



**Substitute House Bill No. 6387**

**Public Act No. 13-194**

**AN ACT CONCERNING COURT OPERATIONS.**

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

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 Section 46b-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving: (1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in section 46b-47; (2) legal separation; (3) annulment of marriage; (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment; (5) actions brought under section 46b-15, as amended by this act; (6) complaints for change of name; (7) civil support obligations; (8) habeas corpus and other proceedings to determine the custody and visitation of children; (9) habeas corpus brought by or on behalf of any mentally ill person except a person charged with a criminal offense; (10) appointment of a commission to inquire whether a person is wrongfully confined as provided by section 17a-523; (11) juvenile matters as provided in section 46b-121; (12) all rights and remedies provided for in chapter 815j; (13) the establishing of paternity; (14) appeals from probate concerning: (A) Adoption or termination of parental rights; (B) appointment and

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removal of guardians; (C) custody of a minor child; (D) appointment and removal of conservators; (E) orders for custody of any child; and (F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute; (15) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; (16) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction; (17) custody [~~proceeding~~] proceedings brought under the provisions of chapter 815p; and [(17)] (18) all such other matters within the jurisdiction of the Superior Court concerning children or family relations as may be determined by the judges of said court.

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 Subsection (b) of section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or

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

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

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

(b) The procedures and requirements in the general statutes for the dissolution, annulment or legal separation of a marriage, whether applicable prejudgment or postjudgment, or requirements for enforcement or modification of a foreign matrimonial judgment, shall apply to the dissolution, annulment or legal separation of a civil union or enforcement or modification of a foreign civil union judgment. The substantive law in the general statutes that applies to the dissolution of a marriage, annulment or legal separation, whether applicable prejudgment or postjudgment, shall apply to the dissolution, annulment or legal separation of a valid civil union performed in a

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foreign jurisdiction.

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

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

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

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ex parte order shall be granted or continued except upon agreement of the parties or by order of the court for good cause shown.

(d) The applicant shall cause notice of the hearing and a copy of the application, the applicant's affidavit, and the ex parte order, if issued, to be served on the respondent not less than five days before the hearing on the application.

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

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

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

(n) If the court has ordered legal guardianship of a child or youth to be vested in a suitable and worthy person pursuant to subsection (j) of this section, the child's or youth's parent or former legal guardian may file a [petition] motion to reinstate guardianship of the child or youth in such parent or former legal guardian. Upon the filing of such a

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[petition] motion, the court may order the Commissioner of Children and Families to investigate the home conditions and needs of the child or youth and the home conditions of the person seeking reinstatement of guardianship, and to make a recommendation to the court. A party to a [petition] motion for reinstatement of guardianship shall not be entitled to court-appointed counsel or representation by Division of Public Defender Services assigned counsel, except as provided in section 46b-136. Upon finding that the cause for the removal of guardianship no longer exists, and that reinstatement is in the best interests of the child or youth, the court may reinstate the guardianship of the parent or the former legal guardian. No such [petition] motion may be filed more often than once every six months.

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

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

(b) The judges of the Superior Court shall adopt orders and rules for the hearing and determination of small claims that shall include: (1) Provisions for the institution of small claims actions by attorneys-at-law on suitable forms to be served by a proper officer or indifferent person upon the defendant in the same manner as complaints are served in civil actions; (2) notice by mail; (3) provisions for the early

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hearing of actions and rules for hearings in accordance with sections 51-193t and 52-549a, and the elimination of any and all fees or costs, except a fee for small claims procedure as prescribed in section 52-259; (4) modification of any or all existing rules of pleading, practice and evidence; and (5) a stay of the entry of judgment or of the issuance of execution and an alternative procedure according to the usual rules of practice. Such orders and rules shall permit the institution of a small claims action against a nonresident defendant who owns real or personal property in this state and against an out-of-state corporation.

