



**Step by Step
Through The
Juvenile Justice System:**

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A Handbook For Connecticut



Step by Step Through The Juvenile Justice System:

A Handbook For Connecticut

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PREFACE

The juvenile justice system is part law, part procedure and part tradition. Those who enter it and those who have the responsibility of protecting the rights of those who enter it will find this handbook to be an invaluable aid in understanding the ways in which those parts interrelate in Superior Court, Juvenile Matters. This book is not the law and is not to be used instead of the General Statutes or the Practice Book, but it will be most helpful to those interested in understanding the structure and context within which juvenile law functions.

The Hartford Institute of Criminal and Social Justice and those who have contributed to the production of this revised edition of the Handbook for Connecticut are to be congratulated for bringing to all who serve the best interests of children a professional and understandable guide through the juvenile justice system.

Francis X. Hennessy, Judge
Deputy Chief Court Administrator

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WHY IS THERE A SEPARATE COURT FOR JUVENILES?

The law has long recognized a difference between children and adults. It has viewed children as special, deserving the protection of the state. The integrity and privacy of family relationships is a fundamental right. However, the need to protect and safeguard children from circumstances that are harmful to their physical and emotional development sometimes overrides this right. The legal responsibility for assuring that children receive adequate care has been given to the state. The goal of the state in court interventions into the child-parent relationship is to serve the "best interest of the child" — to make sure that each child has a chance to be a member of a family where he feels wanted and where he will have an opportunity to develop physically and emotionally. Court interventions are designed to provide the state with the authority to discover and to safeguard children who are not receiving adequate care which meets their needs on a continuous basis.

The first juvenile court was established in 1899 in Illinois because people wanted the court to act in a parental role towards children rather than in the punitive, adversarial role seen in adult criminal court. The juvenile court reflected the belief that children in trouble should be given "care, custody, and discipline . . . they should be treated not as criminals, but as children in need of aid, encouragement and guidance." The judge was to act as a parent and see that children received proper care. And juveniles were viewed as less responsible for their behavior than adults. Juvenile courts operated less formally than adult court, and the proceedings were considered civil rather than criminal in nature.

Today the primary purposes of the juvenile court are:

- To make sure that each child and youth under the court's authority has proper emotional, mental, physical and moral care and guidance;
 - To preserve and strengthen family ties whenever possible;
 - To place children/youth away from their homes *only* when their well-being or the safety and protection of the public requires it;
 - To secure for each child or youth the care and discipline which serves the child's best interest and the best interest of the public if the child is placed away from home;
- AND
- To provide confidentiality to delinquent and other family matters coming before the court.

HOW IS JUVENILE COURT DIFFERENT FROM CRIMINAL COURT?

Because of a belief in the fundamental right to privacy in child-parent relationships and a view that minors in trouble should be treated as children and youth in need of special care and guidance the terminology and procedures of a juvenile court are often different from those used in adult courts. The words are not as value-laden or as closely associated with criminal matters. For example, cases are begun in juvenile court by petition rather

than indictment. The word respondent is used instead of defendant, and the state must prove allegations (charges) at an adjudicatory hearing, not a trial. Respondents are asked to admit or deny rather than plead guilty or not guilty. The judge makes a finding, not a verdict; and a disposition replaces sentencing.

While some of the legal protections and rights provided for adults are missing, there are special safeguards for children and youth appearing before the Superior Court for Juvenile Matters. Juvenile matters are closed to the public and kept separate and apart from all other business of the Superior Court as much as possible. The judge will only permit people whose presence is necessary to the case to remain in the courtroom during a juvenile proceeding. The court records of juvenile cases are confidential and generally available only for the use of court personnel and attorneys involved with the case. Neither children found delinquent, nor parents of children found to be neglected by the court have legally been convicted of a crime. No decision of the Superior Court for Juvenile Matters can be considered a criminal conviction. Neither parents of allegedly neglected children nor juveniles alleged to have committed criminal acts have the right to a trial by jury, except when a delinquent case has been transferred to adult criminal court. (see **transfer hearing** in GLOSSARY) The police and court records of a delinquency case can be removed from all official records after specific conditions are met. Fingerprints, identification photographs, and physical descriptions of juveniles may only be required by police when a youth 14 years or older is charged with a felony offense.

WHO GOES TO JUVENILE COURT?

Jurisdiction is the term used to describe the types of cases that can be heard in court. In Connecticut the Superior Court for Juvenile Matters (juvenile court) has jurisdiction over all cases concerning the behavior and custody of uncared for, neglected and dependent children and youth, and delinquent children within the state. The court also hears all proceedings dealing with children from families with service needs, youth emancipation, and termination of parental rights concerning children committed to a state agency. Cases dealing with the contested termination of parental rights can be transferred to it from the probate court.

State law defines **children** as persons under the age of sixteen (16) and **youth** as persons sixteen (16) to eighteen (18) years of age. It is important to note that it is the age at which a delinquent act is committed which determines if the minor will be treated as a child, youth, or adult.

Connecticut law recognizes five categories of minors under the jurisdiction of the Superior Court for Juvenile Matters. **In two of these categories the behavior of the child/youth is the cause of the court's intervention:**

1. **Delinquent Child** — A delinquent child is one who, before his/her 16th birthday, has violated or attempted to violate any federal or state law, order of the Superior Court, or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs.

Serious Juvenile Offenders are a special type of delinquency case. When a child commits or attempts to commit certain grievous offenses (s)he may be adjudicated as a serious juvenile offender. Connecticut law has specified a number of serious crimes as serious juvenile offenses. These crimes include, but are not limited to: murder, arson, rape, kidnapping, armed robbery, and first and second degree assault. Because of the serious nature of these offenses, the court is given special rules for dealing with these cases. These rules include the automatic transfer of certain juveniles to adult criminal court, a decision to place the child away from his/her home community for up to one year, or the placement of the juvenile in a detention facility until the case is decided.

2. Child in a Family With Service Needs — A Family with Service Needs means a family which includes a person under sixteen years of age who:

- Runs away from home (or other authorized place of residence) without good cause;
- Is beyond the control of his/her parents, guardian or custodian;
- Has participated in indecent or immoral conduct; OR
- Has been habitually truant or who while in school has been continuously and overtly defiant of school rules and regulations.

In the remaining three categories, the care of the child or youth is the reason for the court's involvement:

1. Dependent, Neglected, and Uncared For Children and Youth — This category includes any person under the age of eighteen (18) who:

- Has been abandoned or is homeless;
- Is being denied proper care and attention (physically, educationally, emotionally, or morally), or whose parent/guardian is unable to provide necessary care;
- Is being allowed to live under conditions, circumstances or associations which are injurious to his/her health;
- Has been physically abused, denied the necessities of life, sexually molested, emotionally maltreated, or cruelly punished by his/her parent or guardian;

2. Termination of Parental Rights — This type of juvenile court case severs all legal rights and responsibilities between a child and his/her parents, and frees the child for adoption by another family. Because the termination of parental rights is the most serious example of court intervention into the child-parent relationship, the judge must find "clear and convincing evidence" to support the reasons for the termination. This higher standard of proof is more demanding than is required in other cases involving dependent, neglected, or uncared for children/youth.

