

STATE OF CONNECTICUT
SUPERIOR COURT
FOR JUVENILE MATTERS



CHAMBERS OF
BERNADETTE CONWAY
CHIEF ADMINISTRATIVE JUDGE
JUVENILE MATTERS

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December 2, 2020


Justice Andrew J. McDonald
Chairman, Rules Committee of the Superior Court
Supreme Court
231 Capitol Avenue
Hartford, CT 06106

Dear Justice McDonald:

Attached hereto for consideration of the Rules Committee are revisions to numerous Practice Book Rules which are consistent with Public Act 19-187. The Public Act eliminated family with service needs filings as of July 1, 2020, therefore, all references to such proceedings are removed from these Rules.

I respectfully request that you place these revisions to the Practice Book Rules on the next Rules Committee Agenda. Please let me know if I can answer any questions that you may have concerning this request.

Respectfully,


Bernadette Conway,
Chief Administrative Judge,
Juvenile Matters

BC/bam

Enc.

cc: Hon. Patrick L. Carroll III, Chief Court Administrator
Hon. Elizabeth A. Bozzuto, Deputy Chief Court Administrator
Joseph J. DelCiampo, Counsel to the Rules Committee

Sec. 26-1. Definitions Applicable to Proceedings on Juvenile Matters

In these definitions and in the rules of practice and procedure on juvenile matters, the singular shall include the plural and the plural, the singular where appropriate.

(a) The definitions of the terms "child," "abused," "delinquent," "delinquent act," "neglected," "uncared for," "alcohol-dependent," ["family with service needs,"] "drug-dependent," "serious juvenile offense," "serious juvenile offender," "serious juvenile repeat offender," "predispositional study," and "risk and needs assessment" shall be as set forth in General Statutes § 46b-120. The definition of "victim" shall be as set forth in General Statutes § 46b-122.

(b) "Commitment" means an order of the judicial authority whereby custody and/or guardianship of a child are transferred to the Commissioner of the Department of Children and Families.

(c) "Complaint" means a written allegation or statement presented to the judicial authority that a child's conduct as a delinquent [or situation as a child from a family with service needs] brings the child within the jurisdiction of the judicial authority as prescribed by General Statutes § 46b-121.

(d) "Detention" means a secure building or staff secure facility for the temporary care of a child who is the subject of a delinquency complaint.

[(e) "Family support center" means a community- based service center for children and families involved with a complaint that has been filed with the Superior Court under General Statutes § 46b-149, that provides multiple services, or access to such services, for the purpose of preventing such children and families from having further involvement with the court as families with service needs.]

(f) "Guardian" means a person who has a judicially created relationship with a child, which is intended to be permanent and self-sustaining, as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person and decision making.

(g) "Hearing" means an activity of the court on the record in the presence of a judicial authority and shall include (1) "Adjudicatory hearing": A court hearing to determine the validity of the facts alleged in a petition or information to establish thereby the judicial authority's jurisdiction to decide the matter which is the subject of the petition or information; (2) "Contested hearing on an order of temporary custody" means a hearing on an ex parte order of temporary custody or an order to appear which is held not later than ten days from the day of a preliminary hearing on such orders. Contested hearings shall be held on consecutive days except for compelling circumstances or at the request of the respondent; (3) "Dispositive hearing": The judicial authority's jurisdiction to adjudicate the matter which is the subject of the petition or information having been established, a court hearing in which the judicial authority, after considering the social study or predispositional study and the total circumstances of the child, orders whatever action is in the best interests of the child or family and, where applicable, the community. In the discretion of the judicial authority, evidence concerning adjudication and disposition may be presented in a single hearing; (4) "Preliminary hearing" means a hearing on an ex parte order of temporary custody or an order to appear or the first hearing on a petition alleging that a child is uncared for, abused, or neglected. A preliminary hearing on any ex parte custody order or order to appear shall be held not

later than ten days from the issuance of the order; (5) "Plea hearing" is a hearing at which (A) a parent or guardian who is a named respondent in a neglect, uncared for or dependency petition, upon being advised of his or her rights, admits, denies, or pleads nolo contendere to allegations contained in the petition; or (B) a child who is a named respondent in a delinquency petition or information enters a plea of not guilty, guilty, or nolo contendere upon being advised of the charges against him or her contained in the information or petition, [or a hearing at which a child who is a named respondent in a family with service needs petition admits or denies the allegations contained in the petition upon being advised of the allegations;] (6) "Probation status review hearing" means a hearing requested, ex parte, by a probation officer regardless of whether a new offense or violation has been filed. The court may grant the ex parte request, in the best interest of the child or the public, and convene a hearing on the request within seven days.

