

Committee on Children JOINT FAVORABLE REPORT

Bill No.: SB-1048

AN ACT ESTABLISHING AN AFFIRMATIVE DEFENSE TO A MISDEMEANOR

Title: CONCERNING THE SUPERVISION OF CHILDREN.

Vote Date: 3/2/2023

Vote Action: Joint Favorable Substitute

PH Date: 2/21/2023

File No.:

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SPONSORS OF BILL:

Committee on Children.

REASONS FOR BILL:

The bill establishes an affirmative defense to a misdemeanor concerning the supervision of children under 12 years of age. This gives legal representation to parents who may supervise their children differently than others.

JFS Language (LCO 5307) – A child may be found "neglected" if they are being denied necessary care that presents an obvious danger which the person who is responsible for such child's health or well-being is willfully or recklessly disregarded. Adds Section 2 which defines more specifically the circumstances by which a child under 16 is endangered and the penalties that would be imposed.

RESPONSE FROM ADMINISTRATION/AGENCY:

Dept. of Children and Families, Ms. Vannessa Dorantes, Commissioner, offered testimony in support of this legislation. They support efforts to allow parents to appropriately permit children to be in public locations without direct parental supervision.

Office of the Chief Public Defender, Ms. Deborah Del Prete Sullivan, Legal Counsel, are in support of this bill. Raising an affirmative defense places the burden on the defendant to demonstrate that they were justified or had a reason for committing the conduct. Under current law only the age of the child is relevant. Being able to raise an affirmative defense at trial presents evidence for the court to consider that explains the defendant's reasoning based upon other factors beyond the child's age.

NATURE AND SOURCES OF SUPPORT:

Wilton Free Play Task force School Committee/ Wilton Youth Council, Ms. Rosalie Will, Co-Chair, support the concept of the bill, but they are opposed to the original language. The bill makes parents must prove that they were reasonable, and it relieves the prosecutors of their burden to prove any criminal wrongdoing. While they want the bill to pass, they want to be sure it is beneficial in a positive manner and does not create additional burdens on parents or guardians.

NATURE AND SOURCES OF OPPOSITION:

Let Grow, Ms. Diane Redleaf, Legal Consultant, are opposed to the bill as currently written. The language, although well intended, puts the burden of proof on a parent to defend a decision in giving the child independence rather than on the prosecution. They feel that as written it would potentially sweep more parents into a punitive criminal system. In their testimony they included several potential changes and amendments which would improve the bill.

Wilton Free Play Matters, Ms. Vanessa Elias, Co-Founder, is grateful that the proposal was brought forward but she is opposed to the language of the bill as it now stands. As it is now written the bill relieves the prosecution of it burden to prove that the parent committed criminal wrongdoing and instead makes parents and guardians must prove that they were reasonable.

Reported by: Richard Ferrari, Assist. Clerk

Date: 3/9/23