

Proposed Amendment to
Practice Book Sections 27-1A and 27-4a (Re. Non-Judicial Case Handling)

Sec. 27-1A. Referrals for Nonjudicial Handling of Delinquency Complaints (Amended June 30, 2008, to take effect Jan. 1, 2009.)

(a) Any police summons accompanied by a police report alleging an act of delinquency shall be in writing and signed by the police officer and filed with the clerk of the Superior Court for juvenile matters. After juvenile identification and docket numbers are assigned, the summons and report shall be referred to the probation department for possible nonjudicial handling.

(b) If the probation ~~officer~~ supervisor or designee determines that a delinquency complaint is eligible for nonjudicial handling, the assigned probation officer [~~may cause a notice to be mailed to the child and parent or guardian setting forth with reasonable particularity the contents of the complaint and fixing a time and location of the court and date not less than seven days, excluding Saturdays, Sundays, and holidays, subsequent to mailing~~] shall contact the parent or guardian in advance of the summons date in order to schedule an interview with the parent or guardian and child for the purpose of conducting risk and behavioral health screenings. A child determined by the risk screen to be at low risk to reoffend will be referred to community based diversionary programs with no further court intervention. Judicial handling will be reserved for those found to be at the highest levels of risk. All other cases will be eligible for nonjudicial handling. Refusal to participate in the screening process will render the child ineligible for diversion.

(c) Delinquency matters eligible for nonjudicial handling shall be designated as such on the docket. If the prosecuting authority objects to the designation, the judicial authority shall determine if such designation is appropriate. The judicial authority may refer to the Office of Juvenile Probation a matter so designated and may, sua sponte, refer a matter for nonjudicial handling prior to adjudication. (Adopted June 24, 2002, to take effect Jan. 1, 2003; amended June 30, 2008, to take effect Jan. 1, 2009.)

Sec. 27-4A. Ineligibility for Nonjudicial Handling or Diversion of Delinquency Complaint (Amended June 30, 2008, to take effect Jan. 1, 2009.)

In the case of a delinquency complaint, a child shall not be eligible for nonjudicial handling or diversion if one or more of the following apply, unless waived by the judicial authority: (1) The alleged misconduct is : (A) is a serious juvenile offense under General Statutes § 46b-120, ~~or any other~~ (B)-a

~~violent felony; or (C) a violation of General Statutes § 53a-54d; (B) concerns the theft or unlawful use or operation of a motor vehicle; or (C) concerns the sale of, or possession of with intent to sell, any illegal drugs or the use or possession of a firearm. (2) The child was previously adjudicated delinquent or adjudged a child from a family with service needs. (3) The child admitted nonjudicially at least twice previously to having been delinquent. (4)] or (2) The alleged misconduct was committed by a child while on probation or under judicial supervision. [(5) If the nature of the alleged misconduct warrants judicial intervention.] (~~