



Substitute House Bill No. 7389

Public Act No. 19-187

AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) (1) The court shall automatically transfer from the docket for juvenile matters to the regular criminal docket of the Superior Court the case of any child charged with the commission of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony, or a class B felony, except as provided in subdivision (3) of this subsection, or a violation of section 53a-54d, provided such offense was committed after such child attained the age of fifteen years and counsel has been appointed for such child if such child is indigent. Such counsel may appear with the child but shall not be permitted to make any argument or file any motion in opposition to the transfer. The child shall be arraigned in the regular criminal docket of the Superior Court at the next court date following such transfer, provided any proceedings held prior to the finalization of such transfer shall be private and shall be conducted in such parts of the courthouse or the

Substitute House Bill No. 7389

building in which the court is located that are separate and apart from the other parts of the court which are then being used for proceedings pertaining to adults charged with crimes.

(2) A state's attorney may, at any time after such arraignment, file a motion to transfer the case of any child charged with the commission of a class B felony or a violation of subdivision (2) of subsection (a) of section 53a-70 to the docket for juvenile matters for proceedings in accordance with the provisions of this chapter.

(3) No case of any child charged with the commission of a violation of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court, except as provided in this subdivision. Upon motion of a prosecutorial official, the superior court for juvenile matters shall conduct a hearing to determine whether the case of any child charged with the commission of any such offense shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court. The court shall not order that the case be transferred under this subdivision unless the court finds that (A) such offense was committed after such child attained the age of fifteen years, (B) there is probable cause to believe the child has committed the act for which the child is charged, and (C) the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters. In making such findings, the court shall consider (i) any prior criminal or juvenile offenses committed by the child, (ii) the seriousness of such offenses, (iii) any evidence that the child has intellectual disability or mental illness, and (iv) the availability of services in the docket for juvenile matters that can serve the child's needs. Any motion under this

Substitute House Bill No. 7389

subdivision shall be made, and any hearing under this subdivision shall be held, not later than thirty days after the child is arraigned in the superior court for juvenile matters.

(b) [(1)] Upon motion of a prosecutorial official, the superior court for juvenile matters shall conduct a hearing to determine whether the case of any child charged with the commission of a class C, D or E felony or an unclassified felony shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court. The court shall not order that the case be transferred under this subdivision unless the court finds that [(A)] (1) such offense was committed after such child attained the age of fifteen years, [(B)] (2) there is probable cause to believe the child has committed the act for which the child is charged, and [(C)] (3) the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters. In making such findings, the court shall consider [(i)] (A) any prior criminal or juvenile offenses committed by the child, [(ii)] (B) the seriousness of such offenses, [(iii)] (C) any evidence that the child has intellectual disability or mental illness, and [(iv)] (D) the availability of services in the docket for juvenile matters that can serve the child's needs. Any motion under this subdivision shall be made, and any hearing under this subdivision shall be held, not later than thirty days after the child is arraigned in the superior court for juvenile matters.

(c) (1) (A) Any proceeding of any case transferred to the regular criminal docket pursuant to this section shall be private and shall be conducted in such parts of the courthouse or the building in which the court is located that are separate and apart from the other parts of the court which are then being used for proceedings pertaining to adults charged with crimes. Any records of such proceedings shall be confidential in the same manner as records of cases of juvenile matters are confidential in accordance with the provisions of section 46b-124,

Substitute House Bill No. 7389

except as provided in subparagraph (B) of this subdivision, unless and until the court or jury renders a verdict or a guilty plea is entered in such case on the regular criminal docket.

(B) Records of any child whose case is transferred to the regular criminal docket under this section, or any part of such records, shall be available to the victim of the crime committed by the child to the same extent as the records of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom the victim may request such records. Records disclosed pursuant to this subparagraph shall not be further disclosed.

(2) If a case is transferred to the regular criminal docket pursuant to [subdivision (1) of this subsection or] subdivision (3) of subsection (a) of this section or subsection (b) of this section, or if a case is transferred to the regular criminal docket pursuant to subdivision (1) of subsection (a) of this section and the charge in such case is subsequently reduced to that of the commission of an offense for which a case may be transferred pursuant to subdivision (2) or (3) of subsection (a) of this section or subsection (b) of this section, the court sitting for the regular criminal docket may return the case to the docket for juvenile matters at any time prior to [a] the court or jury rendering a verdict or the entry of a guilty plea for good cause shown for proceedings in accordance with the provisions of this chapter.

[(c)] (d) Upon the effectuation of the transfer, such child shall stand trial and be sentenced, if convicted, as if such child were eighteen years of age, subject to the provisions of subsection (c) of this section and section 54-91g. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made

Substitute House Bill No. 7389

knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred or of any lesser included offenses, the child shall resume such child's status as a juvenile until such child attains the age of eighteen years.

