



House of Representatives

General Assembly

File No. 294

January Session, 2013

Substitute House Bill No. 6387

House of Representatives, April 2, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Section 46b-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 Matters within the jurisdiction of the Superior Court deemed to be
4 family relations matters shall be matters affecting or involving: (1)
5 Dissolution of marriage, contested and uncontested, except dissolution
6 upon conviction of crime as provided in section 46b-47; (2) legal
7 separation; (3) annulment of marriage; (4) alimony, support, custody
8 and change of name incident to dissolution of marriage, legal
9 separation and annulment; (5) actions brought under section 46b-15, as
10 amended by this act; (6) complaints for change of name; (7) civil
11 support obligations; (8) habeas corpus and other proceedings to
12 determine the custody and visitation of children; (9) habeas corpus
13 brought by or on behalf of any mentally ill person except a person
14 charged with a criminal offense; (10) appointment of a commission to
15 inquire whether a person is wrongfully confined as provided by

16 section 17a-523; (11) juvenile matters as provided in section 46b-121;
17 (12) all rights and remedies provided for in chapter 815j; (13) the
18 establishing of paternity; (14) appeals from probate concerning: (A)
19 Adoption or termination of parental rights; (B) appointment and
20 removal of guardians; (C) custody of a minor child; (D) appointment
21 and removal of conservators; (E) orders for custody of any child; and
22 (F) orders of commitment of persons to public and private institutions
23 and to other appropriate facilities as provided by statute; (15) actions
24 related to prenuptial and separation agreements and to matrimonial
25 and civil union decrees of a foreign jurisdiction; (16) dissolution, legal
26 separation or annulment of a civil union performed in a foreign
27 jurisdiction; (17) custody [proceeding] proceedings brought under the
28 provisions of chapter 815p; and [(17)] (18) all such other matters within
29 the jurisdiction of the Superior Court concerning children or family
30 relations as may be determined by the judges of said court.

31 Sec. 2. Subsection (b) of section 46b-15 of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2013*):

34 (b) The application form shall allow the applicant, at the applicant's
35 option, to indicate whether the respondent holds a permit to carry a
36 pistol or revolver or possesses one or more firearms. The application
37 shall be accompanied by an affidavit made under oath which includes
38 a brief statement of the conditions from which relief is sought. Upon
39 receipt of the application the court shall order that a hearing on the
40 application be held not later than fourteen days from the date of the
41 order. The court, in its discretion, may make such orders as it deems
42 appropriate for the protection of the applicant and such dependent
43 children or other persons as the court sees fit. In making such orders,
44 the court, in its discretion, may consider relevant court records if the
45 records are available to the public from a clerk of the Superior Court or
46 on the Judicial Branch's Internet web site. Such orders may include
47 temporary child custody or visitation rights, and such relief may
48 include, but is not limited to, an order enjoining the respondent from
49 (1) imposing any restraint upon the person or liberty of the applicant;

50 (2) threatening, harassing, assaulting, molesting, sexually assaulting or
51 attacking the applicant; or (3) entering the family dwelling or the
52 dwelling of the applicant. Such order may include provisions
53 necessary to protect any animal owned or kept by the applicant
54 including, but not limited to, an order enjoining the respondent from
55 injuring or threatening to injure such animal. If an applicant alleges an
56 immediate and present physical danger to the applicant, the court may
57 issue an *ex parte* order granting such relief as it deems appropriate. If a
58 postponement of a hearing on the application is requested by either
59 party and granted, the *ex parte* order shall not be continued except
60 upon agreement of the parties or by order of the court for good cause
61 shown. If a hearing on the application is scheduled or an *ex parte* order
62 is granted and the court is closed on the scheduled hearing date, the
63 hearing shall be held on the next day the court is open and any such *ex*
64 *parte* order shall remain in effect until the date of such hearing.

65 Sec. 3. Section 46b-38tt of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2013*):

67 (a) [Two persons who are parties] Either party to a valid civil union
68 performed in a foreign jurisdiction may bring an action for dissolution,
69 annulment or legal separation of the civil union in this state, and the
70 Superior Court may enter an order of dissolution, annulment or legal
71 separation of the civil union.

