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2016 Edition

Rights of Minors in Connecticut

A Guide to Resources in the Law Library

Table of Contents

Introduction	3
Table 1: Recent Public Acts Affecting Children, Juveniles, and Education	4
Section 1: Emancipation in Connecticut	5
Table 2: Child Support and Emancipation	8
Section 2: Family with Service Needs	9
Section 3: Runaways in Connecticut	11
Section 4: Truancy in Connecticut	14
Section 5: School Discipline in Connecticut	17
Section 6: Freedom of Speech in Public Schools	23
Section 7: Curfews in Connecticut	27
Section 8: Contractual Rights of Minors	29
Section 9: Medical Treatment for Minors	34
Section 10: Employment Rights of Minors	38

Prepared by Connecticut Judicial Branch, Superior Court Operations, Judge Support Services, Law Library Services Unit

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These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other pathfinders at http://www.jud.ct.gov/lawlib/selfquides.htm#Pathfinders

This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.

The online versions are for informational purposes only.

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 (2015).

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 (i) under eighteen years of age who has not been legally emancipated, or (ii) eighteen years of age or older who, prior to attaining eighteen years of age, has committed a delinquent act or, 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 under eighteen years of age;" Conn. Gen. Stat. § 46b-120(1) (2015).

Youth: "means any person sixteen or seventeen years of age who has not been legally emancipated;" Conn. Gen. Stat. § 46b-120(2) (2015).

Family with Service Needs: "means a family that includes a child under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth;" Conn. Gen. Stat. § 46b-120(7) (2015).

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

Recent Public Acts Affecting Children, Juveniles, and Education* Children / Office of Legislative Research, [Public] Acts Affecting Children (2015). **Juveniles** Office of Legislative Research, [Public] Acts Affecting Children (2014). Office of Legislative Research, [Public] Acts Affecting Children (2013). Office of Legislative Research, [Public] Acts Affecting Children (2012). Office of Legislative Research, [Public] Acts Affecting Children (2011). Office of Legislative Research, [Public] Acts Affecting Children (2010). Office of Legislative Research, [Public] Acts Affecting Children (2009). **Education** Office of Legislative Research, [Public] Acts Affecting Education (2015). 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*, http://www.cga.ct.gov/olr/actsaffecting.asp (Accessed on 4/19/16).

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." Town v. Anonymous, 39 Conn. Sup. 35, 38, 467 A.2d 687 (1983).
- 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:

- Legal Assistance Resource Center of Connecticut,
 A Teenager's Guide to Emancipation. (January, 2011)
 http://ctlawhelp.org/a-teenagers-guide-to-emancipation
- 211 E-Library,
 Emancipation of Minors Connecticut
 http://uwc.211ct.org/emancipation-of-minors/

STATUTES:

Conn. Gen. Stat. (2015)

§ 46b-150. Emancipation of minor. Procedure.

§ 46b-150a. Investigation of petition for emancipation.

Report. Appointment of counsel.

You can visit your local law library or search the most recent <u>statutes</u> and <u>public acts</u> on the Connecticut General Assembly website.

§ 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, <u>PC-905</u> <u>http://www.ctprobate.gov/Forms/PC-905.pdf</u>

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. <u>2009-R-0187</u> (April 30, 2009).

COURT 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 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."

- <u>In Re Antina</u>, Superior Court, Juvenile Matters, Judicial District of Middlesex at Middletown (November 26, 1996). *Juvenile's petition for statutory emancipation granted*
- <u>In Re Addison A.</u>, 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*
- <u>Mills v. Theriault</u>, 40 Conn. Sup. 349, 499 A.2d 89 (1985). Common law emancipation and child support obligation
- Nelson v. Nelson, 22 Conn. Sup. 145, 164 A.2d 234 (1960).
 Custody and support order not entered when child was emancipated at time of dissolution

ENCYCLOPEDIAS:

- 59 <u>Am. Jur. 2d</u> **Parent & Child** §§ 73-78 (2012).
- 43 <u>C.J.S.</u> *Infants* §§ 153-162 (2014).
- 67A <u>C.J.S.</u> *Parent & Child* §§ 10-37 (2013).

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.

