



General Assembly

**Amendment**

February Session, 2014

LCO No. 5494

**\*SB0038905494SD0\***

Offered by:

SEN. COLEMAN, 2<sup>nd</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. Senate Bill No. 389

File No. 611

Cal. No. 403

**"AN ACT CONCERNING COURT OPERATIONS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 1 of public act 14-3 is repealed and the following is  
4 substituted in lieu thereof (*Effective October 1, 2014*):

5 (a) Except as provided in subsection (b) of this section, prior to  
6 appointing counsel or a guardian ad litem for any minor child in a  
7 family relations matter, [as defined in section 46b-1 of the general  
8 statutes,] the court shall provide the parties to the matter with written  
9 notification of fifteen persons who the court has determined eligible to  
10 serve as counsel or a guardian ad litem for any minor child in such  
11 matter. When making a determination as to whether a person is  
12 eligible to serve as counsel or a guardian ad litem for a minor child in a  
13 particular matter, the court shall give due consideration to any unique  
14 circumstances of the parties and any child to such matter.

15 Circumstances considered shall include, but not be limited to: (1)  
16 Financial circumstances, (2) language barriers, (3) transportation  
17 barriers, (4) physical, mental or learning disabilities, and (5) the  
18 geographic proximity of such person's office to the residence of each of  
19 the parties and to the court where the matter is pending. Not later than  
20 two weeks after the date on which the court provides such written  
21 notification, the parties shall provide written notification to the court  
22 of the name of the person who the parties have selected to serve as  
23 counsel or a guardian ad litem. In the event that the parties (A) fail to  
24 timely provide the court with the name of the person to serve as  
25 counsel or guardian ad litem, or (B) cannot agree on the name of the  
26 person to serve as counsel or guardian ad litem, the court shall appoint  
27 counsel or a guardian ad litem for the minor child by selecting one  
28 person from the fifteen names provided to the parties.

29 (b) The provisions of subsection (a) of this section shall not apply  
30 when: (1) The parties have requested that counsel or a guardian ad  
31 litem be appointed and present to the court a written agreement that  
32 contains the name of the person who the parties have selected to serve  
33 as counsel or a guardian ad litem for the minor child for their matter;  
34 or (2) an emergency situation requires the immediate appointment of  
35 counsel or a guardian ad litem for the minor child.

36 (c) Not later than twenty-one days following the date on which the  
37 court enters an initial order appointing counsel or a guardian ad litem  
38 for any minor child pursuant to this section, the court shall enter a  
39 subsequent order that includes the following information: (1) The  
40 specific nature of the work that is to be undertaken by such counsel or  
41 guardian ad litem; (2) the date on which the appointment of such  
42 counsel or guardian ad litem is to end, provided such end date may be  
43 extended for good cause shown pursuant to an order of the court; (3)  
44 the deadline for such counsel or guardian ad litem to report back to the  
45 court concerning the work undertaken; (4) the fee schedule of such  
46 counsel or guardian ad litem that shall minimally set forth (A) the  
47 amount of the retainer, (B) the hourly rate to be charged, (C) the

48 apportionment of the retainer and hourly fees between the parties, and  
49 (D) if applicable, all provisions related to the calculation of fees on a  
50 sliding-scale basis; and (5) a proposed schedule of periodic court  
51 review of the work undertaken by such counsel or guardian ad litem  
52 and the fees charged by such counsel or guardian ad litem. Periodic  
53 court review shall be undertaken not less than every three months  
54 following the date of the appointment of such counsel or guardian ad  
55 litem, unless such periodic court review is waived by the parties and  
56 any such counsel or guardian ad litem pursuant to a written agreement  
57 filed with the court. Not later than thirty days after the entry of a final  
58 judgment in a family relations matter involving counsel or a guardian  
59 ad litem for a minor child, such counsel or guardian ad litem shall file  
60 with the court an affidavit that sets forth (A) the case name, (B) the  
61 case docket number, and (C) the hourly fee charged, total number of  
62 hours billed, expenses billed and the total amount charged by such  
63 counsel or guardian ad litem. Counsel or a guardian ad litem for a  
64 minor child shall not charge the parties for the preparation of such  
65 affidavit. Upon the filing of the affidavit with the court, such affidavit  
66 shall be made part of the case file.