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

(d) The procedure for the hearing and determination of small claims as the same may be prescribed, from time to time, by the judges of the Superior Court shall be used in all small claims sessions of the court. The small claims procedure shall be applicable to all actions, except actions of libel and slander, claiming money damages not in excess of five thousand dollars, and to no other actions. If an action is brought in the small claims session by a tenant pursuant to subsection (g) of section 47a-21 to reclaim any part of a security deposit which may be due, the judicial authority hearing the action may award to the tenant the damages authorized by subsection (d) of said section and, if authorized by the rental agreement or any provision of the general statutes, costs, notwithstanding that the amount of such damages and costs, in the aggregate, exceeds the jurisdictional monetary limit established by this subsection. If a motion is filed to transfer a small claims matter to the regular docket in the court, the moving party shall pay the fee prescribed by section 52-259. The Attorney General or an

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assistant attorney general, or the head of any state agency or his or her authorized representative, while acting in his or her official capacity shall not be required to pay any small claims court fee. There shall be no charge for copies of service on defendants in small claims matters.

[(e) The orders and rules for the expedited hearing and determination of cases maintained pursuant to subdivision (2) of subsection (b) of section 52-195b shall include, but shall not be limited to: The modification of any or all existing rules of pleading, practice and evidence; the adoption of procedures for disclosure of material facts at the time of filing of the matter in court; the waiver of the right to appeal a final judgment entered; the transfer of cases under this subsection to the regular docket of the court; an expedited pretrial conference; an expedited assignment for trial on the merits; and the waiver of the right to a record of the trial proceedings. All expedited process cases shall be heard by a judge of the Superior Court.]

Sec. 8. Section 51-190a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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

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

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(c) When an action is tried by a judge of the Superior Court other than those mentioned in subsections (a) and (b) of this section, and it is not otherwise provided by law where the [file and] papers shall be [lodged] filed, the judge, when a decision has been reached, shall designate a clerk of the Superior Court with whom the [file and] papers shall be [lodged] filed and shall thereupon [lodge them] file the papers and a memorandum of [his] decision with the clerk.

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

Sec. 9. Subsection (d) of section 51-193c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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

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Sec. 10. Subsection (b) of section 52-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) Depositions taken pursuant to this section shall be sealed and directed to the clerk of the superior court for the judicial district in which the petitioners or some of them reside, or, if none of the petitioners resides within this state, to the clerk of the superior court for the judicial district in which the respondents or some of them reside. The clerk shall [open and lodge the] file the sealed depositions [on file,] together with the petition and all the proceedings thereon. Copies of depositions taken in the manner prescribed in this section and certified by the clerk of the court shall be received in evidence in the cause for which they were taken, and in all other causes in which the same subject matter is in suit between the same parties, or between the heirs or personal representatives of the persons who petitioned for the taking of the depositions and the other parties thereto.

Sec. 11. Subsection (a) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) There shall be a Centralized Infractions Bureau of the Superior Court to handle payments or pleas of not guilty with respect to the commission of [infractions and violations under] an infraction under any provision of the general statutes or a violation set forth in subsection (b) of this section. Except as provided in section 51-164o, any person who is alleged to have committed an infraction or a violation under subsection (b) of this section may plead not guilty or pay the established fine and any additional fee or cost for the infraction or such violation.

Sec. 12. Subsection (d) of section 52-50 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

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October 1, 2013):

(d) Service of motions for modification, motions for contempt and wage withholdings in any matter involving child support, including, but not limited to, petitions for support authorized under sections 17b-745 and 46b-215, and those matters involving a beneficiary of care or assistance from the state, and service of other process in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, may be made by a support enforcement officer or support services investigator of the Superior Court.

