

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-184		6373	3	2	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li>• <i>Judiciary</i> 589-590</li> <li>• <i>Judiciary</i> 611</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>• 1831- 1832</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>• 1511- 1512</li> </ul>

**H-111**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

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

Wednesday, April 28, 1971

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pusher is through the fence. The effectiveness of the witness immunity bill has been clearly shown in our neighboring state of Rhode Island. The Attorney General of that state has declared that their witness immunity bill has been the most effective tool in bringing organized criminals to justice. Mr. Speaker, in view of the reasons set forth and the necessity for the bill, the bill should pass.

MR. SPEAKER:

Further remarks on the bill? If not, the question is on acceptance and passage. All those in favor indicate by saying aye, opposed? The bill is passed.

THE CLERK:

Calendar No. 508, Substitute for House Bill No. 6373, An Act Concerning the Assumption of Custody of a Child Pursuant to Juvenile Court Order.

LEONARD S. PAOLETTA, 136th District:

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

MR. SPEAKER:

Will you remark?

LEONARD S. PAOLETTA, 136th District:

Mr. Speaker, what this bill will do is to establish a procedure whereby the custody of a child will be turned over to specific individuals named in the statute and named in the court order. This refers only to juvenile court. It will

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put teeth into the order of a juvenile court...a judge's order and will require compliance, otherwise the individual failing to comply would suffer the possibilities of contempt proceedings which would involve jail, fine or both. It's a good bill, Mr. Speaker, and I urge its adoption.

MR. SPEAKER:

Are there further remarks on the bill? If not, all those in favor indicate by saying aye, opposed? The bill is passed.

THE CLERK:

Calendar No. 517, Senate Bill No. 0366. An Act Concerning Extending the Time to File Subdivision Plans.

JAMES F. GAFFNEY, 80th District:

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

MR. SPEAKER:

Will you remark?

JAMES F. GAFFNEY, 80th District:

Mr. Speaker, the Clerk has an amendment.

MR. SPEAKER:

Will the Clerk call Amendment Schedule "A"?

THE CLERK:

House Amendment Schedule "A" offered by Mr. Stevens of the 122nd.

In lines 21-22, delete the words "subsequent periods," and insert in lieu thereof the words "two additional periods".

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**CONNECTICUT  
GENERAL ASSEMBLY**

**SENATE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 4  
1457-1920**

May 4, 1971

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report and passage of the bill. This is a very technical bill. To adopt a restrictive definition of annual income. I urge its passage.

THE CHAIR:

Thank you for that illucidating report on the bill. Question is on adoption of the bill. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 473. File No. 242. Favorable report of the joint committee on Judiciary. Substitute for House Bill 6268. An Act Concerning the Juvenile Court.

SENATOR CALDWELL:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill. This bill will allow the Juvenile Court to transfer a child 14 years of age or older, who allegidely has committed a murder, as defined in the new Criminal Code. to be transferred to Superior Court. I've experienced this type of situation in my own private practice. I think it's recommendable and I urge adoption of the bill.

THE CHAIR:

Question is on passage, will you remark further? If not, all those in favor of passage signify by saying, "aye". Opposed, "nay". Bill is passed.

THE CLERK:

CAL. NO. 475. File No. 450. Favorable report of the joint committee on Judiciary. Substitute House Bill 6373. An Act Concerning the Assumption of Custody of a Child Pursuant to Juvenile Court Order.

SENATOR CALDWELL:

~~Mr. President, I move the acceptance of the committee's favorable report.~~

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report and passage of the bill. This bill provides penalties when parents refuse to surrender a child according to a Juvenile Court Order. It's badly needed legislation and I urge its adoption.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor of passage signify by saying, "aye". Opposed, "nay". Bill is passed.

THE CLERK:

CAL. NO. 482. File No. 455. Favorable report of the joint committee on Public Personnel and Military Affairs. Substitute House Bill 7955. An Act Concerning Election of Retirement Benefits by New State Employees.

SENATOR BURKE:

Mr. President, I move the acceptance of the joint committee s favorable report and the passage of this bill. This provides for a new state employees who may be entitled to become eligible for membership in the State Employees Retirement System. I urge its passage.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". Bill is passed.

THE CLERK:

Clerk has just received from the House, by special messenger, a change of reference, favorable report of the joint committee on Judiciary. Substitute House Bill 9233. An Act Concerning the Treatment of Persons Arrested for Violation of Controlled Drug Statutes. Referred to Appropriations.