67 (d) As used in this section and sections 6 and 7 of public act 14-3, as  
68 amended by this act, "family relations matter" means a matter affecting  
69 or involving: (1) Dissolution of marriage, contested and uncontested,  
70 except dissolution upon conviction of crime as provided in section 46b-  
71 48 of the general statutes; (2) legal separation; (3) annulment of  
72 marriage; (4) alimony, support, custody and change of name incident  
73 to dissolution of marriage, legal separation and annulment; (5) actions  
74 brought under section 46b-15 of the general statutes; (6) complaints for  
75 change of name; (7) civil support obligations; (8) habeas corpus and  
76 other proceedings to determine the custody and visitation of children;  
77 (9) habeas corpus brought by or on behalf of any mentally ill person  
78 except a person charged with a criminal offense; (10) appointment of a  
79 commission to inquire whether a person is wrongfully confined as  
80 provided by section 17a-523 of the general statutes; (11) all rights and  
81 remedies provided for in chapter 815j of the general statutes; (12) the

82 establishing of paternity; (13) appeals from probate concerning: (A)  
83 Appointment and removal of conservators; and (B) orders of  
84 commitment of persons to public and private institutions and to other  
85 appropriate facilities as provided by statute; (14) actions related to  
86 prenuptial and separation agreements and to matrimonial and civil  
87 union decrees of a foreign jurisdiction; (15) dissolution, legal  
88 separation or annulment of a civil union performed in a foreign  
89 jurisdiction; and (16) custody proceedings brought under the  
90 provisions of chapter 815p of the general statutes.

91 Sec. 502. Subsection (e) of section 46b-54 of the general statutes, as  
92 amended by section 2 of public act 14-3, is repealed and the following  
93 is substituted in lieu thereof (*Effective October 1, 2014*):

94 (e) Counsel or a guardian ad litem for the minor child or children  
95 shall be heard on all matters pertaining to the interests of any child,  
96 including the custody, care, support, education and visitation of the  
97 child, so long as the court deems such representation to be in the best  
98 interests of the child. To the extent practicable, when hearing from  
99 such counsel or guardian ad litem, the court shall permit such counsel  
100 or guardian ad litem to participate at the beginning of the matter, at  
101 the conclusion of the matter or at such other time the court deems  
102 appropriate so as to minimize legal fees incurred by the parties due to  
103 the participation of such counsel or guardian ad litem in the matter.  
104 [Notwithstanding the provisions of this subsection, counsel or a  
105 guardian ad litem for any minor child shall not speak or report to the  
106 court on any medical diagnosis or conclusion made by a health care  
107 professional who is treating such minor child unless the parties have  
108 refused to cooperate in paying for or obtaining records containing the  
109 medical diagnosis or conclusion of the health care professional.] Such  
110 counsel or guardian ad litem may be heard on a matter pertaining to a  
111 medical diagnosis or conclusion concerning a minor child made by a  
112 health care professional treating such child when (1) such counsel or  
113 guardian ad litem is in possession of a medical record or report of the  
114 treating healthcare professional that indicates or supports such

115 medical diagnosis or conclusion; or (2) one or more parties have  
 116 refused to cooperate in paying for or obtaining a medical record or  
 117 report that contains the treating health care professional's medical  
 118 diagnosis or conclusion. If the court deems it to be in the best interests  
 119 of the minor child, such health care professional shall be heard on  
 120 matters pertaining to the interests of any such child, including the  
 121 custody, care, support, education and visitation of such child.

122 Sec. 503. Section 6 of public act 14-3 is repealed and the following is  
 123 substituted in lieu thereof (*Effective July 1, 2014*):

124 The Judicial Branch shall develop a publication that informs parties  
 125 to a family relations matter [, as defined in section 46b-1 of the general  
 126 statutes,] about the roles and responsibilities of counsel for a minor  
 127 child and the guardian ad litem for a minor child when such persons  
 128 are appointed by the court to serve in a family relations matter. Such  
 129 publication shall contain detailed information describing the process  
 130 by which a party who is indigent may apply to the court for the  
 131 appointment of counsel or guardian ad litem for a minor child in a  
 132 family relations matter. Such publication shall be available to the  
 133 public in hard copy and be accessible electronically on the Internet web  
 134 site of the Judicial Branch.

135 Sec. 504. Section 7 of public act 14-3 is repealed and the following is  
 136 substituted in lieu thereof (*Effective from passage*):

137 Not later than October 1, 2014, the Judicial Branch shall develop and  
 138 implement a professional code of conduct applicable to any counsel or  
 139 guardian ad litem for a minor child appointed in a family relations  
 140 matter. [, as defined in section 46b-1 of the general statutes.]"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2014	PA 14-3, Sec. 1
Sec. 502	October 1, 2014	46b-54(e)
Sec. 503	July 1, 2014	PA 14-3, Sec. 6

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Sec. 504	<i>from passage</i>	PA 14-3, Sec. 7
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