[(d)] (e) Any child whose case is transferred to the regular criminal docket of the Superior Court who is detained pursuant to such case shall be in the custody of the Commissioner of Correction upon the finalization of such transfer. A transfer shall be final (1) upon the arraignment on the regular criminal docket until a motion filed by the state's attorney pursuant to subsection (a) of this section is granted by the court, or (2) upon the arraignment on the regular criminal docket of a transfer ordered pursuant to subsection (b) of this section until the court sitting for the regular criminal docket orders the case returned to the docket for juvenile matters for good cause shown. Any child whose case is returned to the docket for juvenile matters who is detained pursuant to such case shall be in the custody of the Judicial Department.

[(e)] (f) The transfer of a child to a Department of Correction facility shall be limited as provided in subsection [(d)] (e) of this section and said subsection shall not be construed to permit the transfer of or otherwise reduce or eliminate any other population of juveniles in detention or confinement within the Judicial Department or the Department of Children and Families.

[(f)] (g) Upon the motion of any party or upon the court's own motion, the case of any youth age sixteen or seventeen, except a case that has been transferred to the regular criminal docket of the Superior Court pursuant to subsection (a) or (b) of this section, which is pending on the youthful offender docket, regular criminal docket of the

Substitute House Bill No. 7389

Superior Court or any docket for the presentment of defendants in motor vehicle matters, where the youth is charged with committing any offense or violation for which a term of imprisonment may be imposed, other than a violation of section 14-227a, 14-227g or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, may, before trial or before the entry of a guilty plea, be transferred to the docket for juvenile matters if (1) the youth is alleged to have committed such offense or violation on or after January 1, 2010, while sixteen years of age, or is alleged to have committed such offense or violation on or after July 1, 2012, while seventeen years of age, and (2) after a hearing considering the facts and circumstances of the case and the prior history of the youth, the court determines that the programs and services available pursuant to a proceeding in the superior court for juvenile matters would more appropriately address the needs of the youth and that the youth and the community would be better served by treating the youth as a delinquent. Upon ordering such transfer, the court shall vacate any pleas entered in the matter and advise the youth of the youth's rights, and the youth shall (A) enter pleas on the docket for juvenile matters in the jurisdiction where the youth resides, and (B) be subject to prosecution as a delinquent child. The decision of the court concerning the transfer of a youth's case from the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters shall not be a final judgment for purposes of appeal.

Sec. 2. Section 46b-121n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) There is established a Juvenile Justice Policy and Oversight Committee. The committee shall evaluate policies related to the juvenile justice system and the expansion of juvenile jurisdiction to include persons sixteen and seventeen years of age.

(b) The committee shall consist of the following members:

Substitute House Bill No. 7389

(1) Two members of the General Assembly, one of whom shall be appointed by the speaker of the House of Representatives, and one of whom shall be appointed by the president pro tempore of the Senate;

(2) The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, children, human services and appropriations, or their designees;

(3) The Chief Court Administrator, or the Chief Court Administrator's designee;

(4) A judge of the superior court for juvenile matters, appointed by the Chief Justice;

(5) The executive director of the Court Support Services Division of the Judicial Department, or the executive director's designee;

(6) The executive director of the Superior Court Operations Division, or the executive director's designee;

(7) The Chief Public Defender, or the Chief Public Defender's designee;

(8) The Chief State's Attorney, or the Chief State's Attorney's designee;

(9) The Commissioner of Children and Families, or the commissioner's designee;

(10) The Commissioner of Correction, or the commissioner's designee;

(11) The Commissioner of Education, or the commissioner's designee;

Substitute House Bill No. 7389

(12) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee;

(13) The Labor Commissioner, or the commissioner's designee;

(14) The Commissioner of Social Services, or the commissioner's designee;

(15) The Commissioner of Public Health, or the commissioner's designee;

(16) The president of the Connecticut Police Chiefs Association, or the president's designee;

(17) The chief of police of a municipality with a population in excess of one hundred thousand, appointed by the president of the Connecticut Police Chiefs Association;

(18) Two child or youth advocates, one of whom shall be appointed by one chairperson of the Juvenile Justice Policy and Oversight Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Justice Policy and Oversight Committee;

(19) Two parents or parent advocates, at least one of whom is the parent of a child who has been involved with the juvenile justice system, one of whom shall be appointed by the minority leader of the House of Representatives, and one of whom shall be appointed by the minority leader of the Senate;

(20) The Victim Advocate, or the Victim Advocate's designee;

(21) The Child Advocate, or the Child Advocate's designee; and

(22) The Secretary of the Office of Policy and Management, or the secretary's designee.

Substitute House Bill No. 7389

(c) Any vacancy shall be filled by the appointing authority.

