



Substitute Senate Bill No. 982

Public Act No. 11-177

AN ACT CONCERNING A PILOT TRUANCY CLINIC IN WATERBURY.

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

Section 1. (NEW) (*Effective from passage*) (a) The Probate Court Administrator may, within available appropriations, establish a pilot truancy clinic within the regional children's probate court for the district of Waterbury. The administrative judge of the regional children's probate court for the district of Waterbury shall administer the truancy clinic.

(b) The principal of any elementary or middle school in the Waterbury school district, or the principal's designee, may refer to the truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a of the general statutes, or at risk of becoming a truant. Upon receiving such referral, the truancy clinic shall prepare a citation and summons for the parent or guardian of the child to appear at the clinic. An attendance officer authorized pursuant to section 10-199 of the general statutes, or an officer authorized pursuant to section 10-200 of the general statutes, shall deliver the citation, summons and a copy of the referral to the parent or guardian.

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(c) The administrative judge of the regional children's probate court for the district of Waterbury may refer any matter referred to the truancy clinic to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a of the general statutes to hear the matter.

(d) The truancy clinic shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy clinic shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the clinic.

(e) The Probate Court Administrator shall establish policies and procedures to implement the truancy clinic and measure the clinic's effectiveness.

(f) Not later than September 1, 2012, and annually thereafter, the administrative judge of the regional children's probate court for the district of Waterbury shall file a report with the Probate Court Administrator assessing the truancy clinic's effectiveness.

(g) Not later than January 1, 2015, the Probate Court Administrator shall submit, in accordance with section 11-4a of the general statutes, a report assessing the effectiveness of the truancy clinic to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

Sec. 2. Section 45a-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) In any matter pending in any court of probate, except an

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involuntary patient matter or involuntary commitment matter under chapter 319i, a temporary custody matter under part II of chapter 802h, or an involuntary representation matter under part IV of chapter 802h, the court may refer the matter, with the consent of the parties or their attorneys, to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter.

(2) The probate magistrate or attorney probate referee to whom the matter is referred shall hear the matter and file a report with the court on his or her findings of fact and conclusions drawn therefrom not later than sixty days after the conclusion of such hearing. The probate magistrate or attorney probate referee may file an amendment to the report with the court prior to the date the court accepts, modifies or rejects the report pursuant to subdivision (4) of this subsection. Upon the filing of any report or amendment to a report under this subdivision, the probate clerk shall provide a copy of the report or amendment to the report to the parties and their attorneys.

(3) Any party aggrieved by a finding of fact or a conclusion drawn therefrom in a report or amendment to a report may file an objection with the court not later than twenty-one days after the date the report was filed pursuant to subdivision (2) of this subsection.

(4) At least twenty-one days after a report is filed pursuant to subdivision (2) of this subsection, the court shall hold a hearing on the report and any amendment to the report or objection filed pursuant to this subsection. Not later than thirty days after the conclusion of a hearing under this subdivision, the court shall determine whether to accept, modify or reject the report or any amendment to the report. If the court finds that the probate magistrate or attorney probate referee has materially erred in his or her findings or conclusions in such report or amendment or that there are other sufficient reasons why the report or amendment should not be accepted, the court shall, in the court's

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discretion, modify or reject the report or amendment. If the court rejects the report and any amendment to the report, the court may hear and determine the matter or refer the matter to a different probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter and report his or her findings of fact and conclusions drawn therefrom in accordance with subdivision (2) of this subsection, provided the parties or their attorneys consent to such referral. If the court accepts or modifies the report or amendment, the court shall issue a decree.

(5) The court shall give notice to the parties and their attorneys of the time and place of any hearing under this subsection.

(b) A probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a may hear any matter referred to such probate magistrate or attorney probate referee by the truancy clinic established in section 1 of this act.

[(b)] (c) Each probate magistrate and attorney probate referee shall be sworn to faithfully perform the duties of a probate magistrate or attorney probate referee, as the case may be, and shall have all the powers conferred by law upon judges of probate for procuring the attendance of witnesses and for punishing for contempt.

Approved July 13, 2011