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2019 Edition

Rights of Minors in Connecticut

A Guide to Resources in the Law Library

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Introduction

A Guide to Resources in the Law Library

- **Minor, Infant and Infancy:** "Except as otherwise provided by statute, on and after October 1, 1972, the terms 'minor', 'infant' and 'infancy' shall be deemed to refer to a person under the age of eighteen years and any person eighteen years of age or over shall be an adult for all purposes whatsoever and have the same legal capacity, rights, powers, privileges, duties, liabilities and responsibilities as persons heretofore had at twenty-one years of age, and 'age of majority' shall be deemed to be eighteen years." Conn. Gen. Stat. § [1-1d](#) (2019).
- **Child:** "means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, "child" means any person who (i) is at least seven years of age at the time of the alleged commission of a delinquent act and who is (I) under eighteen years of age and has not been legally emancipated, or (II) eighteen years of age or older and committed a delinquent act prior to attaining eighteen years of age, or (ii) is subsequent to attaining eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person who is at least seven years of age and is under eighteen years of age;" Conn. Gen. Stat. § [46b-120](#)(1) (2019).
- **Youth:** "means any person sixteen or seventeen years of age who has not been legally emancipated;" Conn. Gen. Stat. § [46b-120](#)(2) (2019).

Table 1: Recent Public Acts Affecting Children, Juveniles, and Education

Recent Public Acts Affecting Children, Juveniles, and Education*	
Children / Juveniles	<p>Office of Legislative Research, [Public] Acts Affecting Children (2018).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2017).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2016).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2015).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2014).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2013).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2012).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2011).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2010).</p> <p>Office of Legislative Research, [Public] Acts Affecting Children (2009).</p>
Education	<p>Office of Legislative Research, [Public] Acts Affecting Education (2018).</p> <p>Office of Legislative Research, [Public] Acts Affecting Education (2017).</p> <p>Office of Legislative Research, [Public] Acts Affecting Education (2016).</p> <p>Office of Legislative Research, [Public] Acts Affecting Education (2015).</p>

	Office of Legislative Research, [Public] Acts Affecting Education (2014) .
	Office of Legislative Research, [Public] Acts Affecting Education (2013) .
	Office of Legislative Research, [Public] Acts Affecting Education (2012) .
	Office of Legislative Research, [Public] Acts Affecting Education (2011) .
	Office of Legislative Research, [Public] Acts Affecting Education (2010) .
	Office of Legislative Research, [Public] Acts Affecting Education (2009) .

* Source: Office of Legislative Research, *Acts Affecting*, <https://www.cga.ct.gov/olr/actsaffecting.asp> (Accessed on 2/05/19).

Section 1: Emancipation in Connecticut

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the criteria for statutory and common law emancipation, and the impact of emancipation on the status of minors and the obligations of parents.
- DEFINITIONS:**
- **Emancipation:** "Where the parent has absolutely renounced, by agreement or implication, all care and control of the child, he is emancipated." Plainville v. Milford, 119 Conn. 380, 384, 177 A. 138 (1935).
 - **Order Of Emancipation:** "A minor over the age of sixteen who, like the minor child here, voluntarily lives apart from her parents who exercise and attempt to exercise no control over her activities is emancipated by operation of common law... Further, that minor is a party who may petition, as may her parents, for an order of emancipation pursuant to General Statute § 46b-150b..." Town v. Anonymous, 39 Conn. Sup. 35, 38, 467 A.2d 687 (1983).
 - **Common Law Emancipation:** "By voluntarily removing herself from her parents' home and securing her own support — originally by sharing her boyfriend's workfare support from the town, and subsequently by becoming a recipient of town welfare in her own name and that of her baby — the minor has effectively removed herself from parental controls. This circumstance, combined with her parents' acquiescence therein, results in her becoming, under common law principles, an emancipated minor." Town v. Anonymous, 39 Conn. Sup. 35, 38-39, 467 A.2d 687 (1983). See also § [46b-150e](#). Emancipation under common law.
 - **Desertion by Parents:** "Ordinarily a child is emancipated at majority. 48 C. J. p. 485, § 119, and note 34. But the desertion of a minor by his parent may also emancipate him." Plainville v. Milford, 119 Conn. 380, 384, 177 A. 138 (1935).
- PAMPHLETS:**
- Connecticut Network for Legal Aid,
A Teenager's Guide to Emancipation (January, 2011)
<https://ctlawhelp.org/a-teenagers-guide-to-emancipation>
 - 211 E-Library,
Emancipation of Minors – Connecticut
<http://uwc.211ct.org/emancipation-of-minors/>
 - Center for Children's Advocacy,
What is Emancipation? Is It a Good Option for You?
<http://cca-ct.org/emancipation%202008.pdf>

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

- § [46b-150](#). Emancipation of minor. Procedure. Notice. Attorney General as party.
- § [46b-150a](#). Investigation of petition for emancipation. Report. Appointment of counsel. Probate Court may order examination.
- § [46b-150b](#). Order of emancipation.
- § [46b-150c](#). Appeal.
- § [46b-150d](#). Effect of emancipation.
- § [46b-150e](#). Emancipation under common law.

FORMS:

- Petition/Emancipation of Minor, Probate Court, PC-905 (rev. 4/17)
<http://www.ctprobate.gov/Forms/PC-905.pdf>

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Susan Price-Livingston, *Emancipation Procedures*, Connecticut General Assembly, Office of Legislative Research, Report No. [2002-R-0008](#) (Jan. 3, 2002).
- Susan Price-Livingston, *Parental Options for Out-of-Control 16-Year-Olds*, Connecticut General Assembly, Office of Legislative Research, Report No. [2009-R-0187](#) (April 30, 2009).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- In Re Mary, A Minor, Probate Court, District of Fairfield (August 22, 2008) (22 Quinn. Prob. Law Jour. 200). "Unlike a termination of parental rights petition or that seeking the removal of a child from a parent, emancipation proceedings do not impose a burden of proof upon the petitioner by clear and convincing evidence. The statute demands no more than a fair preponderance of the evidence standard, meaning that this Court must find in Mary's favor if she proves that the statutory standards have been met by a fair preponderance of the evidence. In layman's parlance, only a 51% preponderance of fact must be found in order to support the petitioner's claim. Therefore, the question now is whether Mary has met that burden. The Court believes she has."
- Delevett v. Delevett, 156 Conn. 1, 3-4, 238 A.2d 402 (1968). "When, as part of a divorce decree, a parent is ordered to pay a specified amount periodically for the benefit of more than one child, the emancipation of one child does not automatically affect the liability of the parent for the full amount The proper remedy, if the full amount is deemed excessive, is to seek a modification of the decree."
- In Re Thomas C., 44 Conn. Sup. 437, 444, 691 A.2d 1140 (1996). "Although unfortunate, it is one of the realities of

life that parents must shoulder burdensome responsibilities for children who misbehave, or become physically or emotionally ill. A decree legally excusing parents from the obligations and duties of parenthood should not be granted without a substantial reason. Although the petitioners' stated reasons for seeking emancipation are understandable, the court finds that they do not meet the burden of good cause showing that it would be in the best interest of the child, or the parent, to emancipate Thomas."

- Wood v. Wood, 135 Conn. 280, 284, 63 A.2d 586 (1948). "An "implied emancipation" results when the parent, without any express agreement, by his acts or conduct impliedly consents that his minor son may leave home and shift for himself, have his own time, and the control of his earnings, and it may be inferred from and shown by the circumstances.' *Rounds Bros. v. McDaniel*, 133 Ky. 669, 676, 118 S.W. 956."
- In Re Antina, Superior Court, Juvenile Matters, Judicial District of Middlesex at Middletown (November 26, 1996). *Juvenile's petition for statutory emancipation granted*
- In Re Addison A., Superior Court, Juvenile Matters, Judicial District of Hartford/New Britain at Plainville, No. 91-234 (April 16, 1992). *Parents' petition for court ordered emancipation of their seventeen year old son denied*

WEST KEY NUMBERS:

- Parent & Child – V. Emancipation – # 261 - 277

ENCYCLOPEDIAS:

- 59 [Am. Jur. 2d](#) *Parent & Child* §§ 73-78 (2012).
- 43 [C.J.S.](#) *Infants* §§ 235-245 (2014).
- 67A [C.J.S.](#) *Parent & Child* §§ 10-37 (2013).

TEXTS & TREATISES:

- Michael J. Dale Et Al., [Representing the Child Client](#) (2018) Chapter 3. The Legal Status of Minors §3.05 Emancipation

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Francis C. Cady, *Emancipation of Minors*, 12 [Conn. L. Rev.](#) 62 (Fall 1979).
- Julie S. Lavin, *Emancipation of Minors: A Doctrinal and Practical Analysis for Child Advocates*, 10 [Conn. Fam. L. J.](#), no. 3, 1992, at 1.

Table 2: Child Support and Emancipation

Emancipation and Child Support	
Arrearage	<p>"This court, therefore, 'has jurisdiction in a contempt proceeding to enter an order to pay child support on unpaid installments which accrued before the child reached majority, where the proceedings were commenced after the child reached majority. The jurisdiction of the court is a continuing one, and the mere emancipation of the child should not serve to cancel the arrearage.'" <i>Arnold v. Arnold</i>, 35 Conn. Sup. 244, 245-46, 407 A.2d 190 (1979)." <i>Veras v. Veras</i>, 45 Conn. Sup. 169, 170, 702 A.2d 1217 (1997).</p>
By Modification	<p>"When, as part of a divorce decree, a parent is ordered to pay a specified amount periodically for the benefit of more than one child, the emancipation of one child does not automatically affect the liability of the parent for the full amount The proper remedy, if the full amount is deemed excessive, is to seek a modification of the decree." Delevett v. Delevett, 156 Conn. 1, 3-4, 238 A.2d 402 (1968).</p> <p>See also Malpeso v. Malpeso 165 Conn. App. 151, 176, 138 A.3d 1069 (2016).</p>
Common law emancipation and the child support obligation	<p>"There is nothing in that statute [46b-215] to suggest that common law emancipation absolutely relieves a parent of his or her support obligation. Indeed, the trend of the law in the United States appears to be toward a more flexible concept of emancipation and away from the all-or-nothing view that emancipation is a complete severance, for all purposes, of the parent-child relationship The enactment of § 46b-150 et seq. bolsters the conclusion that the statutory support obligation is not necessarily impaired by a common law emancipation which a parent has unilaterally decreed. Under those sections of the statute, as indicated above, a parent may petition the court for an order of emancipation and, specifically, for relief from the obligation to support the child. Such a provision would be unnecessary if a parent could obtain the same result without resorting to court action. From the standpoint of society as a whole, of course, the statutory procedure for relief from the parental obligation is preferable to the method which the defendant seeks to employ in the present case. Section 46b-150a provides for investigation by various state agencies, appointment of counsel for the child, and any other safeguards deemed appropriate by the court. It ensures that the interests of all parties, including the state, are considered and protected. In the present case, the defendant contends, in effect, that he can legally shed his</p>

financial responsibility by the simple expedient of unilaterally emancipating the child. It is not hard to envision the economic chaos that such a theory could inflict on society if adopted by the court and universally applied. As is demonstrated by the facts in the present case, the child's need for financial support does not necessarily vanish upon emancipation, and someone else or the state may have to foot the bill. For all of the reasons set forth above, the court holds that the emancipation of the child in this case by the defendant does not relieve him of his legal obligations." Mills v. Theriault, 40 Conn. Sup. 349, 499 A.2d 89 (1985).

