

PA 11-157

HB6638

House	2194-2209	16
Judiciary	5584, 5590-5592, 5615, 5630, 5632, 5667, 5695, 5697, 5709, 5712, 5731-5732, 5740-5741, 5804, 5807, 5909-5910, 5912- 5923, 5929, 5931-5933, 5938	37
<u>Senate</u>	<u>6547-6548, 6573-6578</u>	<u>8</u>
		61

H – 1098

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 7
2055 – 2400**

Senate Bill 889 in concurrence with the Senate.

Total Number voting	141
Necessary for passage	71
Those voting Yea	141
Those voting Nay	0
Those absent not voting	10

DEPUTY SPEAKER ORANGE:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 364.

THE CLERK:

On page 22, Calendar 364, Substitute for House Bill Number 6638, AN ACT CONCERNING JUVENILE JUSTICE, favorable report by the Judiciary Committee.

DEPUTY SPEAKER ORANGE:

Representative Gary Holder-Winfield, you have the floor, sir.

REP. HOLDER-WINFIELD (94th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. HOLDER-WINFIELD (94th):

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

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Holder Winfield, you have the floor, sir.

REP. HOLDER-WINFIELD (94th):

Yes, thank you, Madam Speaker.

Also before I explain the bill, I would like to call the amendment and explain both in concurrent so the Clerk is in possession of LCO 5890. I request that the Clerk call the amendment, and I be granted leave of the Chamber to explain the amendment and the bill together.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 5890 to be designated as House Amendment Schedule "A."

THE CLERK:

LCO Number 5890, House "A," offered by
Representative Fox.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection?

Seeing none, Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, again, Madam Chair.

What this amendment before us does to the bill is it clarifies some language which was called into question during the committee. And so in several lines it takes the word "committee" and changes it for: "custody." Uh -- yes. I'm sorry, Madam Chair, I move adoption of the amendment.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of House Amendment Schedule "A." Will you remark on the amendment?

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes, Madam Chair.

So now I will explain what the amendment does. It changes out several words which makes the bill more clear. It changes the word "custody and commitment" in line 239, also in 240. . It changes from -- in line 771, "age of 16" to "while 16 years of age." So what it does is it clarifies the bill. And I would say that this bill comes to us from the Juvenile Jurisdiction Policy and Operations Coordinating Council which was chaired by members of the -- Toni Walker who's a member of this Chamber and Senator Toni

Harp. It had the Chief's State Prosecutor -- the Chief Prosecutor, the Chief's State Attorney. It also had the public defender. It had police departments, DCF, and the courts.

This is one of several bills which come to us dealing with juvenile justice. This is the only bill that passed out -- this is the only bill which passed out of the House -- out of the committee unanimously. And what the bill does is it clarifies, with the amendment on it, it clarifies the mandated procedures in family violence cases and it clarifies that they do not apply to (inaudible). Okay.

DEPUTY SPEAKER ORANGE:

Will you care to remark further on the amendment before us?

Representative Sawyer of the 55th, you have the floor -- floor, madam.

REP. SAWYER (55th):

I'd like the floor. Thank you, Madam Speaker.

A question, through you, to the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please proceed, ma'am.

REP. SAWYER (55th):

Representative, in looking at the change of wording in line 771 and 772, it talks about the age of 6 -- changing from "age of 16" to substitute "while 16 years of age." The following one goes from at the "age of 17" to "while the -- "while 17 years of age." Is there a reason for that term of art in the statutory language? Is that something that we do throughout? Instead of saying, until they're 17, until they are 18, but the way they've written it, "while 16 years of age."

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes, thank you, Madam Chair.

And I thank you for that question. It is my understanding that that language is felt to be more clear than the language that was already in the bill.

Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

So if you change it to -- from "at the age of 16" or "at the age of 17," and we're going to say "while

sg/lgg/cd/rgd
HOUSE OF REPRESENTATIVES

63
May 11, 2011

16 years of age," is that to include, like, is that to include the entire year? Is that what they're trying to get at?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

Yes.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

I thank you very much.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am.

Will you care to remark further on the amendment before us?

If not, let me try your minds. All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Would you care to remark further on the bill as amendment?

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, again, Madam Chair.

So this bill comes to us through the Juvenile Jurisdiction Policy and Operations Coordinating Council. It's an effort on many parties who've gathered together to look at how we deal with juveniles in our criminal justice system. The chief prosecutor, as I stated prior, the chief public defender, DCF, the Department of Education and the police chiefs and the courts were involved in this.

This bill came to the Judiciary Committee and was passed out of the Judiciary Committee with a 41 to 0 vote. What it -- what it does is it clarifies mandated procedures in the family vi -- in family violence cases and it clarifies that they do not apply to delinquency proceedings.

It also clarifies a question that was before the State, which was whether or not DCF's cognizant over delinquents ends at the age of 20 or not and clarifies that, yes, they do do that. It amends State statutes that require notification of school districts. It

includes now the school districts to which students might be sent, not only their home districts, which allows for us to make sure that students are still -- be able to be educated if they're in a juvenile delinquency proceeding.

It also adds to the SJO, the serious juvenile offenses, the crimes of home invasion and strangulation. It also ensures --

DEPUTY SPEAKER ORANGE:

Excuse me, sir.

Please proceed.

REP. HOLDER-WINFIELD (94th):

And also, Madam Chair, it requires the disclosure of education records consistent with FERPA, for children who are confined in juvenile detention centers. I urge passage of the bill, Madam Chair.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill as amended?

Representative Hetherington of the 125th, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

This bill is largely designed to implement the Raise the Age requirement that has been passed by the legislature. And the various provisions are consistent with that objective. As revealed by the questions of Representative Sawyer, without these changes, reaching the age of 16 would have some consequences. With these changes, it makes clear that they apply going forward during that year of age. So it is logical that these changes be adopted to implement Raise the Age. That said, there are many of us who have reservations about the mandate that this imposes upon municipalities; however, given that policy decision was adopted by this legislature, it is, therefore, reasonable to go ahead and adopt the changes that would be consistent with that and would implement that change. So with that -- with that proviso, I would -- I would urge adoption.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill as amended? Care to remark further on the bill as amended?

Representative Betts, you have the floor, sir.

REP. BETTS (78th):

Thank you, Madam Speaker.

I apologize because I had not heard you before, sir, but did you, through you, Madam Speaker, did you say DCF still has responsibility for the children over the age of 20?

Through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Madam Speaker, this bill clarifies that that responsibility ends at the age of 20.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Betts.

REP. BETTS (78th):

And one other question. Thank you for that answer. Through you, Madam Speaker, could you distinguish or explain to me the difference between "custody" and "commitment"?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

I think what -- I think you're referring to the language changes in the amendment. I think what was being gotten at was that these people are in -- are committed to so there -- it refers to that type of thing as opposed to possession of.

DEPUTY SPEAKER ORANGE:

Representative Betts.

REP. BETTS (78th):

Thank you for that answer. The -- the reason I was asking about a commitment, is there some kind of legal requirement that when somebody is committed, they have to stay there for X number of days versus custody in which they can be released at any particular point?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I'm not 100 percent sure, but I think that would vary by the situation itself.

Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Betts.

REP. BETTS (78th):

Thank you very much for your answer.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill as amended before us?

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Madam Speaker. Through you, a question to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, ma'am.

REP. SAWYER (55th):

In the bill where it talks about the responsibility of committed delinquent children ends when the child attains the age of 20, could you tell me what the age is that DCF continues to care for children who are nondelinquent?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I did not hear the end of the question so if the good Representative could repeat it, I would appreciate it.

DEPUTY SPEAKER ORANGE:

A little difficulty in hearing the conversation. Please. Thank you.

Representative Sawyer, do you mind repeating the question, madam?

REP. SAWYER (55th):

No, Ma'am, absolutely, and I will speak up.

The response in this particular bill, has section 3, it talks about the clarity of the Department of Children and Families' responsibility for -- to being committed to the delinquent children ends when the child attains the age of 20. What is the age that the department has the responsibility for for children who are nondelinquent?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

I'm sorry to say I don't know the answer to that. This bill deals with delinquency and that's the extent

sg/lgg/cd/rgd
HOUSE OF REPRESENTATIVES

71
May 11, 2011

of my knowledge with DCF's commitment.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

A fair answer.

Thank you, Madam.

Let me go through another way then. What happens to the children who are delinquent when they reach the age of 20?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Chair.

