

Sec. 69. Section 46b-120 of the general statutes, as amended by section 73 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows:

(1) "Child" means any person under sixteen years of age, except that (A) for purposes of delinquency matters and proceedings, "child" means any person [(A)] (i) under [eighteen] seventeen years of age who has not been legally emancipated, or [(B) eighteen] (ii) seventeen years of age or older who, prior to attaining [eighteen] seventeen years of age, has committed a delinquent act and, subsequent to attaining [eighteen] seventeen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to such delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, with respect to such delinquency proceeding, and (B) for purposes of family with service needs matters and proceedings, child means a person under seventeen years of age;

(2) ["youth"] (A) "Youth" means any person sixteen or seventeen years of age who has not been legally emancipated, and (B) "youth in crisis" means any person seventeen years of age who has not been legally emancipated and who, within the last two years, (i) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (ii) is beyond the control of the youth's parents, guardian or other custodian, or (iii) has four unexcused absences from school in any one month or ten unexcused absences in any school year;

(3) ["abused"] "Abused" means that a child or youth (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

(4) [a] (A) A child may be found "mentally deficient" who, by reason of a deficiency of intelligence that has existed from birth or from early age, requires, or will require, for such child's protection or for the protection of others, special care, supervision and control;

(5) [a] (A) A child may be convicted as "delinquent" who has [violated (A)] (i) while under sixteen years of age, violated any federal or state law [, other than the commission of (i) an infraction or violation by a youth under subsection (b) of section 51-164n, or (ii) a motor vehicle violation by a youth for which a sentence to a term of imprisonment may be imposed, (B) any order of the Superior Court, except as provided

in section 46b-148, or (C) conditions of probation as ordered by the court; (6)] or municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing of which the child had notice, (iii) violated any order of the Superior Court, except as provided in section 46b-148, or (iv) violated conditions of probation as ordered by the court;

(B) A child may be convicted as "delinquent" who has (i) while sixteen years of age, violated any federal or state law, other than (I) an infraction, (II) a violation, (III) a motor vehicle offense or violation as defined in chapter 248, or (IV) a violation of a municipal or local ordinance, (ii) wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing of which the child had notice, (iii) violated any order of the Superior Court, except as provided in section 46b-148, or (iv) violated conditions of probation as ordered by the court;

(6) A child or youth may be found "dependent" whose home is a suitable one for the child or youth, except for the financial inability of the child's or youth's parents, parent or guardian, or other person maintaining such home, to provide the specialized care the condition of the child or youth requires; [(7) "family]

(7) "Family with service needs" means a family that includes a child or a youth sixteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth; [(8) a]

(8) A child or youth may be found "neglected" who (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth, or (D) has been abused; [(9) a]

(9) A child or youth may be found "uncared for" who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment; [(10) "delinquent act"]

(10) "Delinquent act" means [the violation of any federal or state law, or the violation of any order of the Superior Court, other than the commission of (A) an infraction or violation by a youth under subsection (b) of section 51-164n, or (B) a motor vehicle violation by a youth for which a sentence to a term of imprisonment may be imposed; (11) "serious] (A) the violation by a child under the age of sixteen of any federal or state law or municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a child sixteen years of age of any federal or state law, other than (i) an infraction, (ii) a violation, (iii) a motor vehicle offense or violation under chapter 248, or (iv) a violation of a municipal or local ordinance, (C) wilful failure of a child to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing of which the child has notice, (D) the violation of any order of the Superior Court by a child, except as provided in section 46b-148, or (E) the violation of conditions of probation by a child as ordered by the court;

(11) "Serious juvenile offense" means (A) the violation of, including attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years of age, or (B) running away, without just cause, from any secure placement other than home while referred as a delinquent child to the Court Support Services Division or committed as a delinquent child to the Commissioner of Children and Families for a serious juvenile offense; [(12) "serious juvenile offender"]

(12) "Serious juvenile offender" means any child convicted as delinquent for the commission of a serious juvenile offense; [(13) "serious juvenile repeat offender"]

(13) "Serious juvenile repeat offender" means any child charged with the commission of any felony if such child has previously been convicted as delinquent or otherwise convicted at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony; [(14) "alcohol-dependent"]

(14) "Alcohol-dependent" means a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; and [(15) "drug-dependent"]

(15) "Drug-dependent" means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as [drug dependent] drug-dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence.