3. Emancipated Minor — A person reaching his or her sixteenth birthday, or the parents of that person, may ask the court for a legal determination that the minor and parents are free from any authority, responsibility, or obligation to each other. A special hearing is held to make this decision.

DELINQUENT CHILDREN

WHAT RIGHTS DO JUVENILES HAVE?

Children involved in delinquent cases are afforded certain constitutional rights. These rights are:

- **To receive adequate notice of the allegations (charges);**
- **To confront and cross-examine witnesses;**
- **To be represented by a lawyer** and to be furnished one at state expense if the parents cannot afford to pay for private counsel;
- **To be heard and present evidence** in their own behalf;
- **To remain silent** and not to be penalized for doing so;
- **To appeal to a higher court** the final decisions of the Superior Court for Juvenile Matters, after the completion of the dispositional hearing;
- **To be informed** of these rights;
- **To have "guilt" determined by proof beyond a reasonable doubt; AND**
- **To protection against double jeopardy.**

In Connecticut, children appearing before the Superior Court for Juvenile Matters also have the **right to request a release from custody on bail**. Connecticut is one of the few states that extends this right to juveniles. Children also have the right to have any statement, admission or confession (oral or written) disallowed in court unless the parent or legal guardian was actually present and both the child and parent/guardian had been advised of their rights. Parents cannot be forced to testify against their child unless a parent has been a victim of personal violence by the child.

STEP BY STEP THROUGH A DELINQUENCY CASE

APPREHENSION BY POLICE

Most delinquency complaints begin with the police, although many other persons and agencies can make a written complaint that a child's conduct can be legally defined as delinquent.

A CHILD STOPPED BY THE POLICE SHOULD:

1. Give his/her correct name, age, address and telephone number if the police officer asks for it; and
2. Not resist being taken into custody. Arguing, fighting, swearing or running may lead to the filing of more delinquency complaints.

If the problem is minor, the police officer may simply point out what was done wrong and give a **VERBAL WARNING** not to do it again. In these cases, nothing is entered into the records under the child's name.

A CHILD TAKEN INTO CUSTODY SHOULD:

Call parents/guardian *immediately*. Since the child will probably have to stay at the police department until parents are contacted, it is important that the child assist the police in locating them.

Before formal charges are made the police officer will tell both child and parents about their legal rights, as contained in the Miranda Warning. The Miranda Warning states that a person may remain silent, and does not have to answer any questions about the incident; that any answers given can be used against him/her in court; that (s)he can talk to a lawyer before or during questioning; and that a lawyer will be provided at state expense if the parents cannot afford to hire one.

A CHILD SHOULD NOT SIGN ANY PAPERS UNTIL (S)HE HAS SPOKEN WITH PARENTS OR LAWYER.

A child who has a lawyer should:

1. Tell him/her the facts and answer questions to the best of his/her ability. In order to help, the lawyer needs to know all the facts of the case.
2. Keep in touch, and be on time for appointments. Return any telephone calls from the lawyer as soon as possible. Inform the lawyer immediately of any change in address or telephone number.
3. Ask the lawyer to explain anything about the case that is not understood. This includes any papers that must be signed and anything that goes on in the courtroom.

A child fourteen years or older charged with a felony offense must submit to having photographs, fingerprints, and physical description taken by the police.

Once a child has been taken into custody and formal charges made, the police department will either:

Send the child home with parents/guardian and refer the case to
the Superior Court for Juvenile Matters

OR

take the child to a Detention Center

In Connecticut there are three state Detention Centers:

920 Broad Street, Hartford — 566-8280

239 Whalley Avenue, New Haven — 786-0343

784 Fairfield Avenue, Bridgeport — 579-6548

AT THE DETENTION CENTER a court worker will advise the child of his/her rights again, and decide whether or not to release the child to the custody of parents.

A CHILD BROUGHT TO DETENTION SHOULD:

- Call parents/guardian. Ask them to come to the Detention Center or if that is not possible, have them talk to the staff on the telephone.
- Receive a copy of the allegations (charges).
- Call a lawyer or ask for a Public Defender to be assigned to the case.

A child released to parents/guardian will still need to appear in juvenile court at a later date. A Probation Officer will let the family know where and when the hearing will be heard in court.

A child placed in the Detention Center will probably stay there until a Detention Hearing is held. This hearing takes place before a Judge on the next working day after the child is brought to the Center. If the child is placed in the Center on a weekend or holiday, it may be more than 24 hours before the Detention Hearing is held.

THE DETENTION HEARING

Before a Detention Hearing is held, at least two people will talk to the child about the case:

A Probation Officer — who may ask questions about family, home, school, friends, employment, and prior problems with the law. Anything that is told to a Probation Officer can be used in court when the case is heard.

A Lawyer — who will be working to present the best possible case for the child to the Judge. His/her questions should be answered as completely as possible. All the facts are needed if the lawyer is to help. Any information told to the lawyer cannot be told to anyone else without permission. The lawyer should be told about any adults who might be willing to let the child stay with them if parents cannot or will not let the child stay at home.

At the Detention Hearing the Judge will either release the child to parents/guardian or other responsible adult **OR** order that the child be held in the Detention Center. To order a child to remain in Detention, the Judge must decide that there is probable cause (see GLOSSARY) to believe that the child has committed the act with which (s)he is charged **AND** that **any one** of the following conditions applies:

- a. there is a good chance the child will run away before the court hearing on the charges;
- b. there is a good chance the child will commit, or will try to commit other offenses harmful to the child or the community before the court hearing on the charges;
- c. there is reasonable cause to believe that staying home will not be safe, or in the child's best interests, or those of the community because of the dangerous or violent nature of the alleged act;
- d. there is need to hold the child for another jurisdiction (another Court); **OR**
- e. the child has failed to appear in the Juvenile Court in the past.

If the Judge signs the Detention Order, but suspends it to allow the child to go home, the child must promise to show up for the Adjudicatory Hearing (see GLOSSARY) on the date set by the Court, and to follow all other rules set by the Judge. The Judge may require that the family pay a reasonable bond to further assure the child's future appearance in Court. If the Judge decides that the child must remain at a Detention Center until the Adjudicatory Hearing, the child will be sent to the one closest to home. Another Detention Hearing is held every 15 days until the child is released from detention.

INVESTIGATION AND NON-JUDICIAL DISPOSITION

Whenever the Superior Court for Juvenile Matters receives a written complaint alleging a child's behavior is delinquent, a preliminary investigation is made into the case. This investigation is conducted by a Probation Officer assigned to the case. The purpose is to determine whether the facts of the case, if true, would be sufficient to be a judicial matter and if the child's interests or those of the community require that further action be taken. The Probation Officer will review the police report and talk to the child and the parents/guardian. Information will be obtained about family life, school performance, social activities, work experience and any other information that will provide a "picture" of the child and the case before the court. Certain offenses may be handled in an informal manner by the Probation Officer. This decision depends on:

- * The seriousness of the offense;
- * Past court history, if any; AND
- * Adjustment at home and school.