If you're referring to DCF, they are no longer required to be committed in the cognizance of DCF.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

Thank you.

I know when we have been working on Raise the Age and these particular problems, I find -- I just find, I guess I was a little surprised and taken back with the age of 20 came out, while we've use the age of 18

for so many other things. We've moved from 16 to 17 to 18 and then to have this be at 20 for the delinquency, I thought was very interesting in it, so my curiosity was in perhaps someone else will know the answer. Do the children then get transferred to Department of Corrections at the age of 20 instead of at the age of 18? And I hope to find the answer out later.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am.

Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended?

If not, staff and guests please come to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber please.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?
If all members have voted, please check the boards to

determine if your vote has been properly cast? If so, the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6638 as amended by House "A."

Total Number voting 142

Necessary for passage 72

Those voting Yea 142

Those voting Nay 0

Those absent not voting 9

DEPUTY SPEAKER ORANGE:

The bill as amended passes.

Will the Chamber please stand at ease.

(Chamber at ease.)

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The House will please come back to order and will the Clerk please call Calendar 146.

THE CLERK:

On page 37, Calendar 146, House Bill Number 5460,
AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS, favorable

S - 632

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

494
June 7, 2011

THE CHAIR:

So ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Continuing on page 10, Calendar 474 House Bill
Number 6274.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, continuing on page, calendar page 10,
Calendar 476, House Bill Number 6635.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving, now to calendar page 12, Calendar 499,
House Bill Number 6638.

Madam President, move to place the item on the
Consent Calendar.

mhr/cd/gbr
SENATE

495
June 7, 2011

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, calendar page 12, Calendar 500, House

Bill Number 6614.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, calendar page 12, Calendar 507, House

Bill Number 6295.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, calendar page 12, Calendar 508, House

Bill Number 6222.

Move to place the item on the Consent Calendar.

THE CHAIR:

mhr/cd/gbr
SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

mhr/cd/gbr
SENATE

521
June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

mhr/cd/gbr
SENATE

522
June 7, 2011

Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

mhr/cd/gbr
SENATE

523
June 7, 2011

Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

mhr/cd/gbr
SENATE

524
June 7, 2011

Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

mhr/cd/gbr
SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 18
5574 – 5939**

2011

keep the restraints on. If they're not concerned, they -- they can take them off. And if in court somebody requests the judge to have the restraints removed, the judge will certainly ask why are they on, and if the marshals don't give a good reason, the judge will remove them. That's the way the thing ought to happen. To do this, removes the discretion from marshals in a way that may subject the staff and the courtroom to danger, and it would seem that this bill would be a mistake.

In regards to the other bills, Mr. Carino -- again, we prepared testimony and the others at fair length.

Mr. Carino has been a juvenile prosecutor since -- as long as I can remember, before the juvenile prosecutor who was taken into the division. He was the head juvenile prosecutor before the judicial branch back as long as I can remember. He has great experience in this area and he'll remark on these other bills.

FRANCIS CARINO: Thank you, Kevin.

Good morning. I'm going to make a few comments on 1164, AN ACT DELAYING IMPLEMENTATION ON RAISE THE AGE OF -- FOR 17-YEAR-OLDS. My only comment here is that you may hear about the -- how the addition of the 16-year-olds to the juvenile system over the last 15 months has not resulted in the numbers or the cost that were anticipated prior to the implementation. I would caution you not to jump to conclusions regarding either the numbers or the cost.

One explanation for why we haven't seen the intake of 16-year-olds that we expected is that the law is still confusing. And despite the extensive training efforts on the part of the

SB 1229
HB 6634
HB 6637
HB 6638

don't really apply to juvenile matters. So we would also establish a minimum age of seven for prosecution purposes in delinquency or family with service needs cases.

We would agree with this bill. We would urge its adoption.

The only change I would recommend since we drafted this some time ago is to change the term "juvenile prosecutor" as it appears in there to be either "prosecutor," or "state's attorney" or "prosecuting official" because the legislature deleted the reference to juvenile prosecutors a year ago so just to update that part.

The last one is 6638, AN ACT CONCERNING JUVENILE JUSTICE. This, again, was a consent package that came out of the subcommittee of the JJPOCC. And I would -- I would urge the committee to also adopt this provision. The --

There's one section in there that adds evading responsibility that results in serious physical injury or death to the list of offenses for which the Juvenile Court would notify Motor Vehicle so that they could impose their administrative sanctions.

Since that was drafted, we came across another statute, 53a-60d, assault second with a motor vehicle. That should also be added to that list. And I say that because the statute provides if the person is convicted of that charge, there are administrative sanctions, including a mandatory license suspension and a requirement that that person only operate a motor vehicle that's equipped with an approved ignition interlock device. So in order to have that happen, Motor Vehicle has to be notified. And if these are juvenile cases, because of confidentiality, they

wouldn't be notified. So by adding that to this provision, that particular statute, and the -- the notification to Motor Vehicle would be accomplished.

Also that bill will provide for the, first time in our statutes, a cap on DCF's responsibility and it would put a cap at age 20. So that once a person turns 20 years old, DCF would no longer have the responsibility to provide for that individual. While I agree DCF should have some limit to its responsibility, it should not go on forever. They are the Department of Children and Families, and I think 20 is a reasonable age. I just want to point out that there will still be a gap in the system. And that gap would be the result of kids getting older now coming into juvenile court. Recent legislation that extended statutes of limitations, particularly in sex assault cases, so we're starting to see more and more kids coming into court at older ages, 19, 23, 25, for crimes they committed when they were juveniles. And if we end up putting a cap on DCF's responsibility -- which I think is perfectly appropriate -- we're going to get a kid who's 18, 19, 20, 25 or older coming into juvenile court for a crime he committed as a juvenile. That we may not be able to transfer if it occurred before the age of 14, but it's going to be a serious crime -- if it survives the statute of limitations argument, it's going to be a serious crime. The person may need some type of treatment or some type of court supervision but the Juvenile Court is not going to be in the position to do that.

So we've discussed this to a limited extent in the subcommittee, and I think at this point and time, the subcommittee is willing to meet again to try to resolve that issue if this cap is put through which I think is appropriate.

And I believe even the Division of Public Defenders Services may have already started to do some research on how other states handle these types of situations. So I look forward to reconvening with the committee members and coming up with some alternative solution to propose. But at this point and time, we do support, enthusiastically, Bill 6638.

I'd be happy to answer any questions.

REP. FOX: Thank you.

Are there any questions?

Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you.

I want to go to a Bill 1164 for a minute. You were talking about the confusion and that you also talked about some training. What type of training on the new law has taken place and who's been training?

FRANCIS CARINO: Well, I've done quite a bit of it myself. When the law first started, the earlier version of it, I went around to every one of the juvenile courts -- and at the time, we had 13 juvenile courts. I invited all of the court staff, the judges, the clerks, the probation officers and asked them to invite area police departments, and I went around to each of the courts and laid out what the law said and how it works.

Since then, I've also spoken with police officers all over the state. Police, as you know, are required to be recertified every three years and that's certain amount of hours in each subject

REP. FOX: At least in this capacity --

COMMISSIONER KATZ: Yes, yes. No, I still have the scars from past visits. I'm a quick healer. I'm kidding.

Thank you so much and good morning to all of you, particularly Senator Coleman -- who apparently has just left the room -- Representative Fox, Senator Kissel, Representative Hetherington and members of the Judiciary Committee.

I am Joette Katz, commissioner of the Department of Children and Families, and I'm here today to offer our support for House Bill 6638, AN ACT CONCERNING JUVENILE JUSTICE. The Department has also submitted written testimony on several other bills on your public hearing agenda.

House Bill 6623 makes a number of necessary changes to various DCF and juvenile matter statutes. This bill emanated from a working group that consisted of DCF, the Judicial Branch, the public defender's office, juvenile justice advocates, as well as Senator Harp and Representative Walker.

Several sections of this bill clarify the Department of Children and Families responsibility for committed delinquent children ends when the child attains the age of 20. The Department believes it is necessary to cap the maximum age of juvenile offenders, as there will be challenges associated with mixing young adults with the adolescent population in facilities, such as Connecticut Juvenile Training School.

CJTS is being renovated to segregate the younger and older populations to the greatest extent possible, and those renovations are underway currently. Providing services and supervision

SB1164

Merva Jackson?

MERVA JACKSON: Good morning, Representatives.

