

On Monday, October 28, 2013 the Juvenile Task Force met in the 6<sup>th</sup> Floor Conference Room, 1 Court Street, Middletown from 2:00 p.m. to approximately 3:20 p.m.

Members in attendance were:

Hon. Bernadette Conway, Chair  
Valeria Caldwell-Gaines, Attorney  
Fran Carino, Attorney  
Cynthia Cunningham, Attorney  
Robert Lewonka, Attorney

Julia O'Leary, Deputy Director  
Juvenile Probation  
Nancy A. Porter, Attorney  
Christine P. Rapillo, Attorney  
Benjamin Zivyon, Attorney

1. Judge Conway welcomed the members of the Task Force and they introduced themselves.
2. Judge Conway stated that the mission of the Task Force is to review the Practice Book chapters that affect Juvenile Matters and determine what, if any, changes are needed. Further the members may propose new rules that they consider necessary to the practice area. The Task Force will, as a whole, consider child protection and delinquency rules. Judge Conway stated that it is beyond the mission of the Task Force to consider statutory changes and legislative proposals.
3. Judge Conway asked the member if they have specific proposals or subject areas that could benefit from new Practice Book rules. The members raised and discussed certain topics and determined whether statutory or Practice Book changes are needed, as follows:

- Permanent legal guardianship – statutory

Members stated that the statute is confusing. Specifically, it is not clear who can file for permanent legal guardianship and at what point in the process one should file. Members discussed the possibility that DCF may propose legislation to expand permanent legal guardianship beyond biologically related relatives. If this is the case, the Office of the Attorney General may recommend additional changes to clarify the statute.

- Adoption petitions – technical/programming issue

Adoptions do not receive a new docket number and are placed under the same TPR/CPS file. Judicial Court Operations will work with the Public Defender's office to resolve any technical issues that may exist.

- Transfers – statutory

Members discussed the statutory standard for a child to be transferred from juvenile to adult court (the best interest of the child and the public). A case is before the Supreme Court that may impact the transfer statute (in re Tureque T.).

- Competency – possible Practice Book rule(s)

Practice Book rule(s) may clarify the competency process for medical professionals. The members agreed to address this area at a future meeting.

- Youth in crisis – Practice Book revision

The Task Force members voted unanimously to remove from the Practice Book all references to 'youth in crisis.' As of July 1, 2012, the definition of 'youth in crisis' was deleted from General Statutes Section 46b-120 (as amended by Section 82 of Public Act 09-7 of the September Special Session).

- Automatic Erasure – statutory

The members discussed the erasure statute and the likelihood that legislation proposed in previous sessions will be proposed again this year to address automatic erasures. The members may discuss Practice Book Section 27-8A(c) at a future meeting.

- Standing silent – possible Practice Book rule(s)

Judge Conway raised the issue that the definition and impact of 'standing silent' is unclear to many litigants. To address this she uses a long canvas. New Practice Book rules may clarify issues raised by 'standing silent.' This issue will be discussed at a future meeting.

- Consolidation for hearing purposes of motions to modify and OTC – possible Practice Book revision

Members discussed possible revisions to Practice Book Section 33a-7(e) that would provide for a court, in its discretion, to consolidate for hearing purposes an OTC and motion to modify. Such a revision may impact Section 33a-6(c).

4. The next Task Force meeting will be on January 13, 2014 at 2:15.