(d) The Secretary of the Office of Policy and Management, or the secretary's designee, and a member of the General Assembly selected jointly by the speaker of the House of Representatives and the president pro tempore of the Senate from among the members serving pursuant to subdivision (1) or (2) of subsection (b) of this section shall be cochairpersons of the committee. Such cochairpersons shall schedule the first meeting of the committee, which shall be held not later than sixty days after June 13, 2014.

(e) Members of the committee shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(f) Not later than January 1, 2015, the committee shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) Any statutory changes concerning the juvenile justice system that the committee recommends to (A) improve public safety; (B) promote the best interests of children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department; (C) improve transparency and accountability with respect to state-funded services for children and youths in the juvenile justice system with an emphasis on goals identified by the committee for community-based programs and facility-based interventions; and (D) promote the efficient sharing of information between the Department of Children and Families and the Judicial Department to ensure the regular collection and reporting of recidivism data and promote public

Substitute House Bill No. 7389

welfare and public safety outcomes related to the juvenile justice system;

(2) A definition of "recidivism" that the committee recommends to be used by state agencies with responsibilities with respect to the juvenile justice system, and recommendations to reduce recidivism for children and youths in the juvenile justice system;

(3) Short-term goals to be met within six months, medium-term goals to be met within twelve months and long-term goals to be met within eighteen months, for the Juvenile Justice Policy and Oversight Committee and state agencies with responsibilities with respect to the juvenile justice system to meet, after considering existing relevant reports related to the juvenile justice system and any related state strategic plan;

(4) The impact of legislation that expanded the jurisdiction of the juvenile court to include persons sixteen and seventeen years of age, as measured by the following:

(A) Any change in the average age of children and youths involved in the juvenile justice system;

(B) The types of services used by designated age groups and the outcomes of those services;

(C) The types of delinquent acts or criminal offenses that children and youths have been charged with since the enactment and implementation of such legislation; and

(D) The gaps in services identified by the committee with respect to children and youths involved in the juvenile justice system, including, but not limited to, children and youths who have attained the age of eighteen after being involved in the juvenile justice system, and recommendations to address such gaps in services; and

Substitute House Bill No. 7389

(5) Strengths and barriers identified by the committee that support or impede the educational needs of children and youths in the juvenile justice system, with specific recommendations for reforms.

(g) Not later than July 1, 2015, the committee shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) The quality and accessibility of diversionary programs available to children and youths in this state, including juvenile review boards and services for a child or youth who is a member of a family with service needs;

(2) An assessment of the system of community-based services for children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department;

(3) An assessment of the congregate care settings that are operated privately or by the state and have housed children and youths involved in the juvenile justice system in the past twelve months;

(4) An examination of how the state Department of Education and local boards of education, the Department of Children and Families, the Department of Mental Health and Addiction Services, the Court Support Services Division of the Judicial Department, and other appropriate agencies can work collaboratively through school-based efforts and other processes to reduce the number of children and youths who enter the juvenile justice system;

(5) An examination of practices and procedures that result in disproportionate minority contact, as defined in section 4-68y, within

Substitute House Bill No. 7389

the juvenile justice system;

(6) A plan to provide that all facilities and programs that are part of the juvenile justice system and are operated privately or by the state provide results-based accountability;

(7) An assessment of the number of children and youths who, after being under the supervision of the Department of Children and Families, are convicted as delinquent; and

(8) An assessment of the overlap between the juvenile justice system and the mental health care system for children.

(h) The committee shall complete its duties under this section after consultation with one or more organizations that focus on relevant issues regarding children and youths, such as the University of New Haven and any of the university's institutes. The committee may accept administrative support and technical and research assistance from any such organization. The committee shall work in collaboration with any results first initiative implemented pursuant to section 2-111 or any public or special act.

(i) The committee shall establish a time frame for review and reporting regarding the responsibilities outlined in subdivision (5) of subsection (f) of this section, and subdivisions (1) to (7), inclusive, of subsection (g) of this section. Each report submitted by the committee shall include specific recommendations to improve outcomes and a timeline by which specific tasks or outcomes must be achieved.

(j) The committee shall implement a strategic plan that integrates the short-term, medium-term and long-term goals identified pursuant to subdivision (3) of subsection (f) of this section. As part of the implementation of such plan, the committee shall collaborate with any state agency with responsibilities with respect to the juvenile justice system, including, but not limited to, the Departments of Education,

Substitute House Bill No. 7389

Mental Health and Addiction Services, Correction and Children and Families and the Labor Department and Judicial Department, and municipal police departments. Not later than January 1, 2016, the committee shall report such plan, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding progress toward the full implementation of such plan and any recommendations concerning the implementation of such identified goals by any state agency with responsibilities with respect to the juvenile justice system or municipal police departments.

