

SUPREME COURT OF CONNECTICUT

In re William D.

284 Conn. 305 (2007) · Decided November 13, 2007

SUMMARY

The Connecticut Supreme Court considered whether the term “child” in General Statutes § 46b-141 (b) refers to the respondent’s status when the delinquency commitment was initially imposed or when an extension was sought. The court held that the term refers to the respondent’s status at the time of the original delinquency proceeding, permitting extension of the commitment even though the respondent was no longer a “child” under the statutory definition when the extension was granted. The court affirmed the Appellate Court’s judgment.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Katz, J.
JURISDICTION	Connecticut
DECIDED	November 13, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Certified appeal from the judgment of the Appellate Court affirming the trial court's extension of the respondent's delinquency commitment.
STANDARD OF REVIEW	De novo review applies to the question of statutory construction.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; binding precedent in Connecticut.
PARTIES	William D. v. Commissioner of Children and Families

TOPICS

- statutory interpretation
- legislative intent
- rule of lenity
- mootness
- appellate procedure

PRACTICE AREAS

- juvenile delinquency
- criminal procedure
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the term "child" in General Statutes § 46b-141 (b) refers to the respondent's status at the time of the original delinquency commitment or at the time the court considers the motion to extend the commitment.
2. Whether the respondent's appeal was reviewable under the capable-of-repetition-yet-evading-review exception to mootness.

HOLDINGS

1. For purposes of extending a delinquency commitment under § 46b-141 (b), "child" refers to the respondent's status as a child at the time of the original delinquency proceeding and commitment under § 46b-141 (a), not whether the respondent satisfies the definition of child at the time of the extension proceeding.
2. The appeal was reviewable under the capable-of-repetition-yet-evading-review exception to mootness.

KEY QUOTATIONS

"In sum, the delinquency scheme manifestly demonstrates that the term "child" in § 46b-141 (b) refers to the respondent's status at the time of the initial delinquency proceeding under § 46b-141 (a)." (at 321)

"Indeed, as the petitioner pointed out at oral argument in this court, under the respondent's view, a child who has been committed to the petitioner would enter a sort of "legal limbo" to that child's prejudice during the period between his sixteenth birthday and the termination of his commitment." (at 315-316)

FACTUAL BACKGROUND

William D. was adjudicated delinquent and committed to the custody of the Department of Children and Families for up to eighteen months, with an expiration date of May 13, 2005. After being paroled to live with his grandmother and attend public high school, he experienced school problems and tested positive for drugs multiple times. The Commissioner moved to extend his commitment, and the trial court granted the motion after finding that an extension was in the best interest of the respondent and the community, even though he was sixteen and did not then meet the statutory definition of a child.

PROCEDURAL HISTORY

William D. was adjudicated delinquent and committed to the custody of the Department of Children and Families for up to eighteen months. Before the commitment expired, the Commissioner moved under General Statutes § 46b-141 (b) to extend the commitment. The trial court found the extension in the best interest of the respondent and the community and extended the commitment; the Appellate Court affirmed. The Supreme Court granted certification and affirmed the Appellate Court.

DISPOSITION

affirmed

CASES CITED

- In re William D., 97 Conn. App. 600, 905 A.2d 696 (2006)
- Pasquariello v. Stop & Shop Cos., 281 Conn. 656, 663, 916 A.2d 803 (2007)
- Small v. Going Forward, Inc., 281 Conn. 417, 425 n.4, 915 A.2d 298 (2007)
- Renaissance Management Co. v. Connecticut Housing Finance Authority, 281 Conn. 227, 238-39, 915 A.2d 290 (2007)
- State v. Robert H., 273 Conn. 56, 65 n.8, 866 A.2d 1255 (2005)
- In re Jason C., 255 Conn. 565, 575-76 n.12, 767 A.2d 710 (2001)
- Cardenas v. Mixcus, 264 Conn. 314, 322-23, 823 A.2d 321 (2003)
- State v. Lutters, 270 Conn. 198, 211, 219, 853 A.2d 434 (2004)
- Schiano v. Bliss Exterminating Co., 260 Conn. 21, 41, 792 A.2d 835 (2002)
- Johnson v. Commissioner of Correction, 258 Conn. 804, 820, 786 A.2d 1091 (2002)
- State v. Burns, 236 Conn. 18, 26-27, 670 A.2d 851 (1996)
- In re Gault, 387 U.S. 1, 27-28, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967)
- In re Steven M., 264 Conn. 747, 755-56, 826 A.2d 156 (2003)
- Miller's Pond Co., LLC v. New London, 273 Conn. 786, 811-12 n.25, 873 A.2d 965 (2005)
- Ankerman v. Mancuso, 271 Conn. 772, 777, 860 A.2d 244 (2004)