Sec. 70. Section 46b-121 of the general statutes, as amended by section 74 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(a) (1) Juvenile matters in the civil session include all proceedings concerning uncared-for, neglected or dependent children and youths within this state, termination of parental rights of children committed to a state agency, matters concerning families with service needs, contested matters involving termination of parental rights or removal of guardian transferred from the Probate Court and the emancipation of minors, but does not include matters of guardianship and adoption or matters affecting property rights of any child or youth over which the Probate Court has jurisdiction, except that appeals from probate concerning adoption, termination of parental rights and removal of a parent as guardian shall be included.

(2) Juvenile matters in the criminal session include all proceedings concerning delinquent children within this state and persons [~~eighteen~~ seventeen] years of age and older who are under the supervision of a juvenile probation officer while on probation or a suspended commitment to the Department of Children and Families, for purposes of enforcing any court orders entered as part of such probation or suspended commitment.

(b) (1) In juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents, including any person who acknowledges before the court paternity of a child born out of wedlock, guardians, custodians or other adult persons owing some legal duty to a child or youth therein, as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child or youth subject to the court's jurisdiction or otherwise committed to or in the custody of the Commissioner of Children and Families. The Superior Court may order a local or regional board of education to provide to the court educational records of a child or youth for the purpose of determining the need for services or placement of the child or youth. In proceedings concerning a child charged with a delinquent act or with being from a family with service needs, records produced subject to such an order shall be maintained under seal by the court and shall be released only after a hearing or with

the consent of the child. Educational records obtained pursuant to this section shall be used only for dispositional purposes. In addition, with respect to proceedings concerning delinquent children, the Superior Court shall have authority to make and enforce such orders as the court deems necessary or appropriate to punish the child, deter the child from the commission of further delinquent acts, assure that the safety of any other person will not be endangered and provide restitution to any victim. The Superior Court shall also have authority to grant and enforce temporary and permanent injunctive relief in all proceedings concerning juvenile matters.

(2) If any order for the payment of money is issued by the Superior Court, including any order assessing costs issued under section 46b-134 or 46b-136, the collection of such money shall be made by the court, except orders for support of children committed to any state agency or department, which orders shall be made payable to and collected by the Department of Administrative Services. If the Superior Court after due diligence is unable to collect such moneys within six months, the court shall refer such case to the Department of Administrative Services for collection as a delinquent account. In juvenile matters, the Superior Court shall have authority to make and enforce orders directed to persons liable hereunder on petition of the Department of Administrative Services made to the court in the same manner as is provided in section 17b-745, in accordance with the provisions of section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745 shall be applicable to such proceedings. Any judge hearing a juvenile matter may make any other order in connection therewith that a judge of the Superior Court is authorized to grant and such order shall have the same force and effect as any other order of the Superior Court. In the enforcement of the court's orders, in connection with any juvenile matter, the court may issue process for the arrest of any person, compel attendance of witnesses and punish for contempt by a fine not exceeding one hundred dollars or imprisonment not exceeding six months.

Sec. 71. Subsection (c) of section 46b-127 of the general statutes, as amended by section 75 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(c) Upon the effectuation of the transfer, such child shall stand trial and be sentenced, if convicted, as if such child were [~~eighteen~~] seventeen years of age. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred or of any lesser included offenses, the child shall

resume such child's status as a juvenile until such child attains the age of [eighteen] seventeen years.

Sec. 72. Section 46b-133 of the general statutes, as amended by section 85 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(a) Nothing in this part shall be construed as preventing the arrest of a child, with or without a warrant, as may be provided by law, or as preventing the issuance of warrants by judges in the manner provided by section 54-2a, except that no child shall be taken into custody on such process except on apprehension in the act, or on speedy information, or in other cases when the use of such process appears imperative. Whenever a child is arrested and charged with a crime, such child may be required to submit to the taking of his photograph, physical description and fingerprints. Notwithstanding the provisions of section 46b-124, the name, photograph and custody status of any child arrested for the commission of a capital felony or class A felony may be disclosed to the public.