REP. FOX: Good morning or --

MERVA JACKSON: I appreciate the opportunity to speak in front of your committee this morning. I'm also bringing along with me Carmen Pena who is a little bit down on the agenda but she'll be -- she's one of our (inaudible). This is her first time, and I wanted to support her in her effort to speak to you this morning on these issues. Okay.

Good afternoon -- well, almost afternoon now -- Senator Coleman, Representative Fox, and members of the Judiciary Committee.

My name is Merva Jackson. I'm the executive director of the African Caribbean American Parents of Children with Disabilities. One of the commissioner on Racial and Ethnic Disparity in the Criminal Justice System and a member of the Connecticut Juvenile Justice Strategic Plan Executive Implementation Team.

I'm here to testify against Senate Bill -- ooh.

I usually have a really strong voice when I'm reading.

I'm here to testify against Senate Bill 1223, which would require parents to pay for the cost of treatment and the care for their delinquent children.

In sitting here this morning, I did hear some conversation in regards to who are many of the children that end up in the justice system. And I'm sure if you had a chance to review the data,

HB 6634
HB 6638

This bill will only add an additional burden and stress to them when what their need -- what they really need is help and support. I appeal to you on the behalf of the many families raising children at risk or involved in the justice system to kill this bill and let's get together and look at real solutions to better involve parent in the design, development implementation of their JJ-involved children service plan. And as an organization, we are prepared to work with you in those issues.

In closing, I also want to support Raised Bill 6634, AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS. Again, because so many of these kids are referred to the justice system unjustly and then develop a record that many times follow them through the adult system, which contributes to the over -- representation of individual of color in the justice system. And this will give us an opportunity to really look at this portion -- disproportionate minority contact, which has been an issue for Connecticut for over 30 years that we really have not really addressed effectively. And through this bill, we'll be able to really start to really look at how we do that and to improve what we're doing.

And I also want to support 6638, Raise the Age.

REP. FOX: Sure, go ahead. If you just put the microphone up front.

CARMEN PENA: [SPANISH]

REP. FOX: Thank you.

MERVA JACKSON: I did -- I did submit her testimony both in English and Spanish.

procedures would remain in place. We also understand that DPW is subject to reorganization under Governor Malloy's recommended budget and that DPW's leasing responsibilities may be moved to the Department of Administrative Services.

We know that the DAS Commissioner DeFronzo is interested in a committee to improving leasing services for everyone, and we're hopeful, if our bill doesn't move forward, that significant improvements would be forthcoming, but we really do believe that we are in the best position to undertake this critical responsibility in a cost efficient and business friendly way.

Let me talk about House Bill 6635, AN ACT CONCERNING COURT SUPPORT SERVICES DIVISION, now. This bill would make some technical changes to implement recently enacted legis -- legislation, and I won't go through it all. I think my written testimony is self-explanatory about the details of it that are needed to carry out the responsibilities you have asked us to do so I would urge you to act favorably on these proposals.

And I will now move over toward the juvenile bills and thank you for allowing me to testify about all of these bills. We speak today in support of House Bill 6638, AN ACT CONCERNING JUVENILE JUSTICE; House Bill 6637, AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE AND YOUTH CRISIS MATTERS; and House Bill 6636, AN ACT CONCERNING CHILDREN CONVICTED AS DELINQUENTS WHO ARE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES. All three bills come out of the Juvenile Jurisdiction Policy and Operations Coordinating Council, a legislative working group, which was co-chaired by Senator Harp and Representative Walker and included the Branch, the Office of the Chief

JUDGE QUINN: It's -- it's both sections. We're asking you to take no action on either of the sections on the entire proposal. With respect to the first portion, we already have the authority to bring parents in where it's appropriate and to hold them in contempt if necessary. With respect to the second section, we would be ask -- we are asking that we exercise our discretion.

So, you know, generally speaking, we're opposed to the whole thing. If you believe you need to move forward on it, we have some options that we would like you to consider so I think it's accurate to say we would like you not to move forward on this bill.

REP. HOLDER-WINFIELD: Thank you. I -- the reason I had asked the question is because I heard a little bit in the interaction between you and Representative Morris about cost, I think, so I was wondering if that was it or if it was something else so I appreciate your response. Thank you.

Any other questions?

If not, thank you for your testimony.

JUDGE QUINN: Thank you very much.

REP. HOLDER-WINFIELD: Next we will hear from Theresa Drew.

THERESA DREW: Good afternoon, Representative Holder-Winfield and the Judiciary Committee.

My name is Terri Drew. I am the director of the Youth Services Bureau for the city of Stamford.

The mission of the bureau is to promote the development of caring and responsible, successful

HB 6634
HB 6638
SB 1164
SB 1226

We support House Bill 6638, which includes technical and other changes to statute needed for the effective, on time implementation of Raise the Age for 17-year-olds on July 1, 2012.

We strongly oppose Raised Senate Bill 1164 and Raised Senate Bill 1226, which call for the delay of raising the age to include 17-year-olds in the juvenile justice system on July 1, 2012. The legislation to raise the age in Connecticut was originally passed in 2007. Connecticut should implement Raise the Age on time for 17-year-olds because, one, broad bipartisan research shows that kids tied -- tried in the juvenile system show lower recidivism rates than those tried in the adult system; two, serving 17-year-olds through timely, age appropriate community services and supports, including family support centers and diversion programs through YSB's, like juvenile review boards, is better for families and less costly than residential options; three, we successfully implemented Raise the Age for 16-year-olds in 2010; four, due to better than anticipated capacity, less than anticipated costs and a shrinking juvenile justice system, there is much more room to absorb 17-year-olds than originally anticipated.

On time implementation of Raise the Age legislation on July 1, 2012, is good crime control policy, good public health policy and good fiscal policy.

Thank you for the opportunity to present testimony, and if you have questions or need additional information, I can provide you with that. Thank you.

REP. HOLDER-WINFIELD: Thank you.

REP. FOX: Thank you very much.

Are there any questions or comments? No.

ALBERT FANG: Thank you.

REP. FOX: Thanks, thanks for being here today.

Next is Christine Rapillo.

CHRISTINE RAPILLO: Good afternoon, Representative Fox, members of the Judiciary Committee.

My name is Christine Rapillo, and I'm here on behalf of Susan Storey, the chief public defender. I am the director of Delinquency Defense for the public defender's office.

And I'm here -- I've submitted writ -- written testimony on behalf of the chief on a number of bills. In the interest of time, I'm going to try to keep my testimony to five of the bills that I talked about.

The first being Raised Bill 6634, which I believe is a proposal that will take a direct hit at the problem with disproportionate minority contact in the juvenile justice system.

And, Representative Holder-Winfield, you had asked about the studies that we relied on and ask them if this bill be proposed. I participated in the last two studies that have come out of the Juvenile Justice Advisory Committee so I'd be happy to answer any questions that you have about that.

Members of the committee, I would urge you to act favorably on this bill. This bill would apply the court order requirement for every child

SB1095
SB1229
HB6638
HB6637

the time they serve in detention since most of these kids are waiting for placements. They're waiting for services that we're unable to provide them in a timely manner and they remain locked up most of the time not because they present an incredible danger to the community but that there's a worry that the child will get hurt or further decompensate with a mental health issue if they're sent home without appropriate services.

This would not prevent children from getting the appropriate amount of rehabilitation because, as you've also heard today, the Department of Children and Families is able at the end of a child's commitment to ask the court to extend that commitment not because the child has committed a new crime or has had a problem but simply because they feel it would be within the child's best interest or in their rehabilitative interest. So giving the child -- what this would do is put the presumption that the child would get the time credit, but if there was a need to hold the child for longer, the Department continue to be able to come in and ask for more time.

With regard to the number of bills that's before this committee today on the issue of raising the age of juvenile court jurisdiction, I would urge the court to act -- I'm sorry, old habits die hard -- I would urge the committee to act favorably on Raised Bill 6638, an act concerning juvenile justice and to not delay the implementation of Raise the Age any further.

What the committee heard today about confusion regarding law enforcement issues over the motor vehicle offenses, issues that arise when children come in on dual offenses because the way the system is set up now motor vehicle offenses were

REP. FOX: Thank you. Thank -- thanks for your testimony.

Cassandra Higgins. No.

Abby Anderson.

ABBY ANDERSON: Good afternoon.

REP. FOX: Good afternoon.

ABBY ANDERSON: I'm going to be as brief as possible because most of the things that I was going to say have been said several times so far so I would just like to reiterate.

