

Minutes of the Meeting
Juvenile Task Force
January 30, 2009

On Friday, January 30, 2009, the Juvenile Task Force met in the [Superior Court for Juvenile Matters at Hartford](#), 920 Broad Street, 4th floor, Courtroom C, Hartford from 2:00 p.m. to approximately 5:10 p.m.

Members in attendance were:

Hon. Christine E. Keller, Chair
Hon. Marcia J. Gleeson
Hon. John C. Driscoll
Fran Carino, Esq.
Cynthia L. Cunningham, Esq.
Lori Hellum, Esq.
Maria M. Holzberg, Esq.
Julia O'Leary

Nancy A. Porter, Esq.
Susan Pearlman, Esq.
Christine P. Rappillo, Esq.
Robert Shaver, Esq.
Carolyn Signorelli, Esq.
Bruce Tonkonow, Esq.

Claudia Maxwell and Andrea Barton Reeves, two members of the public also attended the meeting.

1. Review of Matters Listed on Agenda

Judge Keller outlined and the Task Force discussed the agenda items in the following order:

- Videoconferencing. Judge Keller referenced Public Act 08-67 and its mandate that videoconferencing be available to litigants in juvenile matters, under certain circumstances. Judge Keller also explained to the Task Force that the Alternatives to Court Appearances Committee (ACAC) is considering the use of videoconferencing in a wide range of juvenile matters hearings. Once the Purposes Subcommittee of the ACAC makes its recommendations, she will advise the Task Force.
- Prosecutor's Disclosure of Police Reports to Defense. Judge Keller noted that this may be an issue in some locations and asked whether a new rule is necessary. The Task Force may consider a new rule in the future.
- Psychological Evaluations. Judge Keller explained to the Task Force that she is working with the Department of Children and Families (DCF) and Susan

Pearlman of the Attorney General's office (AAG) to revise the existing process. Among other changes, Judge Keller explained that Judicial is working with UCONN to improve the way evaluators are credentialed. UCONN is also conducting a random assessment of evaluations to assess their quality. Judicial will continue to pay for evaluations for delinquency matters and DCF will (pursuant to statute) continue to pay for child protection evaluations.

The Task Force considered the AAG's proposed revision to Section 34a-21. Judge Keller volunteered to draft a rule that would outline the process that includes a timeframe governing when the parties may request an evaluation. (For example, within 30 days after the trial management conference).

- FWSN Imminent Risk Petition. The Task Force reviewed Judge Keller's proposed new Section 31a-21 that implements Public Act 08-86, Sec. 3 and a corresponding revision to Section 26-1(j). The Task Force will vote on these rules at its next meeting.
- Orders of Detention Pending Adult Transfer. Judge Keller explained that a new juvenile warrant form may be necessary so a judge finds a ground for a child to be detained pending a nondiscretionary transfer. It was noted that the Juvenile Justice Advisory Committee (JJAC) recommends a revision to minimize the possibility of disproportionate minority impact upon entry to detention.
- Uniform Process for Notice to Child's Counsel/GAL of Child's Whereabouts. The Task Force discussed and agreed that there should be such a process, including a revision to the specific steps form, JD-JM-106. Currently the office of the Child Advocate receives lists of juveniles in York and Manson and forwards the lists to Carolyn Signorelli, the Chief Child Protection Attorney (CCPA). The Task Force discussion was favorable towards a new rule to enable the CCPA to notify counsel and the GALs. The AAG's must discuss these proposals with DCF before the Task Force proceeds.
- Attorneys Continued Representation on Appeal from Probate Court. The Task Force discussed this possibility and agreed that it is a good idea. The CCPA will draft a new provision to be included in Section 35a-19.

- Standing Orders. The Task Force discussed a new rule drafted by the AAG establishing standing orders for confidential health records. The Task Force will vote on this proposal at its next meeting.
- Restrictions on the Use of the Social Study as Evidence. The Task Force discussed issues related to this proposal. The CCPA will draft a rule for the Task Force to consider at its next meeting.
- Amendment to Sec. 35a-21. The Task Force discussed the CCPA's draft amendment to Sec. 35a-21 to expedite appeals. The CCPA will revise the new language for the Task Force to consider at its next meeting.

2. CCPA's Proposal

- Appellate Rules. Consistent with the tenet that time is of the essence in juvenile cases, the CCPA drafted several revisions to the Appellate Rules. Judge Keller asked the members to review the proposals before the Task Force's next meeting. The members will vote on whether to endorse and recommend these rules to the Appellate Court Rules Committee.

3. Public Defender's Proposals

- Records. The Task Force discussed a recommendation made by Christine Rapillo of the Public Defender's office (PD) to revise Sections 30a-8 and 32a-7 to explicitly provide for counsel to have access to and copies of the entire court record. The Task Force will consider these proposals again at its next meeting.
- Amendment to 31a-19. The Task Force discussed the PD's draft amendment to Sec. 31a-19 to provide notice to the child's counsel. It was noted that the same provision could be included in the corresponding child protection rule. Additionally, the PD's proposed a new subsection (d) of this rule to codify Earl B, which addresses the process for filing a petition for relief during the term of commitment. The Task Force will consider these proposals again at its next meeting.

4. State's Attorney's Proposals

- New Rule – Order to Detain. The Task Force discussed a recommendation made by Fran Carino of the State's Attorney's Office (SA) to adopt a new rule that

governs orders to detain. Currently, the order to detain is referenced in Gen. Stat. Sec. 46b-133, however, the statute does not set forth the requirements of the order. The Task Force discussed minor revisions to the proposal and will consider the new rule again at its next meeting.

- New Rule – Interim Order. After much discussion of a new rule drafted by the JSA, several members of the Task Force are not inclined to proceed with the SA’s recommendation.

5. Judge Stuart Bear’s Proposals

- Section 17-4. The Task Force reviewed and is not in favor of a proposed revision to 17-4(b) to include juvenile matters.
- Section 34a-1. The Task Force discussed an amendment to 34a-1 that references Sections 10-12(a) and (c). This amendment is consistent with Sections 34a-10(b) and 34a-17(b).
- Section 34a-20. The Task Force discussed an amendment to Section 34a-20 in accordance with Judge Bear’s recommendation to include by reference various discovery rules.

The Task Force will vote on these proposals at its next meeting.

6. AAG’s Proposals

- New Rules and Amendments. The Task Force reviewed and had favorable discussion concerning revisions to Sections 26-1(o); 33a-6(g); 33a-7; 35a-1 with further revisions; 35a-8; 35a-12; a new section addressing findings for a FWSN or delinquency child, similar to 35a-13; and a new section for post-dispositional reviews of children age six and under in state care. The Task Force reviewed and is not inclined to proceed with revisions to Sections 32a-7; 34a-21; 35a-19; a new section on consolidation of TPR and motion to transfer guardianship; and a new section on visitation.

The Task Force will vote on these proposals at its next meeting.

7. Judge Keller will schedule the next meeting of the Task Force for sometime in early March.