72 (b) The procedures and requirements in the general statutes for the
73 dissolution, annulment or legal separation of a marriage, whether
74 applicable prejudgment or postjudgment, or requirements for
75 enforcement or modification of a foreign matrimonial judgment, shall
76 apply to the dissolution, annulment or legal separation of a civil union
77 or enforcement or modification of a foreign civil union judgment. The
78 substantive law in the general statutes that applies to the dissolution of
79 a marriage, annulment or legal separation, whether applicable
80 prejudgment or postjudgment, shall apply to the dissolution,
81 annulment or legal separation of a valid civil union performed in a
82 foreign jurisdiction.

83 Sec. 4. (NEW) (*Effective October 1, 2013*) (a) Any person seeking
84 custody of a minor child pursuant to section 46b-56 of the general
85 statutes or pursuant to an action brought under section 46b-40 of the
86 general statutes may make an application to the Superior Court for an
87 emergency ex parte order of custody when such person believes an
88 immediate and present risk of physical danger or psychological harm
89 to the child exists.

90 (b) The application shall be accompanied by an affidavit made
91 under oath which includes a statement (1) of the conditions requiring
92 an emergency ex parte order, (2) that an emergency ex parte order is in
93 the best interests of the child, and (3) of the actions taken by the
94 applicant or any other person to inform the respondent of the request
95 or, if no such actions to inform the respondent were taken, the reasons
96 why the court should consider such application on an ex parte basis
97 absent such actions.

98 (c) Upon receipt of the application, the court shall order that a
99 hearing on the application be held not later than fourteen days from
100 the date of such order for hearing. If, prior to or after such hearing, the
101 court finds that an immediate and present risk of physical danger or
102 psychological harm to the child exists, the court may, in its discretion,
103 issue an emergency ex parte order for the protection of the child and
104 may inform the Department of Children and Families of relevant
105 information in the affidavit for investigation purposes. The emergency
106 ex parte order may provide temporary child custody or visitation
107 rights and may enjoin the respondent from: (1) Removing the child
108 from the state; (2) interfering with the applicant's custody of the child;
109 (3) interfering with the child's educational program; or (4) taking any
110 other specific action if the court determines that prohibiting such
111 action is in the best interests of the child. If a postponement of a
112 hearing on the application is requested by either party and granted, no
113 ex parte order shall be granted or continued except upon agreement of
114 the parties or by order of the court for good cause shown.

115 (d) The applicant shall cause notice of the hearing and a copy of the

116 application, the applicant's affidavit, and the ex parte order, if issued,
117 to be served on the respondent not less than five days before the
118 hearing on the application.

119 Sec. 5. Subdivision (8) of subsection (c) of section 46b-129 of the
120 general statutes is repealed and the following is substituted in lieu
121 thereof (*Effective October 1, 2013*):

122 (8) If the person named as the father appears and admits that he is
123 the father, provide him and the mother with the notices that comply
124 with section 17b-27 and provide them with the opportunity to sign a
125 paternity acknowledgment and affirmation on forms that comply with
126 section 17b-27. Such documents shall be executed and filed in
127 accordance with chapter 815y and a copy delivered to the clerk of the
128 superior court for juvenile matters. The clerk of the superior court for
129 juvenile matters shall send [a certified copy of] the original paternity
130 acknowledgment and affirmation to the Department of Public Health
131 for filing in the paternity registry maintained under section 19a-42a,
132 and shall maintain a [certified] copy of the paternity acknowledgment
133 and affirmation in the court file;

134 Sec. 6. Subsection (n) of section 46b-129 of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective*
136 *October 1, 2013*):

137 (n) If the court has ordered legal guardianship of a child or youth to
138 be vested in a suitable and worthy person pursuant to subsection (j) of
139 this section, the child's or youth's parent or former legal guardian may
140 file a [petition] motion to reinstate guardianship of the child or youth
141 in such parent or former legal guardian. Upon the filing of such a
142 [petition] motion, the court may order the Commissioner of Children
143 and Families to investigate the home conditions and needs of the child
144 or youth and the home conditions of the person seeking reinstatement
145 of guardianship, and to make a recommendation to the court. A party
146 to a [petition] motion for reinstatement of guardianship shall not be
147 entitled to court-appointed counsel or representation by Division of
148 Public Defender Services assigned counsel, except as provided in

149 section 46b-136. Upon finding that the cause for the removal of
150 guardianship no longer exists, and that reinstatement is in the best
151 interests of the child or youth, the court may reinstate the
152 guardianship of the parent or the former legal guardian. No such
153 [petition] motion may be filed more often than once every six months.

