



General Assembly

Amendment

January Session, 2021

LCO No. 9720



Offered by:

REP. PERILLO, 113th Dist.
REP. CARPINO, 32nd Dist.
REP. NUCCIO, 53rd Dist.
REP. CARNEY, 23rd Dist.
REP. GREEN, 55th Dist.
REP. CHEESEMAN, 37th Dist.

REP. RUTIGLIANO, 123rd Dist.
REP. PETIT, 22nd Dist.
REP. PAVALOCK-D'AMATO, 77th Dist.
REP. CALLAHAN, 108th Dist.
REP. SCOTT, 112th Dist.
REP. KENNEDY, 119th Dist.

To: Subst. Senate Bill No. 2

File No. 246

Cal. No. 454

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING SOCIAL EQUITY AND THE HEALTH, SAFETY AND EDUCATION OF CHILDREN."

1 Strike section 23 in its entirety and insert the following in lieu thereof:

2 "Sec. 23. Section 17a-103d of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective July 1, 2021*):

4 (a) Upon receiving a complaint of abuse or neglect of a child or as
5 part of any investigation conducted with family support services in
6 accordance with the provisions of subsection (b) of section 46b-6, as
7 amended by this act, the Department of Children and Families shall, at
8 the time of any initial face-to-face contact with the child's parent or
9 guardian on or after October 1, [2011] 2021, provide the parent or

10 guardian with (1) written notice, in plain language, that: [(1)] (A) The
11 parent or guardian is not required to permit the representative of the
12 department to enter the residence of the parent or guardian; [(2)] (B) the
13 parent or guardian is not required to speak with the representative of
14 the department at that time; [(3)] (C) the parent or guardian is entitled
15 to seek the representation of an attorney and to have an attorney present
16 when the parent or guardian is questioned by a representative of the
17 department, including at any meeting conducted to determine whether
18 the parent or guardian's child should be removed from the home; [(4)]
19 (D) any statement made by the parent, guardian or other family member
20 may be used against the parent or guardian in an administrative or court
21 proceeding; [(5)] (E) the representative of the department is not an
22 attorney and cannot provide legal advice to the parent or guardian; [(6)]
23 (F) the parent or guardian is not required to sign any document
24 presented by the representative of the department, including, but not
25 limited to, a release of claims or a service agreement, and is entitled to
26 have an attorney review such document before agreeing to sign the
27 document; and [(7)] (G) a failure of the parent or guardian to
28 communicate with a representative of the department may have serious
29 consequences, which may include the department's filing of a petition
30 for the removal of the child from the home of the parent or guardian,
31 and therefore it is in the parent's or guardian's best interest to either
32 speak with the representative of the department or immediately seek
33 the advice of a qualified attorney; and (2) a list of providers of free and
34 low-cost legal services through which the parent or guardian may
35 obtain legal advice.

36 (b) The department shall make reasonable efforts to ensure that the
37 notice and list provided to a parent or guardian pursuant to this section
38 [is] are written in a manner that will be understood by the parent or
39 guardian, which reasonable efforts shall include, but not be limited to,
40 ensuring that the notice [is] and list are written in a language
41 understood by the parent or guardian.

42 (c) The representative of the department shall request the parent or
43 guardian to sign and date the notice described in subsection (a) of this

44 section as evidence of having received the notice and list. If the parent
45 or guardian refuses to sign and date the notice upon such request, the
46 representative of the department shall specifically indicate on the notice
47 that the parent or guardian was requested to sign and date the notice
48 and refused to do so and the representative of the department shall sign
49 the notice as witness to the parent's or guardian's refusal to sign the
50 notice. The department shall provide the parent or guardian with a copy
51 of the signed notice at the time of the department's initial face-to-face
52 contact with the parent or guardian."

53 After the last section, add the following and renumber sections and
54 internal references accordingly:

55 "Sec. 501. Section 46b-6 of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective July 1, 2021*):

57 (a) In any pending family relations matter the court or any judge may
58 cause an investigation to be made with respect to any circumstance of
59 the matter which may be helpful or material or relevant to a proper
60 disposition of the case. Such investigation may include an examination
61 of the parentage and surroundings of any child, his or her age, habits
62 and history, inquiry into the home conditions, habits and character of
63 his or her parents or guardians and evaluation of his or her mental or
64 physical condition. In any action for dissolution of marriage, legal
65 separation or annulment of marriage such investigation may include an
66 examination into the age, habits and history of the parties, the causes of
67 marital discord and the financial ability of the parties to furnish support
68 to either spouse or any dependent child.

