



General Assembly

January Session, 2009

Raised Bill No. 6404

LCO No. 3004

03004_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING INDEMNIFICATION AND IMMUNITY FOR CERTAIN CHILD PROTECTION ATTORNEYS AND GUARDIAN AD LITEMS.

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

1 Section 1. Section 4-141 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 As used in this chapter:

4 (1) "Claim" means a petition for the payment or refund of money by
5 the state or for permission to sue the state; ["just claim"]

6 (2) "Just claim" means a claim which in equity and justice the state
7 should pay, provided the state has caused damage or injury or has
8 received a benefit; ["person"]

9 (3) "Person" means any individual, firm, partnership, corporation,
10 limited liability company, association or other group, including
11 political subdivisions of the state; ["state agency"]

12 (4) "State agency" includes every department, division, board, office,

13 commission, arm, agency and institution of the state government,
14 whatever its title or function; and ["state officers and employees"]

15 (5) "State officers and employees" includes every person elected or
16 appointed to or employed in any office, position or post in the state
17 government, whatever such person's title, classification or function
18 and whether such person serves with or without remuneration or
19 compensation, including judges of probate courts, employees of such
20 courts and special limited conservators appointed by such courts
21 pursuant to section 17a-543a. In addition to the foregoing, "state
22 officers and employees" includes attorneys appointed as victim
23 compensation commissioners, attorneys appointed by the Public
24 Defender Services Commission as public defenders, assistant public
25 defenders or deputy assistant public defenders and attorneys
26 appointed by the court as special assistant public defenders, attorneys
27 providing legal services or serving as guardians ad litem pursuant to
28 subdivision (1) of subsection (a) of section 46b-123d, the Attorney
29 General, the Deputy Attorney General and any associate attorney
30 general or assistant attorney general, any other attorneys employed by
31 any state agency, any commissioner of the Superior Court hearing
32 small claims matters or acting as a fact-finder, arbitrator or magistrate
33 or acting in any other quasi-judicial position, any person appointed to
34 a committee established by law for the purpose of rendering services
35 to the Judicial Department, including, but not limited to, the Legal
36 Specialization Screening Committee, the State-Wide Grievance
37 Committee, the Client Security Fund Committee, the advisory
38 committee appointed pursuant to section 51-81d and the State Bar
39 Examining Committee, any member of a multidisciplinary team
40 established by the Commissioner of Children and Families pursuant to
41 section 17a-106a, and any physicians or psychologists employed by
42 any state agency. "State officers and employees" [shall] does not
43 include any medical or dental intern, resident or fellow of The
44 University of Connecticut when [(1)] (A) the intern, resident or fellow
45 is assigned to a hospital affiliated with the university through an
46 integrated residency program, and [(2)] (B) such hospital provides

47 protection against professional liability claims in an amount and
48 manner equivalent to that provided by the hospital to its full-time
49 physician employees.

50 Sec. 2. Section 4-165 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2009*):

52 (a) No state officer or employee shall be personally liable for
53 damage or injury, not wanton, reckless or malicious, caused in the
54 discharge of his or her duties or within the scope of his or her
55 employment. Any person having a complaint for such damage or
56 injury shall present it as a claim against the state under the provisions
57 of this chapter.

58 (b) For the purposes of this section, (1) "scope of employment"
59 includes, but is not limited to, (A) representation by an attorney
60 appointed by the Public Defender Services Commission as a public
61 defender, assistant public defender or deputy assistant public defender
62 or an attorney appointed by the court as a special assistant public
63 defender of an indigent accused or of a child on a petition of
64 delinquency, (B) representation by such other attorneys, referred to in
65 section 4-141, of state officers and employees in actions brought
66 against such officers and employees in their official and individual
67 capacities, (C) the discharge of duties as a trustee of the state
68 employees retirement system, (D) the discharge of duties of a
69 commissioner of the Superior Court hearing small claims matters or
70 acting as a fact-finder, arbitrator or magistrate or acting in any other
71 quasi-judicial position, (E) the discharge of duties of a person
72 appointed to a committee established by law for the purpose of
73 rendering services to the Judicial Department, including, but not
74 limited to, the Legal Specialization Screening Committee, the State-
75 Wide Grievance Committee, the Client Security Fund Committee, the
76 advisory committee appointed pursuant to section 51-81d and the
77 State Bar Examining Committee, [and] (F) military duty performed by
78 the armed forces of the state while under state active duty, and (G)

79 representation by an attorney providing legal services pursuant to
80 subdivision (1) of subsection (a) of section 46b-123d, or the discharge
81 of duties as guardian ad litem pursuant to said subdivision; provided
82 the actions described in subparagraphs (A) to [(F)] (G), inclusive, of
83 this subdivision arise out of the discharge of the duties or within the
84 scope of employment of such officers or employees, and (2) "state
85 employee" includes a member or employee of the soil and water
86 district boards established pursuant to section 22a-315.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	4-141
Sec. 2	<i>October 1, 2009</i>	4-165

Statement of Purpose:

To provide immunity to attorneys in certain family and juvenile matters when paid by the state and appointed by (1) the Chief Child Protection Attorney, or (2) the court from a list of qualified attorneys provided by the Chief Child Protection Attorney.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]