



General Assembly

January Session, 2023

***Raised Bill No. 6889***

LCO No. 5768



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING JUVENILE MATTERS.***

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

1 Section 1. Subsection (b) of section 46b-128 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2023*):

4 (b) Upon the filing of a delinquency petition, the court may, either  
5 forthwith or after investigation, cause a summons, which summons  
6 shall have a copy of said verified petition attached thereto, signed by the  
7 judge or by the clerk or assistant clerk of such court, to be issued,  
8 requiring the child and the parent or parents, guardian or other person  
9 having control of the child to appear in court at the time and place  
10 therein specified. In the case of a child accused of having committed a  
11 violent offense, a violation of section 53a-119c, a sexual offense or an  
12 offense involving the use of a firearm, such case shall be adjudicated in  
13 the court in the geographical area, as defined in section 54-1d, in which  
14 the crime was alleged to have been committed. Whenever it appears to  
15 the judge that orders addressed to an adult, as set forth in section 46b-  
16 121, are necessary for the welfare of such child, a similar summons shall

17 be issued and served upon such adult if such adult is not already in  
18 court. Service of summons, together with a copy of the verified petition,  
19 may be made by any one of the following methods: (1) By the delivery  
20 of a true and attested copy thereof to the person summoned, or at such  
21 person's usual place of abode; (2) by restricted delivery addressed to the  
22 person summoned, return receipt requested; or (3) by first class mail  
23 addressed to the person summoned. Any notice sent by first class mail  
24 shall include a provision informing the party that appearance in court  
25 as a result of the notice may subject the appearing party to the  
26 jurisdiction of the court. If service is made by first class mail and the  
27 party does not appear, no order may be entered by the court in the case.  
28 If, after reasonable effort, personal service has not been made, such  
29 substitute service, by publication or otherwise, as the judge may order,  
30 shall be sufficient. Service may be made by any officer authorized by  
31 law to serve process, or by a probation officer, probation aide or  
32 indifferent person, and the court may allow suitable expenses and a  
33 reasonable fee therefor. The court may punish for contempt, as provided  
34 in section 46b-121, any parent, guardian or other person so summoned  
35 who fails to appear in court at the time and place so specified.

36 Sec. 2. Subsections (a) and (b) of section 46b-133 of the general statutes  
37 are repealed and the following is substituted in lieu thereof (*Effective*  
38 *October 1, 2023*):

39 (a) Nothing in this part shall be construed as preventing the arrest of  
40 a child, with or without a warrant, as may be provided by law, or as  
41 preventing the issuance of warrants by judges in the manner provided  
42 by section 54-2a, except that no child shall be taken into custody on such  
43 process except on apprehension in the act, or on speedy information, or  
44 in other cases when the use of such process appears imperative.  
45 Whenever a child is arrested and charged with a delinquent act, such  
46 child (1) shall be brought before a judge of the Superior Court not later  
47 than the fifth business day after such arrest, unless required sooner  
48 pursuant to subsection (e) of this section, and (2) [may] (A) shall, if  
49 arrested for the commission of a felony or a class A misdemeanor, an  
50 offense for which another person suffers a serious physical injury or loss

51 of life, sexual assault, a serious juvenile offense or an offense involving  
52 the use of a firearm, be required to submit to the taking of such child's  
53 fingerprints, and may be subject to the taking of such child's photograph  
54 and physical description, or (B) may, if arrested for the commission of  
55 any other delinquent act, be required to submit to the taking of [his] such  
56 child's photograph, physical description and fingerprints.  
57 Notwithstanding the provisions of section 46b-124, the name,  
58 photograph and custody status of any child arrested for the commission  
59 of a capital felony under the provisions of section 53a-54b in effect prior  
60 to April 25, 2012, or class A felony may be disclosed to the public.