(b) Whenever a child is brought before a judge of the Superior Court, such judge shall immediately have the case proceeded upon as a juvenile matter. Such judge may admit the child to bail or release the child in the custody of the child's parent or parents, the child's guardian or some other suitable person to appear before the Superior Court when ordered. If detention becomes necessary, such detention shall be in the manner prescribed by this chapter, provided the child shall be placed in the least restrictive environment possible in a manner consistent with public safety.

(c) Upon the arrest of any child by an officer, such officer (1) may release [him] the child to the custody of [his] the child's parent or parents, guardian or some other suitable person or agency, (2) at the discretion of the officer, release the child to the child's own custody, or [may] (3) immediately turn [him] the child over to a juvenile detention center. When a child is arrested for the commission of a delinquent act and the child is not placed in detention or referred to a diversionary program, an officer shall serve a written complaint and summons on the child and [his] the child's parent, guardian or [other person having control of the child] some other suitable person or agency. If such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. [Such parent, guardian or other person shall execute a written promise to appear in court at the time and place specified in such summons.] If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the child's arrest or a capias to assure the appearance in court of such parent, guardian or other person. If a child wilfully fails to appear in response to such a summons, the court may order such child taken into custody and such child may

be charged with the delinquent act of wilful failure to appear under section 46b-120, as amended by this act. The court may punish for contempt, as provided in section 46b-121, as amended by this act, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

(d) The court or detention supervisor may turn such child over to a youth service program created for such purpose, if such course is practicable, or such child may be detained pending a hearing which shall be held on the business day next following [his] the child's arrest. No child shall be detained after such hearing or held in detention pursuant to a court order unless it appears from the available facts that there is probable cause to believe that the child has committed the acts alleged, there is no less restrictive alternative available and that there is (1) a strong probability that the child will run away prior to the court hearing or disposition, (2) a strong probability that the child will commit or attempt to commit other offenses injurious to [him] the child or to the community [before] prior to the court disposition, (3) probable cause to believe that the child's continued residence in [his] the child's home pending disposition [will not safeguard the best interests of the child or the community] poses a risk to the child or the community because of the serious and dangerous nature of the act or acts [he] the child is alleged to have committed, (4) a need to hold the child for another jurisdiction, [or] (5) a need to hold the child to assure [his] the child's appearance before the court, in view of [his] the child's previous failure to respond to the court process, or (6) the child has violated one or more of the conditions of a suspended detention order. Such probable cause may be shown by sworn affidavit in lieu of testimony. No child shall be released from detention who is alleged to have committed a serious juvenile offense except by order of a judge of the Superior Court. [In no case shall a child be] Any child confined in a community correctional center or lockup [, or in any place where adults are or may be confined] shall be held in an area separate and apart from any adult detainee, except in the case of a nursing infant, [; nor shall any child] and no child shall at any time be held in solitary confinement. When a female child is held in custody, she shall, as far as possible, be in the charge of a woman attendant.

(e) The police officer who brings a child into detention shall have first notified, or made a reasonable effort to notify, the parents or guardian of the child in question of the intended action and shall file at the detention center a signed statement setting forth the alleged delinquent conduct of the child. Unless the arrest was for a serious juvenile offense or unless an order not to release is noted on the take into custody order, arrest warrant or order to detain, the child may be released by a detention supervisor to the custody of [his] the child's parent or parents, guardian or some other suitable person or agency.

(f) In conjunction with any order of release from detention the court may, when it has reason to believe a child is alcohol-dependent or drug-dependent as defined in section 46b-120, as amended by this act, and where necessary, reasonable and appropriate,

order the child to participate in a program of periodic alcohol or drug testing and treatment as a condition of such release. The results of any such alcohol or drug test shall be admissible only for the purposes of enforcing the conditions of release from detention.

(g) Whenever the population of a juvenile detention center equals or exceeds the maximum capacity for such center, as determined by the Judicial [Department] Branch, the detention supervisor in charge of intake shall [only] admit only a child who: (1) Is charged with the commission of a serious juvenile offense, (2) is the subject of an order to detain or an outstanding court order to take such child into custody, (3) is ordered by a court to be held in detention, or (4) is being transferred to such center to await a court appearance.

Sec. 73. Subsection (f) of section 46b-133c of the general statutes, as amended by section 76 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(f) Whenever a proceeding has been designated a serious juvenile repeat offender prosecution pursuant to subsection (b) of this section and the child does not waive such child's right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were [~~eighteen~~] seventeen years of age, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains [~~eighteen~~] seventeen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains [~~eighteen~~] seventeen years of age.

