

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 14-207**—sSB 389

*Judiciary Committee*

*Education Committee*

**AN ACT CONCERNING COURT OPERATIONS**

**SUMMARY:** This act makes a number of unrelated changes, including:

1. authorizing chief probation officers and supervisory judicial marshals employed by the Judicial Branch to administer oaths in the performance of their duties (§ 1);
2. eliminating restrictions on political party membership for members of the State Marshal Commission and altering the number of members who can be licensed attorneys;
3. allowing the chief justice to designate anyone, not just a Supreme Court justice, to serve in her place on the State Library Board;
4. presuming abandoned and requiring the court clerk to deposit in the General Fund, any amount of money up to \$10 found on Superior Court property that the finder gives to the court clerk (§ 4);
5. expanding the circumstances in which venue in housing matters must be based on judicial district instead of geographical area;
6. expanding the types of Judicial Branch fees, costs, fines, and charges a person can pay by credit card;
7. allowing an authorized Judicial Branch official to purchase body armor on behalf of a judicial marshal without meeting with the seller in person;
8. making a number of changes to when a defendant's bail bond automatically terminates;
9. making minor and clarifying changes regarding ex parte orders for child custody and investigations in family relations matters;
10. narrowing the scope of the new guardian ad litem (GAL) and counsel for minor children (CMC) appointment procedures and certain Judicial Branch requirements established under PA 14-3 by narrowing the range of family relations matters to which these provisions apply;
11. setting the parameters for GALs', CMCs', and health care professionals' participation in court proceedings; and
12. eliminating (a) authorization for a special education administrative cases pilot program that was never implemented and (b) the wrongful conviction commission.

**EFFECTIVE DATE:** October 1, 2014, except the provisions regarding the (1) State Library Board and GAL and CMC publications are effective July 1, 2014 and (2) GAL and CMC professional code of conduct are effective upon passage.

§§ 2, 11, & 12 — COMPOSITION OF THE STATE MARSHAL COMMISSION

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By law, the State Marshal Commission consists of a judge appointed by the chief justice, one member appointed by each of the six legislative leaders, and a gubernatorial appointee who serves as chairperson.

The act eliminates a restriction that no more than four members excluding the chairperson can be from the same political party. It also alters the number of members who may be attorneys licensed by any state. Previously, no more than three of the six legislative appointments could be licensed attorneys. Under the act, there can be no more than four licensed attorneys among the legislative appointments and the governor's appointment as chairman.

The act also makes technical changes.

### § 3 — COMPOSITION OF THE STATE LIBRARY BOARD

By law, the Supreme Court chief justice or her designee is a member of this board. The act allows the chief justice to designate anyone, not just a Supreme Court justice, to serve in her place.

By law, the board's other members are:

1. the chief court administrator or his designee,
2. the education commissioner or his designee,
3. five electors appointed by the governor, and
4. one member appointed by each of the top four legislative leaders.

### § 5 — VENUE FOR HOUSING MATTERS

Prior law determined venue in housing matters by judicial district in the judicial districts of Fairfield, Hartford, Middlesex, New Britain, New Haven, Stamford-Norwalk, Tolland, and Waterbury and otherwise determined venue based on the courts' geographical areas. Under the act, the chief court administrator may require venue to be based on additional judicial districts when he determines that the prompt and proper administration of judicial business requires it.

By law, housing matters include summary process (eviction) cases; appeals from fair rent commission decisions; and cases involving discrimination in sales or rentals, health and safety violations, rent and security deposit violations, and other violations of landlord-tenant laws.

### § 6 — PAYING FEES

The act allows a person to pay by credit card any Judicial Branch fee, cost, fine, or other charge, not just those from the Superior Court. As with Superior Court charges, the person paying by credit card can be charged a service fee up to the amount of the charge from the card issuer, including any discount, and the chief court administrator can set times and conditions for credit card payments.

### § 7 — BODY ARMOR

The act allows an authorized Judicial Branch official to purchase body armor on behalf of a judicial marshal without meeting with the seller in person. By law,

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only specified law enforcement and military officials may purchase body armor without meeting the seller in person, including authorized Judicial Branch officials who purchase body armor on behalf of probation officers.

### § 8 — AUTOMATIC TERMINATION OF BAIL BONDS

When a defendant is released from custody on posting a bail bond, the law automatically terminates the bond under certain circumstances. The act changes these circumstances in a number of ways.

