



General Assembly

**Substitute Bill No. 5366**

February Session, 2016

\* \_\_\_\_\_HB05366JUD\_\_\_\_031416\_\_\_\_\_\*

**AN ACT CONCERNING COURT OPERATIONS.**

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

1 Section 1. Subsection (k) of section 17a-112 of the 2016 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective from passage*):

4 (k) Except in the case where termination of parental rights is based  
5 on consent, in determining whether to terminate parental rights under  
6 this section, the court shall consider and shall make written findings  
7 regarding: (1) The timeliness, nature and extent of services offered,  
8 provided and made available to the parent and the child by an agency  
9 to facilitate the reunion of the child with the parent; (2) whether the  
10 Department of Children and Families has made reasonable efforts to  
11 reunite the family pursuant to the federal [Adoption Assistance and  
12 Child Welfare Act of 1980, as amended] Adoption and Safe Families  
13 Act of 1997, as amended from time to time; (3) the terms of any  
14 applicable court order entered into and agreed upon by any individual  
15 or agency and the parent, and the extent to which all parties have  
16 fulfilled their obligations under such order; (4) the feelings and  
17 emotional ties of the child with respect to the child's parents, any  
18 guardian of such child's person and any person who has exercised  
19 physical care, custody or control of the child for at least one year and  
20 with whom the child has developed significant emotional ties; (5) the  
21 age of the child; (6) the efforts the parent has made to adjust such

22 parent's circumstances, conduct, or conditions to make it in the best  
23 interest of the child to return such child home in the foreseeable future,  
24 including, but not limited to, (A) the extent to which the parent has  
25 maintained contact with the child as part of an effort to reunite the  
26 child with the parent, provided the court may give weight to incidental  
27 visitations, communications or contributions, and (B) the maintenance  
28 of regular contact or communication with the guardian or other  
29 custodian of the child; and (7) the extent to which a parent has been  
30 prevented from maintaining a meaningful relationship with the child  
31 by the unreasonable act or conduct of the other parent of the child, or  
32 the unreasonable act of any other person or by the economic  
33 circumstances of the parent.

34 Sec. 2. Subsection (o) of section 17a-112 of the 2016 supplement to  
35 the general statutes is repealed and the following is substituted in lieu  
36 thereof (*Effective from passage*):

37 (o) In the case where termination of parental rights is granted, the  
38 guardian of the person or statutory parent shall report to the court not  
39 later than thirty days after the date judgment is entered on a case plan,  
40 as defined by the federal [Adoption Assistance and Child Welfare Act  
41 of 1980] Adoption and Safe Families Act of 1997, as amended from  
42 time to time, for the child which shall include measurable objectives  
43 and time schedules. At least every three months thereafter, such  
44 guardian or statutory parent shall make a report to the court on the  
45 progress made on implementation of the plan. The court may convene  
46 a hearing upon the filing of a report and shall convene and conduct a  
47 permanency hearing pursuant to subsection (k) of section 46b-129 for  
48 the purpose of reviewing the permanency plan for the child [no] not  
49 more than twelve months from the date judgment is entered or from  
50 the date of the last permanency hearing held pursuant to subsection  
51 (k) of section 46b-129, whichever is earlier, and at least once a year  
52 thereafter while the child remains in the custody of the Commissioner  
53 of Children and Families. For children where the commissioner has  
54 determined that adoption is appropriate, the report on the

55 implementation of the plan shall include a description of the  
56 reasonable efforts the department is taking to promote and expedite  
57 the adoptive placement and to finalize the adoption of the child,  
58 including documentation of child specific recruitment efforts. At such  
59 hearing, the court shall determine whether the department has made  
60 reasonable efforts to achieve the permanency plan. If the court  
61 determines that the department has not made reasonable efforts to  
62 place a child in an adoptive placement or that reasonable efforts have  
63 not resulted in the placement of the child, the court may order the  
64 Department of Children and Families, within available appropriations,  
65 to contract with a child-placing agency to arrange for the adoption of  
66 the child. The department, as statutory parent, shall continue to  
67 provide care and services for the child while a child-placing agency is  
68 arranging for the adoption of the child.