154 Sec. 7. Section 51-15 of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective October 1, 2013*):

156 (a) In accordance with the provisions of section 51-14, the judges of
157 the Superior Court shall make such orders and rules as they deem
158 necessary or advisable concerning the commencement of process and
159 procedure in flowage petitions, paternity proceedings, replevin,
160 summary process, habeas corpus, mandamus, prohibition, ne exeat,
161 quo warranto, forcible entry and detainer, peaceable entry and forcible
162 detainer, for paying rewards, [for cases filed on and after January 1,
163 1994, which are expedited process cases pursuant to subdivision (2) of
164 subsection (b) of section 52-195b,] and for the hearing and
165 determination of small claims, including suitable forms of procedure in
166 such cases, exclusive of fees.

167 (b) The judges of the Superior Court shall adopt orders and rules for
168 the hearing and determination of small claims that shall include: (1)
169 Provisions for the institution of small claims actions by attorneys-at-
170 law on suitable forms to be served by a proper officer or indifferent
171 person upon the defendant in the same manner as complaints are
172 served in civil actions; (2) notice by mail; (3) provisions for the early
173 hearing of actions and rules for hearings in accordance with sections
174 51-193t and 52-549a, and the elimination of any and all fees or costs,
175 except a fee for small claims procedure as prescribed in section 52-259;
176 (4) modification of any or all existing rules of pleading, practice and
177 evidence; and (5) a stay of the entry of judgment or of the issuance of
178 execution and an alternative procedure according to the usual rules of
179 practice. Such orders and rules shall permit the institution of a small
180 claims action against a nonresident defendant who owns real or
181 personal property in this state and against an out-of-state corporation.

182 (c) Upon the taking effect of such orders and rules, all provisions of
183 statute, both public and private, and the provisions of any orders or
184 rules adopted by the judges of the Superior Court prior to July 1, 1957,
185 inconsistent with or superseded by them, shall be deemed to be
186 repealed, to the extent necessary to render the orders and rules
187 effective.

188 (d) The procedure for the hearing and determination of small claims
189 as the same may be prescribed, from time to time, by the judges of the
190 Superior Court shall be used in all small claims sessions of the court.
191 The small claims procedure shall be applicable to all actions, except
192 actions of libel and slander, claiming money damages not in excess of
193 five thousand dollars, and to no other actions. If an action is brought in
194 the small claims session by a tenant pursuant to subsection (g) of
195 section 47a-21 to reclaim any part of a security deposit which may be
196 due, the judicial authority hearing the action may award to the tenant
197 the damages authorized by subsection (d) of said section and, if
198 authorized by the rental agreement or any provision of the general
199 statutes, costs, notwithstanding that the amount of such damages and
200 costs, in the aggregate, exceeds the jurisdictional monetary limit
201 established by this subsection. If a motion is filed to transfer a small
202 claims matter to the regular docket in the court, the moving party shall
203 pay the fee prescribed by section 52-259. The Attorney General or an
204 assistant attorney general, or the head of any state agency or his or her
205 authorized representative, while acting in his or her official capacity
206 shall not be required to pay any small claims court fee. There shall be
207 no charge for copies of service on defendants in small claims matters.

208 [(e) The orders and rules for the expedited hearing and
209 determination of cases maintained pursuant to subdivision (2) of
210 subsection (b) of section 52-195b shall include, but shall not be limited
211 to: The modification of any or all existing rules of pleading, practice
212 and evidence; the adoption of procedures for disclosure of material
213 facts at the time of filing of the matter in court; the waiver of the right
214 to appeal a final judgment entered; the transfer of cases under this
215 subsection to the regular docket of the court; an expedited pretrial

216 conference; an expedited assignment for trial on the merits; and the
217 waiver of the right to a record of the trial proceedings. All expedited
218 process cases shall be heard by a judge of the Superior Court.]