Sec. 74. Subsection (f) of section 46b-133d of the general statutes, as amended by section 77 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(f) When a proceeding has been designated a serious sexual offender prosecution pursuant to subsection (c) of this section and the child does not waive the right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial

and be sentenced, if convicted, as if such child were [~~eighteen~~] seventeen years of age, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains [~~eighteen~~] seventeen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolle or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains [~~eighteen~~] seventeen years of age.

Sec. 75. Section 46b-137 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(a) Any admission, confession or statement, written or oral, made by a child under the age of sixteen to a police officer or Juvenile Court official shall be inadmissible in any proceeding concerning the alleged delinquency of the child making such admission, confession or statement unless made by such child in the presence of [~~his~~] the child's parent or parents or guardian and after the parent or parents or guardian and child have been advised (1) of the child's right to retain counsel, or if unable to afford counsel, to have counsel appointed on the child's behalf, (2) of the child's right to refuse to make any statements, and (3) that any statements [~~he~~] the child makes may be introduced into evidence against [~~him~~] the child.

(b) Any admission, confession or statement, written or oral, made by a child sixteen years of age to a police officer or Juvenile Court official shall be inadmissible in any proceeding concerning the alleged delinquency of the child making such admission, confession or statement, unless (1) the police or Juvenile Court official has made reasonable efforts to contact a parent or guardian of the child, and (2) such child has been advised that (A) the child has the right to contact a parent or guardian and to have a parent or guardian present during any interview, (B) the child has the right to retain counsel or, if unable to afford counsel, to have counsel appointed on behalf of the child, (C) the child has the right to refuse to make any statement, and (D) any statement the child makes may be introduced into evidence against the child.

(c) The admissibility of any admission, confession or statement, written or oral, made by a child sixteen years of age to a police officer or Juvenile Court official shall be determined by considering the totality of the circumstances at the time of the making of such admission, confession or statement. When determining the admissibility of such admission, confession or statement, the court shall consider (1) the age, experience, education, background and intelligence of the child, (2) the capacity of the child to

understand the advice concerning rights and warnings required under subdivision (2) of subsection (b) of this section, the nature of the privilege against self-incrimination under the United States and Connecticut Constitutions, and the consequences of waiving such rights and privilege, (3) the opportunity the child had to speak with a parent, guardian or some other suitable individual prior to or while making such admission, confession or statement, and (4) the circumstances surrounding the making of the admission, confession or statement, including, but not limited to, (A) when and where the admission, confession or statement was made, (B) the reasonableness of proceeding, or the need to proceed, without a parent or guardian present, and (C) the reasonableness of efforts by the police or Juvenile Court official to attempt to contact a parent or guardian.

[(b)] (d) Any confession, admission or statement, written or oral, made by the parent or parents or guardian of the child or youth after the filing of a petition alleging such child or youth to be neglected, uncared-for or dependent, shall be inadmissible in any proceeding held upon such petition against the person making such admission or statement unless such person shall have been advised of [his] the person's right to retain counsel, and that if [he] the person is unable to afford counsel, counsel will be appointed to represent [him] the person, that [he] the person has a right to refuse to make any statement and that any statements [he] the person makes may be introduced in evidence against [him] the person.

Sec. 76. Subsection (g) of section 46b-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(g) Any child or youth coming within the jurisdiction of the court, who is found to be mentally ill, may be committed by said court to the Commissioner of Children and Families and, if the court convicts a child as delinquent and finds such child to be mentally deficient, [it] the court may commit such child to an institution for mentally deficient children or youth or delinquents. Whenever it is found that a child convicted [by the court] as delinquent or adjudged [by the court] to be a member of a family with service needs [who is fourteen years of age or older would not benefit from continued school attendance] would benefit from a work-study program or employment with or without continued school attendance, the court may, [order] as a condition of probation or supervision, authorize such child to be [placed on vocational probation if such court finds that such child may properly be] employed for part or full-time at some useful occupation [and that such employment] that would be favorable to such child's welfare, and the probation officer shall supervise such employment. For the purposes of this section, the limitations of subsection (a) of section 31-23 on the employment of minors under the age of sixteen years shall not apply for the duration of such [vocational] probation or supervision.

