



General Assembly

January Session, 2009

Raised Bill No. 6700

LCO No. 5059

05059_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE APPOINTMENT AND COMPENSATION
OF FAMILY SUPPORT MAGISTRATES.**

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

1 Section 1. Subsections (f) and (g) of section 46b-231 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2010*):

4 (f) (1) (A) The Family Support Magistrate Division shall include nine
5 family support magistrates who shall, (i) prior to January 1, 2010, be
6 appointed by the Governor to serve in that capacity for a term of three
7 years, and (ii) on and after January 1, 2010, be nominated by the
8 Governor and appointed by the General Assembly to serve in that
9 capacity for a term of five years, except that each family support
10 magistrate serving on December 30, 2009, shall continue to serve in
11 that capacity on and after January 1, 2010, until the expiration of such
12 magistrate's three-year term, unless removed from office pursuant to
13 this subsection, and shall continue to serve after the expiration of such
14 three-year term until a successor is appointed or the family support
15 magistrate's nomination has failed to be approved in accordance with
16 this subsection. A family support magistrate may be [reappointed

17 upon completion of his term of office] nominated by the Governor for
18 reappointment.

19 (B) To be eligible for [appointment,] nomination as a family support
20 magistrate, a person must have engaged in the practice of law for five
21 years prior to [his appointment] the person's appointment and [shall]
22 be experienced in the field of family law. [He] A family support
23 magistrate shall devote full time to his or her duties as a family
24 support magistrate and shall not engage in the private practice of law.

25 (2) Each nomination made by the Governor to the General
26 Assembly for a family support magistrate shall be referred, without
27 debate, to the committee on the judiciary, which shall report thereon
28 within thirty legislative days from the time of reference, but no later
29 than seven legislative days before the adjourning of the General
30 Assembly.

31 (3) Each appointment of a family support magistrate shall be by
32 concurrent resolution. The action on the passage of each such
33 resolution in the House of Representatives and in the Senate shall be
34 by vote taken on the electrical roll-call device. No resolution shall
35 contain the name of more than one nominee. The Governor shall,
36 within five days after the Governor has notice that any family support
37 magistrate nomination has failed to be approved by the affirmative
38 concurrent action of both houses of the General Assembly, make
39 another nomination to such office.

40 (4) Notwithstanding the provisions of section 4-19, no vacancy in
41 the position of a family support magistrate shall be filled by the
42 Governor when the General Assembly is not in session unless, prior to
43 such filling, the Governor submits the name of the proposed vacancy
44 appointee to the committee on the judiciary. Within forty-five days, the
45 committee on the judiciary may, upon the call of either chairperson,
46 hold a special meeting for the purpose of approving or disapproving
47 such proposed vacancy appointee by majority vote. The Governor
48 shall not administer the oath of office to such proposed vacancy

49 appointee until the committee has approved such proposed vacancy
50 appointee. If the committee determines that it cannot complete its
51 investigation and act on such proposed vacancy appointee within such
52 forty-five-day period, it may extend such period by an additional
53 fifteen days. The committee shall notify the Governor in writing of any
54 such extension. Failure of the committee to act on such proposed
55 vacancy appointee within such forty-five-day period or any fifteen-day
56 extension period shall be deemed to be an approval.

57 (5) Prior to a public hearing on a family support magistrate, the
58 committee on the judiciary may employ a person to investigate, at the
59 request of the chairpersons of said committee, any family support
60 magistrate nominee with respect to the suitability of such nominee for
61 magisterial office. Such investigator shall report his or her findings to
62 said committee and any such report shall be confidential and shall not
63 be subject to public disclosure. Such person shall receive such
64 compensation as may be fixed by the Joint Committee on Legislative
65 Management for each day such person is engaged in his or her duties
66 as an investigator.

67 (6) A family support magistrate may be removed from office by the
68 Governor for cause and is subject to admonishment, censure,
69 suspension and removal from office as provided in chapter 872a.

