

SUPREME COURT PENDING CASE

The following appeal is assigned for argument in the Supreme Court on May 4, 2017.

IN RE ELIANAH T.-T. et al., SC 19902
Juvenile Matters at New Britain

Juveniles; Neglect; Whether Trial Court Properly Determined that General Statutes § 17a-10 (c) Authorizes the Department of Children and Families to Direct that Children in its Custody be Vaccinated Over the Objections of the Parents. The Department of Children and Families (DCF) filed a petition alleging that the respondent parents' two children were neglected and sought temporary custody of the children. The trial court granted DCF temporary custody and, on the first day of the neglect trial, the parents entered nolo contendere pleas to the neglect petition and agreed that the children should be committed to DCF's care. On that same day, the parents both moved that the children not be vaccinated for common childhood diseases. DCF objected to the parents' motions, and the trial court held a hearing on the issue. The following witnesses testified at the hearing: (1) the respondent mother, (2) a registered nurse, (3) a clinical psychologist, (4) a DCF social worker, and (5) a doctor. Following the hearing, the trial court denied the parents' objections and granted DCF's request that the children be vaccinated. The court found that General Statutes § 17a-10 (c) gave DCF the authority to vaccinate the children and indeed that the statute obligated DCF to vaccinate children in its care. Section 17a-10 (c) provides that "when deemed in the best interests of a child in the custody of the commissioner [of DCF], the commissioner . . . may authorize, on the advice of a physician licensed to practice in this state, medical treatment, including surgery, to insure the continued good health or life of the child." The trial court deemed it unnecessary to address the parents' claims that their objection to vaccination was rooted in their religious beliefs, noting that the children were in DCF's care. The parents appeal, claiming that the order that the children be vaccinated over their objections violates their constitutionally protected right to direct the care and religious education of their children. The parents emphasize that their parental rights have not been terminated, and they claim that their fundamental right to raise their children was not lost or abandoned when they entered nolo contendere pleas to the neglect petition and consented to the children being committed to DCF's custody. Among the parents' other claims are that (1) their right to object to the vaccination of their children on grounds of sincere reli-

gious belief is protected by General Statutes § 10-204a, and (2) DCF lacks statutory authority to order that children in its care receive preventative childhood vaccinations because such vaccinations do not constitute “medical treatment” as contemplated by § 17a-10 (c).

The Practice Book Section 70-9 (a) presumption in favor of coverage by cameras and electronic media does not apply to the case above.

The summary appearing here is not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. This summary is prepared by the Staff Attorneys' Office for the convenience of the bar. It in no way indicates the Supreme Court's view of the factual or legal aspects of the appeal.

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