My name is Abby Anderson. I'm the executive director of the Connecticut Juvenile Justice Alliance. We are a statewide nonprofit organization, working to reduce the number of children and youth entering the juvenile and criminal system and advocating a safe, effective and fair system for those involved.

In terms of that safe, effective and fair mission, as you've heard today, the DMC legislation is about fairness and effectiveness. We know that we have young people who go into our juvenile justice system because of the color of their skin at a time -- at any time, that's not fair and it's not effective but especially when we're facing budget issues, to be putting kids in a system simply because of the color of their skin is not a good use of our resources.

The Alliance supports House Bill 6638, which is the Raise the Age technical changes bill, looking at making sure that the same changes we put in place that ensured the smooth and implementation for 16-year-olds are in place for the 17-year-olds. As a member of the committee that

SB 1164
SB 1226

worked on this, we can attest to the highly collaborative discussion between DCF, the branch, the Attorney General's office, prosecutors, the public defenders, law enforcement, SDE and the advocates.

To that end, we're also strongly in opposition to Raise Senate Bill 1164 and 1226, which calls for a delay. One of the points that has not been -- yet been made today is the fact that there's a new organization called Right on Crime. You can find it at Rightoncrime.com. It calls itself the one-stop source for conservative ideas about criminal justice reform. Politics makes -- makes for a strange bedfellow sometimes, but we are completely in line with the Right on Crime folks.

What they say is breaking the cycle of crime and turning law breakers into law abiding citizens is a conservative priority because it advances public safety, the rule of law and minimizes the number of future victims. Research, done by the Center for Disease Control and the Office of Juvenile Justice and Delinquency Prevention under the Bush Administration, showed that trying youth as adults is a counterproductive crime control policy. Instead, juveniles tried as adults are more likely to recidivate and incur significant long-term costs than those kept in the juvenile justice system.

To date, the bill to raise the age for 16- and 17-year-olds was passed in 2007. When this goes into effect in 2012, we will already have kept 17-year-olds in the adult system five years after we determined, as a state, that handling 17-year-olds as an adult -- as adults is ineffective and expensive public policy that does not improve public safety.

For all those reasons, we would ask that Raise

yes.

REP. FOX: Okay. And for those people that are involved in these cases, it can be very complex. It can be sometimes very high stakes involved. And if they want somebody who -- who knows what they're doing essentially, and what this will do is also and, perhaps, encourage settlement which is the same basis for the offer of compromise in our -- in our courts, and potentially bring these cases to resolution.

MATTHEY HALLISEY: Exactly.

REP. FOX: Okay. Well, thank you.

Are there any other questions?

Well, thank you very much.

MATTHEW HALLISEY: Thank you.

ROGER CHAPMAN: Thank you, sir.

REP. HOLDER-WINFIELD: Next, we'll hear from Cheri Bragg.

CHERI BRAGG: Good afternoon, members of the Judiciary Committee. My name is Cheri Bragg, coordinator of Keep the Promise Coalition, which is comprised of people living with mental illness, their family members, providers and advocates dedicated to ensuring that a comprehensive community mental health system is created and sustained in Connecticut.

The Coalition is here today in favor of House Bill 6638, AN ACT CONCERNING JUVENILE JUSTICE that would ens -- help ensure smooth, on time implementation of Raised the Age for 17-year-olds, which as you've heard has already

SB1164

happened in 11 states -- all but 11 states. There are several reasons that Connecticut should follow suit, and I'll summarize.

As you are -- have already heard previously, Connecticut was able to successfully implement Raise the Age for 16-year-olds in 2010 and due to several factors there's much more room to absorb the 17-year-olds than anticipated. These age appropriate community services and supports, such as family support centers and diversion programs, are better for families and much less costly than residential or institutional options.

You've also heard that the kids who are tried in the juvenile system show lower recidivism rates than those tried in the adult system, which is especially important for young people who have serious mental illnesses who are much more likely to get caught up in the costly criminal justice system, rather than receive the health care they need. Studies show that the brain does not fully develop until about age 25. If you have a serious mental illness, the supports and services that they need up until that time really helps them navigate that transition into adulthood when we're making many of our major decisions about life.

For all of these reasons, the Coalition is opposed to Senate Bill 1164 for proposing to delay Raise the Age implementation. Some Coalition members that we talked to that have had criminal justice involvement, especially during that youth to young adult time, it's clear to them now. They say that realized they really needed mental health care back then but they didn't realize it then, got caught up in a system where they didn't get health care they needed until much later, costing the State a lot of money.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY

JOINT COMMITTEE ON JUDICIARY

April 1, 2011

The Division of Criminal Justice appreciates this opportunity to offer our commentary and recommendations with regard to several of the bills on the agenda for today's public hearing.

S.B. NO. 1095 (RAISED): AN ACT LIMITING THE USE OF RESTRAINTS ON A CHILD WHO IS SUBJECT TO DISCIPLINARY PROCEEDINGS

If this bill were to be enacted, a juvenile being transported to court from a secure facility would be free of restraints for the first time when he or she is brought into court. For any juvenile contemplating escape or assault on the judge, prosecutor, probation officer or victim that may be present, being brought into the court room unrestrained would present the first opportunity to take such action. This might result in injury to those present including the juvenile. The provision presumably would permit restraints if "the judge determines that the use of such restraints on the child is necessary to ensure public safety." Absent specific threats, the staff might not be aware of such danger unless and until the juvenile causes a problem in court. If there was any prior knowledge or concern, this provision would appear to require a hearing on the issue of using restraints before the juvenile could be brought into court thereby delaying the originally scheduled hearing and further delaying all other scheduled hearings.

S.B. NO. 1227 (RAISED): AN ACT CONCERNING THE PREVENTION OF URBAN YOUTH DELINQUENCY AND VIOLENCE AND THE CRIMINAL LIABILITY OF PARENTS OR GUARDIANS OF CHILDREN WHO ILLEGALLY POSSESS FIREARMS

The Division understands the intent of section 2 of this bill but does not believe it is needed. A parent who is aware that his or her child is in possession of a firearm the child cannot legally possess could already be subject to criminal liability under existing law, which incidentally provides for maximum penalties harsher than provided in this legislation.

S.B. NO. 1228 (RAISED): AN ACT CONCERNING THE ERASURE OF CRIMINAL CHARGES THAT HAVE BEEN NOLLED OR DISMISSED OR FOR WHICH THE DEFENDANT HAS BEEN FOUND NOT GUILTY

The Division of Criminal Justice opposes this bill, which is unworkable. The Division would ask how the criminal justice system is to erase criminal records pertaining to a nolle or dismissed

SB 1229
HB 6634
HB 6637
HB 6638

juvenile justice system and steps taken to implement those plans during the previous fiscal year." Such a requirement could provide a basis for a lawsuit if someone thinks that the Division or another agency did not accomplish their "plans."

H.B. NO. 6637 (RAISED): AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE AND YOUTH IN CRISIS MATTERS

This bill would establish a specific procedure governing juvenile competency matters rather than applying the same statutes that apply to adults. The Division would respectfully recommend a technical amendment that the term "juvenile prosecutor" be replaced with "prosecutor" or "prosecutorial official" to delete the reference to juvenile prosecutor, an obsolete job title.

H.B. NO. 6638 (RASIED): AN ACT CONCERNING JUVENILE JUSTICE

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Substitute report for H.B. No. 6638. We would like to express our appreciation to all who have contributed so much time and effort to drafting this consensus proposal for the JPOCC subcommittee. The Division would respectfully recommend that the bill be amended to add section 53a-60d of the general statutes to the list of convictions that the juvenile court must disclose to the Department of Motor Vehicles (DMV) pursuant to CGS section 46b-124(k). The need for this change was brought to light by a recent serious motor vehicle accident involving a 16-year-old intoxicated driver. Since H.B. No. 6638 would add subsection (a) of section 14-224 to the list, it seems appropriate that section 53a-60d be added at the same time.