(k) Not later than January 1, 2017, the committee shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children and the Secretary of the Office of Policy and Management, regarding a plan that includes cost options for the development of a community-based diversion system. Such plan shall include recommendations to address issues concerning mental health and juvenile justice. The plan shall include recommendations regarding the following:

(1) Diversion of children who commit crimes, excluding serious juvenile offenses, from the juvenile justice system;

(2) Identification of services that are evidence-based, trauma-informed and culturally and linguistically appropriate;

(3) Expansion of the capacity of juvenile review boards to accept referrals from municipal police departments and schools and implement restorative practices;

(4) Expansion of the provision of prevention, intervention and treatment services by youth service bureaus;

Substitute House Bill No. 7389

(5) Expansion of access to in-home and community-based services;

(6) Identification and expansion of services needed to support children who are truant or exhibiting behaviors defiant of school rules and enhance collaboration between school districts and community providers in order to best serve such children;

(7) Expansion of the use of memoranda of understanding pursuant to section 10-233m between local law enforcement agencies and local and regional boards of education;

(8) Expansion of the use of memoranda of understanding between local and regional boards of education and community providers for provision of community-based services;

(9) Recommendations to ensure that children in the juvenile justice system have access to a full range of community-based behavioral health services;

(10) Reinvestment of cost savings associated with reduced incarceration rates for children and increased accessibility to community-based behavioral health services;

(11) Reimbursement policies that incentivize providers to deliver evidence-based practices to children in the juvenile justice system;

(12) Recommendations to promote the use of common behavioral health screening tools in schools and communities;

(13) Recommendations to ensure that secure facilities operated by the Department of Children and Families or the Court Support Services Division of the Judicial Department and private service providers contracting with said department or division to screen children in such facilities for behavioral health issues; and

(14) Expansion of service capacities informed by an examination of

Substitute House Bill No. 7389

grant funds and federal Medicaid reimbursement rates.

(l) The committee shall establish a data working group to develop a plan for a data integration process to link data related to children across executive branch agencies, through the Office of Policy and Management's integrated data system, and the Judicial Department through the Court Support Services Division, for purposes of evaluation and assessment of programs, services and outcomes in the juvenile justice system. Membership of the working group shall include, but not be limited to, the Commissioners of Children and Families, Correction, Education and Mental Health and Addiction Services, or their designees; the Chief State's Attorney, or the Chief State's Attorney's designee; the Chief Public Defender, or the Chief Public Defender's designee; the Secretary of the Office of Policy and Management, or the secretary's designee; and the Chief Court Administrator of the Judicial Branch, or the Chief Court Administrator's designee. Such working group shall include persons with expertise in data development and research design. The plan shall include cost options and provisions to:

(1) Access relevant data on juvenile justice populations;

(2) Coordinate the handling of data and research requests;

(3) Link the data maintained by executive branch agencies and the Judicial Department for the purposes of facilitating the sharing and analysis of data;

(4) Establish provisions for protecting confidential information and enforcing state and federal confidentiality protections and ensure compliance with related state and federal laws and regulations;

(5) Develop specific recommendations for the committee on the use of limited releases of client specific data sharing across systems, including with the Office of Policy and Management, the Division of

Substitute House Bill No. 7389

Criminal Justice, the Departments of Children and Families, Education and Mental Health and Addiction Services, the Judicial Department and other agencies; and

(6) Develop a standard template for memoranda of understanding for data-sharing between executive branch agencies, the Judicial Department, and when necessary, researchers outside of state government.

(m) (1) The committee shall periodically request, receive and review information regarding conditions of confinement, including services available, for persons under eighteen years of age detained at the John R. Manson Youth Institution, Cheshire.

(2) Not later than October 1, 2018, the committee shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children and the Secretary of the Office of Policy and Management on current conditions of confinement, including services available, for persons under eighteen years of age who are detained or incarcerated in correctional facilities, juvenile secure facilities and other out-of-home placements in the juvenile and criminal justice systems. The report shall include, but need not be limited to, a description of any gaps in services and the continued availability and utilization of mental health, education, rehabilitative and family engagement services.

(n) Not later than January 1, 2020, the committee shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children and the Secretary of the Office of Policy and Management regarding a juvenile justice reinvestment plan. The report shall include a study and make recommendations for the reinvestment of savings realized from

Substitute House Bill No. 7389

the decreased use of incarceration and congregate care towards strategic investments in home-based, school-based and community-based behavioral health services and supports for children diverted from, or involved with, the juvenile justice system.

(o) Not later than January 1, 2019, and annually thereafter, the Department of Correction and the Court Support Services Division of the Judicial Branch shall report to the committee on compliance with the provisions of section 46b-126a. Such reports shall present indicia of compliance in both state facilities and those facilities managed by a private provider under contract with the state, and shall include data on all persons under eighteen years of age who have been removed or excluded from educational settings as a result of alleged behavior occurring in those educational settings.