219 Sec. 8. Subsection (b) of section 51-164n of the general statutes is
220 repealed and the following is substituted in lieu thereof (*Effective*
221 *October 1, 2013*):

222 (b) Notwithstanding any provision of the general statutes, any
223 person who is alleged to have committed (1) a violation under the
224 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
225 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
226 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
227 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
228 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
229 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
230 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
231 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
232 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
233 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
234 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
235 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
236 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
237 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
238 14-153 or 14-163b, a first violation as specified in subsection (f) of
239 section 14-164i, section 14-219 as specified in subsection (e) of said
240 section, subdivision (1) of section 14-223a, section 14-240, 14-249 [,] or
241 14-250, [or] subsection (a) or (c) of section 14-252a, section 14-253a,
242 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-
243 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section
244 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-
245 325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-
246 386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection
247 (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or 16a-22,
248 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
249 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,

250 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
251 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
252 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
253 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
254 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-
255 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-
256 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-
257 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or
258 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63
259 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
260 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of
261 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
262 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
263 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279,
264 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e)
265 or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414,
266 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection
267 (e) of section 22a-256h, section 22a-363, 22a-381d, 22a-449, 22a-461, 23-
268 37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of
269 subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of
270 section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a,
271 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1) of subsection
272 (d) of section 26-61, section 26-64, subdivision (1) of section 26-76,
273 section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-
274 107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of
275 section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1)
276 of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,
277 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-
278 109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section
279 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,
280 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
281 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
282 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
283 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,
284 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,

285 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
286 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
287 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
288 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
289 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
290 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a
291 violation under the provisions of chapter 268, or (3) a violation of any
292 regulation adopted in accordance with the provisions of section 12-484,
293 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
294 bylaw of any town, city or borough, except violations of building codes
295 and the health code, for which the penalty exceeds ninety dollars but
296 does not exceed two hundred fifty dollars, unless such town, city or
297 borough has established a payment and hearing procedure for such
298 violation pursuant to section 7-152c, shall follow the procedures set
299 forth in this section.

300 Sec. 9. Section 51-190a of the general statutes is repealed and the
301 following is substituted in lieu thereof (*Effective October 1, 2013*):

302 (a) In the trial of an action before a judge of the Superior Court that
303 might have been brought to the Superior Court, the judge, when a
304 decision has been reached, shall [lodge the file and] file the papers in
305 the action and a memorandum of [his] decision with the clerk of the
306 Superior Court who would have been the custodian thereof had the
307 action been tried by the court in the judicial district.

308 (b) In the trial of an action before a judge of the Superior Court that
309 could not have been brought to the Superior Court, the judge, when a
310 decision has been reached, if the action relates to an interest in land,
311 shall [lodge the file and] file the papers in the action and a
312 memorandum of [his] decision with the clerk of the superior court in
313 the judicial district in which the land affected is located.

314 (c) When an action is tried by a judge of the Superior Court other
315 than those mentioned in subsections (a) and (b) of this section, and it is
316 not otherwise provided by law where the [file and] papers shall be
317 [lodged] filed, the judge, when a decision has been reached, shall

318 designate a clerk of the Superior Court with whom the [file and]
319 papers shall be [lodged] filed and shall thereupon [lodge them] file the
320 papers and a memorandum of [his] decision with the clerk.

321 (d) The clerk of the Superior Court with whom [a file,] the papers
322 and memorandum of decision are [lodged] filed pursuant to this
323 section is the lawful custodian thereof.

324 Sec. 10. Subsection (d) of section 51-193c of the general statutes is
325 repealed and the following is substituted in lieu thereof (*Effective*
326 *October 1, 2013*):

327 (d) Any notice, order, judgment, decision, decree, memorandum,
328 ruling, opinion, mittimus or similar document that is issued by the
329 Superior Court or by a judge, judge trial referee or family support
330 magistrate thereof, [or] by a magistrate appointed pursuant to section
331 51-193l or by a commissioner of the superior court approved by the
332 Chief Court Administrator to hear small claims pursuant to section 52-
333 549d, may be signed or verified by computer or facsimile transmission
334 or by employing other technology in accordance with procedures and
335 technical standards established by the Office of the Chief Court
336 Administrator, and such notice, order, judgment, decision, decree,
337 memorandum, ruling, opinion, mittimus or similar document shall
338 have the same validity and status as a paper document that was signed
339 or verified by the Superior Court or by a judge, judge trial referee or
340 family support magistrate thereof, [or] by a magistrate appointed
341 pursuant to section 51-193l or by a commissioner of the superior court
342 approved by the Chief Court Administrator to hear small claims
343 pursuant to section 52-549d.