If the child admits responsibility for the acts alleged in the complaint, the Probation Officer can:

- dismiss the case;
- place the child in a program with supervision or treatment for up to three months (Both child and parents must agree to accept this option); OR
- recommend a court hearing before a Judge.

If the child does not admit responsibility for the acts alleged in the complaint, the case will be reviewed by the State's Advocate (see GLOSSARY). The State's Advocate will decide either to:

- * dismiss the case for lack of evidence

OR

- * proceed to formal Court Hearing by filing a petition with the court.

A petition will contain the following information:

- The child's name, date of birth, sex and home address;
- The facts which bring the child to the attention of the court;
- The specific law(s) alleged to have been violated;
- The names and address(es) of parents/guardian; AND
- A request for the intervention of the court.

When a petition is filed, a summons will be issued to both child and parents/guardian requiring them to appear in court for a hearing on the facts of the case. The date and place of the hearing will be stated on the summons. A copy of the petition is attached to the summons.

Failure to come to court when summonsed can lead to detention.

PLEA HEARING

All petitions are initially heard at a plea hearing held before a Judge. At this hearing the Judge will make sure the child has been told and understands his/her legal rights. The child will be asked whether (s)he admits (pleads guilty) or denies (pleads not guilty) the allegations.

If the child admits responsibility there is no need for a hearing (trial) to determine whether the facts alleged in the petition are true. Therefore, a date for a Dispositional Hearing will be scheduled.

If the child denies responsibility (s)he will have a formal contested Adjudicatory Hearing (trial) before a Judge. There may also be pre-trial hearings and possible plea bargaining sessions scheduled.

CONTESTED ADJUDICATORY HEARING (TRIAL)

The purpose of this hearing is to decide whether or not the allegations brought by the state are true. It is held in the Superior Court for Juvenile Matters before a Judge. There is no jury in a juvenile case. The Judge decides whether the child is delinquent (guilty) or not delinquent (not guilty) based on the evidence presented in court. Only the facts of the case are considered. The hearing is closed to the public and the records are confidential. In this hearing the child has the right:

- To be represented by a lawyer, and if the family cannot afford one, to be appointed a Public Defender at state expense;
- To present evidence and witnesses to support his/her side of the story;
- To cross-examine witnesses and object to evidence against him/her;
- To remain silent and not be penalized for doing so (including *not* testifying or presenting evidence which may work against him/her);
- To have the allegations proved beyond a reasonable doubt;
- To have a verbatim record kept of the proceedings; AND
- To take an appeal on the record.

If the child is going to have his/her case heard in a contested Adjudicatory Hearing (trial), the child should:

- * Be on time, polite, and neatly dressed.
- * Ask the lawyer questions about anything not understood.
- * Tell the lawyer if witnesses are not telling the truth.
- * Talk slowly and clearly and tell the truth if testifying.
- * Show respect for the Judge. Call the Judge "Your Honor."

A record is kept of everything that is said at this hearing. It is private and only the Judge can order it to be released.

After the Judge has heard all the evidence in the Adjudicatory Hearing he/she will reach a decision or finding in the case. If the Judge finds that the evidence *does not* support the allegations in the petition the case will be dismissed. The child will be free to go home

with parents/guardian and all records of the case will be erased immediately. If the Judge finds that the evidence shows the allegations in the petition to be true beyond a reasonable doubt, a Dispositional Hearing will be scheduled.

TRANSFER HEARING

In some very serious delinquency cases the court can order that a hearing be held to determine if a case should be transferred to adult criminal court instead of being heard in juvenile court. A Transfer Hearing cannot be held in a case where guilt or innocence has already been decided by the juvenile court. It can, however, occur at any time before a finding is reached. If the case is transferred, the child will be subject to the same rights, responsibilities and possible punishments as an adult appearing before a criminal court.

The child's case will be *automatically* transferred to adult criminal court if (s)he is at least fourteen years old *and*:

1. Charged with murder; OR
2. Has been previously adjudicated as delinquent for a class A felony and is currently charged with another class A felony; OR
3. Has been previously adjudicated as a delinquent for two violations of a class A or B felony, and is currently charged with another class B felony.

The court must hold a hearing, but only to determine that there is probable cause to believe the child did commit the offense with which (s)he is currently charged.

The child's case *may be* transferred if (s)he is at least fourteen (14) years old and:

- Charged with the commission of a class A felony; OR
- Charged with any serious juvenile offense that is a class B or C felony, and previously adjudicated delinquent for any serious juvenile offense.

The court must hold a hearing to determine if there is probable cause (see GLOSSARY) to believe that the child:

- Committed the offense with which (s)he is charged; **AND**
- Is not amenable to treatment in any facility for the care and treatment of children; **AND**
- Requires a more secure environment and a longer term of supervision than the juvenile system can provide.

If the case is transferred to criminal court, the child will stand trial, and if convicted, be sentenced as if an adult. The decision to transfer the case can be appealed before the adult trial begins.

SERIOUS JUVENILE OFFENDERS

Children adjudicated delinquent for particularly grievous offenses are "serious juvenile offenders." The law states that certain crimes are serious juvenile offenses in Connecticut. The following are *some* of the crimes which are specified as serious delinquent offenses:

- * murder,
- * arson,
- * rape,
- * kidnapping,
- * armed robbery,
- * first and second degree assault.

Because of the serious nature of these offenses, the court is given additional authority in these cases. A serious juvenile offender MAY:

- Be transferred to adult criminal court (see Transfer Hearing);
- Be held in detention until his/her Dispositional Hearing;
- Be subject to a complete diagnostic evaluation, including physical and psychological diagnosis (required by the court after adjudication);
- Be placed out of his/her hometown for up to one year; AND/OR
- Be committed to the Department of Children and Youth Services for up to four (4) years.

PROBATION INVESTIGATIONS

If a child has been found delinquent in the Adjudicatory Hearing, a state Juvenile Probation Officer will conduct an investigation and make a report to the court. The purpose of this investigation is to give the Judge current information about the child and his/her family.

This report will contain information about:

- home and parents;
- school and work activities;
- habits;
- friends;
- physical and mental health;
- neighborhood;
- legal history with police and juvenile court; AND
- anything else the Probation Officer believes is important.

The Judge will use this information to determine the best available option which will provide the child with the care, supervision, education/training, and discipline to help him/her stay out of further trouble with the law.

DISPOSITIONAL HEARING

After the probation investigation is done, a Dispositional Hearing will be held. At this hearing the Judge will listen to any relevant information about how the court should dispose of the case — and the types of treatment available to help. Once the Judge has read the reports, and heard the evidence and recommendations presented in court, s(he) will reach a decision about what will happen next. The Judge has a number of options and may do **one or more** of the following:

1. Issue a warning and send the child home with parents/guardian with no further responsibility to the court.
2. Order the child to remain home under the rules of the court and supervision of a Probation Officer (Probation).
3. Order the child to attend a counseling program.
4. Order the child to perform work in a public building or on public property (Community Service).
5. Order the child to provide compensation for the damages and losses caused (Restitution).
6. Place the child in the home of a relative, group home, foster home or a private school.