Sec. 77. Section 46b-146 of the general statutes, as amended by section 80 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

Whenever any child has been [found to be] convicted as delinquent, [or] has been adjudicated a member of a family with service needs [,] or has signed a statement of responsibility admitting to having committed a delinquent act, [or being a member of a family with service needs,] and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to whom the child has been committed by the court, such child, or the child's parent or guardian, may file a petition with the Superior Court. [and, if] If such court finds (1) that at least two years or, in the case of a child convicted as delinquent for the commission of a serious juvenile offense, four years have elapsed from the date of such discharge, (2) that no subsequent juvenile proceeding [has been instituted] or adult criminal proceeding is pending against such child, (3) that such child has not been [found guilty of a crime] convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during such two-year or four-year period, (4) that such child has not been convicted as an adult of a felony or misdemeanor during such two-year or four-year period, and (5) that such child has reached [sixteen] seventeen years of age, [within such period, it] the court shall order all police and court records pertaining to such child to be erased. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files, and a finding of delinquency or that the child was a member of a family with service needs shall be deemed never to have occurred. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. Whenever a child is dismissed as not delinquent or as not being a member of a family with service needs, all police and court records pertaining to such charge shall be ordered erased immediately, without the filing of a petition. Nothing in this section shall prohibit the court from granting a petition to erase a child's records on a showing of good cause, after a hearing, before the time when such records could be erased.

Sec. 78. Subsection (c) of section 10-19m of the general statutes, as amended by section 78 of public act 07-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(c) The Commissioner of Education shall adopt regulations, in accordance with the provisions of chapter 54, establishing minimum standards for such youth service bureaus and the criteria for qualifying for state cost-sharing grants, including, but not limited to, allowable sources of funds covering the local share of the costs of operating such bureaus, acceptable in-kind contributions and application procedures. Said commissioner shall, on December 1, 1979, and annually thereafter, report to the General Assembly on the referral or diversion of children under the age of ~~[eighteen]~~ seventeen years from the juvenile justice system and on the referral or diversion of children aged seventeen and eighteen years from the court system. Such report shall include, but not be limited to, the number of times any child is so diverted, the number of children diverted, the type of service provided to any such child, by whom such child was diverted, the ages of the children diverted and such other information and statistics as the General Assembly may request from time to time. Any such report shall contain no identifying information about any particular child.

Sec. 79. Section 46b-150f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(a) Any selectman, town manager, police officer or welfare department of any town, city or borough, any probation officer, any superintendent of schools, any child-caring institution or agency approved or licensed by the Commissioner of Children and Families, any youth service bureau, a parent, guardian, foster parent or other custodian of a youth seventeen years of age, or a representative of a youth seventeen years of age, who believes that the acts or omissions of [a] such youth are such that such youth is a youth in crisis may file a written complaint setting forth those facts with the Superior Court which has venue over the matter.

(b) A petition alleging that a youth is a youth in crisis shall be verified and filed with the Superior Court which has venue over the matter. The petition shall set forth plainly: (1) The facts which bring the youth within the jurisdiction of the court; (2) the name, date of birth, sex and residence of the youth; (3) the name and residence of the parent or parents, guardian, foster parent, other custodian or other person having control of the youth; and (4) a prayer for appropriate action by the court in conformity with the provisions of this section.

(c) Upon determination that a youth is a youth in crisis in accordance with policies established by the Chief Court Administrator, the court may make and enforce orders, including, but not limited to, orders: (1) Directing the Commissioner of Motor Vehicles to suspend the motor vehicle operator's license of the youth in crisis for a period of time, as directed by the court, but not to exceed one year; (2) requiring work or specified community service; (3) mandating that the youth in crisis attend an educational program in the local community approved by the court; (4) requiring mental health services; (5) referring the youth in crisis to a youth service bureau, provided one exists

in the local community; and (6) reviewing the option of emancipation, pursuant to section 46b-150, of the youth in crisis or the parent, guardian, foster parent or other custodian of such youth in crisis. Upon determination that a youth is a youth in crisis because the youth has without just cause run away from the parental home or other properly authorized and lawful place of abode, the court may, prior to January 1, 2010, order the youth in crisis to be subject to the control of the youth's parent or parents, guardian, foster parent or other custodian, except as required under any other provision of law, for a period of time, as directed by the court, but not beyond the date the youth attains the age of eighteen. A youth in crisis found to be in violation of any order under this section shall not be considered to be delinquent and shall not be punished by the court by incarceration in any state-operated detention facility or correctional facility.

