

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,” “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 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)] (d) “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.

[(f)] (e) “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; (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.

[(g)] (f) “Indian child” means an unmarried person under age eighteen who is either a member of a federally recognized Indian tribe or is eligible for membership in a federally recognized Indian tribe and is the biological child of a member of a federally recognized Indian tribe, and is involved in custody proceedings, excluding delinquency proceedings.

[(h)] “Parent” means a biological mother or father or adoptive mother or father except a biological or adoptive mother or father whose parental rights have been terminated; or the father of any child born out of wedlock, provided at the time of the filing of the petition (1) he has been adjudicated the father of such child by a court which possessed the authority to make such adjudication, or (2) he has acknowledged in writing to be the father of such child, or (3) he has contributed regularly to the support of such child, or (4) his name appears on the birth certificate, or (5) he has filed a claim for paternity as provided under General Statutes § 46b-172a, or (6) he has been named in the petition as the father of the minor child by the mother.]

(g) "Juvenile residential center" means a hardware-secured residential facility operated by the Court Support Services Division of the Judicial Branch that includes direct staff supervision, surveillance enhancements and physical barriers that allow for close supervision and controlled movement in a treatment setting for preadjudicated juveniles and juveniles adjudicated as delinquent.

[(i)] (h) "Parties" includes: (1) The child who is the subject of a proceeding and those additional persons as defined herein; (2) "Legal party": Any person, including a parent, whose legal relationship to the matter pending before the judicial authority is of such a nature and kind as to mandate the receipt of proper legal notice as a condition precedent to the establishment of the judicial authority's jurisdiction to adjudicate the matter pending before it; and (3) "Intervening party": Any person who is permitted to intervene in accordance with Section 35a-4.

[(j)] (i) "Permanency plan" means a plan developed by the Commissioner of the Department of Children and Families for the permanent placement of a child in the commissioner's care. Permanency plans shall be reviewed by the judicial authority as prescribed in General Statutes §§ 17a-110 (b), 17a-111b (c), 46b-129 (k), and 46b-149 (h).

[(k)] (j) "Petition" means a formal pleading, executed under oath, alleging that the respondent is within the judicial authority's jurisdiction to adjudicate the matter which is the subject of the petition by reason of cited statutory provisions and seeking a disposition. Except for a petition for erasure of record, such petitions invoke a judicial hearing and shall be filed by any one of the parties authorized to do so by statute.

[(h)] (k) “Information” means a formal pleading filed by a prosecutor alleging that a child in a delinquency matter is within the judicial authority’s jurisdiction.

[(m)] (l) “Probation supervision” means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time and upon such terms as the court determines.

[(n)] (m) “Probation supervision with residential placement” means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time, upon such terms as the court determines, that include a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of supervision in the community.

[(o)] (n) “Respondent” means a person who is alleged to be a delinquent, or a parent or a guardian of a child who is the subject of a petition alleging that the child is uncared for, abused, neglected, or requesting termination of parental rights.

[(p)] (o) “Secure-residential facility” means a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements and physical barriers that allow for close supervision and controlled movement in a treatment setting.

[(q)] (p) “Specific steps” means those judicially determined steps the parent or guardian and the Commissioner of the Department of Children and Families should take in order for the parent or guardian to retain or regain custody of a child.

[(r)] (q) “Staff secure facility” means a residential facility: (1) that does not include construction features designed to physically restrict the movements and activities of

juvenile residents who are placed therein, (2) that may establish reasonable rules restricting entrance to and egress from the facility, and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

[(s)] (r) “Staff-secure residential facility” means a residential facility that provides residential treatment for children in a structured setting where the children are monitored by staff.

[(t)] (s) “Supervision” includes: (1) “Nonjudicial supervision”: A legal status without the filing of a petition or a court conviction or adjudication but following the child’s admission to a complaint wherein a probation officer exercises supervision over the child with the consent of the child and the parent; (2) “Protective supervision”: A disposition following adjudication in neglected, abused or uncared for cases created by an order of the judicial authority requesting a supervising agency other than the court to assume the responsibility of furthering the welfare of the family and best interests of the child when the child’s place of abode remains with the parent or any suitable or worthy person, or when the judicial authority vests custody or guardianship in another suitable and worthy person, subject to the continuing jurisdiction of the court; and (3) “Judicial supervision”: A legal status similar to probation for a child subject to supervision pursuant to an order of suspended proceedings under General Statutes § 46b-133b or § 46b-133e.

[(u)] (t) “Take into Custody Order” means an order by a judicial authority that a child be taken into custody and immediately turned over to a [detention] Juvenile Residential Center [s]Superintendent where probable cause has been found that the child

has committed a delinquent act, there is no less restrictive alternative available, and the child meets the criteria set forth in Section 31a-13.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.' The deletion of the definition of parent is suggested due to the numerous definitions of that term in Public Act 21-15.

