



Substitute House Bill No. 6700

Public Act No. 09-139

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

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

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 Subsections (f) and (g) of section 46b-231 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(f) (1) (A) The Family Support Magistrate Division shall include nine family support magistrates who shall, (i) prior to January 1, 2010, be appointed by the Governor to serve in that capacity for a term of three years, and (ii) on and after January 1, 2010, be nominated by the Governor and appointed by the General Assembly to serve in that capacity for a term of four years, except that each family support magistrate serving on December 31, 2009, shall continue to serve in that capacity on and after January 1, 2010, until the expiration of such magistrate's three-year term, unless removed from office pursuant to this subsection, and shall continue to serve after the expiration of such three-year term until a successor is appointed or the family support magistrate's nomination has failed to be approved in accordance with this subsection. A family support magistrate may be [reappointed upon completion of his term of office] nominated by the Governor for reappointment.

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

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

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

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

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

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

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

(g) A Chief Family Support Magistrate shall be designated by the Chief Court Administrator of the Superior Court from among the nine family support magistrates appointed [by the Governor] pursuant to subsection (f) of this section, except that the Chief Family Support Magistrate serving in that capacity on December 31, 2009, shall continue to serve in that capacity on and after January 1, 2010, until the expiration of such family support magistrate's term, unless a successor is designated by the Chief Court Administrator or such family support magistrate is removed from office pursuant to subsection (f) of this section or such family support magistrate's nomination has failed to be approved in accordance with subsection (f) of this section. Under the

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

Sec. 2. Subsection (b) of section 51-51q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(b) The Judicial Review Council shall submit its recommendations concerning the nomination for reappointment of any family support magistrate whose term of office is about to expire, including a report of any investigation of any such family support magistrate by the council, to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. The Judicial Review Council shall provide information to said committee concerning any complaint filed against such family support magistrate and the investigation and disposition of such complaint, including, but not limited to, confidential information, in the same manner and subject to the same requirements as information provided under subdivisions (1) and (2) of subsection (a) of this section.

Vetoed June 19, 2009