(d) The Judicial Department may use any funds appropriated for purposes of this chapter for costs incurred by the department or the court pursuant to this section.

Sec. 80. Section 46b-150g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(a) Any police officer who receives a report from the parent or guardian of a youth in crisis, as defined in subparagraph ~~[(A)]~~ (B)(i) of subdivision ~~[(3)]~~ (2) of section 46b-120, as amended by this act, shall attempt to locate the youth in crisis. If the officer locates such youth in crisis, such officer shall report the location of the youth to the parent or guardian in accordance with the provisions of federal and state law after such officer determines that such report does not place the youth in any physical or emotional harm. In addition, the police officer shall respond in one of the following ways: (1) Transport the youth in crisis to the home of the child's parent or guardian or a suitable and worthy adult; (2) refer the youth in crisis to the probate court in the district where the youth in crisis is located, provided the probate judge for such probate court is willing to accept the referral; (3) hold the youth in crisis in protective custody for a maximum period of twelve hours until the officer can determine a more suitable disposition of the matter, provided (A) the youth in crisis is not held in any cell designed or used for adults, and (B) the officer may release the youth in crisis to the parent or guardian of the youth if the officer determines that returning the youth does not place the youth in any physical or emotional harm; (4) transport or refer a youth in crisis to any public or private agency serving children, with or without the agreement of the youth in crisis; (5) refer the youth in crisis to a youth service bureau, provided one exists in the local community; or (6) if the police officer is unable to transport, refer or hold the youth in crisis pursuant to subdivisions (1) to (5), inclusive, of this subsection, refer the youth in crisis to the superior court for juvenile matters in the district where the youth in crisis is located. If a youth in crisis is transported or referred to an agency pursuant to this section, such agency shall provide temporary services to the youth in crisis unless or until the parent or guardian of the youth in crisis at any time refuses to agree to those services.

(b) Any police officer acting in accordance with the provisions of this section shall be deemed to be acting in the course of the police officer's official duties.

Sec. 81. (*Effective from passage*) Section 123 of public act 07-4 of the June special session shall take effect July 1, 2012.

Sec. 82. Section 46b-120 of the general statutes, as amended by section 69 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows:

(1) "Child" means any person under sixteen years of age, except that (A) for purposes of delinquency matters and proceedings, "child" means any person (i) under ~~[seventeen]~~ eighteen years of age who has not been legally emancipated, or ~~[seventeen]~~ (ii) eighteen years of age or older who, prior to attaining ~~[seventeen]~~ eighteen years of age, has committed a delinquent act and, subsequent to attaining ~~[seventeen]~~ eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to such delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, with respect to such delinquency proceeding, and (B) for purposes of family with service needs matters and proceedings, child means a person under ~~[seventeen]~~ eighteen years of age;

(2) [(A)] "Youth" means any person sixteen or seventeen years of age; [and (B) "youth in crisis" means any person seventeen years of age who has not been legally emancipated and who, within the last two years, (i) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (ii) is beyond the control of the youth's parents, guardian or other custodian, or (iii) has four unexcused absences from school in any one month or ten unexcused absences in any school year;]

(3) "Abused" means that a child or youth (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

(4) A child may be found "mentally deficient" who, by reason of a deficiency of intelligence that has existed from birth or from early age, requires, or will require, for such child's protection or for the protection of others, special care, supervision and control;

(5) (A) A child may be convicted as "delinquent" who has (i) while under sixteen years of age, violated any federal or state law or municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing of which the child had notice, (iii) violated any order of the Superior Court, except as provided in section 46b-148, or (iv) violated conditions of probation as ordered by the court;

(B) A child may be convicted as "delinquent" who has (i) while sixteen or seventeen years of age, violated any federal or state law, other than (I) an infraction, (II) a violation, (III) a motor vehicle offense or violation as defined in chapter 248, or (IV) a violation of a municipal or local ordinance, (ii) wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing of which the child had notice, (iii) violated any order of the Superior Court, except as provided in section 46b-148, or (iv) violated conditions of probation as ordered by the court;