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

Section 2: Runaways in Connecticut

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to:

- the legal rights of minors who leave home without parental consent and
- the responsibilities of legal guardians and public authorities.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

- [Chapter 104](#). Municipal Police and Fire Protection
§ [7-282c](#). Filing and dissemination of reports re missing children, missing youths and certain missing persons.
- [Chapter 164](#). Educational Opportunities
§ [10-19m](#) through [10-19q](#). Youth service bureaus
- [Chapter 319a](#). Child Welfare
§ [17a-185](#). Police transportation of certain minors to facility for care
- [Chapter 528](#). Department of Emergency Services and Public Protection
§ [29-1e](#). Missing Children Information Clearinghouse. Definitions. Duties. Missing Child Reports.
- [Chapter 802h](#). Protected Persons and Their Property
§ [45a-604](#) (5). Definitions. 'Guardianship' means. . .
§ [45a-606](#). Father and mother joint guardians
- [Chapter 815t](#). Juvenile Matters
§ [46b-149a](#). Duties of police officer re child of family with service needs.
- [Chapter 925](#). Statutory Rights of Action and Defenses
§ [52-572](#). Parental liability for torts of minors
- [Chapter 939](#). Offenses Against the Person
§ [53-21a](#). Leaving child unsupervised in place of public accommodation or motor vehicle. Failure to report disappearance of a child.

United States Code (2019)

- [Chapter 72](#). Juvenile justice and delinquency prevention
42 U.S.C. §§ 5701-5751. Runaways and homeless youth
- [Chapter 119](#). Homeless assistance
42 U.S.C. §§ 11431-11435. Education for homeless children and youth

LEGISLATIVE REPORTS:

- Susan Price, *Parental Options for Out-of-Control 16-Year-Olds*, Connecticut General Assembly, Office of Legislative

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

Research Report No. [2009-R-0187](#) (April 30, 2009).

- Veronica Rose, *State Police Missing Persons Protocol*, Connecticut General Assembly, Office of Legislative Research Report No. [2007-R-0037](#) (Jan. 9, 2007).
- Saul Spigel, *Youth in Crisis Law*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0786](#) (Sept. 23, 2002).
- Lawrence K. Furbish, *Background on Status Offenders*, Connecticut General Assembly, Office of Legislative Research Report No. [2003-R-0130](#) (Jan. 31, 2003).
- Saul Spigel, *Parental Control and Teenagers' Rights*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0860](#) (Oct. 25, 2002).
- George Coppolo, *Parents' Rights and Responsibilities for Their 16- and 17-Year Old Children*, Connecticut General Assembly, Office of Legislative Research, Report No. [2003-R-0564](#) (August 1, 2003).

REGULATIONS

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. §§ [10-19m-1 to 10-19m-10](#) (2015-3-6).
§ 10-19m-1(f). "Youth Service Bureau' means an agency operated directly by one or more municipalities or a private agency designated to act as an agent of one or more municipalities for the purpose of evaluation, planning, coordination and implementation of prevention, intervention and treatment services for delinquent, pre-delinquent, pregnant, parenting and troubled youth, and for the provision of opportunities for youth to develop positively and to function as responsible members of their community."

- 45 Code of Federal Regulations (October 1, 2015)
[Part 1351](#). Runaway and Homeless Youth Program.

ONLINE PUBLICATIONS:

- [Legal Rights of Teens](#), Center for Children's Advocacy Runaway and Homeless Youth section

POLICIES:

- Department of Children and Families Policy Manual [Runaways and Missing Children](#) – 21-15 (effective date January 2, 2019)

TEXTS & TREATISES:

- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019) Chapter 15. Children in Institutional Care
I. Institutional Care Facilities
§ 15:5. State juvenile detention and correctional facilities
- Michael J. Dale, [Representing the Child Client](#) (2018).

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Chapter 5. Representing Children in Juvenile Justice Proceedings

§ 5.02. Status Offenders

[1] Introduction

[2] Status Offender Systems

[3] Runaways

[4] "Bootstrapping" Status Offenses into Delinquency Offenses with Violations of Valid Court Orders (Contempt)

HOTLINES:

- [National Runaway Safeline](#)
Phone: 1-800-RUNAWAY
3141B North Lincoln Avenue, Chicago, IL 60657
email: communications@1800runaway.org.
<http://www.1800runaway.org/>
Counseling and referral services 24-hrs
- [211 – United Way of Connecticut](#)
Phone: 211
<http://www.211ct.org>
Connecticut's free information and referral service.

Section 3: Truancy in Connecticut

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to:

- the legal responsibilities of parents, guardians, school districts and public officials concerning truants and
- judicial response to habitual truants

DEFINITIONS:

- “For the purposes of this section . . . , **‘truant’** means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has four unexcused absences from school in any one month or ten unexcused absences from school in any school year” Conn. Gen. Stat. § [10-198a\(a\)](#) (2019).
- “For the purposes of this section, **‘habitual truant’** means a child age five to eighteen, inclusive, who is enrolled in a public or private school and has twenty unexcused absences within a school year” Conn. Gen. Stat. § [10-200](#) (2019).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

- [Chapter 168](#). - School Attendance and Employment of Children.
§ [10-184](#). Duties of parents. School attendance age requirements.
§ [10-185](#). Penalty.
§ [10-198a](#). Policies and procedures concerning truants.
§ [10-198e](#). Identification of truancy intervention models.
§ [10-199](#). Attendance officers. Duties.
§ [10-200](#). Habitual truants.
§ [10-201](#). Fees for arresting truants.
§ [10-202](#). Warrant and hearing.
- [Chapter 815t](#) – Juvenile Matters
§ [46b-149c](#). Truancy and other family with service needs cases. Duties of judicial branch.

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. § [10-76d-7](#). Referral.
“Each board of education shall accept and process referrals for the initial evaluation of a child to determine if the child is a child with a disability from appropriate school personnel, as well as from a child's parents, or from a physician, clinic or social worker, provided the parent so permits. The Department of Education shall make available a standard referral form which shall be used in all referrals for the initial evaluation of a child to determine if the child is a child with a disability.” (Effective September 1, 1980, Amended July 1, 2013).”

AGENCY GUIDANCE:

- State of Connecticut Department of Education.
[Truancy](#)

- State of Connecticut Department of Education, [Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts](#) (April 2017).

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Lawrence K. Furbish, *Background on Status Offenders*, Connecticut General Assembly, Office of Legislative Research Report No. [2003-R-0130](#) (Jan. 31, 2003).
- Judith Lohman, *Truancy Laws*, Connecticut General Assembly, Office of Legislative Research Report No. [2000-R-0957](#) (October 13, 2000).

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Campbell v. Board of Education](#), 193 Conn. 93, 94, 475 A.2d 289 (1984). "This case concerns the validity of the policy of a local school board that imposes academic sanctions for nonattendance upon high school students . . . The plaintiff claimed that the defendants' policy was ultra vires [beyond the scope of legal authority] in light of operative provisions of the Connecticut constitution and the United States constitution." Definition added.

ALR INDEX:

- Schools and Education
 - Absence or presence

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises

- Thomas B. Mooney, [A Practical Guide to Connecticut School Law](#) (9th ed., 2018).
 - Chapter 4. Students
 - A. Residency and School Attendance
 - 2. Parent responsibilities for the education of their children
 - a. Mandatory school attendance
 - B. Supervision of students
 - 2. Specific School Rules
 - b. Student truancy
- 3 James A. Rapp, [Education Law](#) (2014)
 - Chapter 8. The student-educational institution relationship
 - § 8.03. Compulsory education and attendance
 - [1] Generally
 - [2] Foundations
 - [3] Validity of compulsory attendance requirements
 - [4] Objections to the application of compulsory attendance requirements
 - [5] Nature and scope of compulsory attendance requirements
 - [6] Private and parochial schools
 - [7] Home schooling or instruction

[8] Enforcement of compulsory attendance requirements

- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019) Chapter 16. State-Based Substantive and Procedural Rights of School Children. § 16:03. Compulsory attendance laws
- Center for Children's Advocacy, *Truancy: Have You Missed a Lot of School? What Does the Law Say?* (2012). <http://ctlawhelp.org/truancy-your-rights-in-school>
- Center for Children's Advocacy, *Truancy Intervention – National Models and Connecticut Initiatives* (2011). <http://www.kidscounsel.org/Dec2011TruancyModels.pdf>
- SpeakUpTeens.org
Staying in School
<https://speakupteens.org/staying-in-school/>

**ONLINE
PUBLICATIONS
& PAMPHLETS:**

Section 4: School Discipline in Connecticut

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to student discipline and the due process rights of students.

