examination of organizational and programmatic  
617 alternatives. The committee shall, in accordance with the provisions of  
618 section 11-4a, not later than January 1, 2020, report such review  
619 including a plan for implementation not later than July 1, 2021, of any  
620 recommended changes, including cost options where appropriate to  
621 the committee of the General Assembly having cognizance of matters  
622 relating to the judiciary.

623 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than July 1, 2020,  
624 the Commissioner of Correction and the executive director of the  
625 Court Support Services Division of the Judicial Department, in  
626 consultation with the Commissioner of Children and Families, shall  
627 develop a policy of best practices in juvenile detention centers and  
628 correctional facilities where persons ages seventeen years and under  
629 are detained. Such practices shall address:

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

633 (2) Negative impacts of solitary confinement;

634 (3) Harmful effects of using chemical agents and prone restraints on  
635 detained persons, including limiting and documenting the use of such  
636 chemical agents and limiting the use of prone restraints on such  
637 persons; and

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

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

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

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

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

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

667 (2) Uses of force against and the imposition of physical isolation of  
668 persons detained in juvenile detention centers and correctional  
669 facilities where persons ages seventeen years and under are detained  
670 under said commissioner's or executive director's control or oversight;  
671 and

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

676 Sec. 4. (NEW) (*Effective July 1, 2020*) Not later than August 1, 2020, and  
677 monthly thereafter, the Commissioner of Correction and the executive  
678 director of the Court Support Services Division of the Judicial Department  
679 shall report to the Juvenile Justice Policy and Oversight Committee  
680 established pursuant to section 46b-121n of the general statutes, as  
681 amended by this act, each instance, if any, of use of chemical agents or  
682 prone restraints on any person ages seventeen years of age or younger  
683 detained in any facility operated or overseen by said commissioner or  
684 executive director.

685 Sec. 5. Section 18-81cc of the general statutes is repealed and the  
686 following is substituted in lieu thereof (*Effective July 1, 2020*):

687 (a) Any agency of the state or any political subdivision of the state  
688 that incarcerates or detains adult or juvenile offenders, including  
689 persons detained for immigration violations, shall, within available  
690 appropriations, adopt and comply with the applicable standards  
691 recommended by the National Prison Rape Elimination Commission  
692 for the prevention, detection and monitoring of, and response to,  
693 sexual abuse in adult prisons and jails, community correctional  
694 centers, juvenile facilities and lockups.

- 695 (b) Such standards include, but are not limited to:
- 696 (1) Zero tolerance of sexual abuse;
- 697 (2) Contracting with other entities for the confinement of inmates or  
698 detainees;
- 699 (3) Inmate or detainee supervision;
- 700 (4) Heightened protection for vulnerable detainees;
- 701 (5) Limits to cross-gender viewing and searches;
- 702 (6) Accommodating inmates or detainees with special needs;
- 703 (7) Hiring and promotion decisions;
- 704 (8) Assessment and use of monitoring technology;
- 705 (9) Evidence protocol and forensic medical examinations;
- 706 (10) Agreements with outside public entities and community service  
707 providers;
- 708 (11) Agreements with outside law enforcement agencies;
- 709 (12) Agreements with the prosecuting authority;
- 710 (13) Employee training;
- 711 (14) Volunteer and contractor training;
- 712 (15) Inmate education;
- 713 (16) Detainee, attorney, contractor and inmate worker notification of  
714 agency's zero-tolerance policy;
- 715 (17) Specialized training: Investigations;
- 716 (18) Specialized training: Medical and mental health care;



