



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

Testimony of the Honorable Patrick L. Carroll III  
Judiciary Committee Public Hearing  
February 29, 2016

*H.B. 5366, An Act Concerning Court Operations*

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch in support of H.B. 5366, *An Act Concerning Court Operations*. This is the Judicial Branch's annual "omnibus" bill that contains changes intended to improve the efficiency and effectiveness of the Branch's operations. Since it covers a variety of areas, please allow me to walk you through a section by section summary of the bill.

Sections 1 and 2 would conform Connecticut statutes with federal law, by providing that judges make a finding that reasonable efforts to reunite the family have occurred pursuant to the federal Adoption and Safe Families Act (ASFA) of 1997. Current statute requires such a finding under the federal Adoption Assistance and Child Welfare Act (AACWA) of 1980. AACWA has long been superseded by ASFA.

Section 3 would permit judges to consider additional information when ruling on a temporary restraining order after a hearing. The current statute limits the information that a judge may consider to "relevant court records if the records are available to the public." It would be a significant benefit if the court had access to a report prepared by family relations counselors that contained existing or prior orders of protection obtained from the protection order registry, outstanding arrest warrants and the respondent's level of risk based on a risk assessment tool utilized by family relations counselors.

Additionally, this section clarifies that minors may apply for a temporary restraining order through a parent, guardian or other responsible adult as a next friend. It also specifies that the parent, guardian or responsible adult may not speak on the minor's behalf

at the hearing, unless there is good cause shown as to why the minor is unable to speak on his or her own behalf. Based upon conversations with the Office of the Victim Advocate, we would also suggest that the following language be added to line 78: "If the applicant is under eighteen years of age, unless legally emancipated pursuant to section 46b-150, the application shall be made...".

**Section 4** clarifies that minors may apply for a civil order of protection through a parent, guardian or other responsible adult as a next friend. It also specifies that the parent, guardian or responsible adult may not speak on the minor's behalf at the hearing, unless there is good cause shown as to why the minor is unable to speak on his or her own behalf. We would suggest that the following language be added to line 153: "If the applicant is under eighteen years of age, unless legally emancipated pursuant to section 46b-150, the application shall be made...".

In addition, Section 4 specifies that, if a postponement of a hearing on the application is requested by either party, no ex parte order shall be continued except upon agreement of the parties or by order of the court for good cause shown. This change would be consistent with the existing language in 46b-15.

**Section 5** excludes "cap" plea agreements from review by the Sentence Review Division. "Cap" plea agreements are negotiated, similar to other plea agreements that are not reviewable.

**Section 6** provides that any party or the deponent may obtain a copy of the deposition transcript and permanent electronic record at his or her own expense. The current statute provides that the cost of copies of a deposition transcript is borne by the party on whose behalf the deposition is taken. This change would conform to the Connecticut Practice Book, as well as federal practice and most other states.

**Section 7** would delete the requirement that a two dollar fee be paid to the clerk for receiving and filing an assessment of damages by appraisers of land taken for public use. This fee creates a technical issue for the e-filing system, preventing the Attorney General's office from e-filing a condemnation action. Furthermore, the fee does not generate a significant amount of revenue. It is anticipated that the fee generates less than \$500 annually.

Section 8 would amend Public Act 13-239 to allow the Judicial Branch to purchase the Waterford Juvenile Facility.

To conclude, I urge the Committee to act favorably on these provisions. Thank you again for the opportunity to submit written testimony in support of this bill.