61 (b) Whenever a child is brought before a judge of the Superior Court,  
62 which court shall be the court that has jurisdiction over juvenile matters  
63 where the child resides if the residence of such child can be determined,  
64 such judge shall immediately have the case proceeded upon as a  
65 juvenile matter. Such judge may admit the child to bail or release the  
66 child in the custody of the child's parent or parents, unless the court  
67 finds that the parent or parents lack control over the child and such  
68 custody is not reasonably likely to be effective to prevent the child from  
69 reoffending, the child's guardian or some other suitable person to  
70 appear before the Superior Court when ordered. If there is probable  
71 cause to believe that the child has committed the acts alleged, the court  
72 may consider if the child should be assessed for services. Such  
73 assessment shall be held not later than two weeks after the child is  
74 arraigned and such child shall have the right to counsel at such  
75 assessment. If detention becomes necessary, such detention shall be in  
76 the manner prescribed by this chapter, provided the child shall be  
77 placed in the least restrictive environment possible in a manner  
78 consistent with public safety.

79 Sec. 3. Subsection (a) of section 46b-127 of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective October*  
81 *1, 2023*):

82 (a) (1) The court shall automatically transfer from the docket for  
83 juvenile matters to the regular criminal docket of the Superior Court the

84 case of any child charged with the commission of a capital felony under  
85 the provisions of section 53a-54b in effect prior to April 25, 2012, a  
86 serious juvenile offense, a class A felony, or a class B felony, except as  
87 provided in subdivision (3) of this subsection, or a violation of section  
88 53a-54d, provided such offense was committed after such child attained  
89 the age of fifteen years, and counsel has been appointed for such child  
90 if such child is indigent. Such counsel may appear with the child but  
91 shall not be permitted to make any argument or file any motion in  
92 opposition to the transfer. The child shall be arraigned in the regular  
93 criminal docket of the Superior Court at the next court date following  
94 such transfer, provided any proceedings held prior to the finalization of  
95 such transfer shall be private and shall be conducted in such parts of the  
96 courthouse or the building in which the court is located that are separate  
97 and apart from the other parts of the court which are then being used  
98 for proceedings pertaining to adults charged with crimes.

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

104 (3) No case of any child charged with the commission of a violation  
105 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection  
106 (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision  
107 (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-  
108 196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred  
109 from the docket for juvenile matters to the regular criminal docket of the  
110 Superior Court, except as provided in this subdivision. Upon motion of  
111 a prosecutorial official, the superior court for juvenile matters shall  
112 conduct a hearing to determine whether the case of any child charged  
113 with the commission of any such offense shall be transferred from the  
114 docket for juvenile matters to the regular criminal docket of the Superior  
115 Court. The court shall not order that the case be transferred under this  
116 subdivision unless the court finds that (A) such offense was committed  
117 after such child attained the age of fifteen years, (B) there is probable

118 cause to believe the child has committed the act for which the child is  
119 charged, and (C) the best interests of the child and the public will not be  
120 served by maintaining the case in the superior court for juvenile matters.  
121 In making such findings, the court shall consider (i) any prior criminal  
122 or juvenile offenses committed by the child, (ii) the seriousness of such  
123 offenses, (iii) any evidence that the child has intellectual disability or  
124 mental illness, and (iv) the availability of services in the docket for  
125 juvenile matters that can serve the child's needs. Any motion under this  
126 subdivision shall be made, and any hearing under this subdivision shall  
127 be held, not later than thirty days after the child is arraigned in the  
128 superior court for juvenile matters.

129 Sec. 4. Section 46b-6 of the general statutes is repealed and the  
130 following is substituted in lieu thereof (*Effective October 1, 2023*):

131 In any pending family relations matter or juvenile matter under  
132 chapter 815t in which the juvenile is charged with an offense for which  
133 another person suffers a serious physical injury or loss of life, sexual  
134 assault, a serious juvenile offense or an offense involving the use of a  
135 firearm, the court or any judge may cause an investigation to be made  
136 with respect to any circumstance of the matter which may be helpful or  
137 material or relevant to a proper disposition of the case. Such  
138 investigation may include an examination of the parentage and  
139 surroundings of any child, his age, habits and history, inquiry into the  
140 home conditions, habits and character of his parents or guardians and  
141 evaluation of his mental or physical condition. In any action for  
142 dissolution of marriage, legal separation or annulment of marriage such  
143 investigation may include an examination into the age, habits and  
144 history of the parties, the causes of marital discord and the financial  
145 ability of the parties to furnish support to either spouse or any  
146 dependent child.