- DEFINITIONS:**
- **Exclusion:** “means any denial of public school privileges to a pupil for disciplinary purposes.” Conn. Gen. Stat. § [10-233a\(a\)](#) (2019).
 - **Removal:** “means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.” Conn. Gen. Stat. § [10-233a\(b\)](#) (2019).
 - **In-School Suspension:** “means an exclusion from regular classroom activity for no more than ten consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed.” Conn. Gen. Stat. § [10-233a\(d\)](#) (2019).
 - **Suspension:** “means an exclusion from school privileges or from transportation services only for no more than ten consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.” Conn. Gen. Stat. § [10-233a\(d\)](#) (2019).
 - **Expulsion:** “means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.” Conn. Gen. Stat. § [10-233a\(e\)](#) (2019).
 - **Emergency:** “means a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.” Conn. Gen. Stat. § [10-233a\(f\)](#) (2019).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

- [Chapter 170](#). Boards of Education
 - § [10-222d](#). Safe school climate plans. Definitions. School climate assessments.
 - § [10-233b](#). Removal of pupils from class.
 - § [10-233c](#). Suspension of pupils.
 - § [10-233d](#). Expulsion of pupils.
 - § [10-233e](#). Notice as to disciplinary policies and action.
 - § [10-233f](#). In-school suspension of pupils. Reassignment.

§ [10-233g](#). Reports of principals to police authority concerning physical assaults upon school employees by students.

§ [10-233h](#). Arrested students. Reports by police, disclosure, confidentiality. Police testimony at expulsion hearings.

§ [10-233i](#). Students placed on probation by a court.

§ [10-233j](#). Student possession and use of telecommunication devices.

§ [10-235](#). Indemnification of teachers, board members, employees and certain volunteers and students in damage suits; expenses of litigation. (Amended by CT Public Act [17-237](#), section 77, effective 7/1/2017)

- [Chapter 952](#). Penal code: Offenses
§ [53a-217b](#). Possession of a weapon on school grounds: Class D felony.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- John Moran, *Use of Restraint and Seclusion in Connecticut Public Schools*, Connecticut General Assembly, Office of Legislative Research, Report No. [2012-R-0084](#) (Feb. 10, 2012).
- Judith Lohman, *Expulsion for Conduct Outside of School*, Connecticut General Assembly, Office of Legislative Research, Report No. [2011-R-0054](#) (Jan. 27, 2011).
- Susan Price, *Searching Students for Drugs*, Office of Legislative Research, Report No. [2009-R-0465](#) (Dec. 31, 2009).
- Judith Lohman & Kristina Arsenault, *School Discipline Policies and Programs*, Connecticut General Assembly, Office of Legislative Research, Report No. [2002-R-0123](#) (Feb. 7, 2002).

AGENCY GUIDANCE:

- State of Connecticut Department of Education, [Guidelines for In-School and Out-of-School Suspension](#) (December 2010).
- State of Connecticut Department of Education
[Bullying and Harassment](#)

STATE COMMISSION INFORMATION:

- Connecticut Commission on Women, Children and Seniors
[School Climate – Connecticut's Anti-Bullying Law](#)

CASES:

- [Palosz v. Town of Greenwich](#), 184 Conn. App. 201, 212, 194 A.3d 885, 892 (2018). "The state action mandated by § 10-222d begins and ends with the development, implementation, submission, and assessment of the policy. Holding the defendant liable for its employees' alleged tortious conduct in failing to execute properly the terms of the policy it developed and implemented, however, does not operate to control or interfere with the activities of the state. Rather, the defendant acts as an agent of the municipality

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

when it enforces and complies with the policy pursuant to its general powers of control over public schools, which is explicitly delegated to a local board of education through the municipality pursuant to § 10-240. Section 10-240 provides: 'Each town shall through its board of education maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.' It is pursuant to this broad mandate of control, and not through § 10-222d, that a board of education polices the behavior of its students and, accordingly, enforces and complies with the policy. When the delegations of §§ 10-222d and 10-240 are read together, it becomes apparent that the mandate of § 10-222d does not go so far as to encroach upon the general powers of control delegated to the towns by § 10-240. Therefore, we conclude that the defendant was acting as an agent of the municipality, and not the state, when its employees allegedly failed to comply with the policy it had adopted."

- [Safford Unified School Dist. No. 1 v. Redding](#), 557 US 364, 129 S. Ct. 2633, 174 L. Ed. 2d 354, 366-367 (2009). "The strip search of Savana Redding was unreasonable and a violation of the Fourth Amendment, but petitioners Wilson, Romero, and Schwallier are nevertheless protected from liability through qualified immunity. Our conclusions here do not resolve, however, the question of the liability of petitioner Safford Unified School District # 1 under [Monell v. New York City Dept. of Social Servs.](#), 436 U.S. 658, 694, 98 S.Ct. 2131, 56 L.Ed.2d 611 (1978), a claim the Ninth Circuit did not address."
- [New Jersey v. T.L.O.](#), 469 U.S. 325, 341-342, 105 S.Ct. 733, 83 L.Ed. 2d 720, 734-735 (1985). "Under ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at its inception' when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."
- [Goss v. Lopez](#), 419 U.S. 565, 581, 95 S.Ct. 729, 42 L.Ed. 2d 725, 739 (1975). "Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires ... that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence authorities have and an opportunity to present his side of the story."

- [Packer v. Board of Education](#), 246 Conn. 89, 717 A.2d 117 (1998). "In order to subject a student to expulsion, conduct off school grounds must not only violate school policy, it must also be 'seriously disruptive of the educational process' for reasons other than the fact that it violated school policy," (p. 112)
"...the language of §10-233d indicates that the legislature intended that the phrase 'seriously disruptive of the educational process' apply to conduct that markedly interrupts or severely impedes the day-to-day operation of a school." (p. 116-117)
- [Op. Att'y Gen 89-023](#) (1989).
"We conclude that Conn. Gen. Stat. §§ 10-233c and 10-233d permit the transfer or exclusion of students on the basis of off-campus misconduct if such behavior threatens the safety of school property or the welfare of the persons who work or study there." (p. 130 - 136)
- [Perry v. Wallingford Bd. of Education](#), Superior Court, judicial district of New Haven at New Haven, Docket No. CV94-0361257S (August 3, 1994). "The statute which authorizes boards of education to expel or suspend students from attendance at public schools, General Statutes § 10-233d, does not provide for an appeal to the court from such administrative decisions."
- [Ambrose v. Singe](#), Superior Court, judicial district of Danbury, Docket No. 320896, 19 Conn. L. Rptr. 639, 641 (June 10, 1997). *Plaintiff alleged that school officials were negligent in so far as they failed to discipline a student who threatened and finally attacked the plaintiff, and that the city was liable pursuant to Conn. Gen. Stat. §10-235.* ". . . because the two documented incidents of Anthony . . . threatening the plaintiff occurred the week before and the day before the alleged attack, it should have been apparent that the plaintiff was at imminent risk. As such, the present situation falls within one of the exceptions to the doctrine of governmental immunity. . . "

FORMS:

- 6 James A. Rapp, [Education Law](#) (2014).
Chapter F5. Student control and discipline
§ F5.01. Student control and discipline
Includes sample code of discipline, code of student conduct, and emergency disciplinary procedures
§ F5.02 Disciplinary Procedures
Includes sample notices for detention, probation, suspension, student misconduct, conferences, etc.
- 22 [Am. Jur. Pl. & Pr. Forms, Schools](#) (2014)
Admission, Suspension or Expulsion, and Graduation
§114. Petition or application—For writ of mandamus—By minor—To compel readmission of expelled student—Insufficient evidence at expulsion hearing

- §115. Petition or application—For writ of mandamus—By minor entitled to receive diploma—To compel issuance of diploma by high school authorities
- §117. Complaint, petition, or declaration—To enjoin denial of admission of minor to school—By guardian ad litem or next friend
- §121. Complaint, petition, or declaration—To enjoin school authorities from preventing readmission of student indefinitely expelled for alleged intoxication—By next friend
- §123. Answer—Defense—Failure to exhaust administrative remedies following expulsion of student

ALR INDEX:

- Children and Minors
 - Search and seizure

ENCYCLOPEDIAS:

- 67B Am. Jur. 2d *Schools* (2010). (See 2017 pocket part for additional material).
 - 3. Suspension and expulsion
 - (a)(2). Power of School Authorities to Suspend or Expel
 - § 325. Generally
 - § 326. Provided by statute
 - § 327. Principals and teachers
 - (b). Grounds
 - § 328. Insubordination or disobedience
 - § 329. Sale or use of controlled substance or alcohol at school
 - § 330. Use of vulgar or profane language
 - § 331. Conduct outside of school
 - § 332. Violent behavior or possession of weapons
 - § 333. Other grounds
 - (c). Procedural rights of students facing suspension or expulsion
 - § 334. Notice and hearing
 - § 335. —Statutory rights
 - § 336. Requisites of notice
 - § 337. Nature of hearing
 - § 338. Evidence at hearing
 - § 339. Witnesses
 - § 340. Appeal
- 78A C.J.S. *Schools and School Districts* (2008)
 - XVII. Control of pupils and discipline
 - § 1082-1096

PAMPHLETS:

- Connecticut Network for Legal Aid, *School Expulsion: What Is the Process? What Can You Do?* (September 2016). <http://ctlawhelp.org/school-expulsions-when-your-child-is-expelled>
- Connecticut Network for Legal Aid, *Your Child's Rights in School* (June 2016).