69 Sec. 3. Subsections (a) and (b) of section 46b-15 of the general  
70 statutes are repealed and the following is substituted in lieu thereof  
71 (*Effective October 1, 2016*):

72 (a) Any family or household member, as defined in section 46b-38a,  
73 who has been subjected to a continuous threat of present physical pain  
74 or physical injury, stalking or a pattern of threatening, including, but  
75 not limited to, a pattern of threatening, as described in section 53a-62,  
76 by another family or household member may make an application to  
77 the Superior Court for relief under this section. If the applicant is  
78 under eighteen years of age, the application shall be made on the  
79 applicant's behalf by a parent or guardian or a responsible adult as  
80 next friend.

81 (b) The application form shall allow the applicant, at the applicant's  
82 option, to indicate whether the respondent holds a permit to carry a  
83 pistol or revolver or possesses one or more firearms or ammunition.  
84 The application shall be accompanied by an affidavit made under oath  
85 which includes a brief statement of the conditions from which relief is  
86 sought. Such affidavit shall be made personally by the applicant,  
87 except that if the applicant is under eighteen years of age, or otherwise

88 incompetent, such affidavit may be made on the applicant's behalf by a  
89 parent, guardian or a responsible adult as next friend who has  
90 personal knowledge of the conditions from which relief is sought.  
91 Upon receipt of the application the court shall order that a hearing on  
92 the application be held not later than fourteen days from the date of  
93 the order. The court, in its discretion, may make such orders as it  
94 deems appropriate for the protection of the applicant and such  
95 dependent children or other persons as the court sees fit. In making  
96 such orders ex parte, the court, in its discretion, may consider relevant  
97 court records if the records are available to the public from a clerk of  
98 the Superior Court or on the Judicial Branch's Internet web site. In  
99 addition, at the time of the hearing, the court, in its discretion, may  
100 also consider a report prepared by the family services unit of the  
101 Judicial Branch that may include, as available: Any existing or prior  
102 orders of protection obtained from the protection order registry;  
103 information on any pending or past criminal case in which the  
104 respondent was charged with or convicted of a violent crime; any  
105 outstanding arrest warrant for the respondent; and the respondent's  
106 level of risk based on a risk assessment tool utilized by the Court  
107 Support Services Division. The report may also include information  
108 pertaining to any pending or disposed family matters case involving  
109 the applicant and respondent. Any report provided by the Court  
110 Support Services Division to the court shall also be provided to the  
111 applicant and respondent. Such orders may include temporary child  
112 custody or visitation rights, and such relief may include, but is not  
113 limited to, an order enjoining the respondent from (1) imposing any  
114 restraint upon the person or liberty of the applicant; (2) threatening,  
115 harassing, assaulting, molesting, sexually assaulting or attacking the  
116 applicant; or (3) entering the family dwelling or the dwelling of the  
117 applicant. Such order may include provisions necessary to protect any  
118 animal owned or kept by the applicant including, but not limited to, an  
119 order enjoining the respondent from injuring or threatening to injure  
120 such animal. If an applicant alleges an immediate and present physical  
121 danger to the applicant, the court may issue an ex parte order granting  
122 such relief as it deems appropriate. If a postponement of a hearing on

123 the application is requested by either party and granted, the ex parte  
124 order shall not be continued except upon agreement of the parties or  
125 by order of the court for good cause shown. If a hearing on the  
126 application is scheduled or an ex parte order is granted and the court is  
127 closed on the scheduled hearing date, the hearing shall be held on the  
128 next day the court is open and any such ex parte order shall remain in  
129 effect until the date of such hearing. If the applicant is under eighteen  
130 years of age, a parent, guardian or responsible adult who brings the  
131 application as next friend of the applicant may not speak on the  
132 applicant's behalf at such hearing unless there is good cause shown as  
133 to why the applicant is unable to speak on his or her own behalf. If a  
134 respondent is under eighteen years of age and appears for such  
135 hearing without a parent or guardian, the court may appoint a  
136 responsible adult as next friend. As used in this subsection "violent  
137 crime" includes: (A) An incident resulting in physical harm, bodily  
138 injury or assault; (B) an act of threatened violence that constitutes fear  
139 of imminent physical harm, bodily injury or assault, including, but not  
140 limited to, stalking or a pattern of threatening; (C) verbal abuse or  
141 argument if there is a present danger and likelihood that physical  
142 violence will occur; and (D) cruelty to animals as set forth in section  
143 53-247.