- 1 Donald T. Kramer, <u>Legal Rights of Children</u>, Ch. 15, Emancipation (Rev. 2d Ed. 2005). **(See 2014-15 supp. to vol. 2 for additional material)**
- Michael J. Dale Et Al., <u>Representing the Child Client</u>, Ch. 3, The Legal Status of Minors, §3.05 Emancipation (2014).

LAW REVIEWS:

Public access to law review databases is available on-site at each of our <u>law</u> <u>libraries</u>.

- 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	"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." Arnold v. Arnold, 35 Conn. Sup. 244, 245-46, 407 A.2d 190 (1979)." Veras v. Veras, 45 Conn. Sup. 169, 170, 702 A.2d 1217 (1997).
By Modification	"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).

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 <u>contact your local law librarian</u> to learn about the tools available to you to update cases.

Section 2: Family with Service Needs

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to Connecticut's Family with Service Needs law.

DEFINITION:

• Family with Service Needs (FWSN): "means a family that includes a child under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth;" Conn. Gen. Stat. § 46b-120(7) (2015).

STATUTES:

You can visit your local law library or search the most recent <u>statutes</u> and <u>public acts</u> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stat. (2015)

- <u>Chapter 168</u>. School attendance and employment of children § 10-198a (Amended - See 2016 supplement). Policies and procedures concerning truants. "(c) If the parent or other person having control of a child who is a truant fails to attend the meeting held pursuant to subdivision (1) of subsection (b) of this section or if such parent or other person otherwise fails to cooperate with the school in attempting to solve the truancy problem, such policies and procedures shall require the superintendent of schools to file, not later than fifteen calendar days after such failure to attend such meeting or such failure to cooperate with the school attempting to solve the truancy problem, for each such truant enrolled in the schools under his jurisdiction a written complaint with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs."
- <u>Chapter 319</u>. Department of Children and Families § 17a-1. Definitions.
- Chapter 815t. Juvenile matters
 - § 46b-120. Definition of 'family with service needs,' etc.
 - § 46b-140 (Amended See 2016 supplement). Disposition upon conviction of child as delinquent.
 - § 46b-146 (Amended See 2016 supplement). Erasure of police and court records.
 - § 46b-148. Violation of valid court order by child of family with service needs.
 - § 46b-149. Child from family with service needs. Complaint. Review by probation officer. Filing petition. Procedure. Hearing. Order. Modification of conditions.

- § 46b-149a. Duties of police officer re child of family with service needs.
- § 46b-149b. Immunity of police officer or municipal official from parental liability.
- § 46b-149c. Truancy and other family with service needs cases. Duties of judicial branch.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted online.

Connecticut Practice Book (2016)

- Chapter 27. Reception and Processing of Delinquency and Family with Service Needs Complaints or Petitions
- Chapter 29. Reception and Processing of Delinquency and Child from Family with Service Needs Petitions and Delinquency Informations.
- Chapter 30A. Delinquency and Family with Service Needs Hearings.
- Chapter 31A. Delinquency and Family with Service Needs Motions and Applications.

ONLINE FAQs:

- Division of Public Defender Services.
 Juvenile Court in Connecticut Frequently Asked Questions: A Guide for Children and Families in the Juvenile Justice System (January 2011)
 http://www.ct.gov/ocpd/cwp/view.asp?a=4101&q=480334
- Connecticut Judicial Branch Court Support Services Division, *Juvenile Probation Frequently Asked Questions* http://www.jud.ct.gov/CSSD/juvprob_faq.htm

AGENCY GUIDANCE:

State of Connecticut Department of Education, <u>Utilizing Local Support Resources Prior to Referral of Students for Family With Service Needs</u>, Series 2009-2010, Circular Letter: C-2 (August 4, 2009).

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.

- Ryan F. O'Neil, Family With Service Needs Legislative History, Connecticut General Assembly, Office of Legislative Research Report No. <u>2007-R-0256</u> (March 2, 2007). "You asked about the history of the family with Service Needs (FWSN) program."
- Saul Spigel, Parental Control and Teenagers' Rights,
 Connecticut General Assembly, Office of Legislative Research
 Report No. <u>2002-R-0860</u> (Oct. 25, 2002).
- Summary of 1998 Public Acts, Connecticut General Assembly, Office of Legislative Research, Page 204, PA 98-183 An Act Concerning Truancy and other Family with Service Needs Cases.
- Connecticut Judicial Branch Official Court Webforms, Juvenile Forms:
 http://www.jud.ct.gov/webforms/default.aspx?load_catg=Juvenile

Section 3: 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, search the most recent U.S. Code on the U.S. Code website or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are accessing the most up-to-date laws.

