

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-150		6280	4	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary</i> 591-592 • <i>Judiciary</i> 611-612 				<u>House Pages:</u> <ul style="list-style-type: none"> • 1648 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 1401-1402

H-111

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 4
1451-1967**

Thursday, April 22, 1971

23.

THE CLERK:

On Page 5, Cal. 433, House Bill 6280, AN ACT CONCERNING
REVOCATION OF COMMITMENTS BY THE JUVENILE COURT.

DEPUTY SPEAKER:

The gentleman from the 157th.

MR. BINGHAM: (157th)

Mr. Speaker, I move acceptance of the Joint Committee's
favorable report and passage of the bill.

DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. BINGHAM: (157th)

Mr. Speaker, as you know, 17-62 of the General Statutes
provides for commitment of children who are uncared for by the
Department of Youth Services. This is really a technical
amendment which will now permit the father, the punitive father
of a child who acknowledges paternity in the Juvenile Court
to ask for revocation of commitment and take the child and
care for it. This is a good bill and it should pass.

DEPUTY SPEAKER:

Will you remark further. If not, the question is on
acceptance and passage. All those in favor will indicate by
saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Cal. 435, House Bill 8913, AN ACT CONCERNING WIRETAPPING
AND EAVES DROPPING. File 355.

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**S-78
CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
1971**

**VOL. 14
PART 3
957-1456**

April 29, 1971

26.

SENATOR GUNTHER:

Mr. President, I rise to support this bill. As Senator Pac so ably reports these out. It doesn't leave much more to say with the exception that the land that we are getting ^{is} adjacent to the Park. And contiguous to the park. It will be about ten times the amount of land that an 1/8 of an acre is true its going to be lost. The pumping station itself is the attractive in architecture and also well landscaped. So this is a good bill and should pass.

THE CHAIR:

Will you remark further? If not all those in favor signify by saying aye. AYE. Opposed nay. The ayes have it. The bill is passed.

We will take the vote over again. The question is on passage all those in favor signify by saying aye. AYE. Opposed no. The bill is passed.

THE CLERK:

Page 4 of the Calendar. Cal. 410, File 357 favorable report of joint standing committee on Judiciary on H.B. 6280. An Act concerning Revocation of Commitments by the Juvenile Court.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

April 29, 1971 27.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, this will clarify the definition of parent so as to expressly include the natural father as an eligible applicant in this section governing the procedure applicable to the revocation of commitment of committed children including any person who acknowledges before the Juvenile Court paternity of a child born out of wedlock.

THE CHAIR:

Will you remark further? If not the question is on passage of the bill. All those in favor signify by saying aye. AYE. Opposed nay. The bill is passed.

THE CLERK:

Cal. 411, File 363 Favorable report joint standing committee on Transportation Substitute H.B. 6418 An Act Concerning Safety Standards for School Busses.

THE CHAIR:

Senator Mondani:

SENATOR MONDANI:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 2
393-688**

1971

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WEDNESDAY

JUDICIARY COMMITTEE

MARCH 3, 1971

J. Gill: (cont'd) We're also asking in H.B.#6376 to amend our statute on the erasure and sealing of records.

H.B.#6370 - AN ACT CONCERNING THE JUVENILE COURT.

As presently drawn, we are permitted to erase and seal the arrest records and all other court records of a juvenile two years after he has successfully been discharged from probation or commitment to an institution or anything else.

Sen. Jackson: Are you commenting on #6376?

J. Gill: Yes. Which is to correct, which is the section which if you will read it I don't have it in front of me but I'm very sure that it deals with the erasure of records and sealing of records. And what we would like to do by our amendment is to make it possible when a child is found not delinquent after a hearing or dismissed as not delinquent that he immediately can have his record erased and not have to wait for two years. Because justice would seem to suggest that if in fact he is not been delinquent and he is innocent of the act which he alledged he should be immediately cleared and this is true of an adult in the circuit or superior court. It certainly should be no less true of the juvwnile. We think that this is an inconsistency in the statutes on erasure which we would ask to have corrected.

Sen. Jackson: Judge, excuse me, are you referring to #6370 or, I don't seem to find what you are...?

J. Gill: Maybe it is #6370, Senator Jackson, I may have jotted the number down incorrectly.

Sen. Jackson: This appears to be the one that you're commenting on.

J. Gill: All right, I'm sorry. I think that's true.

Then, we have H.B.#6280 in which we are suggesting that perhaps it would be proper at this time to give certain legal statute to acknowledge putative fathers. Under the law of Connecticut, as you know a putative father has no guardianship rights in a child and no legal position in a childs life although he can be held accountable in a financial way if he acknowledges the paternity.

H.B.#6280 - AN ACT CONCERNING THE JUVENILE COURT.

Now these same fathers are unable to come into our Court if they have a plan for a child and be heard because they're not a legal party to any position in the child's life or in the Court.

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WEDNESDAY

JUDICIARY COMMITTEE

MARCH 3, 1971

J. Gill: (cont'd) Now the section that I'm here addressing myself to is the section which names the people who can have access to the Court, petition the Court to be heard. Up until now a putative father is not such a person. We have had sufficient experience with putative fathers to feel that they should at least have access to the Court. It doesn't mean that all of them will emerge as responsible people who can make plans for children but they should have access. And that is the purpose of the amendment.

Then there is H.B.#6274 which has been introduced by the Judges of this Court by the request of the Rules Committee of the Superior Court.