CCDLA
"Ready in the Defense of Liberty"
Founded 1988

**Connecticut Criminal Defense
Lawyers Association**
P.O. Box 1766
Waterbury, CT 07621-1766
(860) 283-5070 Phone/Fax
www.ccdla.com

**Judiciary Committee Public Hearing
April 1, 2011**

**TESTIMONY OF JENNIFER L. ZITO, PRESIDENT OF
THE CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION,
IN SUPPORT OF RAISED BILLS NOS. 1095, 1229, 6634, 6636,
6637 AND 6638**

Dear Chairman Coleman, Chairman Fox and Distinguished Members of the Judiciary Committee:

I submit this written testimony on behalf of the CCDLA in support of the following raised bills:

1. CCDLA supports Raised Bill 1095, An Act Limiting The Use Of Restraints On A Child Who Is Subject To A Delinquency Proceeding, and hereby adopts the testimony of the Chief Public Defender's Office in support of this bill which seeks to amend the law to prevent restraining juveniles in shackles or other devices prior to adjudication unless the judge determines it is necessary for public safety or the child in being transported from one place to another;
2. CCDLA supports Raised Bill 1229, An Act Concerning Evidence And Detention In Juvenile Matters providing for pre-trial detention credit for juveniles and hereby adopts the testimony of the Chief Public Defender's Office in support of this bill;
3. CCDLA supports Raised Bill 6634, An Act Concerning Child Welfare and Detention In Juvenile Justice System And Erasure Of Juvenile Records, and adopts the testimony of the Chief Public Defender's Office relative to this bill;
4. CCDLA supports Raised Bill 6636, An Act Concerning Children Convicted As Delinquent Who Are Committed To The Custody Of The Commissioner Of Children And Families, to amend C.G.S. §17a-7a to increase the Commissioner's ability to formulate reentry plans for committed delinquent

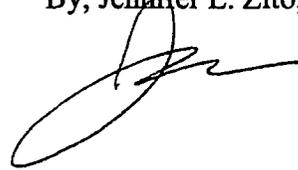
Page 2
April 1, 2011
Testimony of CCDLA

children, and hereby adopts the testimony of The Office Of The Chief Public Defender in support of this bill;

5. CCDLA supports Raised Bill No. 6637, An Act Concerning Determination Of Competency In Juvenile And Youth In Crisis Matters, and hereby adopts the testimony of the Chief Public Defender's Office in support of this bill; and
6. CCDLA supports Raised Bill No. 6638, An Act Concerning Juvenile Justice, and hereby adopts the testimony of Christine Rapillo, Director of Juvenile Delinquency Defense in the Office of the Chief Public Defender in support of this bill.

Respectfully submitted, CCDLA

By, Jennifer L. Zito, Its President





State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF THE CHIEF PUBLIC DEFENDER
30 TRINITY STREET
FOURTH FLOOR
HARTFORD, CONNECTICUT 06106

CHRISTINE PERRA RAPILLO
EXECUTIVE ASSISTANT PUBLIC DEFENDER
DIRECTOR OF JUVENILE DELINQUENCY DEFENSE
(860) 509-6472 TELEPHONE
(860) 509-6495 FAX

TESTIMONY OF CHRISTINE RAPILLO DIRECTOR OF JUVENILE DELINQUENCY DEFENSE OFFICE OF THE CHIEF PUBLIC DEFENDER

COMMITTEE ON THE JUDICIARY
APRIL 1, 2011

RAISED BILL 6638: AN ACT CONCERNING JUVENILE JUSTICE

The Office of Chief Public Defender supports Raised Bill 6638: AN ACT CONCERNING JUVENILE JUSTICE. This proposal represents the continued collaborative efforts of the Legislative Workgroup of the Juvenile Jurisdiction Planning and Operations Coordinating Council or JJPOCC. The Workgroup is made up of representatives from DCF, the Judicial Branch, the attorney General's Office, prosecutors, local law enforcement and public defenders, who continue to meet to find common ground on legislative proposals that will continue to reform and improve our juvenile justice system in Connecticut. The proposals in Raised Bill 6638 are necessary to continue implementation of the Raise the Age legislation. Since January 1, 2010, over 4000 16 year olds have been successfully integrated in to the juvenile courts. As the law has been implemented it has become clear that some statutory changes are necessary. While many of the amendments are technical, a few substantive changes are proposed. Passage of this law is essential to ensure the most fair and efficient processing of juvenile matters.

Section 1 will increase the maximum age that a child can be declared missing from 15 to 18. This makes it consistent with the age the child would be eligible for services as a child from a family with services needs under C.G.S. §46b-149 once the Raise the Age law is fully implemented in 2012.

Section 2 amends C.G.S. §10-233h which currently authorizes law enforcement to notify the school where a child resides of a felony arrest. This proposal would allow law enforcement to also notify the school where a child attends; recognizing that many children attend magnet or charter schools or are in an out of district special education placement.

Section 3 amends the definition sections of Title 17a to make clear that the definition of child and youth shall be consistent with the definition contained in C.G.S. §46b-120.

Office of the Chief Public Defender
Christine Rapillo
Raised Bill 6638
Page 2

Sections 4, 5 and 6 clarify an ambiguity in the law relating a children and youth who are committed as delinquent to the Department of Children and Families. There is a tension in current law relating to when DCF jurisdiction over children ends. This will clarify that delinquency commitments and DCFs authority and responsibility end at the child's twentieth birthday.

Sections 7 and 8 address the DCF Commissioner's ability to move some youth to the Manson Youth Institution under the jurisdiction of the Department of Corrections. These sections make clear that the authority to hold the child in the custody of the DOC ends with the expiration of the commitment period and the end of the child's sentence.

Sections 9 through 13 apply the changes in the juvenile code enacted last session to 17 year olds when the Raise the Age legislation goes in to full effect in July, 2012. This includes some additions to the list of serious juvenile offenses, a clarification that the adult criminal court maintains jurisdiction over failure to appear and violation of probation charges that began as adult offenses. It also includes the provision that DCF has authority over committed delinquent children up to their twentieth birthday.

Section 14 gives a juvenile court judge the authority to order redisclosure of released juvenile records.

Sections 15-18 address the issue of the age at which the Department of Children and Families ends jurisdiction over committed delinquent children and are similar to provisions found earlier in this proposal.

Section 19 addresses the rules for the use of a statement taken from a 16 or 17 year old in a case that has transferred back to juvenile court under the provisions of C.G. S. §46b-137 (b) and (c).

Section 20 allows school districts and the schools run by the juvenile detention centers to share educational information when needed to provide education to a child.

Section 21 makes clear that delinquent acts are not defined as family violence crimes. This is important, since the juvenile court has a set of supervisory procedures that do not mimic the restraining order process in adult court. Children under orders in juvenile court are actually more highly supervised than adult domestic violence defendants and can be more easily taken into custody. This will ensure both that public safety is maintained and that children can receive the most appropriate treatment.

The Office of Chief Public Defender requests that this Committee support this bill. Thank you.



Connecticut

Testimony before the Judiciary Committee

April 1, 2011

Support for **HB 6638**

Opposition to **SB 1164**

Good afternoon, Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Alicia Woodsby, and I am the Public Policy Director for the National Alliance on Mental Illness, CT (NAMI-CT). I am here to testify today **in favor of HB 6638** which will help ensure smooth, on time implementation of "Raise the Age" for 17 year olds. NAMI-CT is also in favor of addressing the racial disparity in the state's juvenile justice system, which is included in HB 6634 in efforts to reduce Disproportionate Minority Contact (DMC).

In addition, NAMI-CT is opposed to SB 1164 - which would delay the full implementation of the Raise the Age legislation slated for January 2012.

We urge the state to move forward with on-time implementation of the second phase of the raise the age implementation, which will bring seventeen year olds back to the juvenile court system. Many of these youth have significant mental health and other needs that are not addressed by the adult system. They should be in a structure that offers age-appropriate treatment, and helps them to become productive adults. The services available within the adult criminal justice system are not equipped to address their developmental needs.

The Raise the Age legislation already removed 4,000 16-year-olds from the adult system in 2010, and will remove 6,000 17-year-olds from the adult system in 2012. ***Kids tried in the juvenile system show lower recidivism rates than those tried in the adult system.*** Every day that we delay the implementation of the law will result in more kids we lose to the adult system.¹

The projected system increase for the 16 year olds was 40% with the actual increase being 22%, and the system is still smaller than it was just a few years ago. CT admissions have not seen any major impact. Moreover, the financial impact has been less than anticipated with nearly \$5 million in unspent dollars – largely due to smart investments in prevention, FWSN reform, Family Support Centers, and home-based interventions.²

The Family Support Centers allow for the availability of an effective and cost-efficient system that ensures access to preventative services and programs. The state desperately needs developmentally appropriate and rehabilitative responses to delinquency through the juvenile justice system. According to DCF, when transitioning youth with mental health needs cannot access appropriate services, it most often results in homelessness, arrests, hospitalization,

¹ CT Judicial Branch, CT Juvenile Justice Alliance

² CT Judicial Branch, CT Juvenile Justice Alliance

and ER visits. We then risk losing these kids to cycles of homelessness and criminal justice involvement with great societal costs.

