

# POST CONVICTION UNIT PROTOCOLS

## **Purpose:**

The Juvenile Post Conviction and Re-Entry Unit (PCU) was established to fulfill the Division's obligation to its juvenile clients under Practice Book §3-9(e). The PCU provides post conviction advocacy to all clients represented by Public Defenders and Assigned Counsel.

## **Responsibilities:**

The PCU represents clients at: parole revocation hearings; treatment plan hearings; administrative case reviews, treatment plan conferences, discharge planning meetings, educational meetings, motions for extension of commitment and motions for termination of commitment. The Unit also responds to complaints regarding conditions of confinement and claims of abuse and neglect against DCF operated and licensed facilities as well as any other event that occurs between the client and DCF during the commitment period. The PCU does not represent clients at Permanency Plan Hearings.

## **Referral Process:**

The PCU becomes aware of a client only when a referral is sent from a field office or from an attorney acting as Assigned Counsel. For a referral to be accepted by the PCU, all information requested on the form must be provided. *The client should execute the "Case Transfer and Authorization to Release" on the day the client is committed as part of the referral process.* If the attorney of record does not have the client sign the Case Transfer prior to being placed in DCF custody, they will be required to travel to the client's location to obtain the client's signature. The PCU attorney will then file an appearance "in addition to" the attorney of record.

The PCU will handle all post conviction advocacy with the exception of the Permanency Plan Hearing. The Permanency Plan filing date and hearing date are usually identified at the dispositional hearing. Immediately after the attorney of record receives the Permanency Plan, it should be forwarded to the PCU. The PCU attorney will then contact the client and determine their position as to the permanency goal identified and relay the client's position to the attorney of record. That position shall be represented to the Court in the "Statement of Child's Position Regarding Permanency Plan". A sample form is available from the PCU. . It should be noted that the position letter is not required for clients who reach age 18 prior to the Permanency Plan Hearing date.

If the attorney of record would like to provide post conviction advocacy to the client, please contact Attorney James Connolly to clarify this arrangement. In such cases, the PCU will maintain an active client listing in JustWare (DPDS database) but will not provide representation to the client. The active listing would ensure that any information that comes to the attention of the PCU would be passed to the attorney of record. If the PCU and the attorney of record attempt to "share" the post conviction advocacy, this will likely create problems with duplication of effort and confusion on behalf of the client and others providing services to the client.

## **Communications:**

If the attorney of record is a DPDS employee, they can access JustWare for updates on clients referred to the PCU. Assigned Counsel can receive client updates by contacting the PCU directly. If a PCU client appears in court on new charges, the attorney of record shall notify the PCU. The supervising attorney shall assign representation of any new cases as they deem appropriate.