<http://ctlawhelp.org/your-childs-rights-in-school>

**TEXTS &
TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Thomas B. Mooney, [A Practical Guide to Connecticut School Law](#) (9th ed., 2018).
 - Chapter 4. Students
 - C. Student Discipline
 - 1. Corporal Punishment
 - 2. Off-campus conduct and school authority
 - 3. Authorized disciplinary interventions
 - E. Student rights
 - 2. Search and seizure
 - a. Reasonable at inception
 - b. Reasonable in scope
 - c. Applying *New Jersey v. T.L.O.*
 - 3. Other constitutional rights
 - a. Due process
 - b. Equal protection
 - c. Self-incrimination
 - d. Other constitutional claims

 - 3 James A. Rapp, [Education Law](#) (2014)
 - Chapter 8. The student-educational institution relationship
 - § 8.06. Regulation and recognition of academic or other performance
 - [3] Academic dishonesty or fraud
 - [4] Academic Evaluation and Discipline
 - Chapter 9. Student safety, control and discipline
 - § 9.03. Establishing student conduct rules
 - § 9.04. Rules affected by the First and Fourteenth Amendments
 - § 9.05. Rules relating to general student conduct
 - § 9.06. Rules relating to student possession or use of substances
 - § 9.07. Rules relating to student housing and fraternities
 - § 9.08. Searches and investigations of students
 - § 9.09. Student discipline procedures
 - § 9.10. Student discipline methods
-
- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019)
 - Chapter 17. Federal Civil and Constitutional Rights of School Children
 - Section III. The right to be free from unreasonable searches and seizures
 - § 17:19. In general
 - § 17:20. Locker searches
 - § 17:21. Seizures
 - § 17:22. Searches of a student's property or person in general
 - § 17:23. Situations and facts justifying searches
 - § 17:24. – Person conducting search
 - § 17:25. Legality of using "sniffer dogs" to search for drugs
 - § 17:26. Legality of urine testing in public schools and other tests

- § 17:27. Legality of using metal detectors at entrances to public schools
- § 17:28. The intended use of evidence obtained in the search

- Michael J. Dale et al., [Representing the Child Client](#) (2018).
Chapter 6. Representing Students in School-Related Matters
 - § 6.08. Special Education and School Discipline
 - [5] Discipline of Students with Disabilities
 - [a] Exclusion for Unrelated Misconduct
 - [b] Standard for Determining Connection Between Misbehavior and Disability
 - [c] Procedures for Determining Relationship Between Misbehavior and Disability
 - [d] Permissible Actions by School Officials when Misbehavior is Disability-Related
 - [e] Disabled Students, Misbehavior, and Juvenile Court
 - [f] Use of Restraints
 - [6] The Relationship of Special Education Laws to General School Disciplinary Matters

Section 5: Freedom of Speech in Public Schools

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to student rights to freedom of expression in public schools.

CONSTITUTIONS:

- [Conn. Const.](#) Art.I, § 4.
"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty."
- [Conn. Const.](#) Art.I, § 5.
"No law shall ever be passed to curtail or restrain the liberty of speech or of the press."
- [U.S. Const.](#) amend. I.
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

DEFINITIONS:

- **Tinker Standard:** "In our system, state-operated schools may not be enclaves of totalitarianism . . . Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State . . . In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views." [Tinker v. Des Moines Independent Community School District](#), 393 U.S. 503, 511, 89 S.Ct. 733, 21 L.Ed.2d 731, 740 (1969).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Doninger v. Miehoff](#), 642 F.3d 334, 338 (2d Cir. 2011). "We are once again called upon to consider the circumstances in which school administrators may discipline students for speech relating directly to the affairs of the school without running afoul of the First Amendment. More precisely, we must determine if the defendant-school-administrators before us are entitled to qualified immunity on the plaintiff-student's claims that they violated her First Amendment rights by (1) preventing her from running for Senior Class Secretary as a direct consequence of her off-campus internet speech, and (2) prohibiting her from wearing a homemade printed t-shirt at a subsequent school assembly."
- [Morse v. Frederick](#), 551 US 393, 396, 127 S. Ct. 2618, 168 L. Ed. 2d 290, 295 (2007). "At a school-sanctioned and school-supervised event, a high school principal saw some of her students unfurl a large banner conveying a message she

reasonably regarded as promoting illegal drug use. Consistent with established school policy prohibiting such messages at school events, the principal directed the students to take down the banner. One student— among those who had brought the banner to the event—refused to do so. The principal confiscated the banner and later suspended the student.” (p. 396)

“It was reasonable for her to conclude that the banner promoted illegal drug use – in violation of established school policy – and that failing to act would send a powerful message to the students in her charge . . . about how serious the school was about the dangers of illegal drug use. The First Amendment does not require schools to tolerate at school events student expression that contributes to those dangers.” (p. 410)

- [Bethel School District No. 403 v. Fraser](#), 478 U.S. 675, 685, 106 S.Ct. 3159, 92 L.Ed. 2d 549, 560 (1986). “Unlike the sanctions imposed on the students wearing armbands in *Tinker*, the penalties imposed in this case were unrelated to any political viewpoint. The First Amendment does not prevent the school officials from determining that to permit a vulgar and lewd speech such as respondent’s would undermine the school’s basic educational mission. A high school assembly or classroom is no place for a sexually explicit monologue directed towards an unsuspecting audience of teenage students. Accordingly, it was perfectly appropriate for the school to disassociate itself to make the point to the pupils that vulgar speech and lewd conduct is wholly inconsistent with the ‘fundamental values’ of public school education.”
- [Hazelwood School District v. Kuhlmeier](#), 484 U.S. 260, 272-273, 108 S.Ct. 562, 98 L.Ed. 2d 592, 606 (1988). *Censorship of articles in a high school newspaper*. “Accordingly, we conclude that the standard articulated in *Tinker* for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Instead, we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.”
- [Byars v. City of Waterbury](#), 47 Conn. Sup. 342, 795 A.2d 630 (2001). “The issue in the above captioned action is the constitutionality of a school dress code imposed by the Waterbury board of education on students attending the Waterbury public schools.” (pp. 342-343)
“The plaintiffs have not claimed that the school dress code at issue violated any right to freedom of speech or expression,

and the court makes no finding in this regard...The plaintiffs have failed to prove their other claims.” (p. 371)

ENCYCLOPEDIAS:

- 67B [Am. Jur. 2d Schools](#) (2010). (See 2017 pocket part for additional material)
 3. Students’ Rights to Freedom of Expression and Personal Autonomy
 - a. Free Speech Rights
 - (1) Generally
 - § 301. Generally
 - (2) Categories of Restricted Speech
 - § 302. Generally
 - § 303. Offensive speech
 - § 304. School sponsored speech
 - § 305. Substantial disruption test
 - § 306. –Particular applications
 - (3) Printed Material
 - § 307. Student newspapers and other printed material
 - § 308. Religious publications
 - b. Personal Appearance of Students
 - § 309. Generally
 - § 310. Content-neutral versus noncontent-neutral dress codes
 - § 311. Particular applications
 - § 312. Vagueness in dress regulations
 - § 313. Wearing of armbands

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Thomas B. Mooney, [A Practical Guide to Connecticut School Law](#) (9th ed., 2018).
 - Chapter 4. Students
 - C. Student Discipline
 2. Off campus conduct and school authority
 - E. Student rights
 1. Free speech
 - a. The *Tinker* standard
 - b. The evolution of free speech rules
- 3 James A. Rapp, [Education Law](#) (2014)
 - Chapter 9. Student safety, control and discipline
 - § 9.04. Rules affected by the First and Fourteenth Amendments
 - [4]—Speech
 - [a]—In general
 - [b]—Symbolic speech and political expression
 - [c]—Pure speech or expression
- 5 James A. Rapp, [Education Law](#) (2014)
 - Chapter 11. Curriculum and teaching methods
 - § 11.01. Academic freedom
 - § 11.02. Curriculum, teaching methods, instructional materials, and school activities
 - § 11.03. Library and resource center materials

§ 11.04. Services and activities related to the mission of the educational institution

- Michael J. Dale et al., [Representing the Child Client](#) (2018). Chapter 6. Representing Students in School-Related Matters
 - § 6.07. Freedom of Expression
 - [1]—Overview
 - [2]—*Tinker v. Des Moines Independent Community School District*
 - [3]—*Bethel School District No. 403 v. Fraser*
 - [4]—*Hazelwood School District v. Kuhlmeier*
 - [5]— *Morse v. Frederick*
 - [6]—Considerations after *Tinker, Fraser, and Kuhlmeier, and Morse*
 - [7]—Particular forms of expression in the schools
 - [a]—Saluting the flag
 - [b]—Buttons, armbands, and other insignia, T-Shirts, and school dress
 - [c]—Hair length, dress codes, and other matters of personal appearance
 - [d]—Distribution of literature
 - [e]—School-sponsored activities
 - [f]— Access to school facilities
 - [g]—Contraceptives
 - [h] —Sports
 - [8] Religion
 - [9] Use of the Internet
 - [10] Instant Messaging [Texting]
- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019) Chapter 17. Federal Civil and Constitutional Rights of School Children
 - I. The Right to Free Speech and Expression in School
 - § 17:1. Student expression – Generally
 - § 17:2. – Off-campus expression
 - § 17:3. Student publications; “underground newspaper”
 - § 17:4. Dress and personal appearance
 - § 17:5. Book censorship; outside speaker censorship
 - § 17:6. Curriculum choices; the right to hear
 - § 17:7. Students’ right to a safe school
 - § 17:8. Student conduct as symbolic speech protected by First Amendment
 - § 17:9. Student disruption of public speech by third parties
 - § 17:10. Displays and distribution of materials

INTERNET RESOURCES:

- United States Courts Educational Resources <http://www.uscourts.gov/EducationalResources.aspx>
 - [First Amendment Activities](#)

Section 6: Curfews in Connecticut

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to juvenile curfew ordinances and the constitutional issues raised by juvenile curfews.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2017)

- [Chapter 98](#). Municipal Powers
§ [7-148](#) Scope of municipal powers
(c) "Any municipality shall have the power to do any of the following, in addition to all powers granted to municipalities under the Constitution and general statutes:
(7) Make rules relating to
(F)(iii) Prohibit the loitering in the nighttime of minors on the streets, alleys or public places within its limits;"

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Susan Price, Principal Legislative Analyst, *Curfew Laws for Minors*, Connecticut General Assembly, Office of Legislative Research Report No. [2006-R-0581](#) (Oct. 2, 2006).
- Jason K. Matthews, Research Fellow, *Constitutionality of Hartford's Loitering Ordinance*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0296](#) (Mar. 27, 2002).

AGENCY GUIDANCE:

- Department of Motor Vehicles
[The \[Driver's\] Curfew Law for 16- and 17- Year-Olds Regarding Prom Season](#)
- Department of Motor Vehicles
[Driving Restrictions for 16 and 17 Year Olds](#)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Ramos v. Town of Vernon](#), 353 F. 3d 171, 172 (2d Cir. June 2, 2003). "The U.S Court of Appeals for the 2nd Circuit ruled that the Town of Vernon curfew ordinance violates the constitutional rights of juveniles. "The constitutionality of a curfew is determined by balancing the recognized interests the state has in protecting children and fighting crime against the constitutional right of all citizens, including juveniles, to move about freely. Here, Vernon's curfew interferes with juveniles' freedom of movement, that is, their right with parental consent to walk the streets, move about at will, meet in public with friends, and leave their houses when they please. This right to free movement is a vital component of life in an open society, both for juveniles and adults."

