

# JUVENILE DELINQUENCY DEFENSE

Christine Perra Rapillo

Director of Juvenile Delinquency Defense

Office of the Chief Public Defender

# OCPD Practice Areas

- Child Protection
- Child Protection Appeals
- Delinquency
- Family Magistrate Court
- Family GAL/AMC

# CRIMINAL SESSION

## ■ Criminal Session

- FWSN
- Delinquency

# Status Offenders

## ■ Family With Service Needs

– Under the age of 18 and

■ Truant ( not after August 2017, P.A. 16-147)

■ beyond control of the parent

■ engaging in indecent and immoral conduct

■ running away

# Purpose of the Juvenile Court

The Evolution of  
C.G.S. 46b-121

- To punish and hold juveniles accountable for unlawful behavior;
- To provide secure and therapeutic confinement ;
- To protect the community and juveniles;
- To provide community based services and programs;
- To discourage reoffending

C.G.S. Sec. 46b-121(h)

- provide individualized supervision, care, accountability and treatment to such child in a manner consistent with public safety;
- deter the child from the commission of further delinquent acts;
- ensure that the child is responsive to the court process;
- ensure that the safety of any other person will not be endangered;
- provide restitution to any victim.

# Jurisdiction

- 7 is the age of capacity, under 7 are deemed not able to form mens rea for crime and can't be prosecuted.
- No minimum are for competence as long as child is over 7.

# Jurisdiction

- Maximum age for juvenile court jurisdiction is 17 for most offenses occurring after July 1, 2012
- YO still exists for transferred youth
- Emancipated Minors are adults
- Title 14 Motor Vehicle cases for 16 year olds stay in adult court



# Who else is involved in DELINQUENCY

- Guardian ad litem
  - Could be appointed GAL for child
  - Advise the court of best interest
  - Often to assist with CP petitions
  - Assignments come from OCPD-CP
- Attorney for Parent
  - At discretion of court
  - Assignments come from OCPD-CP

