

Please note that on December 14, 2020, the Committee voted to submit to public hearing the revisions indicated by brackets to show proposed deletions; these changes were noticed for the May 10, 2021 public hearing. The newly proposed revisions are indicated by strikethrough to show proposed deletions.

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)] (e) “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)] (f) “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.

[(h)] (g) "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.

[(i)] (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.

[(j)] (i) "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.

[(k)] (j) "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).

[(l)] (k) "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.

[(m)] (l) "Information" means a formal pleading filed by a prosecutor alleging that a child in a delinquency matter is within the judicial authority's jurisdiction.

[(n)] (m) "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.

[(o)] (n) "Probation supervision with residential placement" means a legal status where by 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.

[(p)] (o) "Respondent" means a person who is alleged to be a delinquent ~~or a child from a family with service needs~~, 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.

[(q)] (p) “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.

[(r)] (q) “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.

[(s)] (r) “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.

[(t)] (s) “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.

[(u)] (t) “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 ~~adjudicated to be from a family with service needs~~ or subject to supervision pursuant to an order of suspended proceedings under General Statutes § 46b-133b or § 46b-133e.

[(v)] (u) "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 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: Number 19-187 of the 2019 Public Acts eliminated family with service needs filings as of July 1, 2020. This section has been revised accordingly.