344 Sec. 11. Subsection (b) of section 52-156 of the general statutes is
345 repealed and the following is substituted in lieu thereof (*Effective*
346 *October 1, 2013*):

347 (b) Depositions taken pursuant to this section shall be sealed and
348 directed to the clerk of the superior court for the judicial district in
349 which the petitioners or some of them reside, or, if none of the

350 petitioners resides within this state, to the clerk of the superior court
 351 for the judicial district in which the respondents or some of them
 352 reside. The clerk shall [open and lodge the] file the sealed depositions
 353 [on file,] together with the petition and all the proceedings thereon.
 354 Copies of depositions taken in the manner prescribed in this section
 355 and certified by the clerk of the court shall be received in evidence in
 356 the cause for which they were taken, and in all other causes in which
 357 the same subject matter is in suit between the same parties, or between
 358 the heirs or personal representatives of the persons who petitioned for
 359 the taking of the depositions and the other parties thereto.

360 Sec. 12. Section 52-195b of the general statutes is repealed. (*Effective*
 361 *October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	46b-1
Sec. 2	<i>October 1, 2013</i>	46b-15(b)
Sec. 3	<i>October 1, 2013</i>	46b-38tt
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>October 1, 2013</i>	46b-129(c)(8)
Sec. 6	<i>October 1, 2013</i>	46b-129(n)
Sec. 7	<i>October 1, 2013</i>	51-15
Sec. 8	<i>October 1, 2013</i>	51-164n(b)
Sec. 9	<i>October 1, 2013</i>	51-190a
Sec. 10	<i>October 1, 2013</i>	51-193c(d)
Sec. 11	<i>October 1, 2013</i>	52-156(b)
Sec. 12	<i>October 1, 2013</i>	Repealer section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes changes to procedures for court operations at the Judicial Department, which do not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 6387

AN ACT CONCERNING COURT OPERATIONS.

SUMMARY:

This bill:

1. clarifies the courts' authority over civil unions performed in foreign jurisdictions (§§ 1 & 3);
2. extends the validity of an ex parte restraining order until the day a hearing is held if the court is closed on the date of a scheduled hearing on the order (§ 2);
3. creates a procedure for an emergency ex parte order of child custody in a dissolution of marriage case or later proceeding regarding custody (§ 4);
4. requires court clerks to send the original of certain paternity acknowledgements to the Department of Public Health (DPH)(§ 5);
5. requires a parent seeking to regain legal guardianship of a child in certain cases to do so by filing a motion instead of a petition (§ 6);
6. eliminates a voluntary alternative dispute resolution program for parties to civil actions involving ownership, maintenance, or use of a private car (§§ 7 & 12);
7. makes certain violations of the law punishing failure to remove ice or snow from vehicles payable by mail (§ 8);
8. allows attorneys who hear small claims cases to sign documents

by computer, fax, or other technology (§ 10); and

9. makes technical changes.

EFFECTIVE DATE: October 1, 2013

§§ 1 & 3—COURT ACTIONS REGARDING CIVIL UNIONS

The bill clarifies that the courts' authority over family relations matters extends to the dissolution, legal separation, or annulment of a civil union performed in a foreign jurisdiction. It allows a single party to a civil union from a foreign jurisdiction to bring an action for dissolution, annulment, or legal separation of the civil union in Connecticut, rather than requiring both parties to do so as under current law.

The bill specifies that:

1. statutory procedures and requirements for dissolution, annulment, or legal separation of a marriage (including pre- or post-judgment) and requirements for enforcing or modifying a foreign matrimonial judgment apply to civil unions and
2. substantive statutes on dissolution, annulment, or legal separation of a marriage (including pre- or post-judgment) apply to foreign civil unions.

§ 2—EX PARTE RESTRAINING ORDERS AND COURT CLOSURES

By law, someone subjected to continuous threats of present physical pain or injury, stalking, or a pattern of threatening by a family or household member can apply to the court for a restraining order. The court can grant an ex parte order (without a hearing and notice to the subject of the order) if there is immediate and present physical danger to the applicant. The law requires a hearing within 14 days of the order.

If a hearing on the application or an ex parte order is scheduled for a day that the court is closed, the bill requires the hearing to take place on the next day the court is open and extends the validity of an ex

parte restraining order until the hearing.

