

Minutes – Juvenile Access Pilot Program Advisory Board
11/16/10

Attendees: Judge Keller, Sarah Eagan, Stacey Gerber, Carolyn Signorelli, Mike Besso, Deborah Fuller, Jeanne Milstein, Marilou Giovannucci, Elizabeth Duryea, Nancy Porter, Cynthia Cunningham, Bryan Morris, & Anne-Louis Blanchard. Judge Quinn participated in the latter portion of the meeting by teleconference.

The meeting opened at 2:14 p.m. Eight voting members were present at that time.

I. Welcome and approval of minutes for 10-29-10 meeting

Sarah noted that only a limited number of members were present and suggested holding off on voting, possibly at a conference call meeting.

Carolyn pointed out that the Child Advocate/CCPA/Martha Stone recommendation for the formation of a monitoring body was not on the list of possible recommendations. With the addition of that item, the minutes were approved.

2. Discussion of Advisory Board Report

Judge Keller and Sarah Eagan discussed whether the Board should make recommendations about other options to improve juvenile court. Anne-Louis Blanchard expressed her discomfort with including recommendations outside the scope of the pilot program, and suggested that it might be appropriate for the Board to suggest further study. Jeanne Milstein stated that she is fine with not including other options in the report and stated that if the group wants to, it could include a recommendation for further study. Sarah Eagan agreed that the Board hadn't studied any alternatives that could be included in the report at this point.

In light of this discussion, the Board members all agreed to strike section VIII, "Other Options to Increase Public Access and Accountability," from the report outline.

A discussion of whether the report should include both majority and minority reports ensued. Judge Keller stated that any member who wishes to voice their dissent could write their own minority report, which could be included as an Appendix.

Discussion of Listed Recommendations:

It was pointed out that all the recommendations address opening hearings but not records. One member suggested that a separate vote could be taken on whether records should be opened, but it was pointed out that opening the records is beyond the scope of the Advisory Board's charge. Members agreed that the issue of opening records should not be voted on. A discussion of whether any votes taken could be held open until the next day occurred, with advise from the

Judicial Branch’s legal counsel that such an action would be highly unusual and might not comply with the requirements of the FOIA.

Jeanne Milstein made a motion that the Advisory Board vote today, which was unanimously approved. Sarah Eagan made a motion to keep the vote open through the next day, which was seconded by Judge Keller. The motion failed by a vote of 6 to 2.

Sarah Eagan and Judge Keller shared the information they got from other states regarding “legitimate interest” and what that means in those states. Judge Keller suggested including examples of other states’ definitions of “legitimate interest” in the report. Anne-Louise Blanchard opined that a particular definition should not be recommended.

Sarah made a motion to vote on the recommendations, and the motion was approved unanimously. The recommendations that were voted on and the tallies follow:

- a. Recommendation: End the current pilot program and do not change the statute or practice book rule regarding access to child protection proceedings.
Yea - 0
Nay - 9
- b. Recommendation: End the current pilot program but change the statute and practice book rule to include a legitimate interest rule regarding access to child protection proceedings.
Yea - 9
Nay - 0
- c. Recommendation: Extend the current pilot program with the existing standing order and rule at the Child Protection Session in Middletown for another year.
Yea - 0
Nay - 9
- d. Recommendation: Extend and expand the current pilot program at the Child Protection Session by amending the standing order and rule to open more hearings.
Yea - 0
Nay - 9
- e. Recommendation: Extend the pilot program but change the location of the pilot program to a local juvenile district.
Yea - 1
Nay - 8
- f. Recommendation: Extend and expand the pilot program to additional location(s).
Yea - 0
Nay - 9

- g. Recommendation: Expand public access to all child protection proceedings at all juvenile maters locations.
Yea - 2
Nay – 7

NOTE: During the course of the voting process, Judge Quinn joined the meeting by conference call. She cast her vote on all items.

A discussion of how much detail to include in the report on each of the recommendations ensued. Judge Keller suggested simply stating that the Board considered a number of options and there was little support for anything else but Recommendation b. Judge Quinn suggested including a summary statement in the report, but listing all the recommendations voted on in the appendix. Anne-Louise Blanchard opined that since there were only one or two who voted in the minority, a minority report shouldn't be included in the report but could be included in the appendix.

A discussion of whether the media has a "legitimate interest" in child protection proceedings ensued. Judge Quinn stated that the report should point out that sometimes the media does have a legitimate interest, albeit rarely. Mike Besso and Carolyn Signorelli had concerns about the media being deemed to have a legitimate interest, and pointed out that neither the sample definitions of "legitimate interest" that were read at the meeting nor the discussion prior to the vote mentioned the media. Mike Besso also pointed out that at the last meeting Judge Quinn talked about allowing the media in through an order, not because they have a legitimate interest. Judge Quinn stated that the legislature, not the Advisory board, would flesh out the meaning of "legitimate interest." Mike Besso expressed his concern that an undefined "legitimate interest" standard will allow the press in -- if it is left vague and the court declares that the press do have a legitimate interest, then the Advisory Board has not accomplished what it wants. Anne-Louise Blanchard agreed with the concern and stated that the report should include a statement that several members (Carolyn Signorelli, Mike Besso, Anne-Louise Blanchard and Jeanne Milstein) have concerns about the press being deemed to have a "legitimate interest", except in exceptional circumstances.

Marilou Giovannucci asked whether data should be included in the report, and everyone agreed that it should. Mike Besso suggested including the data about who attended proceedings, but not the survey results because there are too few responses to be statistically valid. Marilou Giovannucci suggested including a statement that the data is not statistically valid.

The meeting adjourned at approximately 4:25 p.m.