

Answers to Frequently-Asked Questions On Connecticut Juvenile Courts by Atty. Michael H. Agranoff

Important Note: This is intended as a guide for the general public in understanding the purpose and basic functioning of the Connecticut Juvenile Court system. It is a plain-language, overview guide for non-lawyers. It is not a "do-it-yourself" procedure for trying cases. **It is not a substitute for obtaining legal advice from a qualified licensed Connecticut attorney.**

This guide reflects the author's experience in the Connecticut Juvenile Court as of the date of publication. Different fact patterns, and different jurisdictions, can always bring different results. Plus, the law changes from time to time. It is best to consult an attorney on any questions.

1. Why does the Juvenile Court seem so frightening? There are two reasons. First, because it is the least known and least understood of the courts. Everyone has seen "regular" courts on TV and movies, but very seldom is anything shown about juvenile courts.

Second, because the Connecticut Department of Children and Families (DCF) regularly participates in Juvenile Court, and DCF's substantial power is not always clear to the public. Much of the public is afraid of DCF, and, therefore, is fearful of the Juvenile Court. (Note: DCF was formerly known as DCYS, or Department of Children and Youth Services. It is the same thing).

2. Is the Connecticut Juvenile Court a separate Court? The Juvenile Court is actually a division of the Connecticut Superior Court. It is officially called "Superior Court for Juvenile Matters." By law, the Juvenile Court must be physically separate from the "regular" courts.

For example, in Tolland County, the civil, criminal, and juvenile courts are all in Rockville, but located in separate buildings.

The regular Connecticut Superior Court judges preside over the Juvenile Court. Their decisions may be appealed, as with most other Superior court decisions.

The first juvenile court in the U.S. was established in Illinois in 1899. Connecticut has had a juvenile justice system since 1921.

3. Is the general public and the press allowed in Juvenile Court? No. The U.S. Constitution requires "public" trials, but most authorities agree that this does not apply to juvenile proceedings. Perhaps it should; but presently it doesn't. This may change in the future; we shall see.

Only persons who have official business with a case are allowed to be in court for that case. Witnesses cannot remain to hear the testimony of other witnesses.

Victims of delinquent acts may have special rights. The victim, the victim's parents, or the victim's court-appointed advocate, cannot be excluded from Court except upon the Judge's order. Victims may also request restitution from the delinquent offender, although recovery from insurance or a lawsuit may still be pursued. Contact an attorney for more details.

Juvenile records are mostly confidential. However, they are not totally secret, and can be shared between various State and Federal agencies.

4. What is the difference between a child, youth, adult and minor? A "child," legally, is any person under 16 years of age.

A "youth" is any person at least 16, but not yet 18, years of age. In other words, a person age 16 or 17.

An "adult" is any person at least 18 years of age. Adults are said to have reached the "age of majority," which used to be age 21, but is now age 18.

A "minor" is any person not an adult, in other words, a child or a youth.

It is possible for minors to be "emancipated," and thus have certain adult privileges. It is also possible for adults to lose adult privileges, such as if they are declared incompetent.

5. What types of cases go to Juvenile Court? There are 3 major types of cases in Juvenile Court. These are quite different from one another, and should not be confused.

A. CHILD'S BEHAVIOR REQUIRING STATE INTERVENTION The first type involves improper behavior that requires state intervention, on the part of the child (a person under the age of 16). The case may be either:

- a. Delinquency
- b. Family With Service Needs (FWSN)

B. ADULT'S BEHAVIOR REQUIRING MINOR'S PROTECTION The second type involves improper behavior on the part of the parent or parents, or guardian, which requires protection of the child or youth (a person under the age of 18). The case may be either:

- Abuse or Neglect
- Termination of Parental Rights (TPR)

** Therefore, Delinquency cases involve children under 16 at the time of the offense. However, Neglect cases involve parents or guardians of minors (children and youths) under 18.

C. EMANCIPATION The third type involves Emancipation of Minors. A youth (age 16 or 17) may be declared emancipated, that is, no longer subject to parental control and authority. The parents are also relieved from responsibility.

6. Why are there so many delays and continuances? Many people have to be present for a Juvenile hearing: parents, attorneys, DCF, State's Attorney; sometimes probation officers, guardian ad litem, other court personnel, witnesses. A temporary emergency may come up, requiring a necessary person to be somewhere else. Further, judges are in short supply, and they have emergencies, too.

It is unfortunate, and sometimes unfair, but parents must expect delays in Juvenile Court proceedings. Flexibility is essential. One should never go to Court without reading material or other ways to pass the time.

7. What happens if a person under 18 is arrested? If the person is under 16, the case normally goes to Juvenile Court. However, for a child of 14 or 15, the case may be transferred to adult criminal court for certain very serious offenses.