(p) Not later than January 1, 2019, and annually thereafter, all state agencies that detain or otherwise hold in custody a person under eighteen years of age involved with the juvenile justice or criminal justice system, or that contract for the housing of any person involved with the juvenile justice or criminal justice system under eighteen years of age, shall report to committee on compliance with the provisions of section 46b-121p. Such reports shall include indicia of compliance in both direct-run and contract facilities, and shall include data on all rearrests and uses of confinements and restraints for youth in justice system custody, as defined in section 10-253.

(q) Not later than July 1, 2018, the committee shall convene a subcommittee to develop a detailed plan concerning the overall coordination, oversight, supervision, and direction of all vocational and academic education services and programs for children in justice system custody, and the provision of education-related transitional support services for children returning to the community from justice system custody. The subcommittee shall consist of:

Substitute House Bill No. 7389

- (1) One person designated by the Commissioner of Education;
- (2) One person designated by the executive director of the Court Support Services Division of the Judicial Branch;
- (3) One person designated by the Bridgeport School District;
- (4) One person designated by the Hartford School District;
- (5) One person designated by the Commissioner of Correction;
- (6) One person who is an expert in state budgeting and who can assist the subcommittee in obtaining data on relevant expenditures and available resources, designated by the Secretary of the Office of Policy and Management;
- (7) Three persons, who are experts with significant career experience in providing and coordinating education in justice-system settings and who are not employees of the state of Connecticut, designated by the chairpersons of the Juvenile Justice Oversight and Planning Committee; and
- (8) Two persons representing the interests of students and families, one designated by the executive director of an organization in this state with the mission of stopping the criminalization of this state's children and one designated by the executive director of an organization in this state that advocates for legal rights for the most vulnerable children in this state.

(A) The plan developed pursuant to this subsection shall include, but need not be limited to:

- (i) Identification of a single state agency and designation of a program manager within that agency who will be responsible for planning, coordination, oversight, supervision, quality control, legal compliance and allocation of relevant federal and state funds for

Substitute House Bill No. 7389

children in justice system custody;

(ii) A detailed description of how educational services will be provided to children in justice system custody and how education-related supports will be provided to children during transition out of justice system custody, either directly by the single state agency identified by the plan pursuant to clause (i) of this subparagraph or through a state-wide contract with a single nonprofit provider;

(iii) An analysis of resources expended for educating children in justice system custody and for supporting educational success during transitions out of justice system custody, and recommendations for consolidating and reallocating resources towards the oversight, accountability, services and supports provided for in the plan pursuant to this subsection;

(iv) Provisions for ensuring that a range of pathways to educational and economic opportunity are available for children in justice system custody, including at a minimum a traditional high school diploma program, an accelerated credit recovery program, vocational training programs and access to post-secondary educational options;

(v) Specifications for a state-wide accountability and quality control system for schools that serve children in justice system custody. The accountability and quality control system shall include, but need not be limited to:

(I) A specialized school profile and performance report, to be produced annually for each school that serves children in justice system custody. The profiles and performance reports shall be consistent with other accountability systems required by law and shall include criteria and metrics tailored to measuring the quality of schools that serve children in justice system custody. Such metrics shall include, but need not be limited to: Student growth in reading

Substitute House Bill No. 7389

and math; credit accumulation; modified graduation rates and high school equivalent passage rates; school attendance, defined as the percentage of children who are actually physically present in classrooms for school and educational programs; the percentage of students pursuing a high school diploma, an industry-based certification, a recognized high school diploma equivalent, credits for advanced courses and post-secondary education programs; performance in educating children with exceptionalities, including identification of special education needs, the development of best-practices for individualized education programs and the provision of services and supports mandated by individualized education programs; student reenrollment in school or other educational or vocational training programs after leaving justice system custody; student success in post-release high school, post-secondary education, or job-training programs; and compliance with the protocols for support of educational transitions delineated in clause (vi) of this subparagraph;

(II) Identifying achievement benchmarks for each measurement of school quality;

(III) Written standards for educational quality for schools that serve children in custody;

(IV) A program for quality control and evaluation of schools serving children in custody. The program shall include, but need not be limited to, in-person observation and monitoring of each school serving children in justice system custody. The monitoring shall occur at least annually, and shall be conducted by experts in special education and education in justice-system settings;

(V) Provisions for ensuring that each school serving children in justice system custody seeks and obtains external accreditation by a recognized accrediting agency; and

Substitute House Bill No. 7389

(VI) A set of supports, interventions and remedies that shall be implemented when a school serving children in justice system custody falls consistently or significantly short of quality benchmarks;

(vi) Provisions for ensuring that the state-wide education system for children in justice system custody includes:

