



General Assembly

January Session, 2011

Raised Bill No. 6426

LCO No. 3550

03550_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE APPOINTMENT 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2 statutes are repealed and the following is substituted in lieu thereof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, 2012*):

4 (f) (1) (A) The Family Support Magistrate Division shall include nine
5 family support magistrates who shall, (i) prior to January 1, 2012, 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, 2012, be nominated by the
8 Governor and appointed by the General Assembly to serve in that
9 capacity for a term of four years, except that each family support
10 magistrate serving on December 31, 2011, shall continue to serve in
11 that capacity on and after January 1, 2012, 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 nomination by the
22 Governor and [shall] be experienced in the field of family law. [He] A
23 family support magistrate shall devote full time to his or her duties as
24 a family support magistrate and shall not engage in the private
25 practice of law.

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

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

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

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

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

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

71 (g) A Chief Family Support Magistrate shall be designated by the
72 Chief Court Administrator of the Superior Court from among the nine
73 family support magistrates appointed [by the Governor] pursuant to
74 subsection (f) of this section, except that the Chief Family Support
75 Magistrate serving in that capacity on December 31, 2011, shall
76 continue to serve in that capacity on and after January 1, 2012, until the
77 expiration of such family support magistrate's term, unless a successor
78 is designated by the Chief Court Administrator or such family support
79 magistrate is removed from office pursuant to subsection (f) of this
80 section or such family support magistrate's nomination has failed to be

81 approved in accordance with subsection (f) of this section. Under the
 82 direction of the Chief Court Administrator, the Chief Family Support
 83 Magistrate shall supervise the Family Support Magistrate Division and
 84 submit an annual report to the Chief Court Administrator and perform
 85 such other duties as provided in this section.

86 Sec. 2. Subsection (b) of section 51-51q of the general statutes is
 87 repealed and the following is substituted in lieu thereof (*Effective*
 88 *January 1, 2012*):

89 (b) The Judicial Review Council shall submit its recommendations
 90 concerning the nomination for reappointment of any family support
 91 magistrate whose term of office is about to expire, including a report of
 92 any investigation of any such family support magistrate by the council,
 93 to the Governor and to the joint standing committee of the General
 94 Assembly having cognizance of matters relating to the judiciary. The
 95 Judicial Review Council shall provide information to said committee
 96 concerning any complaint filed against such family support magistrate
 97 and the investigation and disposition of such complaint, including, but
 98 not limited to, confidential information, in the same manner and
 99 subject to the same requirements as information provided under
 100 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, 2012</i>	46b-231(f) and (g)
Sec. 2	<i>January 1, 2012</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.

[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.]