(6) A child or youth may be found "dependent" whose home is a suitable one for the child or youth, except for the financial inability of the child's or youth's parents, parent or guardian, or other person maintaining such home, to provide the specialized care the condition of the child or youth requires;

(7) "Family with service needs" means a family that includes a child or a youth [sixteen years of age] who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth;

(8) A child or youth may be found "neglected" who (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth, or (D) has been abused;

(9) A child or youth may be found "uncared for" who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment;

(10) "Delinquent act" means (A) the violation by a child under the age of sixteen of any federal or state law or municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a child sixteen or seventeen years of age of any federal or state law, other than (i) an infraction, (ii) a violation, (iii) a motor vehicle offense or violation under chapter 248, or (iv) a violation of a municipal or local ordinance, (C) wilful failure of a child to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing of which the child has notice, (D) the violation of any order of the Superior Court by a child, except as provided in section 46b-148, or (E) the violation of conditions of probation by a child as ordered by the court;

(11) "Serious juvenile offense" means (A) the violation of, including attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years of age, or (B) running away, without just cause, from any secure placement other than home while referred as a delinquent child to the Court Support Services Division or committed as a delinquent child to the Commissioner of Children and Families for a serious juvenile offense;

(12) "Serious juvenile offender" means any child convicted as delinquent for the commission of a serious juvenile offense;

(13) "Serious juvenile repeat offender" means any child charged with the commission of any felony if such child has previously been convicted as delinquent or otherwise convicted at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony;

(14) "Alcohol-dependent" means a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; and

(15) "Drug-dependent" means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as drug-dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical

treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence.

Sec. 83. Subsection (a) of section 46b-121 of the general statutes, as amended by section 70 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a)(1) Juvenile matters in the civil session include all proceedings concerning uncared-for, neglected or dependent children and youths within this state, termination of parental rights of children committed to a state agency, matters concerning families with service needs, contested matters involving termination of parental rights or removal of guardian transferred from the Probate Court and the emancipation of minors, but does not include matters of guardianship and adoption or matters affecting property rights of any child or youth over which the Probate Court has jurisdiction, except that appeals from probate concerning adoption, termination of parental rights and removal of a parent as guardian shall be included.

(2) Juvenile matters in the criminal session include all proceedings concerning delinquent children within this state and persons [seventeen] eighteen years of age and older who are under the supervision of a juvenile probation officer while on probation or a suspended commitment to the Department of Children and Families, for purposes of enforcing any court orders entered as part of such probation or suspended commitment.

Sec. 84. Subsection (c) of section 46b-127 of the general statutes, as amended by section 71 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(c) Upon the effectuation of the transfer, such child shall stand trial and be sentenced, if convicted, as if such child were [seventeen] eighteen years of age. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolleed or if such child is found not guilty of the charge for which such child was transferred or of any lesser included offenses, the child shall resume such child's status as a juvenile until such child attains the age of [seventeen] eighteen years.

Sec. 85. Subsection (f) of section 46b-133c of the general statutes, as amended by section 73 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(f) Whenever a proceeding has been designated a serious juvenile repeat offender prosecution pursuant to subsection (b) of this section and the child does not waive such child's right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were [seventeen] eighteen years of age, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains [seventeen] eighteen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolleed or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains [seventeen] eighteen years of age.

Sec. 86. Subsection (f) of section 46b-133d of the general statutes, as amended by section 74 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(f) When a proceeding has been designated a serious sexual offender prosecution pursuant to subsection (c) of this section and the child does not waive the right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were [seventeen] eighteen years of age, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains [seventeen] eighteen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolleed or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains [seventeen] eighteen years of age.

Sec. 87. Section 46b-137 of the general statutes, as amended by section 75 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) Any admission, confession or statement, written or oral, made by a child under the age of sixteen to a police officer or Juvenile Court official shall be inadmissible in any proceeding concerning the alleged delinquency of the child making such admission, confession or statement unless made by such child in the presence of the child's parent or parents or guardian and after the parent or parents or guardian and child have been advised (1) of the child's right to retain counsel, or if unable to afford counsel, to have counsel appointed on the child's behalf, (2) of the child's right to refuse to make any statements, and (3) that any statements the child makes may be introduced into evidence against the child.