1. It eliminates automatic termination when a person is granted admission to the community service labor program. (This program is no longer a pretrial program. But certain offenders may participate instead of serving a prison sentence after a plea agreement.)
2. It adds automatic termination when prosecution ends by nolle prosequi (the prosecutor officially declines to prosecute the charge). This appears to match court practice.
3. Existing law automatically terminates a bond upon sentencing. The act requires termination only after the court lifts any stay of the sentence that it imposed.
4. The act automatically terminates a bond when the court admits a defendant to a probation program for certain people charged with certain violations involving (a) armor piercing and incendiary ammunition, (b) large capacity magazines, and (c) long gun sales and transfers.

As under existing law, a bond is automatically terminated when a person:

1. participates in the following pretrial diversion programs: accelerated rehabilitation, alcohol education, family violence education, drug education and community service, or school violence prevention;
2. has his or her charges dismissed; or
3. is acquitted.

### § 9 — EX PARTE ORDER FOR CHILD CUSTODY

PA 13-194 authorized the court to issue ex parte orders for child custody in certain circumstances. The act clarifies that the court must order a hearing on an application and, if it grants an order ex parte, it must schedule a hearing within 14 days after issuing the order.

### § 10 — INVESTIGATIVE REPORT IN FAMILY RELATIONS MATTERS

The law requires the report of an investigation ordered by the court in a family relations case to be filed with the clerk and a copy mailed to counsel. The act eliminates a requirement to file four copies of the report and adds a requirement to mail a copy to any self-represented party.

### §§ 13 & 15-16 — GAL AND CMC APPOINTMENT IN FAMILY RELATIONS MATTERS

By law, a GAL is a person, not necessarily an attorney, appointed by the court

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during certain proceedings to gather information at the court's request and report on what he or she believes to be in a person's best interest. A CMC is an attorney appointed by the court to advocate in court for a minor child's best interest.

PA 14-3 establishes new procedures and requirements for GAL and CMC appointment in "family relations matters," including provisions on Judicial Branch publications and a code of conduct. This act narrows the scope of these provisions by narrowing the range of family relations matters to which the new procedures and Judicial Branch requirements apply. It does so by excluding family relations matters affecting or involving (1) juvenile matters; (2) matters on appeal from probate court concerning adoption or termination of parental rights, appointment and removal of guardians, and child custody orders; and (3) other children or family relations matters formerly included at the Superior Court's discretion.

Under the act, a "family relations matter" is a matter affecting or involving:

1. dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime;
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 related to civil restraining orders;
6. complaints for change of name;
7. civil support obligations;
8. habeas corpus and other proceedings to determine child custody and visitation;
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;
11. all rights and remedies related to divorce, annulment, and legal separation;
12. establishment of paternity;
13. appeals from probate concerning (a) appointment and removal of conservators and (b) orders of commitment of persons to public and private institutions and to other appropriate facilities;
14. actions related to prenuptial and separation agreements and matrimonial and civil union decrees of a foreign jurisdiction;
15. dissolution, legal separation, or annulment of a civil union performed in a foreign jurisdiction; and
16. custody proceedings brought under the Uniform Child Custody Jurisdiction and Enforcement Act.

### § 14 — GAL, CMC, AND HEALTH CARE PROFESSIONAL PARTICIPATION IN COURT PROCEEDINGS

The act allows a GAL or CMC to speak or report to the court on any medical diagnosis or conclusion made by a health care professional treating the minor child, when (1) at least one party has refused to cooperate in paying for or

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obtaining the records and (2) the GAL or CMC is in possession of the treating healthcare professional's medical record or report that indicates or supports the medical diagnosis or conclusion concerning the child. This amends PA 14-3, § 2, which prohibited a GAL or CMC from being heard by the court on such matters unless all parties had refused to cooperate in paying for or obtaining such records.

### § 17 — SPECIAL EDUCATION CASE PILOT PROGRAM AND WRONGFUL CONVICTION COMMISSION ELIMINATED

The act eliminates the:

1. chief court administrator's authority to establish a pilot program, which was never established to resolve special education administrative contested cases, and
2. Wrongful Conviction Advisory Commission, which prior law authorized to investigate and determine the cause of wrongful convictions.

OLR Tracking: CR:KM:JKL:ro