

# Legal Assistance Resource Center of Connecticut, Inc. ❖

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## H.B. 5401 -- Child's name in summary process documents

Judiciary Committee public hearing -- February 29, 2016  
Testimony of Raphael L. Podolsky

Recommended Committee action: SUPPORT (with amendment)

Under existing law, it is unnecessary to name a minor child in the notice to quit that precedes the filing of a summary process action or in the writ, summons, and complaint. That is because General Statutes §47a-26h(a) provides that minors holding under a named defendant are bound by the judgment. Nevertheless, minors are sometimes named. The legal services programs have seen minors as young as ten years old named in summary process proceedings. Unfortunately, this overnaming may have consequences later in life when the child, as an adult, attempts to rent an apartment or obtain credit, since it will be picked up in a credit report. We have discovered that, even if a tenant moves to have the name of a child stricken or to have the case against the tenant dismissed or withdrawn, the child's name will still appear in the Judicial Branch's online listing of cases, which will result in its appearing in a credit check. Since the naming of a child is superfluous, it is preferable that he or she not be treated as a party defendant.

This bill addresses that problem by providing that the plaintiff in an eviction action shall not name a minor in the notice to quit or in the summary process writ, summons and complaint. We think that the bill should go a step farther and also provide that, upon discovery that a minor has been named, the minor's name will be stricken from the case record and will not appear in the online case file. This would be the approximate equivalent of an erasure in a criminal case. This result can be accomplished by adding the following or similar language to the end of subsection (a) of Section 47a-26h:

If a minor who will be or is bound by a summary process judgment pursuant to division (1) of this subsection is named in a summary process complaint, upon motion of either party or upon its own initiative, the court may order the name of such minor to be stricken from the record of the action and the clerk shall remove or arrange for the removal of such minor's name from the online record of the case.