- 717 (19) Screening for risk of victimization and abusiveness;
- 718 (20) Use of screening information;
- 719 (21) Inmate or detainee reporting;
- 720 (22) Exhaustion of administrative remedies;
- 721 (23) Inmate access to outside confidential support services or legal  
722 representation;
- 723 (24) Third-party reporting;
- 724 (25) Staff and facility or agency head reporting duties;
- 725 (26) Reporting to other confinement facilities;
- 726 (27) Staff first responder duties;
- 727 (28) Coordinated response;
- 728 (29) Agency protection against retaliation;
- 729 (30) Duty to investigate;
- 730 (31) Criminal and administrative agency investigations;
- 731 (32) Evidence standard for administrative investigations;
- 732 (33) Disciplinary sanctions for staff;
- 733 (34) Disciplinary sanctions for inmates;
- 734 (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 735 (36) Medical and mental health screenings: History of sexual abuse;
- 736 (37) Access to emergency medical and mental health services;
- 737 (38) Ongoing medical and mental health care for sexual abuse  
738 victims and abusers;

- 739 (39) Sexual abuse incident reviews;
- 740 (40) Data collection;
- 741 (41) Data review for corrective action;
- 742 (42) Data storage, publication, and destruction; and
- 743 (43) Audits of standards.

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

750 Sec. 6. Section 17a-101 of the general statutes is repealed and the  
751 following is substituted in lieu thereof (*Effective July 1, 2020*):

752 (a) The public policy of this state is: To protect children whose  
753 health and welfare may be adversely affected through injury and  
754 neglect; to strengthen the family and to make the home safe for  
755 children by enhancing the parental capacity for good child care; to  
756 provide a temporary or permanent nurturing and safe environment for  
757 children when necessary; and for these purposes to require the  
758 reporting of suspected child abuse or neglect, investigation of such  
759 reports by a social agency, and provision of services, where needed, to  
760 such child and family.

761 (b) The following persons shall be mandated reporters: (1) Any  
762 physician or surgeon licensed under the provisions of chapter 370, (2)  
763 any resident physician or intern in any hospital in this state, whether  
764 or not so licensed, (3) any registered nurse, (4) any licensed practical  
765 nurse, (5) any medical examiner, (6) any dentist, (7) any dental  
766 hygienist, (8) any psychologist, (9) any school employee, as defined in  
767 section 53a-65, (10) any social worker, (11) any person who holds or is  
768 issued a coaching permit by the State Board of Education, is a coach of

769 intramural or interscholastic athletics and is eighteen years of age or  
770 older, (12) any individual who is employed as a coach or director of  
771 youth athletics and is eighteen years of age or older, (13) any  
772 individual who is employed as a coach or director of a private youth  
773 sports organization, league or team and is eighteen years of age or  
774 older, (14) any paid administrator, faculty, staff, athletic director,  
775 athletic coach or athletic trainer employed by a public or private  
776 institution of higher education who is eighteen years of age or older,  
777 excluding student employees, (15) any police officer, (16) any juvenile  
778 or adult probation officer, (17) any juvenile or adult parole officer, (18)  
779 any member of the clergy, (19) any pharmacist, (20) any physical  
780 therapist, (21) any optometrist, (22) any chiropractor, (23) any  
781 podiatrist, (24) any mental health professional, (25) any physician  
782 assistant, (26) any person who is a licensed or certified emergency  
783 medical services provider, (27) any person who is a licensed or  
784 certified alcohol and drug counselor, (28) any person who is a licensed  
785 marital and family therapist, (29) any person who is a sexual assault  
786 counselor or a domestic violence counselor, as defined in section 52-  
787 146k, (30) any person who is a licensed professional counselor, (31) any  
788 person who is a licensed foster parent, (32) any person paid to care for  
789 a child in any public or private facility, child care center, group child  
790 care home or family child care home licensed by the state, (33) any  
791 employee of the Department of Children and Families, (34) any  
792 employee of the Department of Public Health, (35) any employee of the  
793 Office of Early Childhood who is responsible for the licensing of child  
794 care centers, group child care homes, family child care homes or youth  
795 camps, (36) any paid youth camp director or assistant director, (37) the  
796 Child Advocate and any employee of the Office of the Child Advocate,  
797 (38) any person who is a licensed behavior analyst, [and] (39) any  
798 family relations counselor, family relations counselor trainee or family  
799 services supervisor employed by the Judicial Department, and (40) any  
800 person employed, including any person employed under contract and  
801 any independent ombudsperson, to work at a juvenile detention  
802 facility or any other facility where children under eighteen years of age  
803 are detained and who has direct contact with children as part of such

804 employment.