H.B.#6274 - AN ACT CONCERNING THE JUVENILE COURT.

It has to do with appeals from the Juvenile Courts to the Superior Court. And the purpose is primarily to permit the Superior Court judges to waive the appeal fee from the Juvenile Court to the Superior Court in deserving cases. This seems to take on added urgency with what the Supreme Court said (Of the United States) said yesterday. But presently certain appeals have been in a sense going into limbo because the appellate has not been able to raise the appeal fee and the Superior Court judges have questioned whether they have the power to do so. At least two cases have gone into the federal courts addressed to this very issue. It further permits either the Juvenile Court or the Superior Court to compensate counsel of indigent, of the indigent appellate. At present time it's unclear. We compensate the people in the Superior Court. Who pays them when they take an appeal to the Superior Court? And up until now the Superior Court judges have been saying that maybe, "you do" we've been saying, "perhaps, you do". And the unfortunate appellant has been having his troubles. This I think clarifies this and in view of recent law, perhaps just in time.

I would like, there are three other bills addressed to our getting all control over so called guardianship of the person proceedings in contested guardianship. And these bills were drawn by Judge Brenneman. And I'm going to ask her if she's here to speak to them because I think she can do a better job than I can in expounding exactly what they are going to attempt to encompass. I would like to say that the judges of the Court are baffled by bill #743 which calls for special neglect sessions. It seems to a blank bill.

S.B.#743 - AN ACT CONCERNING SEPARATE SESSIONS FOR NEGLECT PROCEEDINGS IN THE JUVENILE COURT.

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WEDNESDAY

JUDICIARY COMMITTEE

MARCH 3, 1971

Ms. Siskey: (cont'd) and I am speaking for the Welfare Department and I'm going to speak on a number of bills for and against. Is that all right?

I would like to speak first on H.B.#6373.

Sen. Jackson: This is the official position of the Welfare Department?

Ms. Siskey: That's right. I'm sorry the Commissioner had another hearing. The Welfare Department approves the passage of bill #6373.

H.B.#6373 - AN ACT CONCERNING THE JUVENILE COURT

There have been occasions both for and after hearings on neglect petitions when the safety of the children have been threatened by refusal of parents to allow the Department worker to remove the children when the Court has ordered removal and the worker has frequently been threatened also. Many times the worker has had to request help or protection from the police. This bill provides penalties if the parents fail to comply with a Court order.

The next is H.B.#6275.

H.B.#6275 - AN ACT CONCERNING THE JUVENILE COURT.

The Welfare Department urges passage of this amendment to section 17-53 of the general statutes. In the past we have had to wait until the children born to parents whose older children have been committed as neglected also showed neglect before the petition could be filed. Protection of such children in their earliest days when they are most vulnerable will prevent irreversable physical and psychological damage and allow their normal needs to be met. Parents of committed children can request revocation of commitment when they can demonstrate and prove ability to assume parental roles. If they cannot improve but continue to bear children it should be possible to remove the children at their earliest possible date. This bill will make such removal possible and we'll urge its passage. We also want to confirm our support of S.B.#388.

I would now like to mention the bills that we do not favor.

H.B.#6280 - AN ACT CONCERNING THE JUVENILE COURT

And I wish to say I have great respect for Judge Gill and the judges of the Juvenile Court but I also have to disagree with some of their proposals. The State

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WEDNESDAY

JUDICIARY COMMITTEE

MARCH 3, 1971

Ms. Siskey: (cont'd) Welfare Department urges the rejection of this bill which would include a putative father among those persons who may request revocation of commitment of a child. If the putative father were to have the legal right to request revocation the question arises as to other legal rights he might have. We feel that this change in law without changing all the provisions relating to illegitimacy and paternity can create chaos. Section 45-43 of the general statutes provides that the mother, "the mother of each illegitimate child under 21 years of age shall be the sole guardian of the person of such child."

S.B.#250 - AN ACT CONCERNING TESTIMONY OF HUSBAND AND WIFE IN CHILD-ABUSE CASES

The State Welfare Department feels that S.B.#250 is unnecessary because the substance of this bill is included in S.B.#385. A much more comprehensive bill.

Sen. Jackson: In other words, you're not against ...

Ms. Siskey: We're not against it but it's already...
S.B.#734.

S.B.#734 - AN ACT CONCERNING PARTICIPATION BY FOSTER PARENTS IN JUVENILE COURT PROCEEDINGS INVOLVING CHILDREN IN THEIR CARE.

Since there was no content introduced, no bill except the statement of purpose it is impossible to comment intelligently on the bill. On the statement of purpose alone the Welfare Department rejects this proposal. At the time of the original proceedings for the commitment of the child on allegations of neglect the child is not yet in the foster home and the foster parents know nothing of the situation and would have nothing to contribute. If the intent is to make foster parents parties in revocation proceedings in which natural parents seek to regain custody of their child we reject this bill. Foster parents act as agents of the State Welfare Department in caring for the child. And the Department is represented by counsel in such proceedings. If counsel feels the need of calling foster parents as witnesses in the child's interest this is already provided for. Since foster parents are agents of the Welfare Department and not independent parties at interest their rights are provided for by the same counsel which represents the Welfare Department. In cases where the Judge believes a conflict exists between the Department's interests and the child's interest, counsel is provided to represent the child. If the matter in Juvenile Court concerns delinquency of a foster child it might be appropriate for