If the person is 16 or 17, in Connecticut, then the case goes to adult criminal court, not to Juvenile Court. However, a youth 16 or 17 will normally, be treated as a Youthful Offender (Y.O.) The effect of Y.O. is that the proceedings are closed to the public, and police and court records may be erased when the person reaches age 21, provided that he or she is not later convicted of a felony before reaching age 21. You cannot use Y.O. if you have already used it, or have used accelerated rehabilitation (A.R.), previously. No second chance!

8. What is detention? Just as there are separate courts for juveniles, there are separate pre-trial jails. These are called "detention centers." Detention centers are, at best, unpleasant places, but workers try to make the child as comfortable as possible. The child's main objective is normally to have the Judge release him or her to the custody of parents or other responsible adults.

9. Must the delinquent child appear in Court? Yes. A child released to his or her parents will receive a summons to appear in Juvenile Court. Failure to show up in court may lead to the child's being placed in detention. Do not ignore a summons!

10. When might a Delinquency case be transferred to adult criminal court? For very serious offenses, such as murder, arson, rape, armed robbery, serious assault, etc., the Court will automatically treat the child, if age 14 or over, as an adult for criminal court purposes. Upon transfer, the child loses all the protection of the Juvenile Court. For less serious crimes, the State may petition to have the child treated as an adult. That is not common, however.

11. Does the child have rights in a Juvenile Court delinquency case? Yes. The child has rights similar to adult court, such as getting notice of the charges, right to a trial, being able to cross-examine witnesses and call his own witnesses, right to counsel, right to remain silent, right to appeal, etc.

The child in Juvenile Court does not have the right to trial by jury. However, the juvenile judges will normally go out of their way to be sure that the child gets a fair deal. Juvenile courts, after all, were formed with the idea of helping the child, or reforming him or her if at all possible, rather than punishing him.

12. What if the parents can't afford a lawyer for the child? It is possible to obtain a public defender or court-appointed lawyer for the child at State expense. The parents will have to apply to the Clerk of the Juvenile Court, and complete a sworn financial affidavit.

13. Must parents be present for delinquency cases? The child has the right to have a parent or guardian present at all court hearings, and at any interrogation. The idea is that the child needs this protection. If a parent is in jail, the Corrections Officer will usually bring the parent into Court.

If the parents are unwilling or unable, then the Court will appoint a person, usually a lawyer, as the child's temporary guardian, for purposes of the delinquency case only. This is known technically as a "Guardian Ad Litem," or guardian for the duration of the delinquency matter only.

14. Can the child plead "guilty?" Yes, but it is called "admitting responsibility." Generally, this leads to a lesser penalty, sometimes just informal probation. The child and his parents should, of course, first consult with a lawyer before doing this.

15. What are the two types of formal hearings in a Delinquency case?

A. Adjudication. The court decides if the child is in fact delinquent. This is similar to the "verdict" in adult court.

B. Disposition. If the court finds that the child is in fact delinquent, it decides what to do. This is similar to the "sentence" in adult court.

16. If a child is found Delinquent, what can the Juvenile Court do? The Court will not act until a report is prepared by the Juvenile Probation Officer. The Court may also hear testimony and recommendations from other interested persons.

The Court then has many options. It may send the child home with a warning, although usually it will require the child to follow certain rules and meet with a Probation Officer regularly. Curfews may be imposed. The child may be required to attend counseling, submit to random urine testing for drug or alcohol use, perform community service (unpaid work for non-profit or charitable organizations), or compensate victims for their losses. The child may be required to participate at a Juvenile Justice Center, or other youth program, as an alternative to incarceration. The child may be placed in a foster home, or committed to DCF for placement in a residential care facility (special treatment school). Finally, the child may be placed at a juvenile correctional facility (which used to be called "reform school").

The Court will normally avoid correctional facility placement if at all possible. Sometimes the court will "stay" its orders, or place the sentence "on hold," provided that the child follows the rules.

The Probation Officer, the child's lawyer, the Guardian Ad Litem (if any), and the Judge, all attempt to help the child avoid the criminal path. Hopefully, the parents will help also.

17. What is the difference between a delinquency case and a Family With Services Needs (FWSN) case? A delinquency case involves a child (under 16) accused of breaking the law.

A FWSN case involves a child who is beyond the control of his or her parents, is habitually truant, a runaway without good cause, or otherwise in need of investigation by the Probation Officer - WITHOUT having been accused of breaking the law.

18. Does the child have rights in a FWSN case? Yes, similar to rights in delinquency cases. There is, further, no such thing as "transferring" a FWSN case to adult court.