Conn. Gen. Stat. (2015)

- <u>Chapter 104</u>. 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 10-19p. Youth service bureaus
 § 10-19o (Amended See 2016 supplement)
- <u>Chapter 319a</u>. Child Welfare
 § 17a-185. Police transportation of certain minors to facility for care
- <u>Chapter 528</u>. Department of Emergency Services and Public Protection
 - § 29-1e. Missing Children Information Clearinghouse. Definitions. Duties. Missing Child Reports.
- <u>Chapter 802h</u>. Protected persons and their property § 45a-604 (5) 'Guardianship' means.
 § 45a-606 Father and mother joint guardians
- <u>Chapter 815t</u>. Juvenile matters
 § 46b-149a. Duties of police officer re child of family with service needs.
- <u>Chapter 925</u>. Statutory rights of action and defenses § 52-572. Parental liability for torts of minors
- <u>Chapter 939.</u> 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 (2015)

- <u>Chapter 72</u>. Juvenile justice and delinquency prevention <u>42 U.S.C. §§ 5701-5751</u>. Runaways and homeless youth
- <u>Chapter 119</u>. Homeless assistance
 <u>42 U.S.C. §§ 11431-11435</u>. Education for homeless children and youth

LEGISLATIVE REPORTS:

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, Parental Options for Out-of-control 16-Year-Olds, Connecticut General Assembly, Office of Legislative Research Report No. 2009-R-0187 (April 30, 2009). "You asked what parents can do when their 16- or 17-year olds run away or are beyond their control."
- 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-R0786 (Sept. 23, 2002). "You asked for (1) a history and
 summary of the youth in crisis (YIC) law, (2) a comparison
 between it and the family with service needs (FWSN) law,
 and (3) current budgets for both."
- Lawrence K. Furbish, Background on Status Offenders,
 Connecticut General Assembly, Office of Legislative Research
 Report No. 2003-R-0130 (Jan. 31, 2003). "You asked for
 background information on 'status offenders' including (1)
 the definition of the term, (2) if they can be incarcerated,
 the process of finding them guilty, and (3) any laws or
 regulations concerning their confinement."
- Saul Spigel, Parental Control and Teenagers' Rights,
 Connecticut General Assembly, Office of Legislative Research
 Report No. 2002-R-0860 (Oct. 25, 2002). "You asked about
 parents' control over teenagers and what ability teens have
 to make decisions without their parents' consent.
- 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 (2003). "You asked for information about parental rights and responsibilities regarding their 16 and 17 year old children. You also asked whether 16 and 17 year olds are eligible for public defender services and whether their parents' income and assets are considered in determining their eligibility."

REGULATIONS

You can visit your local law library or browse the recently adopted regulations page on the Secretary of the State website to check if a regulation has been updated.

Second Secondary Secondary

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

POLICIES:

Department of Children and Families Policy Manual
 Interstate Compact on Juveniles – ICJ
 http://www.ct.gov/dcf/cwp/view.asp?a=2561&q=317034&pp=3

Policy 47-4-1 — General Provisions

Policy 47-4-2 — Return of Connecticut Escapees,

Absconders and Runaways

Policy 47-4-3 — Placement and Supervision of a

Delinquent Juvenile From Connecticut Into Another State

Policy 47-4-4 — Placement and Supervision of a

Delinquent Juvenile From Another State Into Connecticut

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.

2 Donald T. Kramer, <u>Legal Rights of Children</u> (revised 2d ed. 2005). (See 2014-15 supp. to vol. 2 for additional material)

Chapter 20. Children in trouble: The Juvenile Justice System

- § 20.1. The juvenile status offender
- § 20.4. Status offense jurisdiction
- § 20.6. Due process rights of juvenile status offenders
- § 20.7. Right to counsel
- § 20.17. The Runaway and Homeless Youth Act; Missing Children Act
- § 20.18. State laws
- Michael J. Dale, <u>Representing the Child Client</u> (2015).