New York

- [Anonymous v. Rochester](#), 13 NY 3d 35, 41, 915 N.E.2d 593 (2009). “The issue before this Court is whether the juvenile nighttime curfew adopted by the Rochester City Council violates the Federal and New York State Constitutions. We hold that it does.”

Massachusetts

- [Commonwealth v. Weston W.](#), 455 Mass. 24, 26, 913 N.E.2d 832 (2009). “We conclude that the curfew itself is narrowly tailored to achieve its purposes. However, the criminal processes and punishments provided in the ordinance for curfew violations are not the least restrictive means of accomplishing those purposes, and contradict well-established goals of rehabilitating, not incarcerating, juvenile offenders.”

Other Federal

- [Hutchins by Owens v. District of Columbia](#), 188 F.3d 531, 539 (D.C. Cir, 1999). *Curfew law found constitutional; district court’s grant of summary judgment reversed* “That the rights of juveniles are not necessarily coextensive with those of adults is undisputed, and ‘unemancipated minors lack some of the most fundamental rights of self-determination—including even the right of liberty in its narrow sense, *i.e.*, the right to come and go at will.’...”
- [Outb v. Strauss](#), 11 F.3d 488, 496 (5th Cir. 1993), *cert. denied*, 511 U.S. 1127 (1994). “In conclusion, we find that the state has demonstrated that the curfew ordinance furthers a compelling state interest, *i.e.*, protecting juveniles from crime on the streets. We further conclude that the ordinance is narrowly tailored to achieve this compelling state interest. Accordingly, we hold that the nocturnal juvenile curfew ordinance ... is constitutional.”

DIGESTS:

- West Digest: *Infants*
1006(15). Prohibited hours and premises; curfew

ENCYCLOPEDIAS:

- 56 [Am. Jur. 2d](#) *Municipal Corporations* (2010).
§ 416. Curfews
- Danny R. Veilleux, Validity, construction, and effect of juvenile curfew regulations, 83 [ALR4th](#) 1056 (1991).
- Jeffrey F. Ghent, Validity and Construction of Curfew Statute, Ordinance, or Proclamation, 59 [ALR3rd](#) 321 (1974).

TEXTS & TREATISES:

- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019)
Chapter 11. Restrictions on the Legal Rights and Liberties of Adolescents
§ 11:6. Curfews

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 6A Eugene McQuillin, [The Law of Municipal Corporations](#) (3d ed. revised).
Chapter 24 — Preservation of Peace and Order
§ 24.113. Curfew Laws
- Michael J. Dale et al., [Representing the Child Client](#) (2018).
Chapter 3. The Legal Status of Minors
§ 3.02. Rights Restricted Based on Age
[3] Right to participate in community activities
[e] Restrictions on mobility
[ii]. Curfew

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Alexander Korecky, *Curfew Must Not Ring Tonight: Judicial Confusion and Misperception of Juvenile Curfew Laws*, 44 Cap. U.L. Rev. 831 (Fall 2016).
- Cody Stoddard et al., *All the Way Home: Assessing the Constitutionality of Juvenile Curfew Laws*, 42 Am. J. Crim. L. 177 (Summer 2015).
- Mike A. Males, *Vernon, Connecticut's Juvenile Curfew: the Circumstances of Youths Cited and Effects on Crime*, 11 Crim. Just. Pol'y Rev. 254 (September 2000).

Section 7: Contractual Rights of Minors

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the capacity of minors to enter into contracts and the enforceability of such contracts.

DEFINITIONS:

- **Privilege of an infant to avoid contracts:** "The privilege of an infant to avoid contracts which are injurious to him, and rescind those which are not, is not an exception to a general rule, but a general rule with exceptions. The law assumes the incapacity of an infant to contract. It also recognizes the fact that ... it is indispensably necessary that an infant should be at liberty to contract for necessities; and that he may happen to make other contracts which will be beneficial to him. It does not therefore forbid him to contract, but gives him for his protection the privilege of avoiding contracts which are injurious to him and rescinding all others ... excepting from the operation of the privilege only contracts for necessities, contracts which he may be compelled in equity to execute, and executed contracts where he has enjoyed the benefit of them and can not restore the other party to his original position." [Riley v. Mallory](#), 33 Conn. 201, 206 (1866).
- **Doctrine of Necessaries:** "The rule that a minor's contracts are voidable, however, is not absolute. An exception to this rule, eponymously known as the doctrine of necessities, is that a minor may not avoid a contract for goods or services necessary for his health and sustenance. See 5 S. Williston, *Contracts* (4th Ed. 1993) § 9:18, pp. 149-57. Such contracts are binding even if entered into during minority, and a minor, upon reaching majority, may not, as a matter of law, disaffirm them." [Yale Diagnostic Radiology v. Estate of Fountain](#), 267 Conn. 351, 356, 838 A.2d 179 (2004).
- "Even when an infant agrees to pay a stipulated price for necessities, he is not bound to pay the price stipulated in the contract, and the person furnishing them can recover only the fair and reasonable value of such necessities." [Ennis v. Beers](#), 84 Conn. 610, 612-613, 80 A. 772 (1911).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

- Chapter 1. Construction of Statutes
§ [1-1d](#). "Minor", "infant", "infancy", "age of majority", defined.
- Chapter 665a. Deposits
§ [36a-297](#). Deposits or share accounts of minors.
- Chapter 699. Insurance contracts in general
§ [38a-284](#). Insurance contracts by minors.

- Title 42a, Article 3
§ [42a-3-305](#). Defenses and claims in recoupment.
- Chapter 815t. Juvenile matters
§ [46b-150d](#). Effect of emancipation.
- Restatement (Second) of Contracts (1981) (See Appendix volumes for additional cases)
 - § 7. Voidable contracts
 - § 12. Capacity to contract
 - § 14. Infants

RESTATEMENT OF THE LAW:

JURY INSTRUCTIONS:

- Connecticut Judicial Branch, *Civil Jury Instructions* (2009).
[4.4-1. Minors](#)
[4.4-2. Guardianship](#)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Yale Diagnostic Radiology v. Estate of Fountain](#), 267 Conn. 351, 355, 838 A.2d 179 (2004). "Connecticut has long recognized the common-law rule that a minor child's contracts are voidable. See *Shutter v. Fudge*, 108 Conn. 528, 530, 143 A. 896 (1928); *Strong v. Foote*, 42 Conn. 203, 205 (1875). Under this rule, a minor may, upon reaching majority, choose either to ratify or to avoid contractual obligations entered into during his minority. See 4 S. Williston, *Contracts* (4th Ed. 1992) § 8:14, pp. 271-72. The traditional reasoning behind this rule is based on the well established common-law principles that the law should protect children from the detrimental consequences of their youthful and improvident acts, and that children should be able to emerge into adulthood unencumbered by financial obligations incurred during the course of their minority."
- [Saccente v. Laflamme](#), Superior Court, Judicial District of Tolland at Rockville, No. CV01-00756730 (July 11, 2003). "In opposition to the motion for summary judgment, the plaintiff also claims that there is a genuine issue of material fact as to whether a release and hold harmless agreement is enforceable against a minor. The plaintiff claims, quoting *Addario v. Sandquist*, Superior Court, judicial district of New Haven at New Haven, Docket No. CV 960391759 (March 25, 1998, DeMayo, J.T.R.) (21 Conn.L.Rptr. 501), that it is well settled that a child who enters into a contract may elect to avoid the legal relations created by the contract. However, there the court found that the contract was entered into by the minor on his own and for himself. Similarly, in *Blancato v. Feldspar Corporation*, 203 Conn. 34, 52 A.2d 1235 (1987), cited by the plaintiff the court allowed a minor to avoid an employment contract but only where he had been illegally employed in violation of the child labor laws. In *Wells v. Radville*, 112 Conn. 459, 465, 153 A. 154 (1931), the court held that "[t]he contract implied by the Compensation Act, that both parties agree to accept its benefits and be bound thereby in lieu of any other remedy, being a contract implied by the law for the mutual protection

and benefit of both, there seems no logical reason why a minor should not be bound and subject to this implied contract just as much as a person of full age and sui juris.' Thus in proper circumstances a minor may enter into a binding contract. In any event, the issue here is not the same as the cases cited above since the contracts here were entered into not only by the minor but also by the minor's parent on his own behalf as well as on behalf of his child."

- Addario v. Sandquist, Superior Court, Judicial District of New Haven at New Haven, No. CV-96-0391759S (Mar. 25, 1998), 21 Conn. L. Rptr. No. 15, 501 (May 25, 1998), 1998 WL 161176. "Assuming as facts the defendant's scenario, the court finds no basis to suggest that this was not a purchase by the minor. The adult who was present did not stand 'in loco parentis' to the minor. He was the father of a friend of the minor, both having accompanied this plaintiff to the car trade show in the minor's car. The minor's registration plate was placed on the vehicle, and it was the minor who received the bill of sale and the car keys from the defendant. The defendant did not insert *any* name in the bill of sale under 'purchaser.'"
- Goodrow v. Bates, Superior Court, Judicial District of Danbury, Docket No. 295634 (May 8, 1992). "The clear impact of Blancato is that the plaintiff has an election of remedies, either to affirm the illegal employment contract and accept workers' compensation benefits, or to reject it and bring a common law tort action... This is a clear situation of election of remedies and ratification of the illegal employment contract."
- Blancato v. Feldspar Corporation, 203 Conn. 34, 42,522 A.2d 1235 (1987). Estate of a minor who was illegally employed may bring a suit for wrongful death despite the exclusive remedy provision of the Workers' Compensation Act. "...we limit this power of election with respect to employment contracts to minors who had been illegally employed."
- Saccavino v. Gambardella, 22 Conn. Supp. 167, 169, 164 A.2d 304 (1960). "The infancy of the defendant son should be pleaded as a defense if relied upon, rather than as a ground of demurrer."