144 Sec. 4. Subsections (a) and (b) of section 46b-16a of the general  
145 statutes are repealed and the following is substituted in lieu thereof  
146 (*Effective October 1, 2016*):

147 (a) Any person who has been the victim of sexual abuse, sexual  
148 assault or stalking, as described in sections 53a-181c, 53a-181d and 53a-  
149 181e, may make an application to the Superior Court for relief under  
150 this section, provided such person has not obtained any other court  
151 order of protection arising out of such abuse, assault or stalking and  
152 does not qualify to seek relief under section 46b-15, as amended by this  
153 act. If the applicant is under eighteen years of age, the application shall  
154 be made on the applicant's behalf by a parent or guardian or a  
155 responsible adult as next friend.

156 (b) The application shall be accompanied by an affidavit made by  
157 the applicant under oath that includes a statement of the specific facts  
158 that form the basis for relief. Such affidavit shall be made personally  
159 by the applicant, except that if the applicant is under eighteen years of  
160 age, or otherwise incompetent, such affidavit may be made on the  
161 applicant's behalf by a parent, guardian or a responsible adult as next  
162 friend who has personal knowledge of the conditions from which relief  
163 is sought. Upon receipt of the application, if the allegations set forth in  
164 the affidavit meet the requirements of subsection (a) of this section, the  
165 court shall schedule a hearing not later than fourteen days from the  
166 date of the application. If a postponement of a hearing on the  
167 application is requested by either party, no ex parte order shall be  
168 continued except upon agreement of the parties or by order of the  
169 court for good cause shown. If the court is closed on the scheduled  
170 hearing date, the hearing shall be held on the next day the court is  
171 open and any ex parte order that was issued shall remain in effect until  
172 the date of such hearing. If the applicant is under eighteen years of age,  
173 a parent, guardian or responsible adult who brings the application as  
174 next friend of the applicant may not speak on the applicant's behalf at  
175 such hearing unless there is good cause shown as to why the applicant  
176 is unable to speak on his or her own behalf. If a respondent is under  
177 eighteen years of age and appears for such hearing without a parent or  
178 guardian, the court may appoint a responsible adult as next friend. If  
179 the court finds that there are reasonable grounds to believe that the  
180 respondent has committed acts constituting grounds for issuance of an  
181 order under this section and will continue to commit such acts or acts  
182 designed to intimidate or retaliate against the applicant, the court, in  
183 its discretion, may make such orders as it deems appropriate for the  
184 protection of the applicant. If the court finds that there are reasonable  
185 grounds to believe that an imminent danger exists to the applicant, the  
186 court may issue an ex parte order granting such relief as it deems  
187 appropriate. In making such orders, the court, in its discretion, may  
188 consider relevant court records if the records are available to the public  
189 from a clerk of the Superior Court or on the Judicial Branch's Internet  
190 web site. Such orders may include, but are not limited to, an order

191 enjoining the respondent from: (1) Imposing any restraint upon the  
192 person or liberty of the applicant; (2) threatening, harassing,  
193 assaulting, molesting, sexually assaulting or attacking the applicant;  
194 and (3) entering the dwelling of the applicant.

195 Sec. 5. Section 52-148d of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective from passage*):

197 (a) All witnesses or parties giving depositions shall be cautioned to  
198 speak the whole truth and be carefully examined, and shall subscribe  
199 their depositions, and make oath before the authority taking the  
200 depositions.

201 (b) The authority taking a deposition shall: (1) Attest the subscribing  
202 of the deposition and oath of the person deposed, (2) certify whether  
203 each adverse party or his agent was present and notified, (3) certify the  
204 reason for taking the deposition, and (4) seal the deposition and direct  
205 it to the court where it is to be used and deliver it, if requested, to the  
206 party at whose request it was taken.

207 (c) The party on whose behalf the deposition of an adverse party is  
208 taken shall be subject to having his deposition taken on behalf of such  
209 adverse party. The party on whose behalf a deposition is taken shall [at  
210 his expense provide a copy of the deposition to each adverse party]  
211 bear the cost of the original transcript, and any permanent electronic  
212 record including audio or videotape. Any party or the deponent may  
213 obtain a copy of the deposition transcript and permanent electronic  
214 record including audio or videotape at his or her own expense, except  
215 that in proceedings before the Workers' Compensation Commission,  
216 the party on whose behalf a deposition is taken shall, at such party's  
217 expense, provide a copy of the deposition to each adverse party.