COMMENTARY: Public Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 27-9. Family with Service Needs Referrals

(a) Any complaint alleging that a child is from a family with service needs shall be referred to a probation officer, who shall determine its sufficiency as a family with service needs complaint. If the probation officer determines the complaint is sufficient, the probation officer shall, after initial assessment promptly refer the child and the child's family to a suitable community-based program or other service provider or to a family support center for voluntary services.

(b) If the child and the child's family are referred to a community-based program or other service provider and the person in charge of such program or provider determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who shall, after an appropriate assessment, either refer the child and the child's family to a family support center for additional services or determine whether or not to file a petition with the court. If the child and the child's family are referred to a family support center and the person in charge of the family support center determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who may file a petition with the court.

(c) When a judicial authority, after a petition has been filed, refers a child alleged to be from a family with service needs to community-based services or other services or a family support center pursuant to General Statutes § 46b-149 (e), the referral order should provide that upon successful resolution, the matter will be dismissed and erased without the filing of a request, application, or petition for erasure for all purposes except subsequent consideration for nonjudicial handling of a delinquency complaint under Section 27-4A.]

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

Sec. 29-1. Contents of Delinquency [and Family with Service Needs] Petitions or [Delinquency] Informations

(a) A delinquency petition or information shall set forth in plain, concise and definite language the offense which the petitioner contends the child has committed. The petition or information shall further state the citation of any provision of law which is the basis of the petition or information, together with a statement that the offense occurred on or about a particular date or period of time at a particular location.

[(b) A family with service needs petition shall set forth in plain, concise and definite language the specific misconduct which the petitioner contends the child or youth has committed. The petition shall further state the citation of any provision of law which is the basis of the petition, together with a statement that the misconduct occurred on or about a particular date or period of time at a particular location.]

COMMENTARY: Public Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 29-1B. Processing of Family with Service Needs Petitions

The procedures promulgated in General Statutes § 46b-149 shall apply. Court process shall be initiated by a petition filed by a probation officer and signed and verified by the juvenile prosecutor.]

COMMENTARY: Public Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore this Section is obsolete.

Sec. 29-2. Service of Petitions

(a) Notice of summons, together with a copy of the verified delinquency [or family with service needs] petition, may be made to the child or youth and parent, guardian or other person having control of the child or youth by service in accordance with any one of the methods set out in General Statutes § 46b-128. Any notice sent by first class mail shall include a provision informing the party that appearance in court as a result of the notice may subject the appearing party to the jurisdiction of the court. If the child or youth does not appear on the plea date, service shall be made in accordance with General Statutes § 46b-128 [or § 46b-149 (d), as appropriate].

(b) Petitions alleging delinquency [or family with service needs misconduct] shall be served or delivered not less than seven days before the date of the hearing which shall be held not more than thirty days from the date of filing of the petition.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30-2A. [Family with Service Needs] Nondelinquent Juvenile Runaway from Another State and Detention

[(a) No child who has been adjudicated as a child from a family with service needs in accordance with General Statutes § 46b-149 may be processed or held in a juvenile detention center as a delinquent child, or be convicted as a delinquent, solely for the violation of a valid order which regulates future conduct of the child that was issued by the court following such an adjudication, and no such child who is charged or found to be in violation of any such order may be ordered detained in any juvenile detention center.]

[(b)] No nondelinquent juvenile runaway from another state may be held in a juvenile detention center in accordance with the provisions of General Statutes § 46b-151h.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-1. Initial Plea Hearing

(a) The judicial authority shall begin the hearing by determining whether all necessary parties are present and that the rules governing service or notice for nonappearing parties have been complied with, and shall note these facts for the record. The judicial authority shall then inform the parties of the substance of the petition or information.

(b) In age appropriate language, the judicial authority prior to any plea shall advise the child or youth and parent or guardian of the following rights:

(1) That the child or youth is not obligated to say anything and that anything that is said may be used against the child or youth.

(2) That the child or youth is entitled to the services of an attorney and that if the child or youth and the parent or parents, or guardian are unable to afford an attorney for the child or youth, an application for a public defender or an attorney appointed by the chief public defender should be completed and filed with the Office of the Public Defender or the clerk of the court to request an attorney without cost.

(3) That the child or youth will not be questioned unless he or she consents, that the child or youth can consult with an attorney before being questioned and may have an attorney present during questioning, and that the child or youth can stop answering questions at any time.

(4) That the child or youth has the right to a trial and the rights of confrontation and cross examination of witnesses.