FORMS:

- 9B Am. Jur. Legal Forms 2d (2014)
 - Chapter 144. Infants
 - Disaffirmance and avoidance agreements
 - § 144:18 Notice—Disaffirmance of contract—Return of consideration tendered
 - § 144:19 Notice—Disaffirmation of contract—Provision—Justification for nonreturn of consideration
 - § 144:20 Notice—Disaffirmation of promissory note
 - § 144:24 Notice of ratification of contract made during minority

- § 144:27 Ratification of contract—Debt contracted during minority
- § 144:29 Ratification—Land sales contract

- 14A [Am. Jur. Pleading and Practice Forms](#) Infants (2014).
 - § 60. Checklist—Drafting a complaint in an action for or based on rescission of infant's contract
 - § 71. Answer of infant by guardian ad litem—Contract for nonnecessaries—Disaffirmance by defendant
 - § 72. Answer—Defense—Infant's lack of capacity to contract
 - § 78. Reply—Allegation—Goods furnished infant were necessaries

CHECKLISTS:

- 9B [Am. Jur. Legal Forms 2d](#) (2014)
Chapter 144. Infants
Ratification of agreements
§ 144:23 Form drafting guide—Checklist—Matters to be considered in drafting ratification of minor's agreement

ALR INDEX:

- Children and Minors
 - Contracts

ENCYCLOPEDIAS:

- 42 [Am. Jur. 2d](#) *Infants* (2010).
IV. Contracts and conveyances, in general
§§ 39-115
- 43 [C.J.S.](#) *Infants* (2014).
Contracts
 - § 295. Binding effect of infant's contract, generally
 - § 296. Reasons for and purposes of infancy doctrine
 - § 297. Power of legislature to regulate contracts of infants
 - § 298. Contracts of infants as voidable, not void
 - § 299. Contracts beneficial to or prejudicial to infant
 - § 300. Election between ratification and avoidance of infant's contract

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019)
Chapter 10. Children and the law of contracts
 - § 10:1. The right of children to make contracts and disaffirm them
 - § 10:2. Exceptions to disaffirmation rule: Arbitration
 - § 10:3. - Contracts for necessaries
 - § 10:4. -- Necessaries defined
 - § 10:5. -- Statutory changes
 - § 10:6. --"Pro Ami" or "child settlement" hearings regarding legal settlements affecting children
 - § 10:7. Consequences of a disaffirmance
 - § 10:8. Misrepresentation of age

- 5 Samuel Williston, [A Treatise on the Law of Contracts](#) (4th ed. 2009).
 - Chapter 9. Capacity of Parties—Infants
 - § 9:1. Parties of limited capacity to contract; introduction
 - § 9:2. Early law concerning validity of infants' contract
 - § 9:3. The age of majority
 - § 9:4. Emancipation of infant
 - § 9:5. Infant's contracts are generally voidable, not void
 - § 9:6. Transactions that cannot be avoided by infant
 - § 9:7. —Special rules governing infants' contract of partnership
 - § 9:8. —Statutory changes in common-law liability of infants
 - § 9:9. The meaning of "voidable"
 - § 9:10. Power of avoidance is personal
 - § 9:11. Effect of subsequent good-faith purchaser on infant's disaffirmance right
 - § 9:12. What constitute disaffirmance
 - § 9:13. When power of avoidance may be exercised
 - § 9:14. The availability of partial disaffirmance
 - § 9:15. Other consequence of disaffirmance
 - § 9:16. Restoration of consideration
 - § 9:17. Ratification
 - § 9:18. Liabilities for necessaries
 - § 9:19. What are and are not necessaries
 - § 9:20. —Money advanced for purchase of necessaries
 - § 9:21. —Necessaries already available to minor
 - § 9:22. Estoppel; false representation of age
 - § 9:23. Estoppel; other false representations
 - § 9:24. Infant's ability to bind parent
 - § 9:25. Action by and against infants

- Michael J. Dale et al., [Representing the Child Client](#) (2018).
 - Chapter 3. The Legal Status of Minors
 - § 3.03. Minor's right to contract: Capacity to promise
 - [1]—Generally
 - [a]—Binding contracts
 - [b]—Voidable contracts

- Joseph M. Perillo, [Calamari and Perillo on Contracts](#) (6th ed., 2009).
 - Chapter 8. Capacity of Parties
 - § 8.1. Introduction
 - § 8.2. Transactions that the infant cannot avoid
 - § 8.3. Avoidance and ratification
 - § 8.4. Effect upon ratification of ignorance of law or fact
 - § 8.5. Obligations of restitution upon disaffirmance
 - § 8.6. Torts connected with contracts
 - § 8.7. Liability of an infant for necessaries

Section 8: Medical Treatment for Minors

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the rights of minors to consent to confidential medical treatment including abortions.

ONLINE PUBLICATIONS:

- Center for Children’s Advocacy, [Adolescent Sexual Health, Confidentiality, and Teen Legal Rights](#) (2014).
- Access to Information in Juvenile Court Proceedings, [Legal Guide - Medical Treatment of Minors](#) (2013).
- Access to Information in Juvenile Court Proceedings, [Legal Guide - Health Care Records](#) (2013).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

- § [1-1d](#). “Minor”, “infant”, “infancy”, “age of majority”, defined.
- § [17a-1](#). Definitions.
- § [17a-4a](#). Children’s Behavioral Health Advisory Committee. Membership. Reports.
- § [17a-6](#). Powers and duties of commissioner (*Dept. of Children & Families*)
- § [17a-76](#). Application for commitment of mentally ill child. Jurisdiction. Transfer to Superior Court. Appointment of counsel. Three-judge court, powers
- § [17a-81](#). Parental consent necessary for treatment. Exceptions. (*Dept. of Children & Families, Commitment of Mentally Ill Children*)
- § [17a-101f](#). Exam by physician - diagnostic tests and procedures to detect child abuse. Expenses.
- § [17a-688\(d\)](#). Record keeping and confidentiality. Permitted disclosure. Treatment or rehabilitation of minor.
- § [19a-14c](#). Provision of outpatient mental health treatment to minors without parental consent.
- § [19a-216](#). Examination or treatment of minor for venereal disease. Confidentiality. Liability for costs.
- § [19a-285](#). Consent by minor to medical, dental or hospital services for child.
- § [19a-285a](#). Donation of blood by minors.
- § [19a-582](#). General consent required for HIV-related testing. Counseling requirement. Exceptions
- § [19a-592](#). Testing and treatment of minor for HIV or AIDS. Confidentiality. Liability for costs.
- § [19a-601](#). Information and counseling for minors required. Medical emergency exception. (*Abortion*)
- § [45a-604\(5\)](#). Definitions. “Guardianship’ means guardianship of the person of a minor, and includes: (A) the obligation of care and control; (B) the authority to make major decisions affecting the minor’s education and welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;...”
- § [45a-606](#). Father and mother joint guardians.

§ [46b-150](#). Emancipated Minor. Procedure. Notice. Attorney General as party. (*at least 16 years old*)

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

You can visit your local law library or [search the most recent C.F.R.](#) on the e-CFR website to confirm that you are accessing the most up-to-date regulations.

- Conn. Agencies Regs. Public Health Code § [19-13-D3\(d\)\(8\)](#) "...except in emergency situations, the responsible physician shall obtain proper consent as a prerequisite to any procedure or treatment for which it is appropriate ..."
- 42 Code of Federal Regulations (October 1, 2016) [42 CFR 2.14](#) – Minor patients

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- James Orlando, *Children's Mental Health Services*, Connecticut General Assembly, Office of Legislative Research Report No. [2013-R-0081](#) (January 31, 2013).
- Katherine Dwyer, *Drug Rehabilitation for Connecticut and Florida Teenagers*, Connecticut General Assembly, Office of Legislative Research Report No. [2012-R-0257](#) (June 25, 2012).
- John Kasprak, *Childhood Immunizations*, Connecticut General Assembly, Office of Legislative Research Report No. [2009-R-0373](#) (October 9, 2009).
- Saul Spigel, *Parental Control and Teenagers' Rights*, Connecticut General Assembly, Office of Legislative Research Report No. [2002-R-0860](#) (October 25, 2002).
- John Kasprak, *Refusal of Medical Treatment on Religious Grounds*, Connecticut General Assembly, Office of Legislative Research Report No. [99-R-0180](#) (February 3, 1999).
- John Kasprak, *Medical Treatment for Minors*, Connecticut General Assembly, Office of Legislative Research Report No. [95-R-0617](#) (March 22, 1995).

CASES:

- [In re: Cassandra C.](#), 316 Conn. 476, 502-503, 112 A. 3d 158 (2015). "The record amply supports ... [the] finding that Cassandra was not a mature seventeen year old and, therefore, was not competent to refuse a course of medical treatment that would provide her with her only chance of survival."

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [H.L. v. Matheson](#), 450 U.S. 398, 399-400, 67 L.Ed. 2d 388, 101 S.Ct. 1164, 1166 (1981). "The question presented in this case is whether a state statute which requires a physician to 'notify, if possible,' the parents of a dependent, unmarried minor girl prior to performing an abortion on the girl violates federal constitutional guarantees."
- [Hodgson v. Minnesota](#), 497 U.S. 417, 423 110 S. Ct. 2926, 111 L.Ed. 2d 344 (1990). ". . . we now conclude that the requirement of notice to both of the pregnant minor's parents is not reasonably related to legitimate state interests and that subdivision 2 is unconstitutional." *The court further held that provision of statute which requires two parent notification unless pregnant minor obtains judicial bypass was constitutional.*
- [Ruby v. Massey](#), 452 F.Supp. 361 (D. Conn. 1978). *Can parents give consent to sterilization of retarded/handicapped children in lieu of childrens' consent?*

FORMS:

- 13C [Am. Jur. Legal Forms 2d Parent and Child](#) (2014)
Chapter 191. Parent and child
2. Medical and Dental Treatment
§ 191:33. Introductory comments
§ 191:34. Consent of parent—Medical treatment for minor
§ 191:35. Consent of parent—Surgery for minor
§ 191:36. Consent of parent—Medical treatment for emancipated minor—With disclaimer of liability for expenses
§ 191:40. Consent of minor living separate and apart from parents or legal guardian—For hospital and medical care
§ 191:45. Consent of emancipated minor—Diagnosis and treatment of venereal disease
§ 191:46. Consent of emancipated minor – Diagnosis and treatment for drug abuse
§ 191:48. Consent by unmarried pregnant minor—For hospital, medical and surgical care

WEST KEY NUMBER:

- Health # 911. Minors in general; consent of parent or guardian

ALR INDEX:

- Children and Minors
 - Medical care
 - Informed consent

ENCYCLOPEDIAS:

- 59 [Am. Jur. 2d Parent and Child](#) (2012).
§ 65. Medical and dental care

TEXTS & TREATISES:

- Michael J. Dale et al., [Representing the Child Client](#) (2018)
Chapter 3. The Legal Status of Minors
§ 3.02. Rights Restricted by Age.
[2]. Privacy Right Restricted by Inability to Consent

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[c]. Medical care

- [i] Parental Consent to Treatment
- [ii] Contraception and Abortion
- [iii] Physician/Patient Privilege
- [iv] Refusal of Treatment
- [v] Payment of Medical Costs
- [vi] Substituted Judgment Doctrine
- [vii] Sexual Conversion Therapy

- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019)
 - Chapter 11. Restrictions on the legal rights and liberties of adolescents
 - § 11:12. Consent to medical treatment for minors—The common law rule
 - § 11:13. —Failure to consent to medical treatment: reasonable, unreasonable, and religious based refusal to seek treatment
 - § 11:14. —Legislative modification
 - § 11:15. — Minor’s right to consent to abortion without parental consent
 - § 11:16. — Minors right to obtain contraceptives
 - § 11:17 —Admission of minors to state mental hospitals

Section 9: Employment Rights of Minors

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the rights of minors in the workplace.