218 Sec. 6. Subsection (f) of section 52-259 of the 2016 supplement to the  
219 general statutes is repealed and the following is substituted in lieu  
220 thereof (*Effective October 1, 2016*):

221 (f) There shall be paid to the clerk of the Superior Court for

222 [receiving and filing an assessment of damages by appraisers of land  
223 taken for public use or] the appointment of a commissioner of the  
224 Superior Court, two dollars; for recording the commission and oath of  
225 a notary public or certifying under seal to the official character of any  
226 magistrate, ten dollars; for issuing a certificate that an attorney is in  
227 good standing, ten dollars; for certifying under seal, two dollars; for  
228 exemplifying, twenty dollars; for making all necessary records and  
229 certificates of naturalization, the fees allowed under the provisions of  
230 the United States statutes for such services; and for making copies, one  
231 dollar per page. Any fee set forth in this subsection shall be payable in  
232 accordance with subsection (m) of this section.

233 Sec. 7. Subsection (j) of section 45a-717 of the 2016 supplement to the  
234 general statutes is repealed and the following is substituted in lieu  
235 thereof (*Effective from passage*):

236 (j) In the case where termination of parental rights is granted, the  
237 guardian of the person or statutory parent shall report to the court  
238 within thirty days of the date judgment is entered on a case plan, as  
239 defined by the federal [Adoption Assistance and Child Welfare Act of  
240 1980] Adoption and Safe Families Act of 1997, as amended from time  
241 to time, for the child. At least every three months thereafter, such  
242 guardian or statutory parent shall make a report to the court on the  
243 implementation of the plan. The court may convene a hearing upon  
244 the filing of a report and shall convene a hearing for the purpose of  
245 reviewing the plan no more than twelve months from the date  
246 judgment is entered or from the date of the last permanency hearing  
247 held pursuant to subsection (k) of section 46b-129 if the child or youth  
248 is in the care and custody of the Commissioner of Children and  
249 Families, whichever is earlier, and at least once a year thereafter until  
250 such time as any proposed adoption plan has become finalized. If the  
251 Commissioner of Children and Families is the statutory parent for the  
252 child, at such a hearing the court shall determine whether the  
253 department has made reasonable efforts to achieve the permanency  
254 plan. In the case where termination of parental rights is granted, the

255 guardian of the person or statutory parent shall obtain the approval of  
 256 the court prior to placing the child or youth for adoption outside the  
 257 state. Before ordering or approving such placement, the court shall  
 258 make findings concerning compliance with the provisions of section  
 259 17a-175. Such findings shall include, but not be limited to: (1) A finding  
 260 that the state has received notice in writing from the receiving state, in  
 261 accordance with subsection (d) of Article III of section 17a-175,  
 262 indicating that the proposed placement does not appear contrary to the  
 263 interests of the child, (2) the court has reviewed such notice, (3)  
 264 whether or not an interstate compact study or other home study has  
 265 been completed by the receiving state, and (4) if such a study has been  
 266 completed, whether the conclusions reached by the receiving state as a  
 267 result of such study support the placement.

268 Sec. 8. Subdivision (1) of subsection (o) of section 21 of public act 13-  
 269 239 is amended to read as follows (*Effective from passage*):

270 (1) Alterations, renovations and improvements to buildings and  
 271 grounds at state-owned and maintained facilities, not exceeding  
 272 \$7,500,000, provided not more than \$4,500,000 shall be used for repairs,  
 273 improvements and acquisitions for a juvenile court in Waterford;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-112(k)
Sec. 2	<i>from passage</i>	17a-112(o)
Sec. 3	<i>October 1, 2016</i>	46b-15(a) and (b)
Sec. 4	<i>October 1, 2016</i>	46b-16a(a) and (b)
Sec. 5	<i>from passage</i>	52-148d
Sec. 6	<i>October 1, 2016</i>	52-259(f)
Sec. 7	<i>from passage</i>	45a-717(j)
Sec. 8	<i>from passage</i>	PA 13-239, Sec. 21(o)(1)

**JUD** Joint Favorable Subst.