7. Transfer custody to the Department of Children and Youth Services for placement at Long Lane School or some other facility (Commitment).
8. Find the child eligible for vocational probation so that s(he) can get a job before turning 16.

An educationally retarded juvenile over the age of 14 may be placed on **vocational probation** if the court finds that (s)he is delinquent or a member of a family with service needs and does not need to be placed in an institution. Vocational probation is used when the court believes the child will benefit from being employed instead of, or in addition to, continued school attendance. Supervised by a Probation Officer, a juvenile on vocational probation works full- or part-time at a job in the community otherwise only available to youth 16 years or older.

In some cases the court may decide to put the disposition of the case "on hold" by withholding or suspending its decision. If the court's decision is put "on hold" the Judge decides the length of that suspension and any special rules that will apply during this time period.

A child committed to the Department of Children and Youth Services will remain under its supervision for up to two (2) years (four years for serious juvenile offender). This time period can be extended by the court if it would help the child.

ENFORCEMENT OF ORDERS

The Superior Court for Juvenile Matters has been granted several enforcement powers to make sure that its orders are followed by persons subject to its jurisdiction. The court may:

- * Issue arrest orders for any person;
- * Require witnesses to attend hearings; AND/OR
- * Punish a person for contempt by either a fine of up to \$100 or imprisonment not to exceed six months.

APPEALS

Any final decision of the Superior Court for Juvenile Matters may be appealed to the Appellate Court of Connecticut. Final decisions of the court include:

- Transfer to adult criminal court (appealed by the child only after the adult criminal proceedings are completed);
- Adjudicatory findings of the court after the Dispositional Hearing has been completed; AND
- Dispositional orders.

During an appeal, the child may be placed in a suitable facility. The child, parents/guardian, the Department of Children and Youth Services, or any person aggrieved by any final decision or order of the court may appeal.

The Appellate Court reviews decisions made by the Superior Court to determine if *errors of law* have been committed. Like the Supreme Court, the Appellate Court does not hear witnesses, but reaches its decision based on official records, legal briefs, and oral arguments made by the attorneys on the case.

CONFIDENTIALITY OF RECORDS

All case records and reports of the juvenile court are confidential. They cannot be released to any person outside of the court except:

1. The child's attorney will have access to all of the information.
2. Victims of a crime can learn the disposition of the case, but not the child's identity unless they apply to the court in order to bring a civil court suit for damages caused by the crime.
3. If a youth 16 to 18 years old is charged with a felony in adult criminal court, the Judge and/or the Probation Officer may see the records when considering sentencing or the granting of youthful offender status.
4. When a person 16 to 21 years old is convicted of a felony the court may order Adult Probation to complete a pre-sentence investigation. The Probation Officer will have access to juvenile court records.

ERASURE OF POLICE AND COURT RECORDS

All police and court records can be erased if:

- * The child is not found to be delinquent in the Adjudicatory Hearing;
- OR
- * The child completes the orders of the court and is discharged. If no further juvenile court proceedings are begun for two years after discharge and the child has not been convicted of a crime after turning 16, (s)he may petition the court to have his/her records erased.

When records are erased, all information about the arrest, the petition, any court ordered reports, and the records of court appearances will be removed from all agency, official, and institutional files.

CHILDREN OF FAMILIES WITH SERVICE NEEDS

WHAT RIGHTS DO JUVENILES HAVE?

Children involved in Family With Service Needs (FWSN) cases are afforded certain constitutional rights. These rights are:

- **To receive adequate notice of the allegations** (charges);
- **To confront and cross-examine witnesses;**
- **To be represented by a lawyer** and to be furnished one at state expense if parents cannot afford to pay for private counsel;
- **To be heard and present evidence** in their own behalf;
- **To remain silent** and not to be penalized for doing so;
- **To appeal to a higher court** the decisions made at adjudicatory and dispositional hearings; AND
- **To have "guilt" determined by clear and convincing evidence.**

Children also have the right to have any statement, admission or confession (oral or written) disallowed in court unless the parent or legal guardian is actually present and both the child and parent/guardian have been advised of their rights.

STEP BY STEP THROUGH A FAMILY WITH SERVICE NEEDS CASE

APPREHENSION BY POLICE

Many complaints about a child of a Family With Service Needs begin with parents making a report to the police. However, other persons and agencies can make a written complaint that a child's behavior places him/her within the definition of a Family With Service Needs. These other agencies can include schools, police themselves, as well as state and community social service agencies.

A CHILD STOPPED BY THE POLICE SHOULD:

1. Give his/her correct name, age, address and telephone number if the police officer asks for it. AND
2. Not resist being taken into custody. Arguing, fighting, swearing or running away will only create more trouble for the child.

If the problem is minor, the police officer may simply point out what was done wrong and give a **VERBAL WARNING** not to do it again. In these cases, nothing is entered into the records under the child's name.

The police officer may also:

- Transport the child home or to a relative's house;
- Transport the child to a social service agency which works with children;
- Refer the case to the Superior Court for Juvenile Matters; AND/OR
- Hold the child in protective custody for up to six hours.

A CHILD TAKEN INTO CUSTODY SHOULD:

Call parents/guardian *immediately*. Since the child will probably have to stay at the police department until parents are contacted, it is important that the child assist the police in locating them.

If the child has been taken into custody and formal charges have been made, the police department may decide to:

Send the child home with parents/guardian and refer the case
to the Superior Court for Juvenile Matters:

OR

Transport or refer the child to any child care agency.

THE CHILD SHOULD BE SURE TO:

- Call parents or guardian if (s)he is transferred to a child care agency. Ask them to come to the agency, or if that is not possible have them talk to the staff on the telephone.
- Receive a copy of the allegations (charges).
- Call a lawyer or ask if a Public Defender can be assigned to the case.

A child released to parents/guardian will still need to appear in juvenile court at a later date. A Juvenile Probation Officer will let the family know when and where the case will be heard in court.

INVESTIGATION AND NON-JUDICIAL DISPOSITION

Whenever the Superior Court for Juvenile Matters receives a written complaint alleging a child is a member of a Family With Service Needs, a preliminary investigation is made into the case. This investigation is conducted by a juvenile probation officer assigned to the Court. The purpose is to determine whether the facts of the case, if true, would be sufficient to be a judicial matter and if the child's interests or those of the community require that further action be taken. The probation officer will review the police report and talk to the child and parents/guardian. Information will be obtained about family life, school performance, social activities, work experience and any other information that will provide a "picture" of the child and the case before the court. Certain offenses may be handled in an informal manner by the probation officer. This decision depends on:

- The seriousness of the allegation;
- Past court history, if any; AND
- Adjustment at home and school.

The Probation Officer may decide to:

- Dismiss the case;
- Refer the child and/or family to a social service agency or program in the community;

OR

- File a petition with the Superior Court for Juvenile Matters.

A petition will contain the following information:

- The child's name, date of birth, sex and home address;
- The facts which bring the child to the attention of the Court;
- The names and address(es) of parents/guardian; AND
- A request for the intervention of the court.

