Life After Lock-Up

What's Up with School?

Your legal rights when you come back to the community.
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Contact Information
If you have questions about this book or want more information about your legal rights, please call the Center for Children’s Advocacy at (860) 570-5327 or e-mail jmichtom@kidscounsel.org.

The information in this book is based on the law as of January 1, 2009. It is not intended as legal advice for an individual situation.

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What’s Up with School?
Your legal rights when you come back to the community.

Speak up for yourself!

When you leave CJTS, juvenile detention or a residential placement, you face a lot of changes. You’re moving, going back to school, and trying to get back to a normal life after being locked up.

You may have to deal with Parole and Probation Officers, DCF workers, public defenders, and school administrators.

You may think that you don’t have a say in what happens to you when you get out of lock-up. This book tells you about your legal rights and the things you can do to participate in the choices that will affect your life after lock-up.

The best way to have a say in what happens in your life is to know what your rights are and know who can help you if your rights are being violated.
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Getting Ready to Leave

Planning

Who will help me get ready to leave CJTS, Detention or my residential placement?

- Your **Parole Officer** refers you and your parent(s) to services that will help you in your community and makes sure that the services are actually helping you.¹

- If you have problems during your commitment or afterward, the **Juvenile Post-Conviction and Re-Entry Unit of the Public Defenders Office** has lawyers who can help you. They work with youth who are placed in either CJTS or residential facilities and had public defenders or special public defenders.

  They help these youth with any DCF problems that occur during their commitment period and afterward, helping kids to:
  - plan where they will live after commitment,
  - figure out if they will be able to go back to their families,
  - deal with other emergencies that might come up.

  The phone number of the Post-Conviction and Re-Entry Unit is (860) 509-6465.
Planning

How can I get involved in planning for my return to school?

Attend these meetings and SPEAK UP:
While you are in CJTS or your residential placement, meetings will be held that will discuss your return to school. You should be invited to all of these meetings²,³,⁴, and if you have a question or concern, SPEAK UP!

- **Treatment Planning Conference or TPC**
  Your Treatment Planning Conference will take place soon after you arrive at CJTS or your residential placement.⁵

  The Treatment Planning Conference will review your Treatment Plan, which will discuss your return to school, among other things.⁶ You can get a copy of your Treatment Plan.⁷

- **Administrative Case Review or ACR**
  An Administrative Case Review will be held every six months to go over your Treatment Plan.⁸

- **Community Reintegration Plan**
  About two months before you go home, your Parole Officer will complete a Community Reintegration Plan, which will also discuss your return to school.

  Your Parole Officer will also schedule a Community Reintegration Team meeting.⁹ Your Community Reintegration Plan should be discussed at the meeting, which you can attend.¹⁰ When the plan is finished, you will sign it and get a copy.¹¹

*(continued on next page)*
Talk to Your Parole Officer, Pupil Service Specialist or Lawyer.
If you are in CJTS, your Parole Officer and Pupil Service Specialist will be talking to each other about your return to school.

You should let them know if you have any questions or concerns.

If you feel like they are not helping you, you should contact your lawyer or a lawyer from the Post-Conviction and Re-Entry Unit. (See Legal Resources on page 31 of this book.)
Getting Ready to Leave

Services

What kinds of services are available through my Parole Officer for my return to the community?

Your Parole Officer can refer you to many different services. You can also ask for services if you need them. Here are some examples of services you might ask your Parole Officer for:

- Help, like tutoring, so that you can get back on track at school
- Counseling
- Clothing
- A mentor
- Help with housing, food, medical care and/or transportation for your family
- Training so that you can get a job
- Help finding a job
Can I get help even after my parole is over?
Yes. You can get help from the Transitional Services Program. It is a service that Parole provides. You can choose to participate in this program after your parole has ended.14

The purpose of the program is to help you and your parents if you need help for a short period of time after you have successfully completed your delinquency commitment.15 The program can help you find work, housing, mental health and medical care, and educational opportunities.

Your parent or guardian can take you out of transitional services at any time. Services can continue for a maximum of 180 days.16
Where Can I Go to school?

I am about to go home from CJTS or a residential placement. Where can I go to school?

If you are going to live with your family, you have a right to go to school in the district where you live.\(^\text{17}\)

This is true even if you will live with family members other than your parents or legal guardians, but in that case, the school may ask you to show proof that you plan to live there permanently. \(^\text{18}\)

I will be living in a foster home or group home. Where can I go to school?