19. If a child is found to be a member of a FWSN, what can the Juvenile Court do? After reviewing the Probation Report, and hearing testimony and recommendations from other interested persons, the Court has many options, as in a delinquency case. However, in FWSN, the Court will not order placement at a correctional facility. The Court may place certain orders "on hold", pending good behavior of the child.

As a practical matter, in FWSN, the Court normally requires the child to obey reasonable home and school rules, and usually requires both child and family to accept certain counseling services. The idea is to avoid a delinquency case. **However, if the child violates the FWSN orders, or probation conditions, then a delinquency petition may be filed against the child.**

The Court in general tries to help the child and his or her family get along, to avoid turning the case into a more serious matter.

20. What is a Neglect case? A Neglect case is usually started by a DCF petition, stating that a person under 18 (child or youth) is abused, neglected, uncared for, or dependent. While those terms technically have different shades of meaning, the intent is the same: DCF believes that the child or youth is in need of some sort of protection from his or her parents, or guardians, or other person responsible for the child (we will say the "Parents" from now on).

21. What does "Neglect" mean? It could mean several things. The child might be:

- Physically or emotionally abused;
- Sexually molested;
- Denied proper care, either intentionally, or because the parents don't know how to take care of a child;
- Abandoned;

- Allowed to live under conditions dangerous to his or her health;
- Needing special care that the parents simply cannot provide.

22. How should suspected neglect or abuse be reported? Call the local DCF office (see blue pages), local police, or the DCF hot line (1-800-842-2288). Your name will be kept confidential.

VERY IMPORTANT: You should call if you reasonably suspect neglect or abuse of a child. This is serious business. **Do not call simply because you have a "grudge" against the family.**

23. Are the parents subject to criminal charges? The Juvenile Court is not a criminal court for parents. The parents are not on trial, although their rights may be affected.

It is, of course, possible that an investigation may lead to criminal charges being filed against one or both parents. However, that is a police function, and not the business of the Juvenile Court. Nevertheless, it does happen. That is another reason why parents should see a lawyer before talking to any authorities.

24. Do the parents have rights in a Neglect case? Yes. As in adult court, they have the right to notice of the charges, right to trial, ability to cross-examine witnesses and call their own witnesses, right to counsel, right to remain silent, right to appeal, etc. However, hearsay evidence, which essentially cannot be cross-examined, is admitted more freely than in criminal court.

25. What if the parents cannot afford a lawyer? It is possible to obtain a court-appointed lawyer at State expense. Adults must apply to the Clerk of the Juvenile Court, and complete a sworn financial affidavit. The Judge makes the decision.

26. Does the child need a lawyer? Yes. This is mandatory, and the Court will appoint a lawyer for the child, normally at State expense. Sometimes a Guardian Ad Litem will also be appointed.

27. Can the child just be "seized" without a formal hearing? Yes. If the child is in immediate danger, the proper authorities may temporarily seize the child. This is similar to a "Temporary Restraining Order" issued at the request of one person, without the other being heard.

There are two types of temporary seizures:

A. 96-Hour Hold. Can be done by a doctor who suspects abuse. This can happen even with a newborn baby. Can also be done with approval of a DCF Program Supervisor. Child must be returned in 4 days, unless an OTC is granted.

B. Order of Temporary Custody (OTC). This happens when DCF convinces the Judge that there is "probable cause" that the child must be immediately removed from the home, for his or her own safety. A hearing on the need to continue the OTC must be held within 10 days.

28. What can parents do if the child is temporarily seized? Confer with their lawyer and wait for the formal hearing. Do not take "vigilante" action to get the child back, as that could lead to serious criminal charges.

The Court papers will specify both the OTC hearing date and the Neglect hearing date.

29. Can grandparents intervene in a Neglect case? Yes. It is up to the Court to grant permission for this, and usually it is granted. Intervention would permit the grandparents to get

notice of and attend court hearings, and file their own motions in the case. Grandparents contemplating intervention are advised to get a lawyer.

30. What are the two types of formal hearings in a Neglect case?

A. Adjudication Hearing. The Court decides if the child or youth is in fact neglected. This is similar to the "verdict" in adult court.

B. Disposition. If the Court finds that the child or youth in fact is neglected, it decides what to do. This is similar to the "sentence" in adult court.

31. If the child is found Neglected, what can the Juvenile Court do? The Court will not act until it has read a report, called the "Social Study", prepared by DCF. The Social Study contains information about the child, the family, the history of the case, DCF's investigation, and recommendations for further action.

The Parents may also be heard, as well as the child's lawyer and other interested persons.