(c) Notwithstanding any prior statement acknowledging responsibility for the acts alleged, the judicial authority shall inquire of the child or youth whether the child or youth presently admits or denies the allegations of the petition or information.

(d) If the judicial authority determines that a child or youth, or the parent, parents or guardian of a child or youth are unable to afford counsel for the child or youth, the judicial authority shall, in a delinquency proceeding, appoint the Office of the Public Defender to represent the child or youth, [, or in a family with service needs proceeding, notify the chief public defender, who shall assign an attorney to represent the child or youth.]

(e) If the judicial authority, even in the absence of a request for appointment of counsel, determines that the interests of justice require the provision of an attorney to represent the child, youth or the child's or youth's parent or parents, guardian or other person having control of the child or youth, in any delinquency [or family with service needs] proceeding, the judicial authority may appoint an attorney to represent any such party and shall notify the chief public defender who shall assign an attorney to represent any such party. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the judicial authority shall assess as costs on the appropriate form against such parent or parents, guardian or other person having control of the child or youth, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid by the Public Defender Services Commission in providing such counsel, to the extent of their financial ability to do so in accordance with the rates established by the Public Defender Services Commission for compensation of counsel.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 30a-1A. Family with Service Needs Preadjudication Continuance

If a family with service needs petition is filed and it appears that the interest of the child or the family may be best served, prior to adjudication, by referral to community-based or other services, the judicial authority may permit the matter to be continued for a reasonable period of time not to exceed six months, which time period may be extended by an additional three months for cause. If it appears at the conclusion of the continuance that the matter has been satisfactorily resolved, the judicial authority may dismiss the petition.]

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

Sec. 30a-2. Pretrial Conference

(a) When counsel is requested, or responsibility is denied, the case may be continued for a pretrial conference. At the pretrial, the parties may agree that a substitute information will be filed, or that certain charges will be nolleed or dismissed. If the child or youth and parent or guardian subsequently execute a written statement of responsibility at the pretrial conference, or the attorney for the child or youth conveys to the prosecutor an agreement on the adjudicatory grounds, a predispositional study shall be compiled by the probation department and the case shall be assigned for a plea and dispositional hearing.

(b) If a plea agreement has been reached by the parties which contemplates the entry of [an admission in a family with service needs case, or] a plea of guilty or nolo contendere in a delinquency case, and the recommendation of a particular disposition,

the agreement shall be disclosed in open court at the time the plea is offered. Thereupon the judicial authority may accept or reject any agreement, or may defer the decision on acceptance or rejection of the agreement until it has had an opportunity to review the predispositional study.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-3. –Standard[s] of Proof; Burden of Going Forward

(a) The standard of proof for a delinquency adjudication is evidence beyond a reasonable doubt_ [and for a family with service needs adjudication is clear and convincing evidence.]

(b) The burden of going forward with evidence shall rest with the juvenile prosecutor.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-5. Dispositional Hearing

(a) The dispositional hearing may follow immediately upon an adjudication.

(b) The judicial authority may admit into evidence any testimony that is considered relevant to the issue of the disposition, in any form the judicial authority finds of probative value, but no disposition shall be made by the judicial authority until the predispositional study, unless waived, has been submitted. A written predispositional study may be waived by the judicial authority for good cause shown upon the request of the parties, provided that the basis for the waiver and the probation officer's oral

summary of any investigation are both placed on the record. The predispositional study shall be presented to the judicial authority and copies thereof shall be provided to all counsel in sufficient time for them to prepare adequately for the dispositional hearing, and, in any event, no less than forty-eight hours prior to the date of the disposition.

(c) The prosecutor and the child and parent or guardian shall have the right to produce witnesses on behalf of any dispositional plan they may wish to offer.

(d) Prior to any disposition, the child shall be allowed a reasonable opportunity to make a personal statement to the judicial authority in mitigation of any disposition.

(e) The judicial authority shall determine an appropriate disposition upon adjudication of a child as delinquent in accordance with General Statutes § 46b-140.

[(f) The judicial authority shall determine an appropriate disposition upon adjudication of a child from a family with service needs in accordance with General Statutes § 46b-149 (f).]

[(g) The judicial authority shall determine the appropriate disposition upon a finding that a child adjudicated as a child from a family with service needs has violated a valid court order].