805 (c) The Commissioner of Children and Families shall develop an  
806 educational training program and refresher training program for the  
807 accurate and prompt identification and reporting of child abuse and  
808 neglect. Such training program and refresher training program shall be  
809 made available to all persons mandated to report child abuse and  
810 neglect at various times and locations throughout the state as  
811 determined by the Commissioner of Children and Families. Such  
812 training program and refresher training program shall be provided in  
813 accordance with the provisions of subsection (g) of section 17a-101i to  
814 each school employee, as defined in section 53a-65, within available  
815 appropriations.

816 (d) On or before October 1, 2011, the Department of Children and  
817 Families, in consultation with the Department of Education, shall  
818 develop a model mandated reporting policy for use by local and  
819 regional boards of education. Such policy shall state applicable state  
820 law regarding mandated reporting and any relevant information that  
821 may assist school districts in the performance of mandated reporting.  
822 Such policy shall include, but not be limited to, the following  
823 information: (1) Those persons employed by the local or regional board  
824 of education who are required pursuant to this section to be mandated  
825 reporters, (2) the type of information that is to be reported, (3) the time  
826 frame for both written and verbal mandated reports, (4) a statement  
827 that the school district may conduct its own investigation into an  
828 allegation of abuse or neglect by a school employee, provided such  
829 investigation does not impede an investigation by the Department of  
830 Children and Families, and (5) a statement that retaliation against  
831 mandated reporters is prohibited. Such policy shall be updated and  
832 revised as necessary.

833 Sec. 7. (NEW) (*Effective July 1, 2020*) (a) For purposes of this section,  
834 "independent ombudsperson services" includes (1) the receipt of  
835 complaints by the ombudsperson from persons detained in juvenile  
836 detention centers and correctional facilities where persons ages

837 seventeen years and under are detained and the parent or guardian of  
838 any such person regarding decisions, actions and omissions, policies,  
839 procedures, rules and regulations of the center or facility, (2) touring  
840 each such center or facility, (3) investigating such complaints,  
841 rendering a decision on the merits of each complaint and  
842 communicating the decision to the complainant, (4) recommending to  
843 the head of the agency that operates or oversees such center or facility  
844 a resolution of any complaint found to have merit, and (5)  
845 recommending policy revisions to the head of such center or facility.

846 (b) The Commissioner of Correction and the executive director of  
847 the Court Support Services Division of the Judicial Department shall  
848 ensure that independent ombudsperson services are provided and  
849 available at any juvenile detention center or correctional facility where  
850 persons ages seventeen years and under are detained that any such  
851 agency operates or oversees.

852 Sec. 8. Subdivision (3) of section 46b-120 of the general statutes, as  
853 amended by section 146 of public act 17-2 of the June special session  
854 and section 26 of public act 18-31, is repealed and the following is  
855 substituted in lieu thereof (*Effective July 1, 2019*):

856 (3) "Family with service needs" means a family that includes a child  
857 who is at least seven years of age and is under eighteen years of age  
858 who, according to a petition lawfully filed on or before June 30, [2019]  
859 2020, (A) has without just cause run away from the parental home or  
860 other properly authorized and lawful place of abode, (B) is beyond the  
861 control of the child's parent, parents, guardian or other custodian, (C)  
862 has engaged in indecent or immoral conduct, or (D) is thirteen years of  
863 age or older and has engaged in sexual intercourse with another  
864 person and such other person is thirteen years of age or older and not  
865 more than two years older or younger than such child;

866 Sec. 9. Subsection (a) of section 46b-149 of the general statutes, as  
867 amended by section 145 of public act 17-2 of the June special session, is  
868 repealed and the following is substituted in lieu thereof (*Effective July*

869 1, 2019):