If you are living in a group home, foster home, or other home through DCF, you have the right to go to school in the district where the home is. \(^\text{19}\)
What if I am Homeless?

I don’t have a permanent place to live. Where can I go to school?

- Federal law says that homeless students can go to school in the district where they were last enrolled, the district where they lived before they were homeless, or in the district where they are staying temporarily.

- If you are living in a temporary shelter (including a DCF facility like a STAR home or temporary foster home), you count as “homeless” under the law and you have a right to go to school either where the shelter is or in the district where you last had a permanent place to live.  

- If you are living out of a car, in a motel, on the street, or staying with friends or relatives temporarily because you have no home, you count as “homeless” and you have a right to go to school either in the district where you are staying or in the district where you last had a permanent place to live.
What if a school district says I am not covered by the federal law for homeless students?

The federal law that covers homeless students is called the McKinney-Vento Act. Every school district in Connecticut has a person who is in charge of making sure the McKinney-Vento Act is enforced. This person is called the McKinney-Vento liaison.

The State Department of Education has a special employee in charge of McKinney-Vento Act questions, and that person can tell you the name of the McKinney-Vento liaison in your school district.

You can call the State Department of Education’s McKinney Vento Act specialist at (860) 807-2058. If you can’t get in touch with the liaison or disagree with the liaison’s decision, call the State Department of Education again.

Your Parole Officer can help you with this, or you can call the Center for Children’s Advocacy at (860) 570-5327.
What if I Want to Go to a Different School?

I don’t want to go back to the school I used to attend. What are my options?

Alternative Schools and Schools in Other Districts
If you qualify for special education, you can argue that you need to attend an alternative school to meet the educational needs in your special education plan. This will depend on what your unique learning needs are.

Transfers
In some situations, you may be able to transfer from your neighborhood school to another school in your school district.

- Federal law lets you transfer to another school if you were the victim of a violent crime at school. You may also be allowed to attend school in another district if you do not have a permanent place to live (see “I don’t have a permanent place to live” on page 12).

- Local districts may also allow a transfer in other situations, like if you are the victim of bullying.

- If you think you will want to attend a school other than your neighborhood public school, call your school or your local board of education and ask about transfers.

(continued on next page)
Magnet Schools and Charter Schools

Students in many districts can apply to attend magnet schools or charter schools.

Magnet schools accept students from more than one district and sometimes have a particular focus, like science, business, or the arts.

Charter schools are privately run schools licensed by the State Department of Education.

Magnet schools and charter schools are free, just like public schools, and your local school district will provide transportation to school just like it would for a regular public school.

To find out more about magnet schools in your area
go to the State Department of Education’s magnet schools website: www.sde.ct.gov/sde/cwp/view.asp?a=2681&q=320450 or call the Magnet Schools Program Manager at (860) 807-2057.

To find out more about charter schools in your area
go to the State Department of Education’s charter schools website: www.sde.ct.gov/sde/cwp/view.asp?a=2681&q=320438 or call the Charter Schools Program Manager at (860) 807-2029.
Enrolling or Registering in School

I am about to go home from being in CJTS, detention, or residential placement. When can I start school?

You should be able to start school right away.\textsuperscript{25}

If you’re going back to a school you were at before, you should see your guidance counselor to get back into your classes.

If you’re going to a new school, you should go to the main office to enroll.

The school says I can’t start until they get my records. Is that true?

No. Your school cannot stop you from going to class just because they do not have your educational records.\textsuperscript{26}

Can the school say I can’t start until after CAPTs, mid-terms, or finals are over?

No. Tell them that you do not have to wait and you have a right to start school immediately.\textsuperscript{27}

\textit{(continued on next page)}
What should I do if the school won’t let me start until my records arrive or until testing is over?

Talk to your parole officer or your lawyer, or call the Center for Children’s Advocacy at (860) 570-5327 (see Legal Resources on page 31).

The school says I can’t enroll because I am not a resident. What can I do?

If the school thinks you are not a resident of the district and says you can no longer attend school there, the law says that they must give you notice and tell you that you can ask for a hearing (see more information about this on pages 12-13).

If you ask for a hearing, you have the right to “stay put.” This means that you can stay at your school until the hearing is over and an official decision is made.
When I tried to go to school, they told me I had to do a special program first. Do I have the right to go to a regular school and regular classes?