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 30a-9. Appeals in Delinquency [and Family with Service Needs] Proceedings

The rules governing other appeals shall, so far as applicable, be the rules for all proceedings in delinquency [and family with service needs] appeals.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

CHAPTER 31a DELINQUENCY [AND FAMILY WITH SERVICE NEEDS] MOTIONS AND APPLICATIONS

[Sec. 31a-13A. Temporary Custody Order -- Family with Service Needs Petition

If it appears from the allegations of a petition or other sworn affirmation that there is: (1) A strong probability that the child may do something that is injurious to himself or herself prior to court disposition; (2) a strong probability that the child will run away prior to the hearing; or (3) a need to hold the child for another jurisdiction, a judicial authority may vest temporary custody of such child in some suitable person or agency. A hearing on temporary custody shall be held not later than ten days after the date on which a judicial authority signs an order of temporary custody. Following such hearing, the judicial authority may order that the child's temporary custody continue to be vested in some suitable person or agency.]

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

Sec. 31a-14. Physical and Mental Examinations

(a) No physical and/or mental examination or examinations by any physician, psychologist, psychiatrist or social worker shall be ordered by the judicial authority of any child denying delinquent behavior [or status as a child or youth from a family with service needs] prior to the adjudication, except (1) with the agreement of the child's or youth's parent or guardian and attorney, (2) when the child or youth has executed a written statement of responsibility, (3) when the judicial authority finds that there is a question of the child's or youth's competence to understand the nature of the proceedings or to participate in the defense, or a question of the child or youth having been mentally capable of unlawful intent at the time of the commission of the alleged act, or (4) where the child or youth has been detained and as an incident of detention is administered a physical examination to establish the existence of any contagious or infectious condition.

(b) Any information concerning a child or youth that is obtained during any mental health screening or assessment of such child or youth shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity performing such screening or assessment. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or youth, or provision of services to the child or youth, or pursuant to General Statutes §§ 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

(c) Upon a showing that the mental health of a child or youth is at issue, either prior to adjudication for the reasons set forth in subsection (a) herein or subsequent thereto as a determinate of disposition, the judicial authority may order a child's or youth's placement for a period not to exceed thirty days in a hospital or other institution empowered by law to treat mentally ill children for study and a report on the child's or youth's mental condition.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

Sec. 31a-16. Discovery

(a) The child or youth or the juvenile prosecutor shall be permitted pretrial discovery in accordance with subsections (b), (c) and (d) of this section by interrogatory, production, inspection or deposition of a person in delinquency [or family with service needs matters] if the information or material sought is not otherwise obtainable and upon a finding that proceedings will not be unduly delayed.

(b) Motions or requests for discovery shall be filed with the court in accordance with Section 31a-1. The clerk shall calendar any such motion or request for a hearing. Objections to such motions or requests may be filed with the court and served in accordance with Sections 10-12 through 10-17 not later than ten days of the filing of the motion or request unless the judicial authority, for good cause shown, allows a later filing. Upon its own motion or upon the request or motion of a party, the judicial authority may, after a hearing, order discovery. The judicial authority shall fix the times for filing

and for responding to discovery motions and requests and, when appropriate, shall fix the hour, place, manner, terms and conditions of responses to the motions and requests, provided that the party seeking discovery shall be allowed a reasonable opportunity to obtain information needed for the preparation of the case.

(c) Motions or requests for discovery should not be filed unless the moving party has attempted unsuccessfully to obtain an agreement to disclose from the party or person from whom information is being sought.

(d) The provisions of Sections 40-2 through 40-6, inclusive, 40-7 (b), 40-8 through 40-16, inclusive, and 40-26 through 40-58, inclusive, of the rules of procedure in criminal matters shall be applied by the judicial authority in determining whether to grant, limit or set conditions on the requested discovery, issue any protective orders, or order appropriate sanctions for any clear misuse of discovery or arbitrary delay or refusal to comply with a discovery request.

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020. This Section has been revised accordingly.

[Sec. 31a-19A. Motion for Extension or Revocation of Family with Service Needs Commitment; Motion for Review of Permanency Plan]

[(a) The Commissioner of the Department of Children and Families may file a motion for an extension of a commitment of a child who has been adjudicated as a child from a family with service needs on the grounds that an extension would be in the best interests of the child. The clerk shall give notice to the child, the child's parent or guardian, all counsel of record at the time of disposition and, if applicable, the guardian ad litem not later than fourteen days prior to the hearing upon such motion. The judicial authority may, after hearing and upon finding that such extension is in the best interests of the child and that there is no suitable less restrictive alternative, continue the commitment for an additional indefinite period of not more than eighteen months.

(b) The Commissioner of the Department of Children and Families may at any time file a motion to revoke a commitment of a child who has been adjudicated as a child from a family with service needs, or the parent or guardian of such child may at any time but not more often than once every six months file a motion with the judicial authority which committed the child to revoke such commitment. The clerk shall notify the child, the child's parent or guardian, all counsel of record at the time of disposition, if applicable, the guardian ad litem, and the Commissioner of the Department of Children and Families of any motion filed to revoke a commitment under this subsection, and of the time when a hearing on such motion will be held.