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

874 Sec. 10. Subsections (a) and (b) of section 46b-149f of the general  
875 statutes, as amended by section 148 of public act 17-2 of the June  
876 special session, are repealed and the following is substituted in lieu  
877 thereof (*Effective July 1, 2019*):

878 (a) When a child who has been adjudicated as a child from a family  
879 with service needs pursuant to a petition filed on or before June 30,  
880 [2019] 2020, in accordance with section 46b-149, as amended by this  
881 act, violates any valid order which regulates future conduct of the  
882 child made by the court following such an adjudication, a probation  
883 officer, on receipt of a complaint setting forth facts alleging such a  
884 violation, or on the probation officer's own motion on the basis of his  
885 or her knowledge of such a violation, may file a petition with the court  
886 alleging that the child has violated a valid court order and setting forth  
887 the facts claimed to constitute such a violation. Service shall be made  
888 in the same manner as set forth for a summons in subsection (c) of  
889 section 46b-149. The child shall be entitled to representation by counsel  
890 and an evidentiary hearing on the allegations contained in the petition.  
891 If the court finds, by clear and convincing evidence, that the child has  
892 violated a valid court order, the court may (1) order the child to remain  
893 in such child's home or in the custody of a relative or any other  
894 suitable person, subject to the supervision of a probation officer or an  
895 existing commitment to the Commissioner of Children and Families,  
896 (2) upon a finding that there is no less restrictive alternative  
897 appropriate to the needs of the child and the community, enter an  
898 order that directs or authorizes a peace officer or other appropriate  
899 person to place the child in a staff-secure facility under the auspices of  
900 the Court Support Services Division for a period not to exceed forty-  
901 five days, with court review every fifteen days to consider whether

902 continued placement is appropriate, at the end of which period the  
903 child shall be returned to the community and may be subject to the  
904 supervision of a probation officer, or (3) order that the child be  
905 committed to the care and custody of the Commissioner of Children  
906 and Families for a period not to exceed eighteen months and that the  
907 child cooperate in such care and custody.

908 (b) When a child who has been adjudicated as a child from a family  
909 with service needs pursuant to a petition filed on or before June 30,  
910 [2019] 2020, in accordance with section 46b-149, as amended by this  
911 act, is under an order of supervision or an order of commitment to the  
912 Commissioner of Children and Families and believed to be in  
913 imminent risk of physical harm from the child's surroundings or other  
914 circumstances, a probation officer, on receipt of a complaint setting  
915 forth facts alleging such risk, or on the probation officer's own motion  
916 on the basis of his or her knowledge of such risk, may file a petition  
917 with the court alleging that the child is in imminent risk of physical  
918 harm and setting forth the facts claimed to constitute such risk. Service  
919 shall be made in the same manner as set forth for a summons in  
920 subsection (c) of section 46b-149. If it appears from the specific  
921 allegations of the petition and other verified affirmations of fact  
922 accompanying the petition, or subsequent thereto, that there is  
923 probable cause to believe that (1) the child is in imminent risk of  
924 physical harm from the child's surroundings, (2) as a result of such  
925 condition, the child's safety is endangered and immediate removal  
926 from such surroundings is necessary to ensure the child's safety, and  
927 (3) there is no less restrictive alternative available, the court shall enter  
928 an order that directs or authorizes a peace officer or other appropriate  
929 person to place the child in a staff-secure facility under the auspices of  
930 the Court Support Services Division for a period not to exceed forty-  
931 five days, subject to subsection (c) of this section, with court review  
932 every fifteen days to consider whether continued placement is  
933 appropriate, at the end of which period the child shall either be (A)  
934 returned to the community for appropriate services, subject to the  
935 supervision of a probation officer or an existing commitment to the