The Court has three basic options:

A. Dismiss the Case. Seldom done when Neglect is found, but possible if things have greatly improved.

B. Protective Supervision. The parents keep custody of the child, but DCF remains "involved". That is, DCF and the parents agree on "expectations" for the parents, and DCF can monitor compliance with these expectations under Court order. Typical expectations might include:

- Attend parenting classes
- Use certain community services, such as counseling
- Use appropriate discipline, and refrain from physical discipline
- Refrain from substance abuse
- Maintain adequate income and housing
- Cooperate with DCF, including have visits
- Attend individual counseling; domestic violence classes, etc.

If the parents fail to meet expectations, then DCF may seek commitment of the child.

C. Commitment. Custody of the child is removed from the parents. In most cases, custody is transferred to DCF, and the child is placed in a foster home. There will still be expectations set for the parents, to get the child back.

32. Are "plea bargains" possible? Yes. The parents have every right to contest Neglect allegations at the adjudication. Very often, however, they will agree to plead that the child is neglected, in return for a recommended disposition of protective supervision, or relaxed expectations. This should be discussed in confidence with the lawyer. Parents can never be forced or threatened into admitting allegations of neglect.

33. If a child is committed, do the parents have to pay child support? Yes, if they are financially able to do so, just as if the child received general welfare assistance. This often leads

to negotiations between the parents and the State.

34. If a child is committed, can the parents have the commitment revoked? Yes, but it requires a petition to the Court and a favorable ruling from the Judge. In practice, the parents are more likely to get the child back if they cooperate with DCF and meet expectations; and if they have a lawyer who is acting and coordinating on their behalf.

35. When does the commitment expire? This is up to the Court. Most commitments are made "Until Further Order of the Court."

36. What is a TPR Petition? This means "Termination of Parental Rights," an action to legally dissolve the bonds between parent and child. If the Court orders TPR, then the parent has no further legal rights regarding the child, and the child is free for adoption.

37. Who files TPR, and why? TPR is almost always filed by DCF, when it believes that the parent/child relationship has broken down beyond repair, and termination would be in the best interest of the child. In practice, this usually occurs for a committed child in a Neglect case, when DCF feels that the parents have not "rehabilitated" themselves in a reasonable amount of time.

38. Are the parents entitled to a lawyer in a TPR case? Yes. If they cannot afford a lawyer, one may be appointed by the Court at State expense. A lawyer will also be appointed for the child.

39. Is it really possible to defeat DCF in Court? It is possible, but there are no guarantees. Your chances improve dramatically if you do four things:

1. Get an experienced and aggressive juvenile lawyer to represent you.
2. Get that lawyer on board early in the case.
3. Cooperate and communicate fully with your lawyer.
4. Do not argue your case with DCF, service providers or other persons; keep cool.

40. What is an Emancipation Petition? A petition to the court asking that:

- The parents are no longer the legal guardians of the minor.
- The parents don't have to support the minor, and are no longer liable for the actions of the minor.
- The minor may do certain things normally reserved for adults.

41. What rights does an emancipated minor have?

- Sue and be sued in his/her own name.
- Marry.
- Join the armed forces.
- Make binding contracts.
- Buy and sell real estate.
- Register a motor vehicle.
- And others.

42. Who may file a Emancipation Petition? Any youth (at least 16, but not yet 18), or the parents of the youth.

43. Is DCF involved in an Emancipation? Not in filing the Petition. But DCF may be involved in reviewing the matter and presenting its findings to the Judge.

44. When will the Court grant the Emancipation? The Court will usually grant emancipation if it is satisfied that: the minor is willingly living apart from the parents or guardians, is capable of managing his or her own affairs, and is in fact managing those affairs satisfactorily.

45. Where are the various Juvenile Courts located? As of this writing, there are Juvenile Courts in 13 towns: Bridgeport, Danbury, Hartford, Middletown, New Britain, New Haven, Norwalk, Rockville, Stamford, Torrington, Waterford, Waterbury, and Willimantic.

There are juvenile detention centers in Hartford, New Haven, and Bridgeport.

Addresses and phone numbers may change. Consult the Blue Pages, any Superior Court clerk, or an attorney, for current details.

46. Is Juvenile Court always held at a convenient location? Not always. Certain contested cases might be held in Middletown. This is convenient for the Court, but may result in hardship for the person(s) involved. If a person needs transportation, DCF might be able to arrange it.

47. What is the best way to avoid appearing in Juvenile Court? There are no guarantees. However, very seldom do Juvenile Court problems simply erupt overnight. There are almost always warning signs. Towns and cities have agencies to help parents and children cope with problems, hopefully before they escalate. A juvenile attorney can also point the way in some cases.

FINAL REMINDER These are general guidelines, which are correct to the author's knowledge as of the date of publication. They are not a substitute for obtaining legal advice from a qualified, licensed Connecticut attorney.