SEE ALSO: [Labor Law and the Family](#)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2019)

[Chapter 168](#). School Attendance and Employment of Children

§ [10-193](#). Certificate of age for minors in certain occupations.

§ [10-194](#). Penalty

§ [10-195](#). Evidence of age.

§ [10-197](#). Penalty for employment of child under fourteen.

[Chapter 31](#). Labor

§ [31-12](#). Hours of labor of minor ... in manufacturing or mechanical establishments.

§ [31-13](#). Hours of labor of minor ... in mercantile establishments.

§ [31-14](#). Night work of minors regulated.

§ [31-15](#). Penalty. *Penalties for violating the provisions of §§ 31-12 to 31-14.*

§ [31-15a](#). Criminal penalty.

§ [31-16](#). Night work in messenger service.

§ [31-18](#). Hours of labor of minors ... in certain other establishments.

§ [31-23](#). Employment of minors prohibited in certain occupations. Exceptions.

§ [31-23a](#). Minors employed on or after October 1, 2007, deemed to have been lawfully employed.

§ [31-24](#). Hazardous employment of children forbidden. Penalty.

§ [31-25](#). Operation of elevators by minors.

§ [31-69a](#). Additional penalty.

- United States Code (2017)
[29 U.S.C. § 203\(l\)](#). "Oppressive child labor" defined
[29 U.S.C. § 212](#). Child labor provisions
[41 U.S.C. § 6502](#). Required contract terms (*A contract made by an agency of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment, in an amount exceeding \$10,000, shall include... [n]o individual under 16 years of age.*)

REGULATIONS:

You can browse the [Connecticut eRegulations System](#) to check if a regulation has been updated.

- Conn. Agencies Regs.
Title 31. Department of Labor
§ [31-23-1](#). Employment of minors
Includes a list of jobs declared hazardous by the Connecticut State Department of Labor

You can visit your local law library or [search the most recent C.F.R.](#) on the e-CFR website to confirm that you are accessing the most up-to-date regulations.

- 29 Code of Federal Regulations (July 1, 2016)
[29 CFR, Part 570](#)
Child labor regulations, orders and statements of interpretation
 - Subpart A—General
 - Subpart B—Certificates of age
 - Subpart C—Employment of minors between 14 and 16 years of age (Child Labor Reg. 3)
 - Subpart E—Occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being
 - Subpart G – General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- John Moran, *Employment of 14- And 15-Year-Olds in Connecticut Compared to Federal Law*, Connecticut General Assembly, Office of Legislative Research, Report No. [2008-R-0330](#) (May 30, 2008).
"You asked for a comparison of how state law, including PA 08-108, compares to federal law regarding the employment of 14- and 15-year-olds."
- Lynn Marx, *Employing Foreign Minors*, Connecticut General Assembly, Office of Legislative Research, Report No. [2001-R-0271](#) (Mar. 15, 2001).
"You asked whether 16 and 17 year old high school students from France could work in the United States for 4 to 8 weeks during the summer. The French students would be coming to the United States as part of an exchange program."

AGENCY GUIDANCE:

- Connecticut Department of Labor, [Employment of Minors:](#)
 - *Connecticut Young Worker Health and Safety Team*
 - *Checklist - Employment of Minors*
 - *FAQs for the Employment of Minors*
 - *Getting The Facts To Promote Young Worker Safety in Connecticut (PDF, 224KB)*
 - *Guidelines for Cadets, Explorers, and Junior Members of Fire, Emergency Medical, and Police Services (PDF, 1.0MB)*
 - *Minimum Wage For Minors FAQs*
 - *Permitted and Prohibited Places of Employment, Time and Hour Restrictions, and Exemptions*
 - *Working Papers Manual (State Department of Education web site)*

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Kwiatkowski v. Beatty](#), Superior Court, Judicial District of Waterbury, Docket No. UWY CV 16-6033094 (June 16, 2017) (64 Conn. L. Rptr. 719). "The plaintiff's argument that parents permit their children to work and thus the employer is entrusted with the care of the child ignores the different relationship that arises between an employee and employer versus the well-known in 'loco parentis' doctrine that applies to certain activities and requirements involving a child....The fact that a minor applies for position at a business such as a restaurant without a need for any parental oversight such as permission or consent supports the premise that this employment activity does not have the same legal relationship as the cases in which the agency, school, team, club or other activity is responsible for the safety in the context of a special relationship."
- [Blancato v. Feldspar Corporation](#), 203 Conn. 34, 522 A.2d 1235 (1987). Estate of a minor who was illegally employed may bring a suit for wrongful death despite the exclusive remedy provision of the Workers' Compensation Act. "We hold that the plaintiff administrator's wrongful death action pleaded in the first count of the complaint is not barred by § 31-284 (a)." (p. 40)
"...we limit this power of election with respect to employment contracts to minors who had been illegally employed." (p. 42)
- [Grant v. Bassman](#), 221 Conn. 465, 604 A.2d 814 (1992).
- [Goodrow v. Bates](#), Superior Court, Judicial District of Danbury, Docket No. 295634 (May 8, 1992) (6 CLR 778) (1992 WL 108080). "The clear impact of [Blancato](#) is that the plaintiff has an election of remedies, either to affirm the illegal employment contract and accept workers' compensation benefits, or to reject it and bring a common law tort action... This is a clear situation of election of remedies and ratification of the illegal employment contract."

FORMS:

- 9A [Am. Jur. Legal Forms 2d](#) (2014)
Chapter 132 Guaranty
§ 132:22. Guaranty by parents—Performance of minor's obligations under employment contract—Letter form

ALR INDEX:

- Children and Minors
 - Labor and employment

TEXTS & TREATISES:

- Jeffrey L. Hirsch, [Labor and Employment in Connecticut: A Guide to Employment Laws, Regulations and Practices](#), (2d ed., 2000)
Chapter 1. Hiring
§ 1-8. Hiring of minors—Child labor
 - [a] Coverage
 - [b] Permissible employment

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

[c] Hours
[d] Employment forms
[e] Penalties

- Pamela J. Moore, [Connecticut Employment Law](#), (4th. ed., 2018)
 - Chapter 8. Wage and Hour Provisions
 - § 8-3. Minimum Wage and Overtime Obligations
 - § 8-3:3. Exceptions to Minimum Wage Rate
 - § 8-3:3.1. Minors and Certain Disabled Employees
 - Chapter 10. Health and Safety
 - § 10-5 Hazardous Employment for Minors
 - § 10-5:1. Introduction
 - § 10-5:2. Minors prohibited from working in certain industries
 - § 10-5:2.1. Children Under 18
 - Table 10-1. Hazardous Industries for Children Under 18
 - Table 10-2. Hazardous Occupations for Children Under 18
 - § 10-5:2.2. Children Under 16
 - Table 10-3. Prohibited Industries for Children Under 6
 - Table 10-4. Prohibited Hazardous Activities for Children Under 16
 - § 10-5:3. Certificate of Age
- [Littler on Connecticut Employment Law](#), Littler Mendelson, P.C. (2017).
 - Chapter 3. During Employment
 - § 3.6. Child Labor
 - § 3.6(a). Federal Guidelines on Child Labor
 - § 3.6(b). State Guidelines on Child Labor
 - § 3.6(b)(i). State Restrictions on Type of Employment for Minors
 - § 3.6(b)(ii). State Limits on Hours of Work for Minors
 - § 3.6(b)(iii). State Child Labor Exceptions
 - § 3.6(b)(iv). State Work Permit or Waiver Requirements
 - § 3.6(b)(v). State Enforcement, Remedies and Penalties
- Thomas R. Young, [Legal Rights of Children 3d](#) (2018-2019)
 - Chapter 14. Child labor laws
 - § 14:1. Origins of child labor laws
 - § 14:2. Federal child labor laws—Historical perspective and purpose
 - § 14:3. Ages of employment under federal child labor laws—Generally
 - § 14:4. —Certificates of age
 - § 14:5. —Federal exemptions to age limits
 - § 14:6. —Federal age limits relating to hazardous employment

§ 14:7. Employment of children under special certificates in jobs paying less than the minimum wage
§ 14:8. Hours of employment
§ 14:9. Child labor and multinational corporations
§ 14:10. Penalties and remedies
§ 14.11. State child labor laws—Historical perspective
§ 14.12. State laws—Minimum age provisions
§ 14:13. —Maximum hours provisions
§ 14:14. —Hazardous employment restrictions
§ 14:15. Defenses and arguments made by violators
§ 14:16. Child labor and the family

- Michael J. Dale et al., [Representing the Child Client](#) (2018).
Chapter 3. The legal status of minors
§ 3.03. Minor's right to contract: Capacity to promise
[2]—Employment
 - [a] Child labor laws
 - [b] —Minimum wage
 - [c]—Prohibition on race and sex discrimination
 - [d]—Parents' right to child's wage
 - [e]—Taxes due
- Mark A. Rothstein et al., [Employment Law](#) (4th ed. Practitioner Treatise Series, 2009) (vol. 1)
Chapter 4. Wage, hours, and benefits
§ 4.7. Fair Labor Standards Act—Child labor

Section 10: LGBTQI

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the rights of LGBTQI youth.