When a petition is filed, both the child and parents/guardian will be issued a summons requiring them to appear in court for a hearing on the facts of the case. The date and place of the hearing will be stated on the summons. A copy of the petition is attached to the summons.

Between the time the petition is filed and a decision is reached in the Adjudicatory Hearing, the Judge may decide to refer the family to a community-based agency or other type of program for services. When this occurs, the Judge may order the case continued for up to three months. At the conclusion of this time period, the Judge will either decide that the problem has been satisfactorily resolved and dismiss the case, or that a formal Adjudicatory Hearing is required.

CONTESTED ADJUDICATORY HEARING (TRIAL)

The purpose of this hearing is to decide whether or not the allegations brought by the state are true. It is held in the Superior Court for Juvenile Matters before a Judge. There is no jury. The Judge decides whether or not the child is a member of a Family With Service Needs. Only the facts of the case are considered. The hearing is closed to the public and the records are confidential. **In this hearing the child has the right:**

- To be represented by a lawyer, and if the family cannot afford one, to be appointed a Public Defender at state expense;
- To present evidence and witnesses to support the child's side of the story;
- To cross-examine witnesses and evidence against him/her;
- To remain silent and not be penalized for doing so (including not testifying or presenting evidence which may work against him/her); AND
- To have the allegations proven by "clear and convincing" evidence.

In an Adjudicatory Hearing the child should:

- * Be on time, polite, and neatly dressed.
- * Talk slowly and clearly and tell the truth if testifying.
- * Show respect for the Judge. Call the Judge "Your Honor."
- * Ask the lawyer questions about anything not understood.
- * Tell the lawyer if witnesses are not telling the truth.

A record is kept of everything that is said at this hearing. It is private and only the Judge can order it to be released.

After the Judge has heard all the evidence in the Adjudicatory Hearing, he/she will reach a decision or finding in the case.

If the Judge finds that the evidence *does not* support the allegations in the petition the case will be dismissed and all records of the case will be immediately erased.

If the judge finds that the evidence shows the allegations in the petition to be true based on "clear and convincing" evidence, a Dispositional Hearing will be scheduled.

DISPOSITIONAL HEARING

If the child is found to be a member of a Family With Service Needs in the Adjudicatory Hearing, a Dispositional Hearing will be held. At this Hearing the Judge will listen to any relevant information about how the court should dispose of the case — and the types of treatment that may help the child and the family. Once the Judge has read the available reports, and heard the evidence and recommendations presented in court, (s)he will reach a decision about what will happen next. The Judge has a number of options and may do **one or more** of the following:

1. Issue a warning and send the child home with parents/guardian.
2. Order the child to remain home under the rules of the court and supervision of a probation officer (Probation).
3. Order the child and/or family to attend a counseling program.
4. Refer the child to the Department of Children and Youth Services for any voluntary services it provides.
5. Place the child in the care and custody of the Department of Children and Youth Services for up to two years, for placement in foster care or any licensed facility *other than* Long Lane School (Commitment).

An educationally retarded juvenile over the age of fourteen may be placed on **vocational probation** if the court finds that (s)he is a member of a Family With Service Needs. By doing so, the court has decided that the child need not be placed in an institution and will benefit from employment instead of, or in addition to, continued school attendance. A child on vocational probation works full- or part-time at a job in the community and is supervised by a probation officer.

In some cases the court may decide to delay disposition of the case by withholding or suspending its decision. If the court's decision is put "on hold" the Judge will inform the child of the length of that suspension and any special rules that will apply during this time period.

A child committed to the Department of Children and Youth Services will remain under its supervision for up to two (2) years. This time period can be extended by the court if it can be shown why it would help the child. The Department of Children and Youth Services may discharge the child from commitment at any time. The child or parent/guardian may ask to have the commitment reviewed and terminated. However, this can not be requested more than once every six months.

ENFORCEMENT OF ORDERS

The Superior Court for Juvenile Matters has been granted several powers to make sure that its orders are followed by persons subject to its jurisdiction. The court may:

- Issue arrest orders for any person;
- Require witnesses to attend hearings; AND/OR
- Punish a person for contempt by either a fine of up to \$100 or imprisonment not to exceed six months.

A child who has been determined by the court to be a member of a Family With Service Needs will often be given specific rules, regulations, and instructions by the court which (s)he is ordered to obey.

If the child violates these orders, a petition of delinquency can be filed against him/her. If the allegations in this petition are found to be true, the child will be adjudicated as a delinquent by the Superior Court for Juvenile Matters. If the child violates a valid court order and a delinquency petition is filed the child can be held in detention before a hearing on the petition. A child adjudicated delinquent for violating a valid court order may be subject to the same orders as in any delinquency disposition.

APPEALS

Any final decision of the court may be appealed to the Appellate Court of Connecticut. Final decisions of the court include both Adjudicatory findings and Dispositional orders. However, no final decision can be appealed until after the Dispositional Hearing is completed.

The Appellate Court reviews decisions made by the Superior Court to determine if *errors of law* have been committed. Like the Supreme Court, the Appellate Court does not hear witnesses, but reaches its decision based on official records, legal briefs, and oral arguments made by attorneys on the case.

CONFIDENTIALITY OF RECORDS

All court records and reports concerning a Family With Service Needs are confidential. They may not be shared with any person who is not a legal party to the case without an order from the court. The records that are protected include:

- Probation, social service agency, and clinic reports to the court;
- Contents of the petition; AND
- Any records of the actual court proceedings.

DEPENDENT, NEGLECTED, AND UNCARED FOR CHILDREN AND YOUTH

When the court hears cases involving dependent, neglected, and uncared for children and youth the circumstances surrounding the care of the juvenile are the subject of the court's concern. The role of the court is to protect and safeguard the minor from situations and/or people who may be harmful to his/her emotional or physical development. Because the court's attention is on the behavior of the child's/youth's parent, guardian or other person responsible for his/her care and custody, it is the responsible adult as well as the child or youth who is provided legal protections by the Constitution and State Law.

WHAT RIGHTS DO PARENTS/GUARDIANS HAVE IN JUVENILE COURT?

Adults involved in cases concerning dependent, neglected, or uncared for children/youth are afforded the following legal rights in the Superior Court for Juvenile Matters:

- To receive adequate notice of the allegations (charges);
- To confront and cross-examine witnesses;
- To be represented by a lawyer and to be furnished one at State expense if they cannot afford to pay for private counsel;
- To be heard and present evidence in their own behalf;
- To remain silent and not to be penalized for doing so;
- To appeal to a higher court any final decision of the court;
- To be informed of their right to counsel and right to remain silent;
- To a verbatim record of any proceedings held before the judge; AND
- To take an appeal on the record.

STEP BY STEP THROUGH A NEGLECT CASE

FILING A PETITION

Only certain persons may file a petition with the Superior Court for Juvenile Matters alleging that a child or youth under the age of eighteen (18) is dependent, neglected, or uncared for (see GLOSSARY), although any person with reasonable cause to believe that a child/youth is being physically or emotionally harmed or is being denied adequate care can refer a case to the Department of Children and Youth Services for an investigation of the complaint. If the allegations appear to be supported by facts and indicate a need for court intervention, the agency will file a petition with the court.

