



Senate

General Assembly

File No. 114

February Session, 2000

Substitute Senate Bill No. 479

Senate, March 20, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning The Uniform Child Custody Jurisdiction And Enforcement Act.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (12) of section 2 of public act 99-185 is
2 repealed and the following is substituted in lieu thereof:

3 (12) "Person" shall have the same meaning as contained in
4 subsection (k) of section 1-1 of the general statutes and shall include a
5 public agency.

6 Sec. 2. Subsection (e) of section 20 of public act 99-185 is repealed
7 and the following is substituted in lieu thereof:

8 (e) If a party alleges [in an affidavit or a pleading] on a form
9 prescribed by the Office of the Chief Court Administrator under oath
10 that the health, safety or liberty of a party or child would be
11 jeopardized by disclosure of [identifying] location information, the
12 information [must be sealed and may] shall not be disclosed to the

13 other party or the public unless the court, after a hearing, determines
14 that it is in the interest of justice that such disclosure be made.

15 Sec. 3. Subsection (d) of section 24 of public act 99-185 is repealed
16 and the following is substituted in lieu thereof:

17 (d) [The respondent must request a] A hearing to contest the
18 validity of the registered determination shall be held within twenty
19 days after service of the notice. At that hearing, the court shall confirm
20 the registered order unless the respondent establishes that: (1) The
21 issuing court did not have jurisdiction under a provision substantially
22 similar to section 12, 13 or 14 of [this act] public act 99-185; (2) the child
23 custody determination sought to be registered has been vacated,
24 stayed or modified by a court having jurisdiction to do so pursuant to
25 a statute substantially similar to sections 12 to 14, inclusive, of [this act]
26 public act 99-185; or (3) the respondent was entitled to notice of the
27 proceedings before the court that issued the order for which
28 registration is sought, but such notice was not given in a manner
29 reasonably calculated to give actual notice.

JUD Committee Vote: Yea 39 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Uncertain

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

State Impact:

The bill requires the court to hold certain hearings within 20 days of the service of notice to the parties, if one of the parties requests it. In cases where the parties request hearings close to the end of the 20-day period, it is uncertain whether the holding of such hearings within a few days or less can be accomplished within available budgetary resources.

OLR Bill Analysis

sSB 479

AN ACT CONCERNING THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT.**SUMMARY:**

This bill makes three small changes in the new Uniform Child Custody Jurisdiction and Enforcement Act, which takes effect on July 1, 2000. (But the bill's effective date is October 1, 2000).

The bill:

1. specifies that when the term "person" is used in the act, it includes public agencies;
2. requires parties to use a form prescribed by the chief court administrator to allege that a child's health or safety would be endangered by disclosure and specifies that it is location, rather than identifying, information that should not be disclosed; and
3. requires the court to hold a hearing when someone contests the registration of a custody determination within 20 days of service of the notice (see COMMENT).

EFFECTIVE DATE: October 1, 2000

CHIEF COURT ADMINISTRATOR'S FORM

Under the act, each party to a child custody proceeding must provide the court with certain information. But a party can allege in an affidavit or pleading under oath that the health, safety, or liberty of a party or child would be endangered by disclosure of identifying information, and it then must not be disclosed unless the court, after a hearing, decides that disclosure is in the interests of justice. This bill requires a party to use a form prescribed by the chief court administrator, rather than an affidavit or pleading, to make this

allegation, and it still must be made under oath. It also specifies that the information to be withheld involves the child's location rather than his identity.

HEARING TO CONTEST REGISTRATION

Under the act, when a party registers copies of a child custody decree from another state for enforcement here, he must provide certified mail or personal service notice to people named in the filing, and they have 20 days to request a hearing to contest the validity of the decree. Any parent or person acting as a parent who has custody or visitation with the child who is subject to the decree must receive this notice. The bill requires the court to hold a hearing on the contested registration within 20 days of service of the notice.

BACKGROUND

Uniform Child Custody Jurisdiction and Enforcement Act

The new act replaces the prior child custody act. It specifies more clearly which state has jurisdiction when parties in a custody or visitation dispute live in different states.

COMMENT

Hearing to Contest Registration of a Decree

The act gives parties 20 days from the service of the notice to request a hearing to contest the validity of a filed custody determination. But the bill requires the court to hold this hearing within 20 days of the service of notice. If the party requests a hearing on the 19th or 20th day after service of the notice, it is not clear how the court will be able to schedule or hold the hearing so quickly.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute Report

Yea 39 Nay 0