Sec. 13. Section 52-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) There shall be paid to the clerks for entering each appeal or writ of error to the Supreme Court, or entering each appeal to the Appellate Court, as the case may be, two hundred fifty dollars, and for each civil cause in the Superior Court, three hundred fifty dollars, except (1) two hundred twenty-five dollars for entering each case in the Superior Court in which the sole claim for relief is damages and the amount, legal interest or property in demand is less than two thousand five hundred dollars; (2) one hundred seventy-five dollars for summary process and landlord and tenant actions; and (3) there shall be no entry fee for making an application to the Superior Court for relief under section 46b-15 or for making an application to modify or extend an order issued pursuant to section 46b-15. If the amount, legal interest or property in demand by the plaintiff is alleged to be less than two thousand five hundred dollars, a new entry fee of seventy-five dollars shall be charged if the plaintiff amends his or her complaint to state that such demand is not less than two thousand five hundred dollars.

(b) The fee for the entry of a small claims case and for filing a counterclaim in a small claims case shall be ninety dollars. If a motion is filed to transfer a small claims case to the regular docket, the moving

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party shall pay a fee of one hundred twenty-five dollars.

(c) There shall be paid to the clerk of the Superior Court by any party who requests that a matter be designated as a complex litigation case the sum of three hundred twenty-five dollars, to be paid at the time the request is filed.

(d) There shall be paid to the clerk of the Superior Court by any party who requests a finding of fact by a judge of such court to be used on appeal the sum of twenty-five dollars, to be paid at the time the request is filed.

(e) There shall be paid to the clerk of the Superior Court a fee of seventy-five dollars for a petition for certification to the Supreme Court and Appellate Court.

(f) There shall be paid to the clerk of the Superior Court for receiving and filing an assessment of damages by appraisers of land taken for public use or the appointment of a commissioner of the Superior Court, two dollars; for recording the commission and oath of a notary public or certifying under seal to the official character of any magistrate, ten dollars; for issuing a certificate that an attorney is in good standing, ten dollars; for certifying under seal, two dollars; for exemplifying, twenty dollars; for making all necessary records and certificates of naturalization, the fees allowed under the provisions of the United States statutes for such services; and for making copies, one dollar per page. Any fee set forth in this subsection shall be payable in accordance with subsection (m) of this section.

(g) There shall be paid to the clerk of the Superior Court for a copy of a judgment file a fee of twenty-five dollars, inclusive of the fees for certification and copying, for a certified copy and a fee of fifteen dollars, inclusive of the fee for copying, for a copy which is not certified; and for a copy of a certificate of judgment in a foreclosure

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action, as provided by the rules of practice and procedure, twenty-five dollars, inclusive of the fees for certification and copying. Any fee set forth in this subsection shall be payable in accordance with subsection (m) of this section.

(h) There shall be paid to the clerk of the Superior Court a fee of one hundred seventy-five dollars at the time any application for a prejudgment remedy is filed.

(i) There shall be paid to the clerk of the Superior Court a fee of six hundred dollars at the time any motion to be admitted as attorney pro hac vice is filed.

(j) There shall be paid to the clerk of the Superior Court a fee of two hundred dollars at the time any counterclaim, cross complaint, apportionment complaint or third party complaint is filed.

(k) There shall be paid to the clerk of the Superior Court a fee of three hundred fifty dollars at the time any application for a dissolution of lien upon the substitution of a bond with surety is filed pursuant to subsection (a) of section 49-37, subsection (b) of section 49-55a, subsection (a) of section 49-61, subsection (a) of section 49-92b or subsection (b) of section 49-92h.

[(k)] (l) A fee of twenty dollars for any check issued to the court in payment of any fee which is returned as uncollectible by the bank on which it is drawn may be imposed.

(m) Any recording or copying performed under subsection (f) or (g) of this section may be done by photograph, microfilm, as defined in section 51-36, computerized image or other process which accurately reproduces or forms a durable medium for so reproducing the original. The fees required under subsections (f) and (g) of this section for recording and copying shall be payable regardless of the method by which the recording and copying is done.

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[(1)] (n) The tax imposed under chapter 219 shall not be imposed upon any fee charged under the provisions of this section.