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 4: 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) (2015) (Amended See 2016 supplement).
- "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 (2015).

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 upto-date statutes.

Conn. Gen. Stat. (2015)

• <u>Chapter 168</u>. - School attendance and employment of children

§ 10-184. Duties of parents. School attendance age requirements.

§ 10-185. Penalty.

§ 10-198a (Amended – See <u>2016 supplement</u>). Policies and procedures concerning truants.

§ 10-199. Attendance officers. Duties.

§ 10-200. Habitual truants.

§ 10-201. Fees for arresting truants.

§ 10-202. Warrant and hearing.

• <u>Chapter 815t</u> – 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 recently adopted regulations page 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 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, in order to determine a child's eligibility for special education and related services. A board of education shall make available a standard referral form which shall be used in all referrals. Before a child is referred to a planning and placement team, alternative procedures and programs in regular ... (Effective September 1, 1980, Amended July 1, 2013)."

AGENCY GUIDANCE:

State of Connecticut Department of Education, <u>Utilizing Local Support Resources Prior to Referral of Students for Family With Service Needs</u>, Series 2009-2010, Circular Letter: C-2 (August 4, 2009).

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). "You asked for
 background information on 'status offenders' including (1)
 the definition of the term, (2) if they can be incarcerated,
 the process of finding them guilty, and (3) any laws or
 regulations concerning their confinement."
- Judith Loham, *Truancy Laws*, Connecticut General Assembly, Office of Legislative Research Report No. 2000-R-0957 (October 13, 2000). "You asked how the law defines truancy and who is responsible for enforcing school attendance laws when parents fail to send young children to school."

COURT 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.

• 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 in light of operative provisions of the Connecticut constitution and the United States constitution."

ALR INDEX:

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.

- Schools and Education
 - o Absence or presence
- Thomas B. Mooney, <u>A Practical Guide to Connecticut School Law</u> (8th ed., 2014).

Chapter 4. Student Residency and school attendance

- o Mandatory school attendance (p. 333)
- o Student truancy (p. 341)
- 3 James A. Rapp, <u>Education Law</u> (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

2 Donald T. Kramer, <u>Legal Rights of Children</u> (Revised 2d ed. 2005). (See 2014-15 supp. to vol. 2 for additional material)

Chapter 20. Children in Trouble: The Juvenile Justice System

ONLINE PUBLICATIONS & PAMPHLETS:

- 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

Section 5: 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) (2015).
- 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) (2015).
- 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) (2015).
- **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) (2015).
- **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) (2015).
- **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) (2015).

STATUTES:

You can visit your local law library or search the most recent <u>statutes</u> and <u>public acts</u> on the Connecticut General Assembly website.

Conn. Gen. Stat. (2015)

• Chapter 170. Boards of education

§ 10-222d. Safe school climate plans. Definitions. School climate assessments.

§ 10-233b. Removal of pupils from class.

§ 10-233c (Amended – See 2016 supplement). Suspension of pupils.

 \S 10-233d (Amended - See 2016 supplement). 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. (Amended - See 2016 supplement).

Indemnification of teachers, board members, employees and certain volunteers and students in damage suits; expenses of litigation.

<u>Chapter 952</u>. 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. <u>2012-R-0084</u> (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. <u>2009-R-0465</u> (Dec. 31, 2009).
- Judith Lohman & Kristina Arsenault, School Discipline Policies and Procedures, Connecticut General Assembly, Office of Legislative Research, Report No. <u>2002-R-0123</u> (Feb. 7, 2002).
- Links to other school law Office of Legislative Reports can be found at the *Connecticut Law about School Law* web page (http://www.jud.ct.gov/lawlib/Law/school.htm) or at the Office of Legislative Research website.

AGENCY GUIDANCE:

- State of Connecticut Department of Education, <u>Guidelines for</u> <u>In-School and Out-of-School Suspension</u> (Revised December 2010).
- State of Connecticut Department of Education, <u>Bullying and Harassment</u> (Web page accessed on April 14, 2016).

STATE COMMISSION INFORMATION:

- Connecticut Commission on Children, <u>Bullying</u> (Web page accessed on April 14, 2016).
 (http://www.cga.ct.gov/coc/bullying.htm)
- Connecticut Commission on Children, <u>Bullying: Plain-English</u> <u>Explanation of the Law</u> (PDF)

COURT 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.