Federal studies show that far too many kids who need mental health treatment, but fail to get it, land in the juvenile justice system – where an alarming 50-70% of youth have one or more mental health disorders. At least 20% of youth involved in the juvenile justice system have **serious** mental illnesses, including those that are suicidal, struggling with psychotic disorders, and other serious illnesses.³

If young people with histories of trauma, neglect, abuse, and violence do not receive appropriate interventions, they are nearly 60% more likely to be arrested as juveniles, more likely to be arrested as adults, and more frequently commit violent offenses relative to others in the general population.⁴

Please remember that youth in adult prisons do not receive adequate rehabilitation or treatment. Youth sent to the adult criminal justice system in Connecticut are not eligible for the same kinds of services such as therapy, diversion, or alternatives to incarceration that are available to young people in the juvenile justice system. In addition, youth who are tried and incarcerated in the adult criminal system are more likely to re-offend, and re-offend more seriously and frequently than young people tried and treated in the juvenile system for the same crimes (Donna Bishop, PhD, Northeastern University).

Lastly, please remember that the most serious and violent offenders will still go to adult court. In Connecticut, any juvenile, aged 14 or older, charged with a Class A or B Felony, the most serious and violent crimes, is automatically transferred to the adult court. Raise the Age does not change this practice--16 and 17 year-olds charged with Class A or B Felonies would still go to the adult court.

Please oppose any delays to implementation and unnecessary restrictions that will prevent this important policy from moving forward.

³ National Center for Mental Health and Juvenile Justice. *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System*. 2006.

⁴ B T Kelley, T P Thornberry & C A. Smith, *In the Wake of Childhood Maltreatment*, OJJDP JUV. JUST. BULL (1997).

PAGE 17
LIVE 11

KEEP THE PROMISE COALITION
Community Solutions, Not Institutions!
241 Main Street, 5th Floor, Hartford, CT 06106
Phone: 860-882-0236; 1-800-215-3021, Fax: 860-882-0240
E-Mail: keepthepromise@namict.org, Website: www.ctkeepthepromise.org

Testimony before the Judiciary Committee
April 1, 2011
In Favor of HB 6638; In Opposition to SB 1164

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Cheri Bragg, Coordinator of Keep the Promise Coalition, comprised of people living with mental illness, family members, providers, and advocates dedicated to ensuring that a comprehensive, community mental health system is created and sustained in Connecticut.

The Coalition is in favor of HB 6638, An Act Concerning Juvenile Justice. This bill would help ensure smooth, on-time implementation of "Raise the Age" for 17 year olds through statutory changes. All but eleven states nationally have legislated that children under the age of 18 are not automatically prosecuted as an adult. There are several reasons that Connecticut should follow suit.

Connecticut was able to successfully implement "Raise the Age" for 16 year olds in 2010. In fact, due to better than anticipated capacity, less than anticipated costs, and a shrinking juvenile justice system, **there is much more room to absorb 17 year olds than anticipated.**

Serving 17 year olds through timely, age appropriate, community services and supports, including Family Support Centers and diversion programs, is better for families and less costly than residential options. Addressing those issues that can best be served in the community through needed family supports and services is clearly a much more cost-effective option for tax payers and encourages positive family outcomes. Promoting a smooth transition from youth into young adulthood is an investment in the success and healthy outcomes of our communities.

In addition, **kids who are tried in the juvenile system show lower recidivism rates than those tried in the adult system**, which underlines both the case for cost-effectiveness as well as positive, future outcomes for young people and future generations in Connecticut. **This is especially important for young people who have serious mental illnesses who are statistically more likely to get caught up in the costly, criminal justice system rather than receive the cost-effective healthcare they need.** Studies show that the brain does not fully develop until about

age 25. If you have a serious mental illness, supports and services are often the key to navigating the transition from youth to young adulthood along with all of the accompanying major decisions made during this time period. Youth in need of supports and services, including mental health, would have better outcomes, including employment, receiving the healthcare and supports they need in the community vs. being incarcerated.

The Coalition is opposed to the proposal to delay "Raise the Age" implementation for 17 year olds in SB 1164 for all the reasons outlined above. Some Coalition members who have had criminal justice involvement, particularly during young adulthood, relay to us that it is clear to them now that they needed mental health care, but that they didn't realize it at the time. Keeping 17-year-old's in the youth system they belong in so they can access the age-appropriate services they need makes sense. Raising the Age is the right thing to do for our youth and families in Connecticut and the fiscally responsible choice for our state's economy.

Thank you for your time. I would be happy to answer any questions you might have.

Testimony before the Judiciary Committee
April 1, 2011
In Favor of HB 6638; In Opposition to SB 1164
Danielle Chiaraluce
Families United, Executive Director

Good afternoon chairs and members of the Judiciary Committee. My name is Danielle Chiaraluce, Executive Director of Families United. We are a community based advocacy organization comprised of family members and professionals who uphold the value of facilitating sustainable resources and services to families, children, and youth. Our involvements are widespread, consistently focused on the ever-changing needs of families to support healthy and safe communities across the state.

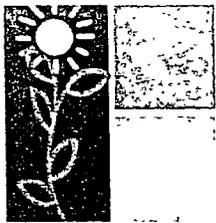
I am writing in favor of HB 6638 and in opposition of SB 1164, particularly in the wake of research that points toward the benefit of cost effective, community based services.

Having worked within the field of alternative education for at-risk youth, both within and out of the criminal justice system, I know first-hand the impact an adult record can have upon a young adult. Their future as a contributing member within the workforce, or within post secondary education, can be hindered.

Exposure to pro-social, strength based, and family driven programming can support a seamless transition into an accepting community. Services such as vocational training, after school programs, community service learning projects, and proactive resources have potential for cost savings and, more importantly, family and youth empowerment.

Connecticut was able to 'Raise the Age' for 16 year olds in 2010. I can personally attest from working that this change promoted personal and career development and lowered the propensity for recidivism. When quality resources and engagement strategies are properly implemented, the results are safer and healthier communities. This requires sustainable family and community driven programs.

I have worked with at risk youth within alternative incarceration programs and vocational education for more than fifteen years. Many young adults have been extremely successful. They have gone on to renovate our cities, support administrative functions in key industries, and demonstrate community leadership. However, in each instance, the greatest barrier to their success was their adult record that precluded them from involvement within the healthcare



Families United

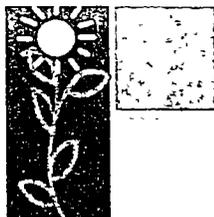
154 Hempstead Street
 First Floor
 New London, CT 06320
 Phone: (860) 443-0044
 Toll Free: (866) 439-0788
 Fax: (860) 443-0044
www.familiesunitedct.org

industry, posed a barrier to employment, disqualified them from housing programs, and later required costly legal fees to expunge their record in order to simply find a means to provide for themselves and their family.

On a personal note, as a crime victim, I have experienced the tragic consequences of recidivism. Therefore, whereas I support **HB 6638**, I firmly agree with Results Based Accountability measures for any potential provider that seeks to serve this population. Services need to be trauma informed, family-driven, gender responsive, and community based. Whereas each youth may enter the system for a different reason, we must also note there is a commonality amongst them; they are often themselves victims of crime. Their adverse childhood experiences, whether by witness or experience, promote a host of risk factors that include alleged delinquency, substance abuse, and poor academic achievement.

These youth deserve quality education and proactive, not reactive, program services. Collaboration across systems is essential, but more essential, is involving youth and family in the decision making process. Many states and localities have already 'Raised the Age' of adulthood. In our community, this legislation has the support of families, providers, educators, community residents, and industry professionals. We recognize that **HB 6638** protects the health and well-being of our young people and other at-risk populations and request your attention to this issue.

Thank you for the opportunity to testify today. I'd be happy to answer any questions that you may have.



Families United

154 Hiempstead Street
First Floor
New London, CT 06320
Phone: (860) 443-0044
Toll Free: (866) 439-0788
Fax: (860) 443-0044
www.familiesunitedct.org



FOR THE JUDICIARY COMMITTEE
March, 2011

TESTIMONY BY LIZ RYAN, PRESIDENT and CEO OF
THE CAMPAIGN FOR YOUTH JUSTICE
WASHINGTON, D.C.

