

## Juvenile Summons

Issued to 17 & under only for juvenile court delinquency matters.

REMEMBER: 16 & 17 year olds charged as an adult should be issued infraction, misdemeanor citation or UAR

### What if a 16 or 17 year old is both a "child" & "adult" in same case?

1. On adult charge:

May be released using any available adult options (PTA / bond)

2. On the juvenile charge :

- A. Release child to custody of parents, guardian or suitable person or agency;
- B. At the discretion of the officer, release child to child's own custody – **Check with your department policy on this option;** or
- C. Immediately turn child over to a State Juvenile Detention Center pursuant to applicable policies & procedures - **An arrest warrant, Take Into Custody Order or Order To Detain signed by a judge is required to admit a juvenile into a State Juvenile Detention center, regardless of the charge.**

### General Police Release Procedures

- A. Release child to custody of parents, guardian or suitable person or agency;
- B. At the discretion of the officer, release child (any age) to child's own custody – **Check with your department policy on this option;** or
- C. Immediately turn child over to a State Juvenile Detention Center - **An arrest warrant, Take Into Custody Order or Order To Detain signed by a judge is required to admit a juvenile into a State Juvenile Detention center, regardless of the charge.**

When not placed in a State Juvenile Detention Center, the officer shall serve a written summons on the child & parents/guardian/ suitable person or agency!

If child is released to their own custody, the officer shall make reasonable efforts to NOTIFY & PROVIDE A COPY of the summons to the parent/guardian/suitable person or agency prior to the summons court date.

**"NOTIFY" may be by phone, email or text message.**  
**"PROVIDE A COPY" may be by certified mail with return receipt.**

Document in the police report efforts & steps taken to notify the parent/guardian/suitable person or agency & to provide them with a copy of the summons.

### State Juvenile Detention Center Release Procedures

#### Hartford - Bridgeport

**Unless the arrest was for SJO or unless the arrest warrant or Order To Detain indicates otherwise, the child may be released by the detention supervisor prior to the court hearing.**

The police officer may request at the time of application for an arrest warrant or Order To Detain that the judge indicate on the warrant or Order To Detain that the child not be released prior to a court hearing.

### Recording of Custodial Interrogations

**Whenever possible, an electronic recording should be made of any statement made by a child under investigation for or accused of a capital felony or a class A or B felony made as the result of a custodial interrogation at a place of detention.**

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## Raising The Juvenile Age Law Enforcement Guide



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**Primary Reference Sources for Law Enforcement**  
**PA 09-7 September Special Session, §§69-91 &**  
**PA 10-01 June Special Session, §§28-31**

**PA 11-71**  
**PA 11-154**  
**PA 11-157**  
**PA 11-174**

**UPDATED 07/01/2012**

**Who is a “child”?  
Who is a “youth”?**

**Child:** for delinquency & FWSN matters, it means any person under 18 years old, who has not been legally emancipated.

**Youth:** any person 16 or 17 who has not been legally emancipated.

**Who can be charged as a “delinquent”?**

**A person under 16 who:**

- I. Violated any federal/state law, except 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a\*
- II. Violated a municipal or local ordinance (except FWSN)
- III. Willfully failed to appear for any court hearing in a delinquency proceeding
- IV. Violated any order of Superior Court (except FWSN) in a delinquency proceeding
- V. Violated condition of juvenile probation

**A person at 16 or 17 who:**

- I. Violated any federal/state laws except ( a –e):
  - a. An infraction-other than possession of drug paraphernalia used for <1/2 oz of marijuana
  - b. A violation-other than possession of <1/2 oz of marijuana
  - c. A MV offense/violation under Title 14
  - d. A municipal or local ordinance
  - e. Sections 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a\*
- II. Willfully failed to appear for any court hearing in a delinquency proceeding
- III. Violated any order of Superior Court (except FWSN) in a delinquency proceeding
- IV. Violated a condition of juvenile probation

**\*Since violations of conditions of release (53a-222, 53a-222a) and violations of protective orders (53a-223 or 53a-223a) are not delinquent acts, consider charging criminal trespass 1st if appropriate.**

**Serious Juvenile Offenses**

Recently added to the list of Serious Juvenile Offenses:

- 53a-56b Manslaughter 2nd w/MV
- 53a-57 Misconduct w/MV
- 53a-64aa Strangulation 1st
- 53a-64bb Strangulation 2nd
- 53a-100aa Home Invasion

Recently deleted from the list:

- 53-21(a)(1) Risk of Injury
- 53a-166 Hindering prosecution.

Only unemancipated persons who are at least 7 and under 18 years old may be referred for a delinquency or FWSN offense. The category of YIC no longer exists.

**Juvenile “Miranda” must be given when any admission, confession or statement, written or oral, is made to police / juvenile court officials.**

Under 16

- I. Interview of an arrested or suspect person under 16
  - Parent /guardian must be present
  - All must be advised of their Miranda rights
  - All must waive to be admissible

Age 16 or 17

- II. Interview of an arrested or suspect person 16 or 17
  - Officer must make reasonable effort to contact parent / guardian
  - Advise child of their right to contact parent / guardian & have them present
  - All present must be advised of their Miranda rights
  - All present must waive to be admissible

**Validity of the 16 or 17 year old’s waiver**

Shall be determined by the court considering the Totality of Circumstances (TOC) at the time of the admission, confession or statement

**The court will consider:**

1. Age, experience, education, background & intelligence of the child.

2. Child’s capacity to understand the advice concerning the rights and warnings given, the nature of the privilege against self-incrimination & the consequences of waiving such rights & privilege.

3. Opportunity the child had to speak to parent, guardian or other suitable individual **♦ (not in advisement but in court assessment only)** prior to or while making such admission, confession or statement.

4. Circumstances surrounding the making of the admission, confession or statement , including but not limited to:

- a. When & where admission, confession or statement was made
- b. The reasonableness of proceeding or the need to proceed without parent or guardian present &
- c. The reasonableness of efforts by police to attempt to contact a parent or guardian

**Document your efforts to contact parent/guardian & include the above information in your police report!**

**If a 16 or 17 year old has both juvenile & adult charges, any admission, confession or statement taken without following the appropriate procedures, along with any evidence obtained as a result of the confession, statement or admission will be inadmissible in juvenile court.**

**Statements from 16 & 17 yr. olds charged with Title 14 offenses are not subject to juvenile restrictions on admissibility if case is transferred from adult to juvenile court.**

**Secure Holding**

A child under 18 may be held in an adult cell, only if held “separate & apart” from any adult detainee.

A 16 or 17 yr. old with both juvenile & adult charges:

- May be held in an adult cell, as an adult, with other adults, if the reason for holding is for adult charges.
- May be held in a juvenile cell, as a child, if the reason for holding is for juvenile charges.

**ALWAYS DOCUMENT REASON FOR SECURE HOLDING**