147 Sec. 5. Subdivision (3) of section 46b-120 of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective October*  
149 *1, 2023*):

150 (3) "Family with service needs" means a family that includes a child  
151 who is at least seven years of age and is under eighteen years of age who  
152 [ according to a petition lawfully filed on or before June 30, 2020,] (A)  
153 has without just cause run away from the parental home or other  
154 properly authorized and lawful place of abode, (B) is beyond the control  
155 of the child's parent, parents, guardian or other custodian, (C) has  
156 engaged in indecent or immoral conduct, [or] (D) is a truant or habitual  
157 truant or who, while in school, has been continuously and overtly  
158 defiant of school rules and regulations, or (E) is thirteen years of age or  
159 older and has engaged in sexual intercourse with another person and  
160 such other person is thirteen years of age or older and not more than  
161 two years older or younger than such child;

162 Sec. 6. Section 46b-149 of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective October 1, 2023*):

164 (a) [The provisions of this section in effect on June 30, 2020, revision  
165 of 1958, revised to January 1, 2019, shall be applicable to any petition  
166 filed in accordance with such provisions on or before June 30, 2020.] Any  
167 selectman, town manager, police officer or welfare department of any  
168 town, city or borough, any probation officer or superintendent of  
169 schools, the Commissioner of Children and Families, any child-caring  
170 institution or agency approved or licensed by the Commissioner of  
171 Children and Families, any youth service bureau, a parent or foster  
172 parent of a child, or a child or the child's representative or attorney, who  
173 believes that the acts or omissions of a child are such that the child is  
174 from a family with service needs, may file a written complaint setting  
175 forth those facts with the Superior Court that has venue over the matter.

176 (b) The court shall refer a complaint filed under subsection (a) of this  
177 section to a probation officer, who shall promptly determine whether it  
178 appears that the alleged facts, if true, would be sufficient to meet the  
179 definition of a family with service needs, provided a complaint alleging  
180 that a child is a truant or habitual truant shall not be determined to be  
181 insufficient to meet the definition of a family with service needs solely  
182 because it was filed during the months of April, May or June. If such

183 probation officer so determines, the probation officer shall, after an  
184 initial assessment, promptly refer the child and the child's family to a  
185 suitable community-based program or other service provider, or to a  
186 family support center as provided in section 46b-149e, for voluntary  
187 services. If the child and the child's family are referred to a community-  
188 based program or other service provider and the person in charge of  
189 such program or provider determines that the child and the child's  
190 family can no longer benefit from its services, such person shall inform  
191 the probation officer, who shall, after an appropriate assessment, either  
192 refer the child and the child's family to a family support center for  
193 additional services or determine whether or not to file a petition with  
194 the court under subsection (c) of this section. If the child and the child's  
195 family are referred to a family support center and the person in charge  
196 of the family support center determines that the child and the child's  
197 family can no longer benefit from its services, such person shall inform  
198 the probation officer, who may file a petition with the court in the  
199 manner prescribed in subsection (c) of this section. The probation officer  
200 shall inform the complainant in writing of the probation officer's action  
201 under this subsection. If it appears that the allegations are not true, or  
202 that the child's family does not meet the definition of a family with  
203 service needs, the probation officer shall inform the complainant in  
204 writing of such finding.

205        [(b)] (c) A petition alleging that a child is from a family with service  
206 needs shall be verified and filed with the Superior Court which has  
207 venue over the matter. The petition shall set forth plainly: (1) The facts  
208 which bring the child within the jurisdiction of the court; (2) the name,  
209 date of birth, sex and residence of the child; (3) the name and residence  
210 of the child's parent or parents, guardian or other person having control  
211 of the child; and (4) a prayer for appropriate action by the court in  
212 conformity with the provisions of this section.