In most cases, you have a right to attend a regular school and regular classes. Your school may tell you that you have to go to an alternative program before going back to your regular school. Some of these programs are good and will help you get ready to return to your regular school, but in most cases, you don’t have to go if you don’t want to.

If you do go, you should know how long you are expected to remain there. The program should be transitional, which means that you will eventually go back to your regular school and classes.

Here are some situations where you might be required to do a transitional program:

- If you are in special education, the school has to have a PPT meeting before putting you in a school or program that is different than where other kids go.

- If you are in DCF custody, DCF can place you in an alternative program if your treatment plan requires it and the program provides you with an education.

- If you are on parole or probation, a judge can order you to do a transitional program.

If someone is telling you that you have to do a transitional program before you can go back to your regular school and you are not sure you should, call your lawyer or call the Center for Children’s Advocacy at (860) 570-5327.
I’m older than most of the kids in my grade. Do I have to go to adult education?

Probably not. You have a right to go to school until you are 21 years old. If you try to enroll after you turn 19 and there is no way you can get enough credits to graduate by the time you are 21 years old, the school district can put you in an alternative program, which is usually adult education. Otherwise, you have a right to go to a regular school.

What if I Withdrawed from School?

I officially withdrew from school. Can I go back?

Yes. The law says that you have to go to school until you graduate or turn 18. But if you are 16 or 17 years old, you can withdraw from school, but only with your parent or guardian’s written permission.

If you have withdrawn and want to go back to school, your school may let you start again immediately, but they can make you wait up to 90 school days before letting you enroll again.
Returning to School

Sharing Information with School

What important things should I remember to tell my school when I go back?

• Tell your school what grade you are in.

• Tell your school if you are a special education student. This information will help them make sure you are getting the right education.

• Ask your school to request your educational records from the last place where you did school work (like detention, CJTS, etc.). The law says your new school must request your records from wherever you were before, but you should ask, just to be sure they have done this.
2 Returning to School

Sharing Information with School

Will my school know why I was locked up?
Maybe.

- If you were arrested for a class A misdemeanor or a felony, the police probably told your school district’s superintendent, who can tell your principal and the guidance counselors and social workers. 39

- If you are involved with DCF, DCF may tell your superintendent if they believe that you might cause an imminent risk of injury to other people at the school. The superintendent may then tell your principal, your administrator, and the guidance counselors and school psychologists at your school. 40

- If you were arrested for something that happened at school, your educational record may have details related to your case.

Do I have to tell my school why I was locked up?
No. You have a right to education, and your school cannot require this information before letting you attend school. 41
Does a school need my parents’ permission to get my records?

Schools do not need your parents’ permission to get your records from your previous placement.

The law says that the Judicial Department and DCF must send your educational records from your detention or residential placement to the school you will be attending.  

Do I get credit for the schoolwork I did while I was locked up or at a residential placement?

Yes. You should receive credit for all of the schoolwork that you did and for any grade levels that you finished.
What if my school tells me I can’t get credit?

If your school puts you in the wrong grade level, speak up!

Your school may not have your records yet, so be sure to ask for them. When your school gets your records, it has 30 days to give you credit for all of the schoolwork and grade levels you have completed.45

Make sure to tell your school all of the previous schools that you have attended so that it can get all your records.

What if the school still won’t give me credit, or if the records don’t get sent?

If your school still does not move you to the right grade level or give you credit for the schoolwork you completed, call the Juvenile Post-Conviction and Reentry Unit (see Legal Resources on page 31) or your Parole Officer (if you have one). If they can’t help you, call your lawyer or call the Center for Children’s Advocacy at (860) 570-5327.
I’m getting suspended a lot. What can I do?

- If you have been suspended 10 times or 50 days total in the school year, you have a right to have an expulsion hearing (see details on next page).\(^46\)

- If you are a special education student, you have other rights (see details below and on next page).

- The record of your suspensions will be erased from your school records if you graduate from high school.\(^47\)

I’m a special education student and I’m getting suspended a lot. What can I do?

- You have the right to ask for a PPT meeting to talk about why you are being suspended.

- If you are suspended for more than 10 days (it does not have to be 10 days in a row), then the school should have a PPT meeting.\(^48\) You have a right to go to that meeting, to speak up, and to bring an adult you trust.
Expulsion

My school says I am being expelled. What can I do?