Supporting:

HB 6638: AN ACT CONCERNING JUVENILE JUSTICE

Opposing:

RSB 1164: AN ACT DELAYING IMPLEMENTATION OF PROVISIONS TO RAISE
THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN YEARS
OF AGE.

Senator Coleman, Representative Fox and members of the Judiciary Committee, on behalf of the Campaign for Youth Justice, a national organization dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system, I am submitting this testimony in strong opposition to RSB 1164, which would delay implementation of "raise the age" legislation for 17 year olds. I and the Campaign are strongly in favor of HB 6638, making technical changes to ensure smooth implementation of "raise the age" legislation for 17 year olds on January 1, 2012. After reviewing the latest research, Connecticut lawmakers made the right decision by passing "raise the age" legislation originally in 2007 and implementing that change for 16 year olds in 2010.

I applaud Connecticut lawmakers in taking these steps to improve the state's juvenile justice system. You assessed the latest research and concluded that youth under the age of 18 should not be automatically prosecuted in the adult criminal court. It is important that CT has made good on this promise. The rest of the nation is watching and Connecticut has been lauded in newspapers and media outlets across the country. Many states are following Connecticut's lead and looking to you for your continued leadership on this.

In 2005, you began moving toward this policy change because of a tragic suicide. On July 17th, David Burgos took his life at the Manson Youth Institute, an adult prison. In 2007, another young person committed suicide in the same adult facility. Can CT afford to lose more youth this way?

You took this bold step because Connecticut locks up more children in adult prisons under the age of 18 than any other state in the nation.

Your law is based on the latest research by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Federal Centers for Disease Control and Prevention that says that treating young people as adults does not reduce crime and is counterproductive crime control policy. Youth who are prosecuted as adults are much more likely to reoffend than their peers in the juvenile justice system.

Every year, an estimated 250,000 youth are prosecuted in the adult criminal justice system and thousands of youth, charged as adults, languish in adult jails and facilities on a daily basis where they are at risk of assault, abuse and suicide.

Here's why Connecticut must continue to implement the "raise the age" legislation:

The new law reflects the latest science. The adolescent brain research shows us that children's brains are still developing well into their early 20's and that youth do not have all the capacities as adults. Indeed, the final area of the human brain to mature is the prefrontal cortex, which governs the "executive functions" of reasoning, advanced thought and impulse control. In essence, children do not have the same brain capacities as adults and should therefore be less culpable for their actions. In the same vein, it shows that children are malleable and respond well to rehabilitation.

The new law reflects the latest research on crime reduction. No study, to my knowledge, exists that shows that sending more youth to adult court increases public safety or decreases crime. In fact, a vast body of research shows that youth transferred to the adult criminal justice system are more likely to re-offend.

For example, a November, 2007 report released by the Federal Centers for Disease Control and Prevention's Task Force on Community Preventive Services reviewed several studies on transferring youth to adult facilities. The report found that youth who have been previously tried as adults are, on average, 34% more likely to commit crimes than youth retained in the juvenile justice system. The Task Force *recommended against* "laws or policies facilitating the transfer of juveniles from the juvenile to the adult judicial system."

In August, 2008, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), at the U.S. Department of Justice, released a bulletin on transfer laws and concluded that they have little or no deterrent effect on juvenile crime. The report, "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" concludes that transfer laws substantially increase recidivism. Youth transferred to the adult system are more likely to be rearrested and to re-offend than youth who committed similar crimes, but were retained in the juvenile justice system.

The new law prevents young people from receiving unnecessary life-long consequences. Youth tried as adults face severe and harmful life-long consequences. Youth can be placed in adult facilities pre- and post-trial, sentenced to serve time in adult prisons or be placed on adult probation with few to no rehabilitative services. Youth are also subject to the same sentencing guidelines as adults and may receive mandatory minimum sentences or life without parole.

When youth leave jail or prison, are on probation, or have completed their adult sentence, these youth carry the stigma of an adult criminal conviction. They may have difficulty finding a job or getting a college degree to help them turn their lives around. Access to a driver's license may be severely restricted, and in some states, youth may never be able to vote or hold public office.

The consequences of an adult conviction aren't minor; they are serious, long-term, life threatening and in some cases, such as David Burgos, these cases are deadly.

The new law is in step with the rest of the nation. Many other states have already begun to re-examine and reverse these punitive laws. Earlier this month, we released a new report, *State Trends: Legislative Changes from 2005 to 2010 Removing Youth from the Adult Criminal Justice System*, documenting state law changes enacted in Connecticut and more than a dozen other states during the last 5 years.

Now is not the time to back away from the promise you made to your children and to your communities. I urge the General Assembly to reject RSB 1164 and not reverse or delay the implementation of this important legislation. It's the right thing to do. Not only for the safety of our communities and families, but for the future of our children.

Thank you for your time and consideration.

JOETTE KATZ



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

April 1, 2011



H.B. No. 6638 (RAISED) AN ACT CONCERNING JUVENILE JUSTICE

The Department of Children and Families supports H.B. No. 6638, An Act Concerning Juvenile Justice. This bill makes a number of necessary changes to various DCF and juvenile matters statutes. This bill emanated from a working group that consisted of DCF, the Judicial Branch, the Chief Public Defender's Office, and juvenile justice advocates.

Among the numerous provisions of this that are necessary to fully implement the "Raise the Age" law, is language in sections 3, 4, 5, 6, 7, 8, 13, 16 and 17 of the bill which clarify that the Department of Children and Families' responsibility for committed delinquent children ends when the child attains the age of twenty. The Department believes that it is necessary to cap the maximum age of juvenile offenders as there will be challenges associated with mixing young adults with the adolescent population in facilities such as the Connecticut Juvenile Training School. CJTS is being renovated to segregate the younger and older populations to the greatest extent possible.

Providing services and supervision until the 20th birthday allows for individuals who are committed up until their 18th birthday (for delinquent acts committed through age 17) to remain committed for up to two years. The average length of commitment remains just under two years.

Information provided by the Campaign 4 Youth Justice indicates thirty-two other states use age 20 as the cut-off for services/supervision. Nine states end at 18 or 19 and only six states go to either 21, 22 or 24. Only three states go until the end of the full term of the dispositional order.

Two statutes currently exist to prosecute 14 - 17 year-olds for serious sexual offenses or for serious repeat juvenile offenses. These laws allow for blended (juvenile and adult) sentencing, and can be used for 16 or 17 year-olds for whom out-of-home services (incarceration) are needed past the 20th birthday.

SB1223
SB1225
SB1229
HB6312
HB634
HB636
HB637

S.B. No. 1164 (RAISED) AN ACT DELAYING IMPLEMENTATION OF PROVISION TO RAISE THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN YEARS OF AGE

The Department of Children and Families opposes S.B. No. 1164, An Act Concerning the Delaying Implementation of Provisions to Raise the Age of Juvenile Court Jurisdiction for Youth Seventeen Years of Age. This bill would delay the implementation of "Raise the Age" legislation for youth seventeen years of age until July 1, 2014.



TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
FOR THE JUDICIARY COMMITTEE
APRIL 1, 2011

PAGE 14
LINE 9

Supporting
HB 6638: AN ACT CONCERNING JUVENILE JUSTICE

Opposed to:

RSB 1164: AN ACT DELAYING IMPLEMENTATION OF PROVISIONS TO RAISE
THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN
YEARS OF AGE

And

RSB 1126: AN ACT CONCERNING THE IMPACT ON MUNICIPALITIES OF THE
INCREASED AGE OF JUVENILE JURISDICTION

Senator Coleman, Representative Fox, and members of the Judiciary Committee: This testimony is submitted by Abby Anderson, executive director of the Connecticut Juvenile Justice Alliance. The Alliance is a statewide, non-profit organization that works to reduce the number of children and youth entering the juvenile and criminal justice system, and advocates a safe, effective and fair system for those involved.

The Alliance supports House Bill 6638 which includes technical and other changes recommended by the Juvenile Jurisdiction Planning and Operations Coordinating Council (JJPOCC) legislative subcommittee as necessary for the effective, continued implementation of "Raise the Age." These changes were put into place for the implementation of Raise the Age for 16-year-olds and ensured a relatively smooth transition of those youth into the juvenile justice system. The same technical changes need to be enacted so that 17-year-olds can enter the juvenile justice system as smoothly. As a member of the subcommittee, the Alliance can attest to the highly collaborative discussion and consensus reached by the involved and affected system stakeholders including: DCF, the Judicial Branch, the Attorney General's Office, prosecutors, local law enforcement, public defenders, the State Department of Education and advocates.