70 (g) A Chief Family Support Magistrate shall be designated by the
71 Chief Court Administrator of the Superior Court from among the nine
72 family support magistrates appointed [by the Governor] pursuant to
73 subsection (f) of this section, except that the Chief Family Support
74 Magistrate serving in that capacity on December 30, 2009, shall
75 continue to serve in that capacity on and after January 1, 2010, until the
76 expiration of such family support magistrate's term, unless a successor
77 is designated by the Chief Court Administrator or such family support
78 magistrate is removed from office pursuant to this subsection or such
79 family support magistrate's nomination has failed to be approved in
80 accordance with this subsection. Under the direction of the Chief Court

81 Administrator, the Chief Family Support Magistrate shall supervise
82 the Family Support Magistrate Division and submit an annual report
83 to the Chief Court Administrator and perform such other duties as
84 provided in this section.

85 Sec. 2. Subsection (h) of section 46b-231 of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *October 1, 2011*):

88 (h) (1) On and after April 1, 2002, the Chief Family Support
89 Magistrate shall receive a salary of one hundred eight thousand eight
90 hundred twenty-one dollars, and other family support magistrates
91 shall receive an annual salary of one hundred three thousand five
92 hundred sixty-nine dollars.

93 (2) On and after January 1, 2005, the Chief Family Support
94 Magistrate shall receive a salary of one hundred fourteen thousand
95 eight hundred six dollars, and other family support magistrates shall
96 receive an annual salary of one hundred nine thousand two hundred
97 sixty-five dollars.

98 (3) On and after January 1, 2006, the Chief Family Support
99 Magistrate shall receive a salary of one hundred twenty-one thousand
100 one hundred twenty dollars, and other family support magistrates
101 shall receive an annual salary of one hundred fifteen thousand two
102 hundred seventy-five dollars.

103 (4) On and after January 1, 2007, the Chief Family Support
104 Magistrate shall receive a salary of one hundred twenty-seven
105 thousand seven hundred eighty-two dollars, and other family support
106 magistrates shall receive an annual salary of one hundred twenty-one
107 thousand six hundred fifteen dollars.

108 (5) On and after October 1, 2011, each family support magistrate
109 shall:

110 (A) During his or her first year of service as a family support

111 magistrate, receive an annual salary of six thousand dollars less than
112 the highest step level of a Superior Court judge;

113 (B) During his or her second year of service as a family support
114 magistrate, receive an annual salary of five thousand dollars less than
115 the highest step level of a Superior Court judge;

116 (C) During his or her third year of service as a family support
117 magistrate, receive an annual salary of four thousand dollars less than
118 the highest step level of a Superior Court judge;

119 (D) During his or her fourth year of service as a family support
120 magistrate, receive an annual salary of three thousand dollars less than
121 the highest step level of a Superior Court judge;

122 (E) During his or her fifth year of service as a family support
123 magistrate, receive an annual salary of two thousand dollars less than
124 the highest step level of a Superior Court judge; and

125 (F) During his or her sixth and subsequent year of service as a
126 family support magistrate, receive an annual salary of one thousand
127 dollars less than the highest step level of a Superior Court judge.

128 Sec. 3. Subsection (b) of section 51-51q of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective*
130 *October 1, 2010*):

131 (b) The Judicial Review Council shall submit its recommendations
132 concerning the nomination for reappointment of any family support
133 magistrate whose term of office is about to expire, including a report of
134 any investigation of any such family support magistrate by the council,
135 to the Governor and to the joint standing committee of the General
136 Assembly having cognizance of matters relating to the judiciary. The
137 Judicial Review Council shall provide information to said committee
138 concerning any complaint filed against such family support magistrate
139 and the investigation and disposition of such complaint, including, but
140 not limited to, confidential information, in the same manner and

141 subject to the same requirements as information provided under
142 subdivisions (1) and (2) of subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	46b-231(f) and (g)
Sec. 2	<i>October 1, 2011</i>	46b-231(h)
Sec. 3	<i>October 1, 2010</i>	51-51q(b)

Statement of Purpose:

To provide that future appointments and reappointments of family support magistrates be subject to approval by the General Assembly, and provide terms of office and compensation for such magistrates commensurate with the terms of office and compensation of workers' compensation commissioners.

[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.]