DEFINITIONS:

- "The public schools shall be open to all children five years of age and over who reach age five on or before the first day of January of any school year, and each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the activities, programs and courses of study offered in such public schools, at such time as the child becomes eligible to participate in such activities, programs and courses of study, without discrimination on account of race, color, sex, gender identity or expression, religion, national origin or sexual orientation; provided boards of education may, by vote at a meeting duly called, admit to any school children under five years of age." Conn. Gen. Stat. § [10-15c\(a\)](#) (2019).
- "For the purposes of sections 4a-60a and 46a-81b to 46a-81q, inclusive, 'sexual orientation' means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference, but excludes any behavior which constitutes a violation of part VI of chapter 952." Conn. Gen. Stat. § [46a-81a](#) (2019).
- "'Gender identity or expression' " means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose." Conn. Gen. Stat. § [46a-5\(21\)](#) (2019).

STATUTES:

Conn. Gen. Stat. (2019)

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

[Chapter 164](#). Educational Opportunities

§ [10-15c](#). Discrimination in public schools prohibited.
School attendance by five year olds.

Chapter 368ll. Miscellaneous Provisions

§ [19-907](#). Conversion therapy. Definitions.

§ [19-907a](#). Conversion therapy by healthcare provider.
Prohibition.

§ [19-907b](#). Conversion therapy in conduct of trade or commerce. Prohibition. Unfair or deceptive trade practice.

§ [19-907c](#). Conversion therapy and the expenditure of public funds.

[Chapter 170](#). Boards of Education

§ [10-222d](#)(a)(1). Safe school climate plans. Definitions. School climate assessments.

[Chapter 814c](#). Human Rights and Opportunities

§ [46a-51](#)(21). Definitions.

§ [46a-60](#). Discriminatory employment practices prohibited.

§ [46a-64](#). Discriminatory public accommodations practices prohibited. Penalty.

§ [46a-64c](#). Discriminatory housing practices prohibited. Disposition of complaints. Penalty.

§ [46a-71](#). Discriminatory practices by state agencies prohibited.

§ [46a-81a](#). Sexual orientation discrimination: Definitions.

§ [46a-81c](#). Sexual orientation discrimination: Employment.

§ [46a-81d](#). Sexual orientation discrimination: Public accommodations.

§ [46a-81g](#). Sexual orientation discrimination: State practices.

§ [46a-81i](#). Sexual orientation discrimination: Services of state agencies.

§ [46a-81l](#). Sexual orientation discrimination: State agencies not to permit in professional or occupational associations, public accommodations or housing.

§ [46a-81m](#). Sexual orientation discrimination: Educational and vocational programs of state agencies.

§ [46a-81n](#). Sexual orientation discrimination: Allocation of state benefits.

§ [46a-81p](#). Sexual orientation discrimination: Religious organizations.

§ [46a-81q](#). Sexual orientation discrimination: ROTC programs.

§ [46a-81aa](#). Gender identity or expression discrimination: Religious organizations.

[Chapter 952](#). Penal Code: Offenses

§ [53a-181i](#). Intimidation based on bigotry or bias: Definitions.

§ [53a-181j](#). Intimidation based on bigotry or bias in the first degree: Class C felony.

§ [53a-181k](#). Intimidation based on bigotry or bias in the second degree: Class D felony.

§ [53a-181j](#). Intimidation based on bigotry or bias in the third degree: Class A misdemeanor.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication.

- Christopher Reinhart, Senior Attorney, *Hate Crimes Legislative History*, Connecticut General Assembly, Office of Legislative Research, [2006-R-0489](#) (August 4, 2006).

ONLINE PUBLICATIONS:

- [The Law of Gender Identity and Sexual Orientation: A Beginner's Guide](#) - June 9, 2015 by Barbara Bavis – Law Library of Congress research guide
- SpeakUpTeens.org
LGBT – What are my rights as an LGBT teen?
<https://speakupteens.org/lgbt>
- National Center for Transgender Equality
[Name and Gender Change Information-Connecticut](#)

AGENCY GUIDANCE:

- Department of Children and Families Policy Manual
Non-Discrimination of LGBTQQIAA Individuals - [21-16](#)
(effective date January 2, 2019)
- [Working with Transgender Youth and Caregivers Practice Guide](#), Department of Children and Families (December 2018)
- [Policy Review and Development Guide: Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings](#), U.S. Department of Justice, National Institute of Corrections
Chapter 2. LGBTQI Youth Under Custodial Supervision

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- 22 [Am. Jur. Pleading and Practice Forms Schools](#) (2011)
VII. Students
D. Sexual Orientation and Gender Identity in Schools
§ 141.10. Introductory comments
§ 141.55. Complaint in federal court – Violation of Fourteenth Amendment and negligence – For damages and injunctive relief – Verbal and physical harassment and abuse of student by peers on basis of sexual orientation

CASES:

- *In re Jane Doe*. Superior Court of Connecticut, Judicial District of Fairfield, No. F04JV32912660A, May 6, 2014 (2014 WL 2600505). "B. Proper Location for Housing of Transgender Inmate - . . . In light of the Respondent's status as a transgender girl, the initial housing determination is difficult. The statute was first passed in 1971, and has been changed in minor ways over the years. When the statute was first passed, male and female were

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

likely considered immutable characteristics. Recent legislative enactments on both the state and federal level suggest to the court that the directive if male, to Manson, if female, to Niantic, is better understood as referring to an individual's gender identity when the individual has established a gender identity different from her biological sex.

1. Connecticut Nondiscrimination Statute - In 2011, the Connecticut legislature enacted Public Act 11-55, an act aimed at combatting discrimination against transgendered individuals. The act added 'gender identity or expression' to a variety of statutes barring discriminatory practices against specific groups. It added a definition of 'Gender identity or expression' to General Statutes § 46a-51: '(21) Gender identity or expression means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.' It did not alter the juvenile or department of corrections statutes, but it did alter General Statutes § 46a-71 to state that '(a) All services of every state agency shall be performed without discrimination based upon race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness.' DCF Policy Manual 30-9 provides that DCF shall not discriminate against Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex individuals. It includes provisions for providing support groups for LGBTQI youth and sensitivity training."

ENCYCLOPEDIAS:

- 79 [COA 2d](#) 1, *Cause of Action Under First Amendment for Freedom of Speech and Expression in Educational Setting With Respect to LGBTQ Community* by Elizabeth Williams, J.D. (2019).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#).

- Michael J. Dale et al., [Representing the Child Client](#) (2018).
Chapter 3. The legal status of minors
§ 3.02. Rights Restricted by Age.
[2]. Privacy Right Restricted by Inability to Consent
[c]. Medical care
[vii] Sexual Conversion Therapy

Chapter 6. Representing Students in School-Related Matters

§ 6.02. Overview of the Right to an Education

[7] Right to Privacy in School Settings Including Rights of LGBT Students

§ 6.06. School Injury Litigation; Actions for Damages

[6] LGBT Students

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- A Children’s Rights Lawyer’s Perspective on LGBTQ Youth Issue, Cindy C. Albracht-Crogan, 3 LGBT Litigator 6 (2012-2013)
- Recognizing and Addressing LGBTQ Issues, Cindy C. Albracht-Crogan, 14 Children’s Rights Litigation 23 (2011-2012)
- Have No LGBTQ Youth Clients – Think Again: What Every Attorney Representing Youth Needs to Know, Vickie L. Henry, 57 Boston Bar Journal 10 (2013)
- Part 2: LGBTQ Youth in the Juvenile Justice System, Amanda Valentino, 14 Children’s Rights Litigation 20 (2011-2012)
- Foxhoven, In Search of Federal Remedies for LGBTQ Students Who Are Victims of Assault and Harassment in School, 21 Buff. J. Gender, L. & Soc. Pol’y 45 (2012-2013)

Table 3: Miscellaneous

Miscellaneous	
<p>Privacy Rights of Minors in Public Libraries</p>	<ul style="list-style-type: none"> • Confidentiality of records. “Notwithstanding section 1-210, records maintained by libraries that can be used to identify any library user, or link any user to a library transaction, regardless of format, shall be kept confidential, except that the records may be disclosed to officers, employees and agents of the library, as necessary for operation of the library.” Conn. Gen. Stat. § 11-25(b)(1) (2019). • “Information contained in such records shall not be released to any third party, except (A) pursuant to a court order, or (B) with the written permission of the library user whose personal information is contained in the records. Conn. Gen. Stat. § 11-25(b)(2) (2017). • Questions and Answers on Privacy and Confidentiality American Library Association http://www.ala.org/advocacy/privacy/FAQ <p>See section <u>IV. Minors’ Privacy Rights</u></p> <p>32. Are privacy rights of minors the same as those of adults? What information about a minor’s use of the library should be kept confidential and what may be released to parents?</p> <p>33. How does the Family Educational Rights and Privacy Act (FERPA) affect minors’ library records in K-12 schools?</p> <p>34. How can the confidentiality of minors’ library records be protected in school libraries?</p>
<p>You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	
<p>Generally</p>	<ul style="list-style-type: none"> • Anne C. Dailey & Laura A. Rosenbury, <i>The New Law of the Child</i>, Yale Law Journal, Vol. 127, Issue 6 (April 2018), pp. 1448-1537. • Lawrence K. Furbish, Director, <i>Variations From the Age of Majority in Connecticut</i>, Connecticut General Assembly, Office of Legislative Research, Report No. 2003-R-0071 (January 28, 2003). See section on “Ages of Rights, Privileges, and Responsibilities” “You asked for a list of the ages at which various rights, responsibilities, and privileges take effect in Connecticut. Your interest was in how many ages are different from age 18, the age of majority in Connecticut.”
<p>Office of Legislative Research reports summarize and analyze the law in effect on the date of each report’s publication. Current law may be different from what is discussed in the reports.</p>	