The Alliance strongly opposes RSB 1164 and RSB 1226, which call for the delay of raising the age to include 17-year-olds in the juvenile justice system on July 1, 2012. The legislation to Raise the Age in Connecticut was originally passed in 2007. As it stands, Connecticut will already have kept 17-year-olds in the adult criminal system for 5 years after determining that handling 17-year-olds in this way is ineffective, expensive public policy that does not improve public safety.

SB1095
SB1229
HB6637
HB6088

The delay of this legislation has been proposed to save money for municipalities. However, there is no evidence to show that Raising the Age for 16-year-olds has caused municipalities to incur any costs. Municipalities' only fiscal participation in the juvenile justice system are police-related. To that point, the number of youth referred to court has drastically decreased over the past five years. In fact, the juvenile justice system through calendar year 2010, after the 16-year-olds were added, was smaller than it was at the end of fiscal year 06-07 and just about the same size as it was in fiscal year 08-09. Estimates of the degree to which 17-year-olds will add to the size of the juvenile system have shrunk dramatically (30%) since the planning done in 2008.



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator
Judiciary Committee Public Hearing
April 1, 2011

H.B. 6638, An Act Concerning Juvenile Justice

H.B. 6637, An Act Concerning Determinations of Competency
in Juvenile and Youth in Crisis Matters

H.B. 6636, An Act Concerning Children Convicted as Delinquent who are Committed
to the Custody of the Commissioner of Children and Families

S.B. 1164, An Act Delaying Implementation of Provisions to Raise the Age
of Juvenile Court Jurisdiction for Youth Seventeen Years of Age

H.B. 6634, AAC Child Welfare and Detention in the Juvenile Justice System
and Erasure of Juvenile Records

S.B. 1223, AAC the Responsibilities of a Parent or Guardian of
a Child Convicted as Delinquent

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and members of the Judiciary Committee, thank you for the opportunity to testify on several bills affecting juvenile matters. The Judicial Branch supports H.B. 6638, *An Act Concerning Juvenile Justice*, H.B. 6637, *An Act Concerning Determinations of Competency in Juvenile and Youth in Crisis Matters*, and H.B. 6636, *An Act Concerning Children Convicted as Delinquent who are Committed to the Custody of the Commissioner of Children and Families*. All three of these bills come out of the Juvenile Jurisdiction Policy and Operations Coordinating Council working group, which was co-chaired by Senator Harp and Representative Walker. The working group, which included the Judicial Branch, the Office of the Chief Public Defender, the Office of the Chief State's Attorney, the Department of Children and Families, the Department of Education and the Police Chiefs' Association, met prior to the

legislative session to identify legislative proposals that could be agreed to by all participants. These bills fall into that category.

Regarding the other juvenile bills, the Judicial Branch has some concerns with **H.B. 6634, *AAC Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records***, which I will discuss further a bit later. We oppose **S.B. 1164, *An Act Delaying Implementation of Provisions to Raise the Age of Juvenile Court Jurisdiction for Youth Seventeen Years of Age***, and **S.B. 1223, *AAC the Responsibilities of a Parent or Guardian of a Child Convicted as Delinquent***.

Having provided this summary of our position on the bills, I will now address them individually.

H.B. 6638, An Act Concerning Juvenile Justice

The Judicial Branch strongly supports this bill. It would make vital conforming and technical amendments to ensure that the version of the statutes that will go into effect on July 1, 2012 conforms to what is now the law for 16 year olds. In addition, the bill would make other minor changes to address issues that have arisen during the implementation of "Raise the Age." These would do the following:

- Clarify that mandated procedures in family violence cases do not apply to delinquency proceedings, and that violations of orders of protection that have been imposed in cases in adult court will be heard in adult court.
- Clarify that the Department of Children and Families' responsibility for committed delinquents ends at age 20.
- Authorize judges to fashion orders allowing for further disclosure of records to persons specified by the judge. There are times when it does not make sense, for example, to allow a victim access to juvenile records but forbid them from using that information.
- Amend the statute requiring police to notify school districts of a juvenile arrest to include the school district in which the child attends school, not just the district where the child lives. This is done in recognition that an increasing number of students are attending school outside of their district.
- Require the disclosure of education records, consistent with Family Educational Rights and Privacy Act (FERPA), for children who are confined in juvenile detention centers.

This will ensure that they are provided the appropriate educational programs and services while in the center;

- Add the crimes of home invasion and strangulation to the list of serious juvenile offenses;
- Add the crime of evading responsibility after an accident that causes death or serious injury to the list of offenses the court must report to the Department of Motor Vehicles for administrative sanctions;
- Require that police act on missing child reports for children up to age 18, rather than the current age of 15.

These changes will ensure that the ongoing implementation of "Raise the Age" will go smoothly. I urge the Committee to act favorably on this proposal.

**H.B. 6637, An Act Concerning Determinations of Competency
in Juvenile and Youth in Crisis Matters**

The Judicial Branch strongly supports this proposal, which would create a competency law in Connecticut that is tailored to juveniles. By way of background, for several years a working group consisting of various participants and stakeholders in the juvenile justice system has been working on drafting a separate, more child-focused, juvenile competency law. The working group completed its mission in June of 2009. The goal of the working group was to codify the longstanding practice in our juvenile courts to promote prevention efforts through the support of programs and services designed to meet the needs of incompetent juveniles charged with committing delinquent, family with service needs or youth in crisis acts.

Currently, because there is no juvenile-specific competency law, the adult competency law (C.G.S. sec. 54-56d), is used. There are significant issues with applying the adult competency law to juveniles:

- §54-56d requires all children found not competent and not restorable to be committed to the Department of Children and Families (DCF). This is inappropriate in many cases.
- §54-56d provides that if a court orders the "defendant" placed in the custody of the DCF, *"the commissioner. . . shall then apply for civil commitment in accordance with section 17a-75 to 17a-83, inclusive "* This presents the following issues:
 - If the Probate Court does not order a civil commitment for the child, DCF is no longer required to provide any services and the child must be released.

APRIL 1, 2011 TESTIMONY OF
THERESA DREW
DIRECTOR, CITY OF STAMFORD YOUTH SERVICES BUREAU
FOR THE JUDICIARY COMMITTEE
REGARDING

Supporting

HB 6638: AN ACT CONCERNING JUVENILE JUSTICE

And

RAISED HB 6634: AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS

Opposed to:

RSB 1164: AN ACT DELAYING IMPLEMENTATION OF PROVISIONS TO RAISE THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN YEARS OF AGE

And

RSB 1126: AN ACT CONCERNING THE IMPACT ON MUNICIPALITIES OF THE INCREASED AGE OF JUVENILE JURISDICTION

SB1226

Senator Coleman, Representative Fox, and members of the Judiciary Committee: My name is Terri Drew, Director of the Youth Services Bureau (YSB) for the City of Stamford. The mission of the Mayor's YSB is to promote the development of caring, responsible, and successful young people. Through programs, we focus on developing leadership skills, self-confidence, and life skills in our young people. **The Stamford YSB is the lead agency for the DCF/CSSD Local Interagency Service Team (LIST) for the Stamford Juvenile Court District and for the Stamford Juvenile Review Board.**

The Stamford YSB supports Raised HB 6634, which addresses racial disparity, known as Disproportionate Minority Contact (DMC) in the state's juvenile justice system. When kids of color are over-represented and are treated more harshly because of race and ethnicity, DMC exists. We know that DMC exists in Connecticut's juvenile justice system because our Juvenile Justice Advisory Committee has conducted three intensive studies over the past two decades that control for factors like a child's prior juvenile system involvement and socioeconomic status.

This research originally found DMC in admissions to detention. When admission criteria changed and a court order was required for all admissions except those for Serious Juvenile Offenders, DMC disappeared – except for the admissions of Serious Juvenile Offenders. This bill would address this racial disparity by requiring a court order for all detention admissions, including for Serious Juvenile Offenders. This is important for two key reasons: 1. for a justice system to be credible it must be seen as fair and providing the same treatment to everyone; 2. putting kids in detention solely because of the color of their skin is expensive. Taxpayers pay upfront for the time in detention, and down the line since admission to detention is a strong predictor of how far a child will “progress” through the system.

We support House Bill 6638 which includes technical and other changes to statute needed for the effective, on-time implementation of “Raise the Age” for 17-year-olds on July 1, 2012.