Sec. 30-1A. Admission to [Detention] a Juvenile Residential Center

Whenever an officer or other person intends to admit a child into [detention] a juvenile residential center, the provisions of General Statutes § 46b-133 shall apply.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-2A. Nondelinquent Juvenile Runaway from Another State and Detention

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

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-3. Advisement of Rights

Upon admission to [detention] a juvenile residential center, the child shall be advised of the right to remain silent and the right to counsel and be further advised of the

right to a detention hearing in accordance with Sections 30-5 through 30-8, which hearing may be waived only with the written consent of the child and the child's attorney.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-4. Notice to Parents by [Detention] Juvenile Residential Center Personnel

Upon admission, the [detention] Juvenile Residential Center [s]Superintendent or a designated representative shall make efforts to immediately notify the parent or guardian in the manner calculated most speedily to effect such notice and, upon the parent's or guardian's appearance at the [detention facility] juvenile residential center, shall advise the parent or guardian of his or her rights and note the child's rights, including the child's right to a detention hearing.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-5. Detention Time Limitations

(a) No child shall be held in [detention] a juvenile residential center for more than twenty-four hours, excluding Saturdays, Sundays, and holidays, unless (1) a delinquency petition or information alleging a delinquent act has been filed and (2) an order for such continued detention has been signed by the judicial authority following a hearing as provided by subsection (b) of this section or a waiver of hearing as provided by Section 30-8.

(b) A hearing to determine probable cause and the need for further detention shall be held no later than the next business day following the arrest.

(c) If a nondelinquent child is being held for another jurisdiction in accordance with the Interstate Compact on Juveniles, following the initial hearing as provided by subsection (b) of this section, that child shall be held not more than ninety days and shall be held in a secure facility, as defined by rules promulgated in accordance with the Compact, other than a locked, [state operated detention facility] juvenile residential center.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-6. Basis for Detention

No child may be held in [detention] a juvenile residential center unless a judge of the Superior Court determines, based on the available facts that there is probable cause to believe that the child has committed the delinquent acts alleged, that there is no appropriate less restrictive alternative available and that there is (1) probable cause to believe that the level of risk that the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting, (2) a need to hold the child in order to ensure the child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process, or (3) a need to hold the child for another jurisdiction. The court in exercising its discretion to detain under General Statutes § 46b-133 (e) may consider as an alternative to detention a suspended detention order with graduated

sanctions based upon a detention risk screening for such child developed by the Judicial Branch.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-8. Initial Order for Detention; Waiver of Hearing

Such initial order of detention may be signed without a hearing only if there is a written waiver of the detention hearing by the child and the child's attorney and there is a finding by the judicial authority that the circumstances outlined in Section 30-6 pertain to the child in question. An order of detention entered without a hearing shall authorize the detention of the child for a period not to exceed seven days, including the date of admission, or until the dispositional hearing is held, whichever is shorter, and may further authorize the [detention] Juvenile Residential Center [s]Superintendent or a designated representative to release the child to the custody of a parent, guardian or some other suitable person, with or without conditions of release, if detention is no longer necessary, except that no child shall be released from [detention] a juvenile residential center who is alleged to have committed a serious juvenile offense except by order of a judicial authority of the Superior Court. Such an ex parte order of detention shall be renewable only at a detention hearing before the judicial authority for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-10. Orders of a Judicial Authority after Initial Detention Hearing

(a) At the conclusion of the initial detention hearing, the judicial authority shall issue an order for detention on finding probable cause to believe that the child has committed a delinquent act and that at least one of the factors outlined in Section 30-6 applies to the child.

(b) If the child is placed in [detention] a juvenile residential center, such order for detention shall be for a period not to exceed seven days, including the date of admission, or until the dispositional hearing is held, whichever is the shorter period, unless, following a further detention review hearing, the order is renewed for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter. Such detention review hearing may not be waived.

(c) If the child is not placed in [detention] a juvenile residential center but released on a suspended order of detention on conditions, such suspended order of detention shall continue to the dispositional hearing or until further order of the judicial authority. Said suspended order of detention may be reviewed by the judicial authority every seven days. Upon a finding of probable cause that the child has violated any condition, a judicial authority may issue a take into custody order or order such child to appear in court for a hearing on revocation of the suspended order of detention. Such an order to appear shall be served upon the child in accordance with General Statutes § 46b-128 (b), or, if the child is represented, by serving the order to appear upon the child's counsel, who shall notify the child of the order and the hearing date. After a hearing and upon a finding that the child has violated reasonable conditions imposed on release, the judicial authority

may impose different or additional conditions of release or may remand the child to [detention] a juvenile residential center.

(d) In conjunction with any order of release from [detention] a juvenile residential center the judicial authority may, in accordance with General Statutes § 46b-133 (g), order the child to participate in a program of periodic alcohol or drug testing and treatment as a condition of such release. The results of any such alcohol or drug test shall be admissible only for the purposes of enforcing the conditions of release from [detention] a juvenile residential center.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'

Sec. 30-11. Detention after Dispositional Hearing

While awaiting implementation of the judicial authority's order in a delinquency case, a child may be held in [detention] a juvenile residential center subsequent to the dispositional hearing, provided a hearing to review the circumstances and conditions of such detention order shall be conducted every seven days and such hearing may not be waived.

COMMENTARY: The proposed revisions are consistent with Public Act 21-104, specifically the change from 'detention' to 'juvenile residential center.'