



General Assembly

January Session, 2015

**Committee Bill No. 5505**

LCO No. 4691



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING FAMILY COURT PROCEEDINGS.***

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

1 Section 1. (NEW) (*Effective October 1, 2015*) Notwithstanding any  
2 provision of chapter 815, 815a, 815e, 815j, 815p, 815t or 815y of the  
3 general statutes, a court shall not order that a parent have supervised  
4 visitation with his or her child, unless such court finds, based upon the  
5 evidence presented to the court, that such parent: (1) Has engaged in  
6 an act of neglect or abuse that has been substantiated by the  
7 Department of Children and Families; (2) has no established  
8 relationship with the child with whom visitation is sought; (3) has  
9 engaged in criminal conduct that presents a potential risk to the health,  
10 safety or well-being of a child; or (4) suffers from a severe mental  
11 disability that presents a potential risk to the health, safety or well-  
12 being of a child.

13 Sec. 2. (NEW) (*Effective October 1, 2015*) A person aggrieved by the  
14 action of counsel or a guardian ad litem for a minor child or children,  
15 appointed under section 46b-54 of the general statutes, as amended by  
16 this act, may bring a civil action seeking appropriate relief, including

17 equitable relief, damages, or both, in the superior court for the judicial  
18 district in which such counsel or guardian ad litem for a minor child  
19 was appointed. If such civil action results in a judgment for the  
20 plaintiff, the court shall award the plaintiff all costs of the action,  
21 including such attorney's fees as the court may allow to the plaintiff.  
22 The court shall not enter any order under this section that would  
23 require a plaintiff to pay the costs, expenses or attorney's fees of  
24 counsel or a guardian ad litem for a minor child named as a defendant  
25 in such civil action. It shall not be a defense to such civil action that the  
26 defendant is entitled to absolute, quasi-judicial immunity.

27       Sec. 3. (NEW) (*Effective October 1, 2015*) (a) In a family relations  
28 matter, as defined in section 46b-1 of the general statutes, if a court  
29 orders that a parent undergo treatment or an evaluation from a  
30 licensed health care provider, as defined in section 52-184e of the  
31 general statutes, the court shall allow the parent to select the licensed  
32 health care provider who is to provide such treatment or evaluation.

33       (b) In a family relations matter, as defined in section 46b-1 of the  
34 general statutes, if a court orders that a child undergo treatment or an  
35 evaluation from a licensed health care provider, as defined in section  
36 52-184e of the general statutes, the court shall permit the parent or  
37 legal guardian of such child to select the licensed health care provider  
38 who is to provide such treatment or evaluation. If two parents do not  
39 agree on the selection of a licensed health care provider to provide  
40 such treatment or evaluation to a child, the court shall continue the  
41 matter for two weeks to allow the parents an opportunity to jointly  
42 select the licensed health care provider. If after the two-week period,  
43 the parents have not reached an agreement on the selection of a  
44 licensed health care provider, the court shall select such provider after  
45 giving due consideration to the health insurance coverage and  
46 financial resources available to such parents. In the case of two parents  
47 who cannot agree on the selection of a licensed health care provider to  
48 provide such treatment or evaluation to the child, if a parent incurs  
49 expenses as a result of permitting the child to be treated or evaluated

50 by such provider, without the express written consent of the other  
51 parent, the parent who permitted such treatment or evaluation to  
52 occur shall be solely responsible for the costs incurred for such  
53 treatment or evaluation.

54 (c) In a family relations matter, as defined in section 46b-1 of the  
55 general statutes, if a court orders that a parent or child undergo an  
56 evaluation from a licensed health care provider, as defined in section  
57 52-184e of the general statutes, the results of such evaluation shall be  
58 submitted to the court by such provider not later than thirty days after  
59 the date of completion of the evaluation.

60 Sec. 4. Subsection (e) of section 46b-54 of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2015*):

63 (e) [Counsel] Except as provided in this subsection, counsel or a  
64 guardian ad litem for the minor child or children shall be heard on all  
65 matters pertaining to the interests of any child, including the custody,  
66 care, support, education and visitation of the child, so long as the court  
67 deems such representation to be in the best interests of the child. To  
68 the extent practicable, when hearing from such counsel or guardian ad  
69 litem, the court shall permit such counsel or guardian ad litem to  
70 participate at the beginning of the matter, at the conclusion of the  
71 matter or at such other time the court deems appropriate so as to  
72 minimize legal fees incurred by the parties due to the participation of  
73 such counsel or guardian ad litem in the matter. Such counsel or  
74 guardian ad litem [may] shall not be heard on a matter pertaining to a  
75 medical diagnosis or conclusion concerning a minor child made by a  
76 health care professional treating such child. [when (1) such counsel or  
77 guardian ad litem is in possession of a medical record or report of the  
78 treating health care professional that indicates or supports such  
79 medical diagnosis or conclusion; or (2) one or more parties have  
80 refused to cooperate in paying for or obtaining a medical record or  
81 report that contains the treating health care professional's medical

82 diagnosis or conclusion. If] Instead, if the court deems it to be in the  
83 best interests of the minor child, such health care professional shall be  
84 heard on matters pertaining to the interests of any such child,  
85 including the custody, care, support, education and visitation of such  
86 child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	46b-54(e)

**Statement of Purpose:**

To implement reforms in family court proceedings.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. GONZALEZ, 3rd Dist.; REP. FRITZ, 90th Dist.

H.B. 5505