69 (b) In any pending juvenile matter under chapter 815t in which the
70 juvenile has previously been adjudicated as delinquent for or convicted
71 of or pled guilty or nolo contendere to a felony offense and is charged
72 with (1) commission of a larceny under subdivision (3) of subsection (a)
73 of section 53a-122, subdivision (1) of subsection (a) of section 53a-123 or
74 subdivision (1) of subsection (a) of section 53a-124, (2) stealing a firearm
75 under section 53a-212, or (3) the commission of a violent offense,

76 including any offense committed with or involving the use of a deadly
77 weapon, as defined in section 53a-3, or a violation of section 53a-136a,
78 the court or any judge may cause an investigation by family support
79 services and the Department of Children and Families to be made with
80 respect to any circumstance of the matter which may be helpful or
81 material or relevant to a proper disposition of the case. Such
82 investigation may include an examination of the parentage and
83 surroundings of any child, his or her age, habits and history, inquiry
84 into the home conditions, habits and character of his or her parents or
85 guardians and evaluation of his or her mental or physical condition. The
86 Department of Children and Families shall provide written notice to the
87 parent or guardian of any child subject to such juvenile matter in
88 accordance with the provisions of section 17a-103d, as amended by this
89 act.

90 Sec. 502. Subsection (e) of section 46b-133 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective October*
92 *1, 2021*):

93 (e) When a child is arrested for the commission of a delinquent act
94 and is placed in detention pursuant to subsection (c) of this section, such
95 child may be detained pending a hearing which shall be held on the
96 business day next following the child's arrest. No child may be detained
97 after such hearing unless the court determines, based on the available
98 facts, that (1) there is probable cause to believe that the child has
99 committed the acts alleged, (2) there is no less restrictive alternative
100 available, and (3) through the use of the detention risk screening
101 instrument developed pursuant to section 46b-133g, that there is (A)
102 probable cause to believe that the level of risk the child poses to public
103 safety if released to the community prior to the court hearing or
104 disposition cannot be managed in a less restrictive setting; (B) a need to
105 hold the child in order to ensure the child's appearance before the court
106 or compliance with court process, as demonstrated by the child's
107 previous failure to respond to the court process, or (C) a need to hold
108 the child for another jurisdiction. Such probable cause may be shown by
109 sworn affidavit in lieu of testimony. No child shall be released from

110 detention who is alleged to have committed a serious juvenile offense
111 except by order of a judge of the Superior Court. The court may, in its
112 discretion, consider as an alternative to detention a suspended detention
113 order with graduated sanctions to be imposed based on the detention
114 risk screening for such child, using the instrument developed pursuant
115 to section 46b-133g. Any child confined in a community correctional
116 center or lockup shall be held in an area separate and apart from any
117 adult detainee, except in the case of a nursing infant, and no child shall
118 at any time be held in solitary confinement. [or held for a period that
119 exceeds six hours.] When a female child is held in custody, she shall, as
120 far as possible, be in the charge of a woman attendant.

121 Sec. 503. Subsection (k) of section 46b-133 of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective October*
123 *1, 2021*):

124 (k) For purposes of subsections (c) and (e) of this section, a child may
125 be determined to pose a risk to public safety if such child (1) has
126 previously been adjudicated as delinquent for or convicted of or pled
127 guilty or nolo contendere to two or more felony offenses, (2) has had
128 [two] one or more prior dispositions of probation and is charged with
129 commission of a larceny under subdivision (3) of subsection (a) of
130 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or
131 subdivision (1) of subsection (a) of section 53a-124, or (3) is charged with
132 stealing a firearm under section 53a-212, the commission of a violent
133 offense, including any offense committed with or involving the use of a
134 deadly weapon, as defined in section 53a-3, or a violation of section 53a-
135 136a.

136 Sec. 504. (NEW) (*Effective October 1, 2021*) (a) The court shall order any
137 child, as defined in section 46b-120 of the general statutes, who is
138 charged with a delinquency offense involving a motor vehicle, as
139 defined in section 46b-133j of the general statutes, for which such child
140 is not yet adjudicated as delinquent, who, during the pendency of a
141 delinquency proceeding, is charged with a subsequent delinquency
142 offense involving a motor vehicle, to be released to the custody of the

143 child's parent or parents, guardian or some other suitable person subject
 144 to the condition that the child not leave such parent, guardian or suitable
 145 person's residence unless otherwise authorized by the court until each
 146 such delinquency proceeding is disposed of.

147 (b) If any such child who is released to the custody of such child's
 148 parent or parents or guardian pursuant to the provisions of subsection
 149 (a) of this section is charged with any violation of such child's conditions
 150 of release, the court shall find such child to pose a risk to public safety
 151 and shall issue an order to detain the child in a detention center
 152 pursuant to subsection (i) of section 46b-133 of the general statutes until
 153 each delinquency proceeding for any such violation described in this
 154 section is disposed of."

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

Sec. 23	<i>July 1, 2021</i>	17a-103d
Sec. 501	<i>July 1, 2021</i>	46b-6
Sec. 502	<i>October 1, 2021</i>	46b-133(e)
Sec. 503	<i>October 1, 2021</i>	46b-133(k)
Sec. 504	<i>October 1, 2021</i>	New section