

Superior Court for Juvenile Matters

Standing Orders

Honorable Dawne Westbrook, Chief Administrative Judge

Child Protection Docket- Effective November 1, 2009

Updated July 2023

1. Compliance with Connecticut Practice Book

Counsel and self-represented parties shall follow the procedures for Juvenile Matters in Practice Book Chapters 1-7 and 26-35a.

2. Contact and Communication with Clients

- A. Counsel shall maintain contact with each client (unless, through no fault of or mistake by counsel, the client's whereabouts become unknown).
- B. Before each conference or hearing, counsel for each adult party shall discuss the subject matter of the conference or hearing with the adult party. Counsel for each child shall also discuss the subject matter of the conference or hearing with the child and foster parent as appropriate.

3. Attendance at court, scheduling, continuances, and notices

- A. Counsel shall, as necessary, inform each client of the date and time of each court matter. Counsel shall inform their client if the matter is in person or virtual and make appropriate accommodations for client's use of remote rooms, if necessary. Counsel and adult parties, as necessary, shall be at the court on or before the scheduled time of each court matter.
- B. If a party who has been given proper notice does not come to the conference or court hearing, the court may order a default judgment against that party.
- C. Counsel for an incarcerated party shall, as necessary, confirm with the Clerk's Office that the court has issued a writ of habeas corpus. Counsel for a party who is hospitalized or in a residential placement shall, as necessary, make sure that arrangements have been made for the transportation of the party to court.
- D. At each conference or hearing, each counsel shall know their availability for any scheduled future proceedings. Counsel who are absent without valid excuse may not be granted a continuance because of a scheduling conflict. A notice will not be sent to counsel for future dates set in court or at conferences; counsel shall obtain the future date and time from the Clerk's Office and shall promptly notify the client.
- E. Each attorney scheduled for any contested hearing in the Superior Court for Juvenile Matters shall disclose the assignment to each Superior Court Judge who subsequently assigns or attempts to assign the attorney to appear elsewhere on the date. If a subsequent assignment conflicts with the prior assignment, the attorney shall immediately notify the Presiding Judge at the Superior Court for Juvenile Matters where the prior trial or contested hearing is to take place.

4. Case Status Conferences and Judicial Pretrials

- A. The purpose of conferences and judicial pretrials is to consider the following:
 - 1. Resolution of the matter;

2. identification of issues that should be investigated and/or resolved before a hearing or trial;
 3. evaluation or reports that may be useful or necessary before the hearing or trial;
 4. identification of witnesses, including experts, and a summary of projected testimony and documentary evidence to be introduced;
 5. if additional motions or pleading should be filed;
 6. if the matter is appropriate for Judge mediation.
- B. All attorneys attending a case status conference or judicial pretrial shall either have (1) the authority to make decisions, or (2) immediate access to a person or people with the authority to make decisions about any issue being considered. If an attorney at a case status conference or judicial pretrial does not have access to a person or people with the authority to make decisions, and has not gotten permission from the judicial authority to not have access to the person or people, it will not prevent a judgment from being entered that all the other parties present agree to.
- C. If an adult party is not available for a case status conference or judicial pretrial and has not gotten permission from the judicial authority to not come to the case conference or judicial pretrial, a default judgment may be ordered against that party.
- D. If the case conference or pretrial does not result in a disposition that the parties agree to, the case may be (1) continued for any necessary investigation and/or resolution pursuant to 4(A)(2) above, or (2) continued for a reasonable time for any form of judicial mediation(3) assigned for trial by the court. Any expected motions shall be filed with the Clerk's Office within 10 days after the case status conference or the judicial pretrial.
5. Trial Management Procedures
- A. Four weeks before any assigned trial date all parties shall file trial memoranda intended to simplify and speed up a contested trial. The memoranda shall include the following:
1. A summary of the petitioner's contentions and the respondent's defenses or oppositional grounds, together with a summary of settlement efforts;
 2. Any pleadings or motions pending or to be filed;
 3. Evaluations;
 4. Admissions or stipulations;
 5. Evidentiary disputes or judicial notice;
 6. (a) the name and address of each fact witness, (b) a summary of expected testimony and (c) the approximate length of time for direct testimony;
 7. (a) the name and address of each expert witness, (b) a resume or curriculum vitae, (c) a summary of the expected testimony and (d) the approximate length of time for direct testimony;
 8. A list of each pleading, motion, discovery matter, evaluation and evidence there is any dispute about or any outstanding matter, and a summary of the matter.
- B. Two weeks before any assigned trial date, a trial management conference shall be scheduled to get the following:
1. Agreements and pre-marking of exhibits. For any exhibits not available at the time of this conference, the attorney offering the exhibits that the parties agree to shall present the exhibits to the clerk for marking at least one half hour before the scheduled start of any trial;