§ 4—EMERGENCY EX PARTE CHILD CUSTODY ORDER

The bill allows a person seeking custody in a dissolution of marriage proceeding or a later proceeding regarding child custody to apply to the court for an emergency ex parte custody order when he or she believes there is an immediate and present risk of physical danger or psychological harm to the child. The application must include an affidavit under oath stating:

1. the conditions requiring the order,
2. that the order is in the child’s best interests, and
3. the actions taken by the applicant or others to inform the respondent of the request, or why the court should consider the application if no actions were taken.

The court must order a hearing on the application to take place within 14 days of issuing its order. The court may issue an emergency ex parte order for the child’s protection before or after the hearing if it finds an immediate and present risk of physical danger or psychological harm to the child. It may inform the Department of Children and Families of relevant information in the affidavit for investigation.

An emergency ex parte order may prohibit the respondent from:

1. removing the child from Connecticut;
2. interfering with the applicant’s custody of the child,
3. interfering with the child’s education; and
4. taking other specific actions if they are in the child’s best interests.

If a hearing is postponed at the request of either party, the court cannot issue an ex parte order and an order already issued can only

continue (1) on the parties' agreement or (2) for good cause.

The applicant must serve notice of the hearing, a copy of the application and affidavit, and any order, on the respondent at least five days before the hearing.

§ 5—PATERNITY ACKNOWLEDGEMENT COPIES

The law allows a father and mother in a case involving a petition for a neglected, uncared for, or abused child or youth to sign a paternity acknowledgement. Currently, the court clerk sends a certified copy of the acknowledgment to DPH for the paternity registry (which collects paternity acknowledgments or adjudications for child support enforcement purposes). The bill instead requires the clerk to send the original acknowledgment. It requires the court to keep a copy, rather than a certified copy as currently required.

§ 6—LEGAL GUARDIANSHIP MOTIONS

By law, the court can order a suitable and worthy person to be the legal guardian of a neglected, uncared for, or abused child. A parent can request the return of the child's legal guardianship to that parent. The bill requires the request to be in a motion before the court rather than a petition.

§§ 7 & 12—ALTERNATIVE DISPUTE RESOLUTION FOR CERTAIN CASES

The bill eliminates a voluntary alternative dispute resolution program for parties to a civil action based on ownership, maintenance, or use of a private car. The program sets timeframes for the resolution process and the related court case, allows parties to agree to refer the case to binding arbitration, and allows the court to confirm an arbitration award. The program is considered settlement negotiations for purposes of evidence and confidentiality.

The bill also eliminates provisions making these cases privileged for assignment for trial when (1) the parties agree to it and each plaintiff claims no more than \$75,000 (current law also designates the case an expedited process case) or (2) at least one plaintiff claims more than

\$75,000.

The bill eliminates the courts' authority to adopt rules for the expedited process of these cases and the requirement that they be heard by a Superior Court judge.

§ 8—FAILURE TO REMOVE ICE OR SNOW FROM VEHICLES

The bill makes two violations of the law requiring removal of ice or snow from a motor vehicle that are punishable by \$75 fines payable by mail, as infractions are. This applies to operators of non-commercial motor vehicles and, as of December 31, 2013, commercial vehicles who fail to remove ice or snow from the vehicle so that it is not a threat to people or property while the vehicle is being operated. Under the bill, a person who does not contest the violation and pays the fine by mail would not need to appear in court.

The bill does not subject to the mail-in procedures, and thus still requires a court appearance for, violations that cause personal injury or damage. By law, these violations (1) by non-commercial vehicle operators are punishable by a \$200 to \$1,000 fine and (2) as of December 31, 2013, by commercial vehicle operators are punishable by a \$500 to \$1,250 fine.

§ 10—SMALL CLAIMS CASES AND DOCUMENT SIGNING

The bill allows attorneys approved by the chief court administrator to hear small claims cases to sign decisions, orders, and other documents by computer, fax, or other technology according to the chief court administrator's procedures. The law already allows judges, judge trial referees, family support magistrates, and small claims court magistrates to do so.

BACKGROUND

Related Bill

HB 6253, favorably reported by the Transportation Committee, makes failing to remove snow or ice from a vehicle a violation payable by mail, like an infraction.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1 (03/13/2013)