(I) The engagement of one or more curriculum development specialists to support learning in schools serving children in justice system custody and to develop a flexible, high-interest, modular curriculum that is aligned with state standards and adapted to the context of educating children in justice system custody;

(II) The engagement of one or more professional development and teacher training specialists to support teachers in schools that serve children in justice system custody; and

(III) The engagement of professional reentry coordinators to support educational success in children returning to the community from justice system custody;

(vii) A protocol for educational support of children transitioning into, and out of, justice system custody. The protocol shall include, but need not be limited to:

(I) Team-based reentry planning for every child in justice system custody;

(II) Clear and ambitious timelines for transfer of educational records at intake and release from justice system custody; and

(III) Timelines for reenrollment and credit transfer;

(viii) Recommendations for any legislation that may be necessary or appropriate to implement the provisions of the plan developed pursuant to this subsection; and

Substitute House Bill No. 7389

(ix) A timeline for implementation of the plan developed pursuant to this subsection.

(B) The plan developed pursuant to this subsection shall be submitted on or before January 1, 2020, to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a.

(C) For purposes of this subsection: "Justice system custody" means justice system custody, as defined in section 10-253; "school" means any program or institution, or any project or unit thereof, that provides any academic or vocational education programming for any children in justice system custody; and "child" means child, as defined in section 10-253.

(r) The committee shall review methods other states employ to (1) transfer juvenile cases to the regular criminal docket, and (2) detain persons fifteen, sixteen and seventeen years of age whose cases are transferred to the regular criminal docket. Such review shall consider (A) the transfer of juvenile cases to the regular criminal docket and outcomes associated with such transfers, including the impact on public safety and the effectiveness in changing the behavior of juveniles, and (B) preadjudication and postadjudication detention and include an examination of organizational and programmatic alternatives. The committee shall, in accordance with the provisions of section 11-4a, not later than January 1, 2020, report such review including a plan for implementation not later than July 1, 2021, of any recommended changes, including cost options where appropriate to the committee of the General Assembly having cognizance of matters relating to the judiciary.

Sec. 3. (NEW) (*Effective from passage*) (a) Not later than July 1, 2020, the Commissioner of Correction and the executive director of the Court Support Services Division of the Judicial Department, in

Substitute House Bill No. 7389

consultation with the Commissioner of Children and Families, shall develop a policy of best practices in juvenile detention centers and correctional facilities where persons ages seventeen years and under are detained. Such practices shall address:

(1) Suicidal and self-harming behaviors, including the development of a screening tool designed to determine which detained persons are at risk for suicidal and self-harming behaviors;

(2) Negative impacts of solitary confinement;

(3) Harmful effects of using chemical agents and prone restraints on detained persons, including limiting and documenting the use of such chemical agents and limiting the use of prone restraints on such persons; and

(4) Programming and services for such detained persons, including implementing behavior intervention plans for such persons whose behavior interferes with the safety or rehabilitation of other detained persons and providing trauma-responsive rehabilitative, pro-social and clinical services embedded into such person's schedule.

(b) The policy of best practices developed under subsection (a) of this section shall provide developmentally healthy and appropriate activities and recreational opportunities for such detained persons and their family members during visitation periods that are designed to strengthen family bonds and minimize trauma of separation. Such visitations shall include contact visits, unless such visit creates a risk of a harm to any person.

(c) Not later than July 1, 2021, the Commissioner of Correction and the executive director of the Court Support Services Division of the Judicial Department shall fully implement the policy of best practices developed under subsection (a) of this section in juvenile detention centers and correctional facilities where persons ages seventeen years

Substitute House Bill No. 7389

and under are detained that are operated or overseen by said commissioner or executive director.

(d) The Commissioner of Correction and the executive director of the Court Support Services Division of the Judicial Department shall report to the Juvenile Justice Policy and Oversight Committee established under section 46b-121n of the general statutes, as amended by this act, annually, not later than January fifteenth for the previous calendar year on the following:

(1) Suicidal and self-harming behaviors exhibited by persons detained in juvenile detention centers and correctional facilities where persons ages seventeen years and under are detained under said commissioner's or executive director's control or oversight;

(2) Uses of force against and the imposition of physical isolation of persons detained in juvenile detention centers and correctional facilities where persons ages seventeen years and under are detained under said commissioner's or executive director's control or oversight; and

(3) Any educational or mental health concerns for persons detained in juvenile detention centers and correctional facilities where persons ages seventeen years and under are detained under said commissioner's or executive director's control or oversight.

Sec. 4. (NEW) (*Effective July 1, 2020*) Not later than August 1, 2020, and monthly thereafter, the Commissioner of Correction and the executive director of the Court Support Services Division of the Judicial Department shall report to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes, as amended by this act, each instance, if any, of use of chemical agents or prone restraints on any person ages seventeen years of age or younger detained in any facility operated or overseen by said commissioner or executive director.