213        [(c)] (d) When a petition is filed under subsection [(b)] (c) of this  
214 section, the court may issue a summons to the child and the child's  
215 parents, guardian or other person having control of the child to appear  
216 in court at a specified time and place. The summons shall be signed by

217 a judge or by the clerk or assistant clerk of the court, and a copy of the  
218 petition shall be attached to it. Whenever it appears to the judge that  
219 orders addressed to an adult, as set forth in section 46b-121, are  
220 necessary for the welfare of such child, a similar summons shall be  
221 issued and served upon such adult if he or she is not already in court.  
222 Service of summons shall be made in accordance with section 46b-128,  
223 as amended by this act. The court may punish for contempt, as provided  
224 in section 46b-121, any parent, guardian or other person so summoned  
225 who fails to appear in court at the time and place so specified. If a  
226 petition is filed under subsection (c) of this section alleging that a child  
227 is from a family with service needs because a child is a truant or habitual  
228 truant, the court may not dismiss such petition solely because it was  
229 filed during the months of April, May or June.

230 (e) When a petition is filed under subsection (c) of this section alleging  
231 that a child is from a family with service needs because such child has  
232 been habitually truant, the court shall order that the local or regional  
233 board of education for the town in which the child resides, or the private  
234 school in the case of a child enrolled in a private school, shall cause an  
235 educational evaluation of such child to be performed if no such  
236 evaluation has been performed within the preceding year.

237 [(d)] (f) If it appears from the allegations of a petition or other sworn  
238 affirmations that there is: (1) A strong probability that the child may do  
239 something that is injurious to himself prior to court disposition; (2) a  
240 strong probability that the child will run away prior to the hearing; or  
241 (3) a need to hold the child for another jurisdiction, a judge may vest  
242 temporary custody of such child in some suitable person or agency. No  
243 nondelinquent juvenile runaway from another state may be held in a  
244 state-operated detention home in accordance with the provisions of  
245 section 46b-151h, the Interstate Compact for Juveniles. A hearing on  
246 temporary custody shall be held not later than ten days after the date on  
247 which a judge signs an order of temporary custody. Following such  
248 hearing, the judge may order that the child's temporary custody  
249 continue to be vested in some suitable person or agency. Any expenses  
250 of temporary custody shall be paid in the same manner as provided in



251 subsection (b) of section 46b-129.

252 [(e)] (g) If a petition is filed under subsection [(b)] (c) of this section  
253 and it appears that the interests of the child or the family may be best  
254 served, prior to adjudication, by a referral to community-based or other  
255 services, the judge may permit the matter to be continued for a  
256 reasonable period of time not to exceed six months, which time period  
257 may be extended by an additional three months for cause. If it appears  
258 at the conclusion of the continuance that the matter has been  
259 satisfactorily resolved, the judge may dismiss the petition.

260 [(f)] (h) If the court finds, based on clear and convincing evidence,  
261 that a child is from a family with service needs, the court may, in  
262 addition to issuing any orders under section 46b-121: (1) Refer the child  
263 to the Department of Children and Families for any voluntary services  
264 provided by the department or, if the child is from a family with service  
265 needs solely as a result of a finding that the child is a truant or habitual  
266 truant, to the authorities of the local or regional school district or private  
267 school for services provided by such school district or such school,  
268 which services may include summer school, or to community agencies  
269 providing child and family services; (2) order the child to remain in the  
270 child's own home or in the custody of a relative or any other suitable  
271 person (A) subject to the supervision of a probation officer; or (B) in the  
272 case of a child who is from a family with service needs solely as a result  
273 of a finding that the child is a truant or habitual truant, subject to the  
274 supervision of a probation officer and the authorities of the local or  
275 regional school district or private school; (3) if the child is from a family  
276 with service needs as a result of the child engaging in sexual intercourse  
277 with another person and such other person is thirteen years of age or  
278 older and not more than two years older or younger than such child, (A)  
279 refer the child to a youth service bureau or other appropriate service  
280 agency for participation in a program such as a teen pregnancy program  
281 or a sexually transmitted disease program, and (B) require such child to  
282 perform community service such as service in a hospital, an AIDS  
283 prevention program or an obstetrical and gynecological program; or (4)  
284 upon a finding that there is no less restrictive alternative, commit the