Any person who suspects that a child/youth is being neglected, uncared for, or is a dependent child/youth (hereafter referred to as "neglected" or "neglect cases") may report this information to the proper authorities. However, certain professionals are required by law to report their suspicions to the Department of Children and Youth Services. They include:

Physicians, interns, surgeons, osteopaths, optometrists, chiropractors, registered and licensed nurses, medical examiners, coroners, school teachers, principals, guidance counselors, psychologists, social workers, mental health professionals, employees of day care centers, clergymen and police officers.

TO REPORT SUSPECTED NEGLECT of a child/youth, a person may call the local office of the Department of Children and Youth Services (D.C.Y.S.), Police Department or the TOLL-FREE CARE LINE sponsored by D.C.Y.S. (1-800-842-2288). The name of the person who reports suspected neglect is kept confidential by D.C.Y.S. Once a complaint is received by D.C.Y.S. an investigation into the allegations is conducted. D.C.Y.S. staff will attempt to work with a family and avoid formal court intervention if there is a good chance the problems can be resolved without it. Unfortunately this is not always the case. D.C.Y.S. will usually seek the help of the court if:

- The child/youth is in immediate physical danger;
- The child/youth can no longer reside in the home (for whatever reason);
- The parents/guardian refuse to cooperate with the treatment or supervision offered by the Department; OR
- D.C.Y.S. intervention has failed to stop the suspected neglect.

If the initial attempts to prevent further neglect are unsuccessful or a need to accept physical custody of the child/youth is seen, the Department of Children and Youth Services will file a formal petition in the Superior Court for Juvenile Matters.

When a petition is filed alleging that a child/youth is neglected the parents, guardian, or other person responsible for the juvenile's care and custody (hereafter referred to as "parent(s)") will receive a copy of the petition. The following information will be contained on the petition:

- Name, date of birth, sex and address of the child/youth;
- Name and address of the parents or guardian;
- The specific allegations being brought before the court (dependent, neglected or uncared for); AND
- The facts which support the allegations on the petition.

The petition will be attached to a summons which will direct the parent to appear in court at a specific day, time and place. There will be *at least* two weeks between the time the parents receive the summons and the date of the court hearing.

ORDERS OF TEMPORARY CUSTODY (O.T.C.)

In some neglect cases the Department of Children and Youth Services may request the immediate custody of the child/youth when the petition is filed. These requests are made when D.C.Y.S. believes there is a serious emergency which requires immediate action. A hearing on any Order of Temporary Custody must be held within ten (10) days with everyone present. D.C.Y.S. must convince the Judge that the child/youth is in immediate physical danger OR is suffering from a serious physical injury or illness and should not be with the parent while the case waits final court action.

INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND YOUTH SERVICES (D.C.Y.S.)

When a petition is filed with the Superior Court for Juvenile Matters alleging that a child or youth is neglected, dependent or uncared for, an investigation is made by D.C.Y.S. A worker from D.C.Y.S. will explore the facts contained in the petition and the family's situation. This investigation can include physical and mental examinations of both the child/youth and the parents/guardian.

ADJUDICATORY HEARING

Before the court may issue orders affecting the guardianship of a minor, it must make an adjudication of neglect. Unless the parents/guardian admit to the allegations contained in the petition (plead guilty), a contested Adjudicatory Hearing is held in order to make a factual determination about whether the allegations contained in the petition are true. Because the kind of care that the child/youth is being provided is the main question, the parents as well as the child/youth are afforded legal rights and representation in this hearing.

If they admit the facts in the petition are true, a date will be set for a Dispositional Hearing.

If they deny the facts in the petition, a contested Adjudicatory Hearing will be held.

During a contested hearing the parents, the child/youth and the Attorney General, who represents the Department of Children and Youth Services, all have the opportunity to present witnesses and other evidence. They can also cross-examine and question the evidence presented by the others. After all the evidence is heard, the Judge will decide whether there is a "preponderance of evidence" that the child/youth has been neglected. A preponderance of evidence means that the Attorney General must provide more evidence that the allegations are true than the evidence that is presented showing that they are not true. At the end of the Adjudicatory Hearing the Judge will state the court's decision.

If the Judge finds that the child/youth *has not* been neglected, the case will be dismissed.

If the Judge decides that the child/youth *has* been neglected, a Dispositional Hearing will take place.

DISPOSITIONAL HEARING

The purpose of the Dispositional Hearing is to decide the best type of action to prevent the further neglect of the child/youth. A report of the D.C.Y.S. investigation conducted earlier will be presented to the Judge. This report will contain:

- Information about the family;
- Information about the needs of the child/youth; AND
- Recommendations about how to help the child/youth and the family.

There are three dispositional options for the Judge to consider:

1. *Dismissal* — If the child's/youth's circumstances have greatly improved since the petition was filed, the Judge may decide that there is no need for additional involvement by either the court or D.C.Y.S.
2. *Protective Supervision* — In protective supervision the child/youth will remain in custody of his/her parent(s), but will be subject to the supervision of a court-ordered agency. This agency is usually D.C.Y.S. The court will set the length of time that the child/youth and parents will remain under agency supervision, and its expectations to be fulfilled during that time period.
3. *Commitment* — When a child is ordered to be committed, the guardianship of the child is removed from the parents. Guardianship is usually given to D.C.Y.S., but may be given to another agency or a responsible individual. An order of commitment may last for 18 months if guardianship is given to D.C.Y.S., or until the child/youth reaches 18 years of age if guardianship is granted to another agency or an individual **and there are no requests for further court action.**

A child/youth who is under a commitment order will probably not live with his/her parents. (S)He may be placed in foster homes, institutions or in the homes of relatives. While the child/youth is residing away from home, everyone will be working toward reuniting the family.

When a Judge issues an Order of Commitment, (s)he may set expectations for the parents and sometimes for the agency. These expectations are designed to help the family so that the child/youth will be able to return home. Expectations may include visits with the child, counseling and other actions the parents must take in order to prevent future neglect of the child/youth. These expectations will be monitored by the court, and must be fulfilled by the parents for the child/youth to be returned to their custody.

When a child/youth is under a commitment order, the parents still have the right:

- * to participate in planning for their child/youth;
- * to visit the child/youth, unless good cause is shown to prevent visits;
- * to request the return of their child/youth by filing a Petition to Revoke the Commitment;
- * to give or withhold consent to terminate parental rights; AND
- * to object to having their child/youth placed outside of the State of Connecticut.

If the parents are financially able to support the child/youth they have an obligation to contribute to the child's support as ordered by the court even after an order of commitment.

COURT RESPONSIBILITIES FOLLOWING COMMITMENT TO D.C.Y.S.

After an Order of Commitment gives guardianship of a child/youth to the Department of Children and Youth Services, the court may issue further orders:

Orders of Support — The court will examine the financial ability of each parent to contribute to the cost of caring for the child/youth. If either parent is able to provide support, the court will order him/her to contribute.