936 Commissioner of Children and Families, or (B) committed to the  
 937 Department of Children and Families for a period not to exceed  
 938 eighteen months if a hearing has been held and the court has found,  
 939 based on clear and convincing evidence, that (i) the child is in  
 940 imminent risk of physical harm from the child's surroundings, (ii) as a  
 941 result of such condition, the child's safety is endangered and removal  
 942 from such surroundings is necessary to ensure the child's safety, and  
 943 (iii) there is no less restrictive alternative available. Any such child  
 944 shall be entitled to the same procedural protections as are afforded to a  
 945 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>October 1, 2019</i>	46b-121n
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2020</i>	New section
Sec. 5	<i>July 1, 2020</i>	18-81cc
Sec. 6	<i>July 1, 2020</i>	17a-101
Sec. 7	<i>July 1, 2020</i>	New section
Sec. 8	<i>July 1, 2019</i>	46b-120(3)
Sec. 9	<i>July 1, 2019</i>	46b-149(a)
Sec. 10	<i>July 1, 2019</i>	46b-149f(a) and (b)



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 \$
Correction, Dept.	GF - Cost	None	77,172
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	None	31,787

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Department of Correction 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 Ombudsman.

House "A" removes provisions of the bill that prohibits youths under 18 years of age from the custody of the Department of Correction and eliminates both the cost of \$18 million in FY 22 to the Judicial Department and savings of \$103,000 to the DOC. The amendment makes additional procedural changes that do not result in a fiscal impact.

**The Out Years**

The impact described above will continue into the future subject to inflation.

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<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.

**OLR Bill Analysis****sHB 7389 (as amended by House "A")\******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. allows the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced (§ 1);
2. generally makes the proceedings and records of cases transferred from juvenile to adult court confidential (§ 1);
3. requires the Department of Correction (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 younger than age 18 are detained and makes these ombudspersons and certain other facility employees mandated reporters of child abuse and neglect (§§ 6 & 7);
4. requires the Juvenile Justice Policy and Oversight Council (JJPOC) to (a) review methods other states use to detain and transfer children ages 15 to 17 from juvenile to adult court and (b) devise a plan to implement changes in Connecticut by July 1, 2021 (§ 2);
5. requires the DOC commissioner and CSSD executive director to develop best practices in juvenile detention centers and

correctional facilities where individuals age 17 and younger are detained and provide monthly reports to JJPOC on each instance when chemical agents or prone restraints were used on detained children (§§ 3 & 4);

6. requires an official from state agencies and municipalities that detain juvenile offenders to certify that 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 (§ 5); and
7. 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 (§§ 8-10).

\*House Amendment "A" (1) removes provisions in the original bill that prohibited the detention or incarceration of minors in a DOC correctional facility, (2) allows victims to obtain records of juveniles who are transferred to the adult criminal docket in certain circumstances, (3) specifies that the original bill's designation of juvenile detention facility employees as mandated reporters applies only to those employees who have direct contact with children as part of their employment, and (4) makes other minor and technical changes.

EFFECTIVE DATE: Various, see below

## **§ 1 — TRANSFERRED CASES**

### ***Return to Juvenile Court***

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 occur only 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. It subjects such returns to existing law's requirements for returns of discretionary transfers (i.e., the return must be for good cause shown and done before the court or jury renders a verdict or the defendant pleads guilty).

### ***Confidentiality***

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 generally 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.

The bill makes an exception to these confidentiality requirements for victims of such crimes. It allows victims to access the records or any part of them to the same extent that a victim may access the records of an adult defendant in a criminal proceeding. In such circumstances, the court must designate an official from whom the victim may request the records. Any such records disclosed under the bill to a victim may not be further disclosed.

EFFECTIVE DATE: October 1, 2019

### **§§ 6 & 7 — 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 younger 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 who (1) is employed or contracted at juvenile detention facilities or other facilities where children younger than age 18 are detained and (2) has direct contact with children as part of such employment.

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 younger than 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

### **§ 2 — 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

### **§§ 3 & 4 — 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 bill also requires the DOC commissioner and CSSD executive director to 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 younger 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 younger who is detained in such a facility.

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

### **§ 5 — 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

### **§§ 8-10 — 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)

#### Appropriations Committee

Joint Favorable

Yea 36 Nay 8 (05/13/2019)