- Safford Unified School Dist. No. 1 v. Redding, 557 US 364, 129 S. Ct. 2633, 174 L. Ed. 2d 354 (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. 2018, 56 L.Ed.2d 611 (1978), a claim the Ninth Circuit did not address."
- New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed. 2d 720 (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." (p. 341)
- Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed. 2d 725 (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." (p. 581)
- 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 ... 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 (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.

FORMS:

6 James A. Rapp, <u>Education Law</u> (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 <u>Am. Jur. Pl. & Pr. Forms</u>, *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 authority
 - §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

ENCYCLOPEDIAS:

67B Am. Jur. 2d Schools (2010). (See 2015 Cum. Supp. pocket part for updated material).

Suspension and expulsion

Power of School Authorities to Suspend or Expel

- § 325. Generally
- § 326. Provided by statute
- § 327. Principals and teachers

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

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 <u>C.J.S.</u> Schools and School Districts (2008)
 Control of pupils and discipline

§ 1082-1096

PAMPHLETS:

• Legal Assistance Resource Center of Connecticut, *School Expulsion: What Is the Process? What Can You Do?* (April 2011).

http://ctlawhelp.org/school-expulsions-when-your-child-is-expelled

 Legal Assistance Resource Center of Connecticut, Your Child's Rights in School (May 2014). 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 <u>catalog</u> directly to search for more treatises.

• Thomas B. Mooney, <u>A Practical Guide to Connecticut School Law</u> (8th ed., 2014).

Chapter 4. Students

- C. Student Discipline, pp. 358-388
 - 1. Corporal Punishment
 - 2. Off-campus conduct and school authority
 - 3. Authorized disciplinary interventions
 - 4. Special education students
- E. Student rights,
 - 2. Search and seizure, pp. 419-433
 - a. Reasonable at inception
 - b. Reasonable in scope
 - c. Appling T.L.O. [New Jersey v. T.L.O., 469 U.S. v. 325 (1985)]
 - 3. Other constitutional rights
 - a. Due process
 - b. Equal protection
 - c. Self-incrimination
 - d. Other constitutional claims
- 3 James A. Rapp, <u>Education Law</u> (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 substance

- § 9.08. Searches and investigations of students
- § 9.09. Student discipline procedures
- § 9.10. Student discipline methods
- 2 Thomas R. Young, <u>Legal Rights of Children</u>, 3d.
 Chapter 17. Federal civil and constitutional rights of school children
 - Section III. The right to be free from unreasonable searches and seizures
 - § 17:18. In general
 - § 17:19. Locker searches
 - § 17:20. Seizures
 - § 17:21. Searches of a student's property or person in general
 - § 17:22. Situations and facts justifying searches
 - § 25: 23. Peron conducting search
 - § 17:24. Legality of using "sniffer dogs" to search for drugs
 - § 17:25. Legality of urine testing in public schools and other tests
 - § 17:26. Legality of using metal detectors at entrances to public schools
 - § 17:27. The intended use of evidence obtained in the search

Section 6: 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.1, § 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>U.S. Const.</u> 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 (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 (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, 127 S. Ct. 2618, 168 L. Ed. 2d 290 (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."

- Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed. 2d 549 (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." (p. 685)
- Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 272-273, 108 S.Ct. 562, 98 L.Ed. 2d 592 (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 <u>Am. Jur. 2d</u> *Schools* (2010). Free Speech Rights, §§ 301-313 (See 2015 Cum. Supp. for updated material)

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, <u>A Practical Guide to Connecticut School Law</u> (8th ed., 2014).

Chapter 4. Students

- C. Student Discipline
 - 2. Off campus conduct and school authority, p. 327 et seq.
- E. Student rights
 - 1. Free speech, p. 372 et seq.
 - a. Tinker standard
 - b. The evolution of free speech rules
- 3 James A. Rapp, <u>Education Law</u> (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, <u>Education Law</u> (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 material
 - § 11.04. Services and activities related to the educational institution
- Michael J. Dale et al., <u>Representing the Child Client</u> (2014). 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*
 - 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

• 2 Thomas R. Young, <u>Legal Rights of Children</u> (3d ed. 2015). Chapter 25 — Freedom of Speech, §§ 17:1 – 17:9.