- The law says that you must get written notice before being expelled and the school must hold an expulsion hearing. The notice must also give you the phone number of a lawyer in your area who can help you at your expulsion hearing.49

- Call a lawyer as soon as you get your expulsion notice!

If you do not have enough money to hire a lawyer, call Statewide Legal Services’ Expulsion Project at (860) 453-3320 and they will help you find an attorney that you don’t have to pay for.

What can I do if I’m a special education student and my school says I am being expelled?

- Before you are expelled, your school must have a PPT meeting to talk about whether your behavior was a result of your disability. If it was, then the school cannot expel you.50 You are allowed to be at that meeting, and you can bring a lawyer. This meeting is called a “manifestation determination.”

- If the PPT meeting decides that the behavior that got you in trouble was not a result of your disability, you are still entitled to a hearing with a lawyer. Read the next question to learn more about expulsion hearings and your rights.

(continued on next page)
Can the school expel me for something that happened outside of school?

It depends:

If you sell drugs or possess a gun outside school, you can be expelled.\textsuperscript{51}

Other than that, you can only be expelled if what you did outside of school was against school rules and it causes a serious disruption to the educational process.\textsuperscript{52} That means that what you did somehow makes it difficult for the school to educate other students.

Possession of drugs (without distribution) somewhere outside of school is not enough to justify expelling a student unless the school proves that there is a serious effect on the school.\textsuperscript{53}

What if I get in a fight with one of my classmates right in front of the school just after class ends?

The school might be able to expel you in that case, because the fight happened very close to the school and involved other students.

It would be harder for them to expel you if you got in a fight with someone who didn’t attend your school and the fight happened far away from the school.
If I get expelled, can I go to school somewhere else?

- If you are expelled and you are 16 years old or younger, your school district still has to give you an education. This means that they can send you to an alternative school or give you tutoring at home.

- If you are expelled, you can apply to come back to school early. Ask your guidance counselor or school administrator.

- If you were expelled from one school and try to enroll in another school, the new school can expel you based on what happened at the old school.

  The new school must hold an expulsion hearing, but you cannot attend school while the hearing is pending.

Will the expulsion be on my permanent record?

- The record of your expulsion will be erased from your school records if you graduate from high school. But if your expulsion was for the possession of a firearm or deadly weapon, the record will not be erased.
I was in special education before I went to CJTS or residential placement. Can I get special education services when I go back to school?

Yes.

- Your IEP (Individualized Education Plan) is a paper that lists all of the services you are supposed to get in school, like small classes or extra time to take tests. Your school has to give you the services listed in your IEP.

- When you start school, the principal will probably want to have a PPT (Planning and Placement Team) meeting.

This is an important meeting! You have a right to go to the meeting, and you have a right to speak up.

- Your school should look at the recommendations made at the last PPT meeting you had. They are listed in the IEP.

- You should tell everyone at the meeting what helped you be successful in school and also what didn’t help you.

- You have a right to bring someone to help you in the meeting. You can bring your parent, guardian, lawyer, probation officer, counselor, or another adult you trust.

(continued on next page)
My school says I can’t get special education services until I have a new PPT meeting, but I had one at CJTS or residential placement. Can they make me wait?

No. The place where you were locked up or in residential care is required to make sure ahead of time that your new school will provide you with the special education services you need.

If your new school isn’t ready to give you the special education services you need before you are discharged from detention, residential care or CJTS, the place you are getting discharged from must file a complaint with State Department of Education.
How do I get my juvenile record erased?

Once your court case is closed and you get out from wherever you were locked up, you or your parents or guardians can apply to court to have your court record and any record of your arrest erased.

There are a number of requirements:

- You must wait until two years (four years in the case of some serious offenses) after
  - your case is closed, or
  - you get out from the institution where you were locked up or in residential care

- You must have reached your 16th birthday

- You must not have had any other juvenile charges or adult criminal convictions

You can get your record erased at the Juvenile Court clerk’s office. Tell the clerk you want to file for an “erasure.” You will have to fill out a form, and then you will get a receipt to show that your record was erased.
7

Resources

Legal Resources

Center for Children’s Advocacy ........................................................... (860) 570-5327

Statewide Legal Services ................................................................. 1 -800-453-3320
(Call Mon or Wed from 9am to 3pm; or Tues, Thurs, or Fri from 9am to 4pm)