Sec. 14. Section 52-259 of the general statutes, as amended by section 9 of public act 12-89, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) There shall be paid to the clerks for entering each appeal or writ of error to the Supreme Court, or entering each appeal to the Appellate Court, as the case may be, two hundred fifty dollars, and for each civil cause in the Superior Court, three hundred dollars, except (1) one hundred seventy-five dollars for entering each case in the Superior Court in which the sole claim for relief is damages and the amount, legal interest or property in demand is less than two thousand five hundred dollars and for summary process and landlord and tenant actions, and (2) there shall be no entry fee for making an application to the Superior Court for relief under section 46b-15 or for making an application to modify or extend an order issued pursuant to section 46b-15. If the amount, legal interest or property in demand by the plaintiff is alleged to be less than two thousand five hundred dollars, a new entry fee of seventy-five dollars shall be charged if the plaintiff amends his or her complaint to state that such demand is not less than two thousand five hundred dollars.

(b) The fee for the entry of a small claims case shall be seventy-five dollars. If a motion is filed to transfer a small claims case to the regular docket, the moving party shall pay a fee of one hundred twenty-five dollars.

(c) There shall be paid to the clerk of the Superior Court by any party who requests that a matter be designated as a complex litigation case the sum of three hundred twenty-five dollars, to be paid at the time the request is filed.

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(d) There shall be paid to the clerk of the Superior Court by any party who requests a finding of fact by a judge of such court to be used on appeal the sum of twenty-five dollars, to be paid at the time the request is filed.

(e) There shall be paid to the clerk of the Superior Court a fee of seventy-five dollars for a petition for certification to the Supreme Court and Appellate Court.

(f) There shall be paid to the clerk of the Superior Court for receiving and filing an assessment of damages by appraisers of land taken for public use or the appointment of a commissioner of the Superior Court, two dollars; for recording the commission and oath of a notary public or certifying under seal to the official character of any magistrate, ten dollars; for issuing a certificate that an attorney is in good standing, ten dollars; for certifying under seal, two dollars; for exemplifying, twenty dollars; for making all necessary records and certificates of naturalization, the fees allowed under the provisions of the United States statutes for such services; and for making copies, one dollar per page. Any fee set forth in this subsection shall be payable in accordance with subsection (k) of this section.

(g) There shall be paid to the clerk of the Superior Court for a copy of a judgment file a fee of twenty-five dollars, inclusive of the fees for certification and copying, for a certified copy and a fee of fifteen dollars, inclusive of the fee for copying, for a copy which is not certified; and for a copy of a certificate of judgment in a foreclosure action, as provided by the rules of practice and procedure, twenty-five dollars, inclusive of the fees for certification and copying. Any fee set forth in this subsection shall be payable in accordance with subsection (k) of this section.

(h) There shall be paid to the clerk of the Superior Court a fee of one hundred seventy-five dollars at the time any application for a

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prejudgment remedy is filed.

(i) There shall be paid to the clerk of the Superior Court a fee of three hundred dollars at the time any application for a dissolution of lien upon the substitution of a bond with surety is filed pursuant to subsection (a) of section 49-37, subsection (b) of section 49-55a, subsection (a) of section 49-61, subsection (a) of section 49-92b or subsection (b) of section 49-92h.

~~[(i)]~~ (j) A fee of twenty dollars for any check issued to the court in payment of any fee which is returned as uncollectible by the bank on which it is drawn may be imposed.

(k) Any recording or copying performed under subsection (f) or (g) of this section may be done by photograph, microfilm, as defined in section 51-36, computerized image or other process which accurately reproduces or forms a durable medium for so reproducing the original. The fees required under subsections (f) and (g) of this section for recording and copying shall be payable regardless of the method by which the recording and copying is done.

~~[(j)]~~ (l) The tax imposed under chapter 219 shall not be imposed upon any fee charged under the provisions of this section.

Sec. 15. Section 52-195b of the general statutes is repealed. (*Effective October 1, 2013*)

Approved July 2, 2013