285 child to the care and custody of the Commissioner of Children and  
286 Families for an indefinite period not to exceed eighteen months. The  
287 child shall be entitled to representation by counsel and an evidentiary  
288 hearing. If the court issues any order which regulates future conduct of  
289 the child, parent or guardian, the child, parent or guardian shall receive  
290 adequate and fair warning of the consequences of violation of the order  
291 at the time it is issued, and such warning shall be provided to the child,  
292 parent or guardian, to his or her attorney and to his or her legal guardian  
293 in writing and shall be reflected in the court record and proceedings.

294 [(g)] (i) At any time during the period of supervision, after hearing  
295 and for good cause shown, the court may modify or enlarge the  
296 conditions, whether originally imposed by the court under this section  
297 or otherwise, as deemed appropriate by the court. The court shall cause  
298 a copy of any such orders to be delivered to the child and to such child's  
299 parent or guardian and probation officer.

300 [(h)] (j) (1) The Commissioner of Children and Families may file a  
301 motion for an extension of a commitment under this section on the  
302 grounds that an extension would be in the best interest of the child. The  
303 court shall give notice to the child and the child's parent or guardian at  
304 least fourteen days prior to the hearing upon such motion. The court  
305 may, after hearing and upon finding that such extension is in the best  
306 interest of the child and that there is no suitable less restrictive  
307 alternative, continue the commitment for an additional indefinite period  
308 of not more than eighteen months. (2) The Commissioner of Children  
309 and Families may at any time file a motion to discharge a child  
310 committed under this section, and any child committed to the  
311 commissioner under this section, or the parent or guardian of such child,  
312 may at any time but not more often than once every six months file a  
313 motion to revoke such commitment. The court shall notify the child, the  
314 child's parent or guardian and the commissioner of any motion filed  
315 under this subsection, and of the time when a hearing on such motion  
316 will be held. Any order of the court made under this subsection shall be  
317 deemed a final order for purposes of appeal, except that no bond shall  
318 be required and no costs shall be taxed on such appeal. (3) Not later than

319 twelve months after a child is committed to the Commissioner of  
320 Children and Families in accordance with subdivision (4) of subsection  
321 [(f)] (h) of this section or section 46b-149f, the court shall hold a  
322 permanency hearing in accordance with subsection [(i)] (k) of this  
323 section. After the initial permanency hearing, subsequent permanency  
324 hearings shall be held at least once every twelve months while the child  
325 remains committed to the Commissioner of Children and Families.

326 [(i)] (k) At least sixty days prior to each permanency hearing required  
327 under subsection [(h)] (j) of this section, the Commissioner of Children  
328 and Families shall file a permanency plan with the court. At each  
329 permanency hearing, the court shall review and approve a permanency  
330 plan that is in the best interests of the child and takes into consideration  
331 the child's need for permanency. Such permanency plan may include  
332 the goal of: (1) Revocation of commitment and subsequent placement of  
333 the child with the parent or guardian, (2) transfer of guardianship, (3)  
334 permanent placement with a relative, (4) adoption, or (5) any other  
335 planned permanent living arrangement ordered by the court, provided  
336 the Commissioner of Children and Families has documented a  
337 compelling reason why it would not be in the best interest of the child  
338 for the permanency plan to include the goals set forth in subdivisions  
339 (1) to (4), inclusive, of this subsection. Such other planned permanent  
340 living arrangement may include, but not be limited to, placement of the  
341 child in an independent living program. At any such permanency  
342 hearing, the court shall also determine whether the Commissioner of  
343 Children and Families has made reasonable efforts to achieve the goals  
344 in the permanency plan.