2. A list of trial needs and requests, including but not limited to one or more interpreters, TV monitors, telephone conference or TEAMS capacity for remote request or;
3. Other procedures that may aid in the trial and disposition of the case;
4. The estimated length of the trial.

6. Evaluations and Examinations

A. An order for an evaluation that the parties agree to, such as a court evaluation, may be approved by the judge without all parties being present. The stamped order shall be placed in the court file.

B. A request for an evaluation that the parties do not agree to shall be made by written motion and assigned for short calendar.

C. If an evaluation request is made by a party other than the Department of Children and Families (DCF), that party shall indicate:

1. the reason or need for the request;
2. the estimated cost and who should pay;
3. the estimated time for completion of each evaluation;
4. whether the party asking for the evaluation is also asking for the right to decide if the results of the evaluation must be shared with the other parties.

D. Written notice of the date, time and place for evaluation shall be sent by the Clerk's Office to all counsel, self-represented parties and the parties being evaluated. Each party who twice does not go to, or does not bring any child scheduled to, a court ordered or approved evaluation or examination on the date and time when the evaluation or examination is scheduled, without obtaining a timely postponement or rescheduling for good cause of such evaluation or examination at no cost to the party paying for the evaluation or examination before the evaluation or examination, shall be subject to sanctions. If an evaluation or examination is ordered or approved by the court, each counsel shall immediately tell his or her client about this section, and the need, if necessary, for counsel to make a timely request, as far in advance as possible, for a postponement based on good cause to do so.

E. If an evaluator chooses not to conduct an evaluation of an incarcerated person at the place of incarceration, counsel shall request that writ of habeas corpus be issued, or make sure that a writ of habeas corpus will be or has been issued, so that the person shall be present at the date and time of the evaluation at the court.

F. All court ordered evaluations and examinations are confidential and are solely for the purposes of cases in the Superior Court for Juvenile Matters. No part of a court evaluation shall be transmitted, released, or used orally or in writing other than as appropriate in juvenile proceedings, unless there is a prior order of the court authorizing such transmission, release or use.

7. Trials/ Contested Hearings

When necessary, the judicial authority may order the scheduling of cases for trial using a back-up calendar system. On specific dates designated by the judicial authority, a “primary” case may be scheduled for trial with up to (2) cases selected as back up trials. If the primary trial settles, Clerk’s Office staff, with the approval of the judicial authority, may contact the parties on the back-up calendar list and expect the case to be trial ready.

8. General Matters

A. One or more of these orders may be amended, modified, or suspended by the Juvenile Matters Presiding Judge in each district to meet the specific needs and circumstances of each district or any specific case.

B. If the court does not enforce these orders in one or more cases or circumstances, it shall not prevent the court from enforcing them in other or later cases or circumstances or excuse anyone from not following them or refusing to follow them in any other or later case or circumstance. If a person does not follow any court requirement, the judicial authority may make any orders that justice requires, including nonsuit, default, or contempt. If a person does not follow any court order, it may be held against that person in the court’s decision.

C. Nothing in this standing order shall limit or restrict the duties of an attorney to a client.

9. Reporting Child’s Position at Permanency Plan Review Hearings

A. Before a hearing on a motion to review a permanency plan (MRP), the attorney for the child who is the subject of the plan shall consult directly with the child, in a manner appropriate for the child’s age, about the content of the plan and about the child’s position on the plan.

B. The child’s attorney shall submit the child’s position on the plan in writing, before or at the hearing on the motion. Objections should be filed 30 days prior to the hearing.