(b) Any admission, confession or statement, written or oral, made by a child sixteen or seventeen years of age to a police officer or Juvenile Court official shall be inadmissible in any proceeding concerning the alleged delinquency of the child making such admission, confession or statement, unless (1) the police or Juvenile Court official has made reasonable efforts to contact a parent or guardian of the child, and (2) such child has been advised that (A) the child has the right to contact a parent or guardian and to have a parent or guardian present during any interview, (B) the child has the right to retain counsel or, if unable to afford counsel, to have counsel appointed on behalf of the child, (C) the child has the right to refuse to make any statement, and (D) any statement the child makes may be introduced into evidence against the child.

(c) The admissibility of any admission, confession or statement, written or oral, made by a child sixteen or seventeen years of age to a police officer or Juvenile Court official shall be determined by considering the totality of the circumstances at the time of the making of such admission, confession or statement. When determining the admissibility of such admission, confession or statement, the court shall consider (1) the age, experience, education, background and intelligence of the child, (2) the capacity of the child to understand the advice concerning rights and warnings required under subdivision (2) of subsection (b) of this section, the nature of the privilege against self-incrimination under the United States and Connecticut Constitutions, and the consequences of waiving such rights and privilege, (3) the opportunity the child had to speak with a parent, guardian or some other suitable individual prior to or while making such admission, confession or statement, and (4) the circumstances surrounding the making of the admission, confession or statement, including, but not limited to, (A) when and where the admission, confession or statement was made, (B) the reasonableness of proceeding, or the need to proceed, without a parent or guardian present, and (C) the reasonableness of efforts by the police or Juvenile Court official to attempt to contact a parent or guardian.

(d) Any confession, admission or statement, written or oral, made by the parent or parents or guardian of the child or youth after the filing of a petition alleging such child or youth to be neglected, uncared-for or dependent, shall be inadmissible in any proceeding held upon such petition against the person making such admission or

statement unless such person shall have been advised of the person's right to retain counsel, and that if the person is unable to afford counsel, counsel will be appointed to represent the person, that the person has a right to refuse to make any statement and that any statements the person makes may be introduced in evidence against the person.

Sec. 88. Section 46b-146 of the general statutes, as amended by section 77 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Whenever any child has been convicted as delinquent, has been adjudicated a member of a family with service needs or has signed a statement of responsibility admitting to having committed a delinquent act, and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to whom the child has been committed by the court, such child, or the child's parent or guardian, may file a petition with the Superior Court. If such court finds (1) that at least two years or, in the case of a child convicted as delinquent for the commission of a serious juvenile offense, four years have elapsed from the date of such discharge, (2) that no subsequent juvenile proceeding or adult criminal proceeding is pending against such child, (3) that such child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during such two-year or four-year period, (4) that such child has not been convicted as an adult of a felony or misdemeanor during such two-year or four-year period, and (5) that such child has reached [seventeen] eighteen years of age, the court shall order all police and court records pertaining to such child to be erased. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files, and a finding of delinquency or that the child was a member of a family with service needs shall be deemed never to have occurred. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. Whenever a child is dismissed as not delinquent or as not being a member of a family with service needs, all police and court records pertaining to such charge shall be ordered erased immediately, without the filing of a petition. Nothing in this section shall prohibit the court from granting a petition to erase a child's records on a showing of good cause, after a hearing, before the time when such records could be erased.

Sec. 89. Subsection (c) of section 10-19m of the general statutes, as amended by section 78 of this act, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(c) The Commissioner of Education shall adopt regulations, in accordance with the provisions of chapter 54, establishing minimum standards for such youth service bureaus and the criteria for qualifying for state cost-sharing grants, including, but not limited to, allowable sources of funds covering the local share of the costs of operating such bureaus, acceptable in-kind contributions and application procedures. Said commissioner shall, on December 1, 1979, and annually thereafter, report to the General Assembly on the referral or diversion of children under the age of [~~seventeen~~] eighteen years from the juvenile justice system and [on the referral or diversion of children aged seventeen and eighteen years from] the court system. Such report shall include, but not be limited to, the number of times any child is so diverted, the number of children diverted, the type of service provided to any such child, by whom such child was diverted, the ages of the children diverted and such other information and statistics as the General Assembly may request from time to time. Any such report shall contain no identifying information about any particular child.