INTERNET RESOURCES:

- United States Courts Educational Resources http://www.uscourts.gov/EducationalResources.aspx
 - o <u>First Amendment Activities</u>

Section 7: 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 upto-date statutes.

Conn. Gen. Stat. (2015)

- <u>Chapter 98. Municipal powers</u>
 § 7-148 (Amended See <u>2016 supplement</u>). 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, *Curfew Laws for Minors*, Connecticut General Assembly, Office of Legislative Research Report No. <u>2006-R-0581</u> (Oct. 2, 2006).
- Jason K. Matthews, Constitutionality of Hartford's Loitering Ordinance, Connecticut General Assembly, Office of Legislative Research Report No. <u>2002-R-0296</u> (Mar. 27, 2002).

AGENCY GUIDANCE:

- Department of Motor Vehicles, <u>The [Driver's] Curfew Law for 16- and 17- Year-Olds Regarding Prom Season</u> (Last Modified on 1/2/2014).
- Department of Motor Vehicles, <u>Driving Restrictions for 16</u> <u>and 17 Year Olds</u> [Includes Curfew Restrictions for 16 and 17 Year Old Drivers].

COURT 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, (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 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 (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 (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 (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.'..." (p. 539)
- Outb v. Strauss, 11 F.3d 488 (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." (p. 496)

ENCYCLOPEDIAS:

56 <u>Am. Jur. 2d</u> *Municipal Corporations* (2010).
 § 416. Curfews (See 2015 Cum. Supp. for updates)

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.

- 1 Thomas R. Young, <u>Legal Rights of Children</u> (3d ed., 2015). Chapter 11. Restrictions on the legal rights and liberties of adolescents
 - § 11:6. Curfews
 - 6A Eugene McQuillin, <u>The Law of Municipal Corporations</u> (3d ed. revised).
 - Chapter 24 General Nature and Scope of Police Power § 24.113. Curfew Laws [Extensive footnotes contain cases from many jurisdictions, including Connecticut]
- Michael J. Dale et al., <u>Representing the Child Client</u> (2015).
 Chapter 3. The legal status of minors
 - [3] —Right to participate in community activities [e] Restrictions on mobility
 - [ii]. Curfew

Section 8: 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 necessaries; 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 necessaries, 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 necessaries, 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, 360, 838 A.2d 179 (2004).
- "Even when an infant agrees to pay a stipulated price for necessaries, 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 necessaries."

 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 upto-date statutes.

Conn. Gen. Stat. (2015) § 1-1d (Definition of Minor)

Chapter 36a. Deposits
 § 36a-297. Deposits or share accounts of minors.

"A minor may contract to establish a deposit account with any bank or share account with any Connecticut credit union or federal credit union, and may be the owner, or a joint owner, co-owner or beneficiary of any deposit account..."

- 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 OF THE LAW:

Restatement (Second) of Contracts (1981) (See Appendix volumes for additional cases)

§ 7. Voidable contracts

§ 12. Capacity to contract

§ 14. Infants

JURY INSTRUCTIONS:

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

COURT 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, 360, 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, 41-42,522
 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 <u>Am. Jur. Pleading and Practice Forms</u> 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 <u>Am. Jur. Legal Forms 2d</u> (2014)

Chapter 144. Infants

Ratification of agreements

§ 144:23 Form drafting guide—Checklist—Matters to be considered in drafting ratification of minor's agreement

ENCYCLOPEDIAS:

- 42 <u>Am. Jur. 2d</u> *Infants* (2010).
 - IV. Contracts and conveyances, in general §§ 39-115
- 43 <u>C.J.S.</u> *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.

