



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

**Testimony of Deborah J. Fuller
Judiciary Committee
March 19, 2008**

**Senate Bill 703, An Act Concerning Court Operations and Related
Matters, Protection Orders and Judgments of Paternity**

Good afternoon. I am here today to testify, on behalf of the Judicial Branch, in support of *Senate Bill 703, An Act Concerning Court Operations and Related Matters, Protection Orders and Judgments of Paternity*. This bill was submitted by the Judicial Branch as part of our legislative package and indeed contains most of the proposals that we requested.

This bill covers a variety of subjects. It contains provisions to enhance the day-to-day operations of our courts, improve the efficiency of the courts and address various problems that have come to light over the past few years. The following is a summary of these provisions:

- Sections 1-2 would break down the statutes prohibiting speeding and following too closely into subsections. The purpose of this language is to allow violations of these statutes to be tracked by category of vehicle. (Sections 37-40 are conforming changes.)
- Sections 3 and 20 would require family relations counselors to act as mandated reporters and ensure that they can disclose the necessary information while acting in that role. Currently, family relations counselors act as mandated reporters pursuant to Judicial Branch policy, although they are not specifically identified in the list of mandated reporters. This practice conflicts with C.G.S. §

46b-38c, which states that information provided to family relations officers shall be confidential. This proposed language would resolve that conflict.

- Sections 4-5 would authorize Judicial Marshals to administer medication to prisoners who are in their custody and would add Judicial Marshals to the statute governing training on the administration of medication. The practice of the Department of Correction is to send prescribed medications with prisoners when they go to court, so that they will have the medication when their doses become due. The marshals understandably do not permit the prisoners to keep the medication in their possession while in Judicial Marshal Services custody, but they do not want to deprive prisoners of prescribed medication. However, the marshals do not currently have statutory authority to administer medication.
- Section 6 would eliminate the infraction option for possession of alcohol by a minor. It would require all minors who have been caught possessing alcohol to appear in court, at which time they can be given notice that their driver's license is subject to suspension.
- Section 7 would authorize the Chief Court Administrator, in the event of a major disaster or public health emergency, to take any action necessary to ensure the continued operation of the courts. These actions could include establishing alternative sites to conduct judicial business, if that became necessary because existing court location(s) could not be used, authorizing the use of technology to conduct court business from an alternative location and suspending any judicial business that is not critical.
- Sections 8 - 9 are yet another step in the Judicial Branch's progress towards a paperless system of document filing and storage.
- Section 10 would indemnify attorneys who have been appointed by the court to act as trustees pursuant to Practice Book § 2-64. The purpose of these appointments is to protect the clients of attorneys who have been suspended or disbarred, or who are otherwise unable to practice law. They are acting as agents of the court and deserve the same protection as state officers and employees.

- Section 11 would allow for the electronic filing of court documents, including criminal court documents such as summons for violations, misdemeanor complaints and criminal summons and informations. Because this language authorizes electronic signatures, it will also allow for electronic booking.
- Sections 12 - 13 would permit alternate jurors to participate in civil case jury deliberations in the event that a regular juror becomes unavailable, as is currently the case for criminal cases. In the event that an alternate juror is substituted in after deliberations have begun, the judge will instruct the jury that deliberations must begin anew.
- Sections 14 and 41 would eliminate the obsolete requirement that all plaintiffs in a civil action who are not inhabitants of this state or who appear unable to pay the costs of the case must file a bond for prosecution. In order to provide protection to defendants in those cases where it is necessary, the language would require the court to set a recognizance bond for costs upon motion of a defendant.
- Section 15 would waive the certified copy fee for all state and federal employees.
- Section 16 would address the shortage of space for small claims file storage by allowing small claims records to be destroyed ten years after disposition of the case. The current language referring to 15 years is vague and unclear in purpose.
- Section 17 would address a technical problem created by section 21 of P.A. 08-1, by making it clear that the violation of probation information that the Judicial Branch posts on the internet may be derived from our Paperless Rearrest Warrant Network (PRAWN).
- Section 18 would allow the municipal surcharge fee established in 2006 to be processed in the same manner as the fee in C.G.S. 51-56a(c) (traumatic brain injury surcharge) and other fees, costs and surcharges. This is a technical correction.
- Sections 19 and 21-26 make technical amendments to the protection order statutes in order to facilitate the state's participation in Project Passport, a

nationwide initiative to improve the recognition and enforcement of protection orders across all jurisdictions. Under this project, nearly half the states have adopted a standard form or passport to improve the recognition and enforcement of protection orders across all jurisdictions. This will enable all protected persons to travel outside the state with some assurance that the orders will be recognized in other states.

- Sections 27 - 36 would promote consistency in the way that our courts deal with existing paternity judgments by codifying the Connecticut Supreme Court's holding in *Cardona v. Negron*, which held that where a paternity judgment exists, the court lacks the authority to order genetic tests unless the judgment is first opened.

In conclusion, I respectfully request that the committee take action to vote this bill out of committee. Thank you for your consideration.