345 Sec. 7. Subsection (d) of section 46b-140 of the general statutes is  
346 repealed and the following is substituted in lieu thereof (*Effective October*  
347 *1, 2023*):

348 (d) If the child has engaged in conduct which results in property  
349 damage or personal injury, including, but not limited to, larceny of a  
350 motor vehicle pursuant to section 53a-119c, the court may order the  
351 child or the parent or parents or guardian of the child, if such parent or

352 parents or guardian had knowledge of and condoned the conduct of the  
353 child, or both the child and the parent or parents or guardian, to make  
354 restitution to the victim of such offense, provided the liability of such  
355 parent or parents or guardian shall be limited to an amount not  
356 exceeding the amount such parent or parents or guardian would be  
357 liable for in an action under section 52-572. Restitution may consist of  
358 monetary reimbursement for the damage or injury, based on the child's  
359 or the parent's, parents' or guardian's ability to pay, as the case may be,  
360 in the form of a lump sum or installment payments, paid to the court  
361 clerk or such other official designated by the court for distribution to the  
362 victim.

363 Sec. 8. Subdivision (1) of section 54-201 of the general statutes is  
364 repealed and the following is substituted in lieu thereof (*Effective October*  
365 *1, 2023*):

366 (1) "Victim" means a person who is injured or killed as provided in  
367 section 54-209, or qualifies for compensation pursuant to section 9 of this  
368 act;

369 Sec. 9. (NEW) (*Effective October 1, 2023*) (a) Any victim of a property  
370 crime committed by a person under eighteen years of age, including, but  
371 not limited to, a violation of section 53a-119c of the general statutes, may  
372 apply in accordance with the procedures for application for victim  
373 compensation under chapter 968 of the general statutes for  
374 compensation that does not exceed the value of the damage done to the  
375 victim's property or the value of the property loss, less any amount paid  
376 to the victim for restitution.

377 (b) A victim may file an application with the Office of Victim Services  
378 for compensation under this section within two years after the date the  
379 victim suffered loss of or damage to the property subject to the  
380 application.

381 (c) The Office of Victim Services or a victim compensation  
382 commissioner may order the payment of compensation in accordance  
383 with the procedures established under sections 54-201 to 54-218,

384 inclusive, of the general statutes, as amended by this act.

385       Sec. 10. (*Effective from passage*) The Judicial Department shall study  
 386 the implementation of victim impact panels in juvenile delinquency  
 387 proceedings. If the department determines such implementation to be  
 388 feasible, the department shall implement such panels for use in juvenile  
 389 delinquency proceedings.

390       Sec. 11. (*Effective July 1, 2023*) The sum of one million dollars is  
 391 appropriated to the Criminal Injuries Compensation Fund from the  
 392 General Fund, for the fiscal year ending June 30, 2024, for the purpose  
 393 of expanding compensation pursuant to section 9 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	46b-128(b)
Sec. 2	<i>October 1, 2023</i>	46b-133(a) and (b)
Sec. 3	<i>October 1, 2023</i>	46b-127(a)
Sec. 4	<i>October 1, 2023</i>	46b-6
Sec. 5	<i>October 1, 2023</i>	46b-120(3)
Sec. 6	<i>October 1, 2023</i>	46b-149
Sec. 7	<i>October 1, 2023</i>	46b-140(d)
Sec. 8	<i>October 1, 2023</i>	54-201(1)
Sec. 9	<i>October 1, 2023</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>July 1, 2023</i>	New section

**Statement of Purpose:**

To: (1) Require a case of a child accused of certain offenses to be adjudicated in the court in the geographical area in which the offense is alleged to have occurred, (2) require mandatory fingerprinting of a child arrested for certain offenses, (3) limit a child's release to a parent who lacks control over a child, (4) provide for automatic transfer to the regular criminal docket of a child who is at least fifteen years of age charged with a serious juvenile offense, (5) permit the court to order a Department of Children and Families investigation into the family circumstances of a juvenile charged with certain offenses, (6) restore the family with service needs petition process and include a child who is truant in the "family with service needs" definition, (7) allow the court

to order restitution in motor vehicle theft cases, (8) allow for victim compensation in the case of property crimes committed by a juvenile, and (9) require a study of the implementation of victim impact panels in juvenile delinquency proceedings and, if feasible, implementation of such panels.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*