Connecticut Legal Services
Bridgeport ..................................................................................... (203) 336-3851
New Britain .................................................................................. (860) 225-8678
New London ................................................................................ (860) 447-0323
Stamford .................................................................................... (203) 348-9216
Waterbury ................................................................................... (203) 756-8074
Willimantic ................................................................................ (860) 456-1761

New Haven Legal Assistance ....................................................... (203) 946-4811

Greater Hartford Legal Aid ......................................................... (860) 541-5000

Juvenile Post Conviction and Re-Entry Unit
Office of Chief Public Defender .................................................... (860) 509-6465

Juvenile Public Defenders Offices
Bridgeport ..................................................................................... (203) 579-6599
Danbury ....................................................................................... (203) 207-8650
Hartford ....................................................................................... (860) 244-7940
Middletown .................................................................................. (860) 344-2986
New Britain ................................................................................ (860) 515-5222
New Haven ................................................................................ (203) 786-0330
Norwalk ....................................................................................... (203) 866-9275
Rockville ...................................................................................... (860) 872-7143
Stamford ..................................................................................... (203) 965-5715
Torrington ................................................................................... (860) 489-7096
Waterbury ................................................................................... (203) 596-4179
Waterford ................................................................................... (860) 440-5870
Willimantic ................................................................................ (860) 456-5730
State Resources

Department of Children and Families
Abuse/Neglect Hotline ................................................................. 1-800-842-2288
Ombudsman ................................................................................. 1-866-637-4737

Office of the Child Advocate .......................................................... 1-800-994-0939

State Department of Education
Main number .................................................................................. (860) 713-6543
Bureau of Special Education (Middletown) .................................... (860) 713-6910
Homeless Students (McKinney-Vento Act) Coordinator .............. (860) 807-2058
Charter Schools Program Manager .............................................. (860) 807-2029
Magnet Schools Program Manager .............................................. (860) 807-2057

Community Resources

African Caribbean American Parents of Children with Disabilities (AFCAMP)
Hartford ....................................................................................... (860) 548-9959

Bridgeport Parents for Empowerment, Support & Training (BPEST)
................................................................................................. (203) 416-5415

Connecticut Parent Information and Resource Center ...... 1-800-842-8678
www.ctpirc.org

FAVOR, Statewide Family Advocacy ............................................. (860) 563-3232
www.favor-ct.org

New Haven Family Alliance .......................................................... (203) 786-5970

Padres Abriendo Puertas (PAP)/ Parents Opening Doors
Hartford ....................................................................................... (860) 297-4391
www.parentsopeningdoors.org
Footnotes

7 DCF Policy Manual 36-5-4.
8 DCF Policy Manual 24-3, 24-5.
15 Id.
16 Id.
22 No Child Left Behind Act, P.L. 107-110, §9532.
30 Depending on the services provided in the alternative program, it may not qualify as the free public education guaranteed by Conn. Const., art. VII., §1, and Conn. Gen. Stat. §§ 10-15c(a). You can argue that you have the right not to participate in the alternative program and receive the public education that the law guarantees. In D.C. v. School District of Philadelphia, 879 A.2d. 408 (PA Commonwealth Court 2005), the Juvenile Law Center successfully challenged a Pennsylvania law that barred Philadelphia delinquent youth from returning to regular classes when they were discharged from residential care after successfully completing their course of treatment, because it violated the Due Process Clause of the Constitution.
31 Interdepartmental Memo Re: Day Treatment; From Nancy Capello, Interim Chief, Bureau of Special Education, to Ann-Marie deGraffenreidt, Director of Program Development, Bureau of Juvenile Services, Department of Children and Families; 2/27/07.
41 A free public education is guaranteed to students in Connecticut by Conn. Const, art. VII., § 1, and Conn. Gen. Stat. § 10-186(a). The public education is not conditioned on the disclosure of any particular information.
44 Id.
45 Id.
50 Id.; Conn. Gen. Stat. § 10-233d(i).
57 Id.
59 Id.
65 Id.
9

My Important Phone Numbers

My Lawyer Phone
______________________________________________________________
______________________________________________________________

My Parole or Probation Officer Phone
______________________________________________________________
______________________________________________________________

My Doctor Phone
______________________________________________________________
______________________________________________________________

My Therapist Phone
______________________________________________________________
______________________________________________________________

My Tutor Phone
______________________________________________________________
______________________________________________________________

My DCF Worker Phone
______________________________________________________________