Substitute House Bill No. 7389

Sec. 5. Section 18-81cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) Any agency of the state or any political subdivision of the state that incarcerates or detains adult or juvenile offenders, including persons detained for immigration violations, shall, within available appropriations, adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for the prevention, detection and monitoring of, and response to, sexual abuse in adult prisons and jails, community correctional centers, juvenile facilities and lockups.

(b) Such standards include, but are not limited to:

(1) Zero tolerance of sexual abuse;

(2) Contracting with other entities for the confinement of inmates or detainees;

(3) Inmate or detainee supervision;

(4) Heightened protection for vulnerable detainees;

(5) Limits to cross-gender viewing and searches;

(6) Accommodating inmates or detainees with special needs;

(7) Hiring and promotion decisions;

(8) Assessment and use of monitoring technology;

(9) Evidence protocol and forensic medical examinations;

(10) Agreements with outside public entities and community service providers;

(11) Agreements with outside law enforcement agencies;

Substitute House Bill No. 7389

- (12) Agreements with the prosecuting authority;
- (13) Employee training;
- (14) Volunteer and contractor training;
- (15) Inmate education;
- (16) Detainee, attorney, contractor and inmate worker notification of agency's zero-tolerance policy;
- (17) Specialized training: Investigations;
- (18) Specialized training: Medical and mental health care;
- (19) Screening for risk of victimization and abusiveness;
- (20) Use of screening information;
- (21) Inmate or detainee reporting;
- (22) Exhaustion of administrative remedies;
- (23) Inmate access to outside confidential support services or legal representation;
- (24) Third-party reporting;
- (25) Staff and facility or agency head reporting duties;
- (26) Reporting to other confinement facilities;
- (27) Staff first responder duties;
- (28) Coordinated response;
- (29) Agency protection against retaliation;
- (30) Duty to investigate;

Substitute House Bill No. 7389

- (31) Criminal and administrative agency investigations;
- (32) Evidence standard for administrative investigations;
- (33) Disciplinary sanctions for staff;
- (34) Disciplinary sanctions for inmates;
- (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
- (36) Medical and mental health screenings: History of sexual abuse;
- (37) Access to emergency medical and mental health services;
- (38) Ongoing medical and mental health care for sexual abuse victims and abusers;
- (39) Sexual abuse incident reviews;
- (40) Data collection;
- (41) Data review for corrective action;
- (42) Data storage, publication, and destruction; and
- (43) Audits of standards.

(c) The agency head of any agency of the state or the chief elected official or governing legislative body of any political subdivision of the state that incarcerates or detains juvenile offenders shall, annually, not later than January fifteenth, certify its compliance with the provisions of subsections (a) and (b) of this section to the Criminal Justice Policy and Planning Division within the Office of Policy and Management.

Sec. 6. Section 17a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

- (a) The public policy of this state is: To protect children whose

Substitute House Bill No. 7389

health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse or neglect, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.

(b) The following persons shall be mandated reporters: (1) Any physician or surgeon licensed under the provisions of chapter 370, (2) any resident physician or intern in any hospital in this state, whether or not so licensed, (3) any registered nurse, (4) any licensed practical nurse, (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8) any psychologist, (9) any school employee, as defined in section 53a-65, (10) any social worker, (11) any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics and is eighteen years of age or older, (12) any individual who is employed as a coach or director of youth athletics and is eighteen years of age or older, (13) any individual who is employed as a coach or director of a private youth sports organization, league or team and is eighteen years of age or older, (14) any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer employed by a public or private institution of higher education who is eighteen years of age or older, excluding student employees, (15) any police officer, (16) any juvenile or adult probation officer, (17) any juvenile or adult parole officer, (18) any member of the clergy, (19) any pharmacist, (20) any physical therapist, (21) any optometrist, (22) any chiropractor, (23) any podiatrist, (24) any mental health professional, (25) any physician assistant, (26) any person who is a licensed or certified emergency medical services provider, (27) any person who is a licensed or certified alcohol and drug counselor, (28) any person who is a licensed

Substitute House Bill No. 7389

marital and family therapist, (29) any person who is a sexual assault counselor or a domestic violence counselor, as defined in section 52-146k, (30) any person who is a licensed professional counselor, (31) any person who is a licensed foster parent, (32) any person paid to care for a child in any public or private facility, child care center, group child care home or family child care home licensed by the state, (33) any employee of the Department of Children and Families, (34) any employee of the Department of Public Health, (35) any employee of the Office of Early Childhood who is responsible for the licensing of child care centers, group child care homes, family child care homes or youth camps, (36) any paid youth camp director or assistant director, (37) the Child Advocate and any employee of the Office of the Child Advocate, (38) any person who is a licensed behavior analyst, [and] (39) any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department, and (40) any person employed, including any person employed under contract and any independent ombudsperson, to work at a juvenile detention facility or any other facility where children under eighteen years of age are detained and who has direct contact with children as part of such employment.