CAL. NO. 483. File No. 407. Favorable report of the joint committee on Judiciary. Substitute House Bill 8026. An Act Concerning the Return Day for Appeals in Civil Actions.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY**

**PART 2  
393-688**

**1971**

CVS

8.

WEDNESDAY

JUDICIARY COMMITTEE

MARCH 3, 1971

J. Gill: (cont'd) They would like to feel that what they are providing in the way of funds would be backed up in the way of staff work. Actually, the Court is providing most of the staff work. But the most objectionable feature of the present system is that it's highly wasteful of judicial time. It means we have to travel the circuitous route of first bringing the child in to determine what he has done which is generally a delinquency hearing. Then, determining what his needs may be and if we arrive at the need for specialized placement beginning again with a brand new petition of neglect which again has to go down the judicial road to a neglect hearing all of which consumes great deal of both judicial man power, staff man power and clerical man power so that every such placement becomes a great deal more costly in terms of time and money than it might be if we could do it ourselves directly. Now, we're not suggesting that all departments be given the same amount of money. We're simply saying that if the state now spends as it does well over a half a million dollars a year on placements of this kind that it probably could be more economically and expeditiously done by direct placement through the Court and through the Welfare Department. If the Department of Children and Youth Services had as much money as ideally perhaps it would like to have. It could probably provide the kind of lend-lease arrangement that we're talking about. But the realities again seem to be that this Department does not have this kind of money and that we will not be able to turn to them in the predictable future for this kind of help.

The next bill is H.B.#6270 and this represents really the correction of an error which your speaker made when he drew the original revision of the Juvenile Court Act two years ago. I might as well acknowledge this publicly.

I failed to make any provision in the Act for revocations of commitments to any institutions, save and except the Department of Children and Youth Services, so that youngsters that are sent to Southberry, Mansfield or to any other institution under a Court decree now theoretically don't have access to the Court to have that decree reviewed. I think the Court has inherent power to reopen any judgment, at least I thought so. But it's been stalling me in the face for two years as a piece of faulty draftsmanship. And I think it should be explicitly in the statute.

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

Is to give the Court the authority and power to enforce it's decrees in cases where it makes awards for emergency custody, primarily, but also perhaps in decrees of final

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WEDNESDAY

JUDICIARY COMMITTEE

MARCH 3, 1971

J. Gill: (cont'd) custody. At the present time, if we sign a decree of temporary custody that is pending a final hearing on the basis of the child's physical condition of the circumstances around his care are so prejudicial to him that he should be immediately delivered up to a safer haven pending the hearing. We find great difficulty at times in enforcing this decree. The procedure that we have to go through is first, a summons to the resisting parents, if this is ignored which it may often be then, a -- to pick up the individual and then, finally if the -- is served we get the person and can begin the content procedure in the Court. But all of this requires generally, because it is cumbersome two or three days and the very purpose of an emergency decree is defeated. We're proposing in this bill the power to issue a warrant, an arrest warrant immediately for anyone who has defied a properly served order of the Court. This is a power that for example, the Probate courts have to enforce custodial decrees. And of course, this is inherent in the Superior Court. We have power but to get at it takes so many steps that the power is almost negated.

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

(This bill) proposes an amendment to our jurisdiction sections 17-53 to deal with what we call cases of future neglect. If I may I'll describe what is meant by that. We're talking here about families or parents who've already had children who've been taken away because of inadequate care. And perhaps they've failed these children very badly. Then, subsequently another child is born and it's very clear from the pattern of care of the other children that this child is going to be neglected if left with the parent. Yet, it's uncertain that at this time the Court can do anything about this because the child is not actually been neglected. We propose that where the pattern of neglect is one based on established inadequate care of other children or upon a long established pattern of personal incompetency. A mother who's been a drug addict for years or an alcoholic for years would still have the biological ability to produce children and does produce one but it doesn't match with any current ability whatsoever to look after the child. This child should not have to undergo the actual neglect in order to be protected. And we're uncertain as to whether the statute at the present time permits us to move. Now, obviously it calls for great judicial discretion because judging the future on the basis of the past is a dangerous business. But we hope that the language, "an established pattern" means exactly that not just some isolated incidents of misconduct but an established, prolonged pattern of incompetency. And I feel that this is a sufficiently firm yard stick to guide the judge in his deliberations.

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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