Judicial Review — The Judge will usually set a date (from three to six months) to review the case and the progress that is being made. D.C.Y.S. will report on how well the parents are meeting the expectations that were set by the court at the Dispositional Hearing, and what long-range, permanent plans have been developed for the child/youth.

PETITIONS AFTER COMMITMENT

Petition for Revocation of Commitment — Any of the legal parties in the original neglect case or any relative of the child/youth may request that the Order of Commitment be ended. This would return guardianship and custody of the child/youth to the parents, or transfer it to another suitable person or agency. A revocation petition cannot be filed until at least six months after the original commitment.

To revoke a commitment two things must be shown to the court:

1. That there is no longer the original need for the child/youth to be committed;

AND

2. That the revocation is in the child's/youth's best interest.

If both criteria are not sufficiently demonstrated to the court, the commitment will continue.

Extension of Commitment — If, after 15 months of commitment, D.C.Y.S. does not file for either a Revocation of Commitment or for the termination of parental rights (see page 23), the agency must seek an extension of commitment. The original order of commitment can be extended for another 18 months, but D.C.Y.S. must return to court with another petition for each extension of commitment. D.C.Y.S. must show the court, each time, why it is in the child's/youth's best interest for the commitment to be extended. Both the parents and the child will receive notice if D.C.Y.S. files for an extension.

ENFORCEMENT OF ORDERS

The Superior Court for Juvenile Matters has been granted several powers to make sure that its orders are followed by persons subject to its jurisdiction. The court may:

- Issue arrest orders for any person;
- Require witnesses to attend hearings; AND/OR
- Punish a person for contempt by either a fine up to \$500 or imprisonment not to exceed six months.

APPEALS

Decisions of the Superior Court for Juvenile Matters may be appealed to a higher court. The minor, his/her parent or guardian, the Department of Children and Youth Services, or any person aggrieved by any final judgment or order of the court may appeal any of these decisions after the Dispositional Hearing has been completed.

The State Appellate Court reviews decisions made by the Superior Court to determine if *errors of law* have been committed. Like the Supreme Court, the Appellate Court does not hear witnesses, but reaches its decision based on official records, legal briefs, and oral arguments made by the attorneys working on the case.

CONFIDENTIALITY OF RECORDS

The records of all neglect cases heard by the Superior Court for Juvenile Matters are confidential. They cannot be disclosed to any person other than the legal parties to the case without a court order. This confidential information includes:

- The petition;
- Reports by probation officers, social service agencies, and clinics; AND
- Written or oral records of the court proceedings.

TERMINATION OF PARENTAL RIGHTS

The termination of parental rights is the most serious type of intervention that can be ordered by the Superior Court for Juvenile Matters. The court order *totally* severs the legal relationship between a child/youth and the parents. Once parental rights are terminated the child can be placed for adoption with another family. Because of the seriousness of this type of judicial decision, a standard of proof higher than in other neglect cases is required.

To issue an order that terminates parental rights, the Judge must have **clear and convincing** evidence that after *no less* than one year:

- * The child has been abandoned by the parent's failure to maintain a reasonable degree of concern and interest in the welfare of the child;
- * The parents of a child previously found by the court to be neglected have failed to achieve a degree of rehabilitation that would lead the court to believe they could (within a reasonable time) be responsible for taking adequate care of the child;
- * The child has been denied the care required for his/her physical, educational or emotional well-being through the actions of the parent;

(SERIOUS PHYSICAL ABUSE IS SUFFICIENT EVIDENCE
FOR THE TERMINATION OF PARENTAL RIGHTS.)

OR

- * There is no on-going relationship between parent and child, and it would be harmful to the child to wait the length of time needed to establish or re-establish such a relationship.

The one-year restriction may be waived by the court with sufficient cause. If one or more of these grounds are found, the court may not terminate parental rights unless it first considers the efforts made to reunify the family, the child's/youth's age and emotional ties AND finds that the termination is in the best interests of the child/youth.

EMANCIPATION OF A MINOR

A person between the ages of sixteen (16) and eighteen (18) or the parents of that person may ask the court for a legal determination that the minor and parents are free from any authority, responsibility or obligation to each other. The court may grant this request if, after a hearing on the facts, it finds that:

- * The minor has been legally married;
- * The minor is on active duty with the U.S. armed forces;
- * The minor willingly lives separate and apart from the parents or guardian and is managing his/her own financial affairs; OR
- * It is in the best interest of either or both parties.

If an order of emancipation is granted by the court, the minor may:

- consent to medical, dental or psychiatric care without parental consent, knowledge, or liability;
- enter into a binding contract;
- sue and be sued by his/her own name;
- establish his/her own residence;
- buy and sell real and personal property;
- not be the subject of a petition as abused, dependent, neglected, or uncared for under juvenile law; AND
- enroll in any school or college without parental consent.

Additionally, the minor will be entitled to his/her own earnings and will be free of control by parents or guardians. (S)He will also be considered over eighteen for the purposes of obtaining a driver's license and marriage license without parental consent.

The parents of an emancipated minor will no longer be the guardians of the minor, and will be relieved of all obligations regarding the support of the minor and any other areas of parental liability.

GLOSSARY OF TERMS

- ABUSED** — Physical injury inflicted upon a child or youth which is not the result of an accident, conflicts with the explanations of the injury, or is the result of maltreatment such as sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment.
- ADJUDICATORY HEARING** — Juvenile court proceeding to determine whether the allegations on a **petition** are true and whether the child/youth should be adjudicated and subject to orders of the court. (similar to a trial)
- ADMISSION** — Plea entered by the **respondent** in juvenile court agreeing that the charge in a **petition** is true. (similar to a guilty plea in criminal court)
- ADVOCATE** — See “**State’s Advocate.**”
- APPEAL** — Request that a higher court review a case.
- ALLEGATION** — A statement made by the petitioner in a legal action which will attempt to be proven. (similar to a “charge” in criminal court)
- BAIL** — An amount of money set by the court in order to insure the appearance of the **respondent** in court. The **respondent** will be released from **custody** once the bail is deposited with the court.
- BEYOND A REASONABLE DOUBT** — The degree of certainty required for a **finding** of delinquency; proof must be so conclusive and complete that all reasonable doubts are removed from the mind. This is the highest standard of proof.
- CHILD** — Any person under the age of sixteen (16) years.
- CLEAR AND CONVINCING EVIDENCE** — A lesser standard of proof; the degree of certainty required for a **finding** of **Family With Service Needs** or the termination of parental rights; proof must establish a firm belief in the facts alleged in the **petition**.
- COMMITMENT** — Placement of a child/youth in the **custody** (children in a family with service needs and delinquent children) or guardianship (neglected, dependent, uncared for children/youth) of the **Department of Children and Youth Services** by an order of the court.
- COMMUNITY SERVICE** — Work in public buildings or on public property performed by an offender as required by the court or its representatives.
- CUSTODY** — See “**Legal Custody.**”
- DELINQUENT** — A child who is found to have violated any federal or state law, municipal or local ordinance (other than one regulating behavior of a child in a Family With Service Needs), or order of the Superior Court.
- DENIAL** — Plea entered by a **respondent** in juvenile court disagreeing with the allegations in a **petition**. (similar to a not guilty plea in criminal court)