(c) The Commissioner of Children and Families shall develop an educational training program and refresher training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program and refresher training program shall be made available to all persons mandated to report child abuse and neglect at various times and locations throughout the state as determined by the Commissioner of Children and Families. Such training program and refresher training program shall be provided in accordance with the provisions of subsection (g) of section 17a-101i to each school employee, as defined in section 53a-65, within available appropriations.

Substitute House Bill No. 7389

(d) On or before October 1, 2011, the Department of Children and Families, in consultation with the Department of Education, shall develop a model mandated reporting policy for use by local and regional boards of education. Such policy shall state applicable state law regarding mandated reporting and any relevant information that may assist school districts in the performance of mandated reporting. Such policy shall include, but not be limited to, the following information: (1) Those persons employed by the local or regional board of education who are required pursuant to this section to be mandated reporters, (2) the type of information that is to be reported, (3) the time frame for both written and verbal mandated reports, (4) a statement that the school district may conduct its own investigation into an allegation of abuse or neglect by a school employee, provided such investigation does not impede an investigation by the Department of Children and Families, and (5) a statement that retaliation against mandated reporters is prohibited. Such policy shall be updated and revised as necessary.

Sec. 7. (NEW) (*Effective July 1, 2020*) (a) For purposes of this section, "independent ombudsperson services" includes (1) the receipt of complaints by the ombudsperson from persons detained in juvenile detention centers and correctional facilities where persons ages seventeen years and under are detained and the parent or guardian of any such person regarding decisions, actions and omissions, policies, procedures, rules and regulations of the center or facility, (2) touring each such center or facility, (3) investigating such complaints, rendering a decision on the merits of each complaint and communicating the decision to the complainant, (4) recommending to the head of the agency that operates or oversees such center or facility a resolution of any complaint found to have merit, and (5) recommending policy revisions to the head of such center or facility.

(b) The Commissioner of Correction and the executive director of

Substitute House Bill No. 7389

the Court Support Services Division of the Judicial Department shall ensure that independent ombudsperson services are provided and available at any juvenile detention center or correctional facility where persons ages seventeen years and under are detained that any such agency operates or oversees.

Sec. 8. Subdivision (3) of section 46b-120 of the general statutes, as amended by section 146 of public act 17-2 of the June special session and section 26 of public act 18-31, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(3) "Family with service needs" means a family that includes a child who is at least seven years of age and is under eighteen years of age who, according to a petition lawfully filed on or before June 30, [2019] 2020, (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, or (D) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child;

Sec. 9. Subsection (a) of section 46b-149 of the general statutes, as amended by section 145 of public act 17-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) The provisions of this section in effect on June 30, [2019] 2020, revision of 1958, revised to January 1, 2019, as amended by this act, shall be applicable to any petition filed in accordance with such provisions on or before June 30, [2019] 2020.

Sec. 10. Subsections (a) and (b) of section 46b-149f of the general statutes, as amended by section 148 of public act 17-2 of the June

Substitute House Bill No. 7389

special session, are repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) When a child who has been adjudicated as a child from a family with service needs pursuant to a petition filed on or before June 30, [2019] 2020, in accordance with section 46b-149, as amended by this act, violates any valid order which regulates future conduct of the child made by the court following such an adjudication, a probation officer, on receipt of a complaint setting forth facts alleging such 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. Service shall be made in the same manner as set forth for a summons in subsection (c) of section 46b-149. The child shall be entitled to representation by counsel and an evidentiary hearing on the allegations contained in the petition. If the court finds, by clear and convincing evidence, that the child has violated a valid court order, the court 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 or an existing commitment to the Commissioner of Children and Families, (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 for a period not to exceed forty-five days, with court review 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 Children and Families for a period not to exceed eighteen months and that the child cooperate in such care and custody.

Substitute House Bill No. 7389

(b) When a child who has been adjudicated as a child from a family with service needs pursuant to a petition filed on or before June 30, [2019] 2020, in accordance with section 46b-149, as amended by this act, is under an order of supervision or an order of commitment to the Commissioner of Children and Families and 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 with the court alleging that the child is in imminent risk of physical harm and setting forth the facts claimed to constitute such risk. Service shall be made in the same manner as set forth for a summons in subsection (c) of section 46b-149. If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or 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 court 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 for a period not to exceed forty-five days, subject to subsection (c) of this section, with court review every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall either be (A) returned to the community for appropriate services, subject to the supervision of a probation officer or an existing commitment to the Commissioner of Children and Families, or (B) committed to the Department of Children and Families for a period not to exceed eighteen months if a hearing has been held and the court 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

Substitute House Bill No. 7389

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.

Approved July 9, 2019