- 1 Thomas R. Young, <u>Legal Rights of Children</u> (3d ed., 2015).
 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: Contracts for necessaries
 - § 10:3. Contracts for necessaries
 - § 10:4. Necessaries defined
 - § 10:5. Statutory changes
 - § 10:6. Consequences of a disaffirmance
 - § 10:7. Misrepresentation of age

- 5 Samuel Williston, <u>A Treatise on the Law of Contracts</u> (4th ed. 2009). (See 2015 pocket part to vol. 5 for updated material)
 - 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 which 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 disaffirmation right
 - § 9:12. What constitute disaffirmation
 - § 9:13. When power of avoidance may be exercised
 - § 9:14. The availability of partial disaffirmation
 - § 9:15. Other consequence of disaffirmation
 - § 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. —Where necessaries are already available to minor
 - § 9:22. False representation of age; Estoppel
 - § 9:23: —Other false representations
 - § 9:24. Infant's ability to bind parent
 - § 9:25. Action by and against infants
- Michael J. Dale et al., <u>Representing the Child Client</u> (2015). 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, <u>Calamari and Perillo on Contracts</u> (6th ed., 2009).
 - Chapter 8. Capacity of minors
 - § 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 9: 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, <u>Adolescent Health Care:</u> <u>Legal Rights of Teens</u> (2010). (Information about the booklet is hosted on the Connecticut Department of Education Website.)
- Access to Information in Juvenile Court Proceedings, <u>Legal</u>
 <u>Guide Medical Treatment of Minors</u> (2016). (Hosted on the
 Connecticut Judicial Branch Website.)
- Access to Information in Juvenile Court Proceedings, <u>Legal</u>
 <u>Guide Health Care Records</u> (2016) (Hosted on the
 Connecticut Judicial Branch Website.)

STATUTES:

You can visit your local law library or search the most recent <u>statutes</u> and <u>public acts</u> on the Connecticut General Assembly website to confirm that you are using the most upto-date statutes.

Conn. Gen. Stat. (2013)

§ 1-1d. Age of Majority, defined.

§ 17a-1, **Definitions. "As used in** sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49, inclusive, 17a-127 and 46b-120,..."

§ 17a-4a. (2016 supplement). **Children's Behavioral Health** Advisory Committee. Membership.

§ 17a-6. Powers and duties of commissioner (*Dept. of Children & Families*)

"(e) Insure that all children under the commissioner's supervision have ... adequate medical, dental, psychiatric, psychological,... services."

§ 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.

§ 17a-688(d). "If the person seeking treatment or rehabilitation for alcohol dependence or drug dependence is a minor, the fact that the minor sought such treatment or rehabilitation or that the minor is receiving such treatment or rehabilitation, shall not be reported or disclosed to the parents or legal guardian of the minor without the minor's consent. The minor may give legal consent to receipt of such treatment and rehabilitation. A minor shall be personally liable for all costs and expenses for alcohol and drug dependency treatment afforded to the minor at the minor's request under section 17a-682."

§ 19a-14c. Provision of outpatient mental health treatment to minors without parental consent.

§ 19a-216. Examination and 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. Informed consent for testing. Exceptions (HIV testing)

(a) "... The consent of a parent or guardian shall not be a prerequisite to testing of a minor."

§ 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.

§ 45a-604(5) '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 - at least 16 years old.

REGULATIONS:

You can visit your local law library or browse the recently adopted regulations page 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. (2008)
 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, 2015)
 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.

- 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. <u>99-R-0180</u> (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:

• <u>In re: Cassandra C.</u>, 316 Conn. 476, 112 A. 3d 158 (2015). "The record amply supports ... [the] finding that Cassandra 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.

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."

- H.L. v. Matheson, 450 U.S. 398, 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, 110 S. Ct. 2926, 111 L.Ed. 2d 344 (1990). The Supreme Court "held that requirement that both parents be notified of minor's abortion decision did not reasonably further any legislative state interest and was 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 <u>Am. Jur. Legal Forms 2d</u> *Parent and Child* (2014)
 - Chapter 191. Parent and child
 - § 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
 - § 191:48. Consent by unmarried pregnant minor—For hospital, medical and surgical care

WEST KEY NUMBER:

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

ENCYCLOPEDIAS:

59 <u>Am. Jur. 2d</u> Parent and Child (2012).
 § 65. Medical and dental care

TEXTS & TREATISES:

- 1 Michael J. Dale et al., <u>Representing the Child Client</u> (2015) Chapter 3. The legal status of minors § 3.02[2][c]. Medical care
- 1 Thomas R. Young, <u>Legal Rights of Children</u> (3d ed., 2015).
 Chapter 11. Restrictions on the legal rights and liberties of adolescents
 - § 11:12. Consent to medical treatment for minors—The

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common law rule

- § 11:13. —Legislative modification
- § 11:14. Minor's right to consent to abortion without parental consent
- § 11:15. Minors right to obtain contraceptives
- § 11:16 —Admission of minors to state mental hospitals

Section 10: Employment Rights of Minors

A Guide to Resources in the Law Library

SCOPE:

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

STATUTES:

You can visit your local law library, search the most recent U.S. Code on the U.S. Code website or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are accessing the most up-to-date laws.

