



*State of Connecticut*  
DIVISION OF CRIMINAL JUSTICE  
OFFICE OF THE CHIEF STATE'S ATTORNEY  
300 CORPORATE PLACE  
ROCKY HILL, CONNECTICUT 06067  
TELEPHONE: 860-258-5826  
FAX: 860-258-5858

*Reply to:*  
Francis J. Carino  
Supv. Assistant State's Attorney  
Tel: 860-258-5826  
Pager: 860-490-0647  
E-mail: [francis.carino@ct.gov](mailto:francis.carino@ct.gov)

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**Issue:**

Are the police required to complete and submit a Family Violence Offense Report, form DPS-230-C, when the offender is a juvenile, an unemancipated person under the age of eighteen?

**Analysis:**

Regarding the application of certain mandates relating to matters involving domestic violence, some are applicable when the offender is a juvenile while others are not. The distinction is based on whether the mandate is triggered by the commission of a "family violence crime" or not.

CGS §46b-38b(a) as amended by PA 18-5, says that "(a) Except as provided in subsections (b) and (c) of this section (having to do with dual arrests), whenever a peace officer determines upon speedy information that a **family violence crime** has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person with the appropriate crime." (emphasis added)

CGS §54-1g(a) says that "Any arrested person who is not released sooner or who is charged with a **family violence crime** as defined in section 46b-38a or a violation of section 53a-181c, 53a-181d or 53a-181e shall be promptly presented before the superior court sitting next regularly for the geographical area where the offense is alleged to have been committed. (emphasis added)

Those statutes mandate that an arrest be made when an officer has determined that a "family violence crime" has been committed and that any person charged with a "family violence crime" be presented in court the next day that court is in session. In each situation, the mandate is triggered by the commission of a "family violence crime."

The term "family violence crime" is defined in CGS §46b-38a(3) as "a crime as defined in section 53a-24, **other than a delinquent act**, as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member." (emphasis added) A "delinquent act" is a crime committed by a juvenile, an unemancipated person under the age of eighteen.

Since juveniles, by definition, do not commit “family violence crimes,” the mandatory arrest provision of CGS §46b-38b(a) and the mandated next day court appearance required by CGS §54-1g(a) do not apply when the offender is a juvenile.

CGS §46b-38d(a) mandates that “A peace officer who responds to a **family violence incident** shall complete a family violence offense report, whether or not an arrest occurs.” (emphasis added)

The term “family violence incident” is defined in CGS §46b-38a(1) as “an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members.”

There is no statutory exclusion of juveniles in the definition of a “family violence incident.”

Since a Family Violence Offense Report (DPS-230-C) must be completed whenever an officer “responds to a **family violence incident** . . . , whether or not an arrest occurs,” the report must be completed whether the offender is a juvenile or an adult.

**Conclusion:**

The mandate relating to the arrest of a person that has committed a family violence crime and the mandate that they be presented in court the next court day do not apply to juveniles because they commit “delinquent acts” rather than “family violence crimes.”

The Family Violence Offense Report (DPS-230-C) must be completed whenever an officer responds to a “family violence incident,” whether the offender is a juvenile or an adult and whether there is an arrest or not.

Prepared by:  
Francis J. Carino  
Supervisory Assistant State’s Attorney