(c) Not later than twelve months after the commitment of a child who has been adjudicated as a child from a family with service needs to the Commissioner of the

Department of Children and Families, the judicial authority shall hold a permanency hearing. Such a hearing will be held every twelve months thereafter if the child remains committed. Such a hearing also may include the submission of a motion to the judicial authority by the Commissioner of the Department of Children and Families, the child's parent or guardian to either extend or revoke the commitment.

(d) At least sixty days prior to each permanency hearing required under subsection (c) of this section, the Commissioner of the Department of Children and Families shall file a permanency plan with the judicial authority. At each permanency hearing, the judicial authority shall review and approve a permanency plan that is in the best interests of the child and takes into consideration the child's need for permanency. That judicial authority shall also determine whether the Commissioner of the Department of Children and Families has made reasonable efforts to achieve the permanency plan]

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

[Sec. 31a-20. Petition for Violation of Family with Service Needs Post-Adjudicatory Orders]

[(a) When a child who has been adjudicated as a child from a family with service needs violates any valid order which regulates future conduct of the child made by the judicial authority following such an adjudication, a probation officer, on receipt of a complaint setting forth the facts alleged to be a violation, or on the probation officer's own motion on the basis of his or her knowledge of such a violation, may file a petition with the court alleging that the child has violated a valid court order and setting forth the facts claimed to constitute such a violation.

(b) The judicial authority will ensure that the child is provided an evidentiary hearing on the allegations contained in the petition and that counsel is assigned for the child or youth pursuant to Section 30a-1 of these rules or that counsel of record is notified of the evidentiary hearing.

(c) Upon a finding by the judicial authority by clear and convincing evidence that the child has violated a valid court order, the judicial authority may (1) order the child to remain in such child's home or in the custody of a relative or any other suitable person, subject to the supervision of a probation officer, (2) upon a finding that there is no less restrictive alternative appropriate to the needs of the child and the community, enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the court support services division of the Judicial Branch for a period not to exceed forty-five days, with review by the judicial authority every fifteen days to consider whether continued placement is appropriate, at

the end of which period the child shall be returned to the community and may be subject to the supervision of a probation officer, or (3) order that the child be committed to the care and custody of the Commissioner of the Department of Children and Families for a period not to exceed eighteen months and that the child cooperate in such care and custody.]

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.

[Sec. 31a-21. Petition for Child from a Family with Service Needs at Imminent Risk]

[(a) When a child who has been adjudicated as a child from a family with service needs is under an order of supervision or an order of commitment to the Commissioner of the Department of Children and Families and is believed to be in imminent risk of physical harm from the child's surroundings or other circumstances, a probation officer, on receipt of a complaint setting forth facts alleging such risk, or on the probation officer's own motion on the basis of his or her knowledge of such risk, may file a petition alleging that the child is in imminent risk of physical harm and setting forth facts claimed to constitute such risk. Service shall be made in accordance with subsection (d) of General Statutes § 46b-149.

(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or made subsequent thereto, that there is probable cause to believe that (1) the child is in imminent risk of physical harm from the

child's surroundings, (2) as a result of such condition, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the judicial authority shall enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the court support services division of the Judicial Branch for a period not to exceed forty-five days, subject to subsection (e) of this section, with review by the judicial authority every fifteen days to consider whether continued placement is appropriate.

(c) The judicial authority will ensure that the child is provided an evidentiary hearing on the allegations contained in the petition and that counsel is assigned for the child pursuant to Section 30a-1 of these rules or that counsel of record is notified of the filing of the imminent risk petition.

(d) Not later than the end of such forty-five day period, the child shall either be (1) returned to the community for appropriate services subject to the supervision of a probation officer or an existing commitment to the Commissioner of the Department of Children and Families; or (2) committed to the Commissioner of the Department of Children and Families for a period not to exceed eighteen months if a hearing has been held and the judicial authority has found, based on clear and convincing evidence, that (i) the child is in imminent risk of physical harm from the child's surroundings, (ii) as a result of such condition, the child's safety is endangered and removal from such surroundings is necessary to ensure the child's safety, and (iii) there is no less restrictive alternative available. Any such child shall be entitled to the same procedural protections as are afforded to a delinquent child.

(e) No child shall be held prior to a hearing on a petition under this section for more than twenty-four hours, excluding Saturdays, Sundays and holidays.]

COMMENTARY: Pubic Act 19-187 eliminated family with service needs filings as of July 1, 2020, therefore, this Section is obsolete.