Conn. Gen. Stat. (2015)

§ 10-193. Certificate of age for minors in certain occupations.

<u>§ 10-194</u>. Penalty

"Any person ... who employs any minor under the age of eighteen at any occupation described in subsection (a) of section 10-193 without having obtained a certificate as provided therein shall be fined not more than one hundred dollars."

§ 10-197. Penalty for employment of child under fourteen. § 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. Penalties for violating the provisions of §§ 31-12 to 31-14.

§ 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.

§ 31-24. Hazardous employment of children forbidden. Penalty.

§ 31-25. Operation of elevators by minors.

• United States Code (2015)

29 U.S.C. § 203(I). "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 visit your local law library or browse the recently adopted regulations page on the Secretary of the State website to check if a regulation has been updated.

Conn. Agencies Regs. (3-99).

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

29 Code of Federal Regulations (July 1, 2015)

29 CFR. Part 570 (Rev. 12-29-11)

Child labor regulations, orders and statements of interpretation

Subpart A—General

Subpart B-Certificates of age

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.

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.

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 E-1—Occupations in agriculture particularly hazardous for the employment of children below the age of 16.

 Lynn Marx, 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. <u>2001-R-0271</u> (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, <u>Employment of Minors</u>:
 - o Connecticut Young Worker Health and Safety Team
 - Checklist Employment of Minors
 - FAOs 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)

http://www.ctdol.state.ct.us/wgwkstnd/employminors.htm

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.

- 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 limit this power of election with respect to employment contracts to minors who had been illegally employed." (p. 41-42)
- 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). "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 <u>Am. Jur. Legal Forms 2d</u> (2014)

Chapter 132 Guaranty

§ 132:22. Guaranty by parents—Performance of minor's obligations under employment contract—Letter form

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.

Jeffrey L. Hirsch, <u>Labor and Employment in Connecticut: A</u>
 <u>Guide to Employment Laws, Regulations and Practices,</u>
 (2d ed., 2000)

Chapter 1. Hiring

- § 1-8. Hiring of minors—Child labor
 - [a] Coverage
 - [b] Permissible employment
 - [c] Hours
 - [d] Employment forms
 - [e] Penalties
- Siegel, O'Connor, Zangari, O'Donnell & Beck P.C., <u>Connecticut Labor & Employment Law</u> (3rd ed., 2004).

(See 2010 supp. for updated material)

Chapter 2. Wage and hour provisions

- V. Child labor Laws
 - A. Introduction
 - B. Prohibited occupations
 - C. Prohibited activities
 - D. Restrictions on hours of work
 - E. Exemption from child labor laws
 - F. Proof of age
 - G. Violations
- 2 Thomas R. Young, <u>Legal Rights of Children</u> (3d ed., 2015). Chapter 14. Child labor laws
 - 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. Federal laws—Employment of children under special certificates in jobs paying less than the minimum wage
 - § 14:8. —Hours of employment
 - § 14:9. —Penalties and remedies

- § 14.10. State child labor laws—Historical perspective
- § 14.11. State laws—Minimum age provisions
- § 14:12. —Maximum hours provisions
- § 14:13. —Hazardous employment restrictions
- § 14:14. Defenses and arguments made by violators
- Michael J. Dale et al., <u>Representing the Child Client</u> (2015).
 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., <u>Employment Law</u> (4th ed. Practitioner Treatise Series, 2009).
 - Chapter 4. Wage, hours, and benefits
 - § 4.7. Fair Labor Standards Act—Child labor
- Pamela J. Moore, <u>Connecticut Employment Law</u>, (2d. ed., 2014)
 - Chapter 10. Health and Safety
 - § 10-5 Hazardous Employment for Minors
 - 5:1 Introduction
 - 5:2 Minors prohibited from working in certain industries
 - 5:3 Certificate of age