

- 8-2. Proposal by Judge Conway for a new rule allowing for the presence of a detained child at certain detention hearings by means of an interactive audio visual device. **On March 18, 2019, RC tabled matter to 3-27-19 meeting and asked Counsel to redraft proposal based on RC comments.**

**Del Ciampo, Joseph**

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**From:** Del Ciampo, Joseph  
**Sent:** Tuesday, March 19, 2019 3:13 PM  
**To:** McDonald, Andrew  
**Cc:** Conway, Bernadette  
**Subject:** FW: Rules Committee - Revised New Rule 30-12  
**Attachments:** 30-12 juvenile IAD redline 3-19-19 with counsel changes.docx

**Importance:** High

Dear Justice McDonald,

As indicted by Judge Conway below, the attorneys in my office worked with her to revise New Section 30-12 to be consistent with the comments suggested by the Rules Committee. I will place this on the Agenda for the meeting scheduled for March 27<sup>th</sup>. Thank you.

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**From:** Conway, Bernadette  
**Sent:** Tuesday, March 19, 2019 2:51 PM  
**To:** [andrew.mcdonald@connapp.jud.ct.gov](mailto:andrew.mcdonald@connapp.jud.ct.gov)  
**Cc:** Del Ciampo, Joseph <[Joseph.DelCiampo@jud.ct.gov](mailto:Joseph.DelCiampo@jud.ct.gov)>  
**Subject:** FW: Rules Committee - Revised New Rule 30-12  
**Importance:** High

Dear Justice McDonald,

With input from Joe's legal staff, I am forwarding to you a revised proposal that hopefully incorporates the suggested changes discussed at yesterday's meeting. If I can be of any further assistance, please do not hesitate to contact me. Thank you for your time and attention.

Red line version  
(revisions shown)

**(NEW) Sec. 30-12. Where Presence of A Detained Child May Be by Means of an Interactive Audiovisual Device**

(a) The appearance of a detained child for the proceedings held in accordance with Sections 30-10 and 30-11 ~~set forth in subsection (b) of this section~~ may, with the consent of the detained child, and the consent of counsel for the detained child, and in the discretion of the judicial authority on motion of a party or on its own motion, be made by means of an interactive audiovisual device. Such interactive audiovisual device must operate so that such detained child, counsel ~~and his or her attorney,~~ if any, and the judicial authority if the proceeding is in court, can see and communicate with each other simultaneously. In addition, a procedure by which such detained child ~~and his or her attorney~~ can confer with counsel in private must be provided. ~~Nothing contained in this section shall be construed to establish a right for any person to be heard or to appear by means of an interactive audiovisual device or to require the judicial branch to pay for such person's appearance by means of an interactive audiovisual device.~~

~~(b) With the consent of a detained child and counsel for a detained child, a detained child may appear and participate by means of an interactive audiovisual device in detention hearings held in accordance with Sections 30-10 and 30-11.~~

~~(c)~~(b) Unless otherwise required by law or unless otherwise ordered by the judicial authority, prior to a detention hearing in which a detained child appears by means of an interactive audiovisual device, copies of all documents which may be offered at the detention hearing shall be provided to all counsel.

COMMENTARY: To provide for a detained child to appear by means of an interactive audiovisual device at detention hearings held in accordance with Sections 30-10 and 30-11.

**(NEW) Sec. 30-12. Where Presence of A Detained Child May Be by Means of an Interactive Audiovisual Device**

(a) The appearance of a detained child for proceedings held in accordance with Sections 30-10 and 30-11 may, with the consent of the detained child, the consent of counsel for the detained child, and in the discretion of the judicial authority on motion of a party or on its own motion, be made by means of an interactive audiovisual device. Such interactive audiovisual device must operate so that such detained child, counsel, and the judicial authority if the proceeding is in court, can see and communicate with each other simultaneously. In addition, a procedure by which such detained child can confer with counsel in private must be provided.

(b) Unless otherwise required by law or unless otherwise ordered by the judicial authority, prior to a detention hearing in which a detained child appears by means of an interactive audiovisual device, copies of all documents which may be offered at the detention hearing shall be provided to all counsel.

COMMENTARY: To provide for a detained child to appear by means of an interactive audiovisual device at detention hearings held in accordance with Sections 30-10 and 30-11.