- DEPARTMENT OF CHILDREN AND YOUTH SERVICES (D.C.Y.S.)** — State agency responsible for the care and treatment of children and youth who are mentally ill; dependent, uncared for, or neglected; from Families With Service Needs; or delinquent.
- DEPENDENT MINOR** — Child or youth living in a home that is suitable except for the financial inability of the parents, guardian or other person maintaining the home to provide for the specialized care his/her condition requires.
- DETENTION** — State-operated or state-designated facility to provide for the temporary care of a child who is alleged to be delinquent and who requires a physically restricted, secure environment.
- DETENTION HEARING** — Court proceeding to determine if the child needs to remain in secure custody for the protection of the community or the juvenile.
- DISPOSITION** — Orders of the court following **adjudication** relating to the most appropriate type of care and treatment of a child/youth. (similar to sentencing in criminal court)
- DISPOSITIONAL HEARING** — Court proceeding following **adjudication** which provides the court with information necessary to determine the best possible type of care and treatment to be provided to the child/youth and/or his or her family.
- EMANCIPATION** — The release of a youth from the legal authority and control of his/her parents and the corresponding release of the parents from their obligations to the youth.
- FAMILY WITH SERVICE NEEDS** — A family which includes a child who a) runs away without just cause, b) is beyond the control of his/her parents or guardian, c) has engaged in indecent or immoral conduct, and/or d) is habitually truant or continuously and overtly defiant of school rules and regulations.
- FINDING** — Decision made by the judge at an **adjudicatory hearing**. (similar to a verdict in criminal court)
- HEARSAY EVIDENCE** — Evidence based on reports of others rather than on a witness's own personal knowledge.
- JUVENILE** — Any person who is not of legal age; in Connecticut any person under eighteen (18) years of age. (same as **minor**)
- JUVENILE COURT** — Court designated to hear all proceedings concerning **uncared for, neglected, dependent children and youth and delinquent children** within the state; Superior Court for Juvenile Matters.
- LEGAL CUSTODY** — Relationship created by court order which gives the custodian the responsibility for the physical possession of a minor and the duty to protect, train, and discipline him/her, as well as providing for his/her basic needs.
- MINOR** — Any person who is not of legal age. (see **juvenile**)

MIRANDA RIGHTS — The requirement that a person receive certain warnings relating to his/her privilege against self-incrimination (right to remain silent) and the right to have the presence and advice of an attorney before being questioned by law enforcement authorities.

MULTIPLE PETITIONS — Two or more petitions filed in juvenile court against the same person.

NEGLECTED MINOR — A child or youth who has a) been abandoned, b) is being denied proper care and attention, physically, emotionally, educationally, or morally, c) is being permitted to live under conditions, circumstances, or associations injurious to his/her well-being, or d) has been abused.

NOLLE PROSEQUI (“NOLLE”) — An acknowledgment by the **State’s Advocate** that a pending case may not be prosecuted. A case which has been “nolled” may be reopened within 13 months; if it is not reopened by then it is automatically dismissed.

ORDERS OF TEMPORARY CUSTODY (O.T.C.) — Court order placing a child or youth in the short-term **legal custody** of an individual or agency authorized for the care of juveniles.

PETITION — Legal document which specifies the complaint against the juvenile and/or family; it includes the name, age, and address of the minor and his/her guardian, as well as the statutory grounds and factual **allegations** upon which the request for court intervention is based.

PREPONDERANCE OF EVIDENCE — General standard of proof in civil cases; where the evidence and the facts are more convincing than not. Used in neglect proceedings.

PROBABLE CAUSE — See “**Reasonable Cause.**”

PROBATION — Placement of an adjudicated delinquent under the supervision of a state probation officer and the rules set forth by the court.

PROBATION INVESTIGATION — Inquiry into the social, educational, physical, emotional, and work history of a child adjudicated delinquent. This report to the court can include any relevant information about the juvenile and his/her parents’ habits, surroundings, and character.

PROBATION OFFICER — State employee who is responsible for making investigations and reports required by the court, executing orders of the court, maintaining files and providing supervision to persons placed on probation by the court.

PUBLIC DEFENDER — Court-appointed attorney responsible for representing the juvenile and/or the family at no cost to them. The family/juvenile needs to show that they cannot afford to pay for an attorney.

REASONABLE CAUSE — The lowest standard of proof; the level of certainty required for the issuance of an arrest or search warrant or the grounds for detention or *ex parte* Orders of Temporary Custody; facts that would enable a reasonable person to form a conclusion. Also called **Probable Cause.**

RESPONDENT — Juvenile court word referring to the person or persons named in a petition. (similar to a defendant in criminal court)

SERIOUS JUVENILE OFFENDER — A **child** who has been **adjudicated** by the **juvenile court** for a **serious juvenile offense**.

SERIOUS JUVENILE OFFENSE — A violation of any one of several specific grievous criminal actions by a **child**; including: murder, manslaughter, rape, kidnapping, arson, armed robbery, 1st and 2nd degree assault, and other acts designated in C.G.S. Section 46b-120.

SOCIAL HISTORY INVESTIGATION — See “**Probation Investigation**.”

STATE’S ADVOCATE — Prosecuting attorney who presents the state’s case in **Delinquency and Family With Service Needs** cases.

SUBPOENA — A written notice issued by the court or a lawyer commanding a person to appear in court to testify as a witness.

SUMMONS — A written notice issued by the court commanding a person to appear in court at a given date and time. A summons is issued to an individual charged or other party on a petition or complaint.

SUPERVISION — Process similar to **probation** in that the juvenile is returned to the community, but not as serious or formal in nature. Supervision is given with the understanding that the court will take further action if the juvenile or parents do not follow court-recommended plans. Supervision is usually used in **Family with Service Needs** cases or **delinquency** cases handled non-judicially by a **probation officer**.

TEMPORARY CUSTODY — Court-approved placement of a child or youth outside of his/her home for a short period of time before an **adjudicatory** or **dispositional** hearing is held.

TRANSFER HEARING (to Criminal Court) — Juvenile Court hearing to determine whether a **child**, 14 years or older, charged with a serious crime should have his/her case transferred to criminal court, and be subject to the same processes and penalties as an adult charged with the same offense.

UNCARED FOR — A **child** or **youth** who is homeless or whose home cannot provide the specialized care which his/her physical, emotional or mental condition requires.

VALID COURT ORDER — A formal statement by the court which regulates future conduct of a child after a **finding** of **delinquency** or after his/her family has been **adjudicated** as a **family with service needs**; any order of the court which is made in accordance to the laws of the state. It may also apply to specific conditions of a delinquent’s **probation**.

YOUTH — Any person sixteen (16) to eighteen (18) years of age.

Words in **bold type** are defined in the glossary.

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Division of Public Defender Services

Richard E. Smith
Sergeant
Hartford Police Department

Kimberly L. Barnes-O'Connor
Author

Peter B. Silvestri
Editor