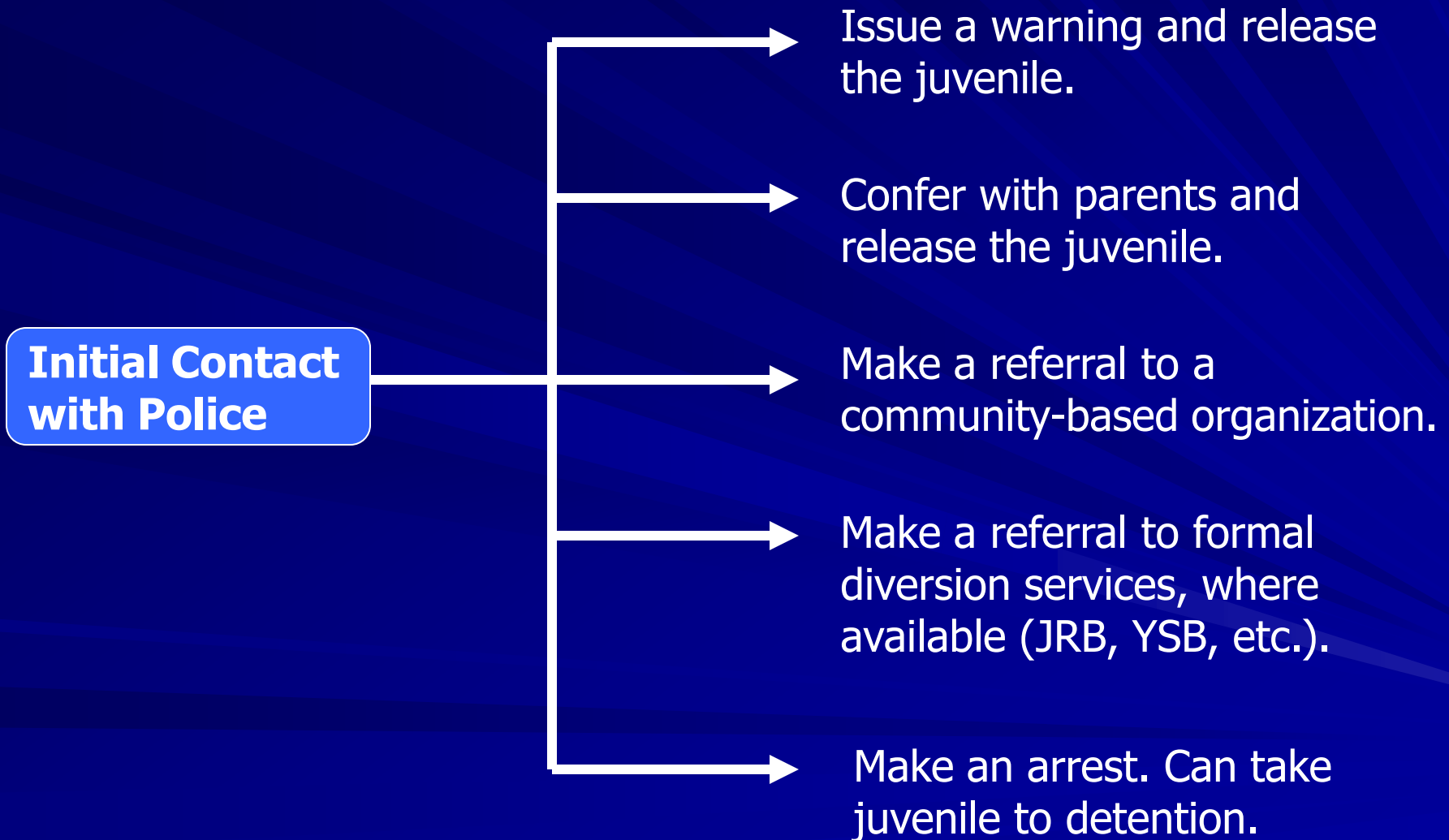
# The Accused Child is the Client

- All Rule 1.6 Confidentiality Rules apply
  - Communication with parents needs permission of child
  - Can't reveal info that would hurt the case
  - Not a mandated reporter of abuse
- The role of the defense lawyer is to enforce the child's constitutional rights and to be the voice of the child

The core rights are the same  
as for adults.

- Counsel and to due process of law. In Re: Gault, 387 U.S. 1 (1967)
- Be proved guilty beyond a reasonable doubt. In Re: Winship, 397 U.S. 358 (1970)
- Be competent to stand trial. In Re: Juan L., 291 Conn. 556 (2009)

# What happens when a child has contact with the police?



# Process

- Arraignment
- Detention Hearing
- Pretrial
- Trial
- Disposition
- Post Trial
- Appeal

# Detention Hearings

- Judge can consider “any information which is material and relevant to the issue of detention. *Practice Book Sec. 30-9*
- The probation department gets to weigh in on detention. *Practice Book Sec. 30-9*
- Prosecutors rely on hearsay to request detention without prior notice to defense.

# Detention

- P.A. 16-147 changes detention
  - Child must be taken to “home” court;
  - Maximum time on each order reduced from 15 to 7 days;
  - Eliminated detention because child poses risk to self or because home is potentially injurious to child;
  - Created risk tool to allow detention staff to release child.

# P.A.16-147

## New Grounds for Detention

- **i) probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition;**
- **(ii) a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process; or ;**
- **(iii) a need to hold the child for another jurisdiction**



# Post Conviction

## ■ C.P.B. § 3-9.

- Appearance in juvenile matters remains active while child serving sentence
- Includes probation and commitment

# Disposition Hearings

- Pre Dispositional Studies contain hearsay from:
  - parents
  - school
  - service providers
- PDS will stay in file and could be used against client later.

# Disposition

- Dismiss with warning
- Probation
- Commitment to DCF
  - Residential facilities
  - CJTS
  - Limitations
    - No out of state placements
    - CANS process
    - Can't commit to CJTS w/o DCF agreement

# Programs-Probation

- Juvenile Review Boards
- Non Judicial Handling
- Probation
  - CYFSC programs
  - Clinical Coordinators
  - Evidence Based Programs
- Court Based Assessment
  - Connecticut Juvenile Training School
  - Girls

# Programs-Committed

- Committed Delinquent
  - Case Review Team
  - Residential Placement
  - CJTS
  - Journey House

# Confidentiality Limits

- Victims are allowed in the courtroom and get access to case information
- Schools are notified of felony arrests
- Adult court uses juvenile records
- Information goes to treatment programs
- Probation and DCF have access to info on co involved youth( Torrington case)