



General Assembly

February Session, 2016

Raised Bill No. 350

LCO No. 2186



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE APPOINTMENT OF FAMILY SUPPORT
MAGISTRATES.***

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

1 Section 1. Subsections (f) and (g) of section 46b-231 of the 2016
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective January 1, 2017*):

4 (f) (1) (A) The Family Support Magistrate Division shall include
5 nine family support magistrates who shall, (i) prior to January 1, 2017,
6 be appointed by the Governor to serve in that capacity for a term of
7 three years, and (ii) on and after January 1, 2017, be nominated by the
8 Governor and appointed by the General Assembly to serve in that
9 capacity for a term of four years, except that each family support
10 magistrate serving on December 31, 2016, shall continue to serve in
11 that capacity on and after January 1, 2017, until the expiration of such
12 magistrate's three-year term, unless removed from office pursuant to
13 this subsection, and shall continue to serve after the expiration of such
14 three-year term until a successor is appointed or the family support
15 magistrate's nomination has failed to be approved in accordance with

16 this subsection. A family support magistrate may be [reappointed by
17 the Governor upon completion of each term of office] nominated by
18 the Governor for reappointment.

19 (B) To be eligible for [appointment,] nomination as a family support
20 magistrate, [must] a person shall have engaged in the practice of law
21 for five years prior to appointment and [shall] be experienced in the
22 field of family law. The family support magistrate shall devote full
23 time to the duties of a family support magistrate and shall not engage
24 in the private practice of law. A family support magistrate may be
25 removed from office by the Governor for cause and is subject to
26 admonishment, censure, suspension and removal from office as
27 provided in chapter 872a.

28 (2) Each nomination made by the Governor to the General
29 Assembly for a family support magistrate shall be referred, without
30 debate, to the committee on the judiciary, which shall report thereon
31 within thirty legislative days from the time of reference, but not later
32 than seven legislative days before the adjourning of the General
33 Assembly.

34 (3) Each appointment of a family support magistrate shall be by
35 concurrent resolution. The action on the passage of each such
36 resolution in the House of Representatives and in the Senate shall be
37 by vote taken on the electrical roll-call device. No resolution shall
38 contain the name of more than one nominee. The Governor shall,
39 within five days after the Governor has notice that any family support
40 magistrate nomination has failed to be approved by the affirmative
41 concurrent action of both houses of the General Assembly, make
42 another nomination to such office.

43 (4) Notwithstanding the provisions of section 4-19, no vacancy in
44 the position of a family support magistrate shall be filled by the
45 Governor when the General Assembly is not in session unless, prior to
46 such filling, the Governor submits the name of the proposed vacancy

47 appointee to the committee on the judiciary. Within forty-five days, the
48 committee on the judiciary may, upon the call of either chairperson,
49 hold a special meeting for the purpose of approving or disapproving
50 such proposed vacancy appointee by majority vote. The Governor
51 shall not administer the oath of office to such proposed vacancy
52 appointee until the committee has approved such proposed vacancy
53 appointee. If the committee determines that it cannot complete its
54 investigation and act on such proposed vacancy appointee within such
55 forty-five-day period, it may extend such period by an additional
56 fifteen days. The committee shall notify the Governor in writing of any
57 such extension. Failure of the committee to act on such proposed
58 vacancy appointee within such forty-five-day period or any fifteen-day
59 extension period shall be deemed to be an approval.

60 (5) Prior to a public hearing on a family support magistrate, the
61 committee on the judiciary may employ a person to investigate, at the
62 request of the chairpersons of said committee, any family support
63 magistrate nominee with respect to the suitability of such nominee for
64 magisterial office. Such investigator shall report his or her findings to
65 said committee and any such report shall be confidential and shall not
66 be subject to public disclosure. Such person shall receive such
67 compensation as may be fixed by the Joint Committee on Legislative
68 Management for each day such person is engaged in his or her duties
69 as an investigator.

70 (g) A Chief Family Support Magistrate shall be designated by the
71 Chief Court Administrator of the Superior Court from among the nine
72 family support magistrates appointed [by the Governor] pursuant to
73 subsection (f) of this section, except that the Chief Family Support
74 Magistrate serving in that capacity on December 31, 2016, shall
75 continue to serve in that capacity on and after January 1, 2017, until the
76 expiration of such family support magistrate's term, unless a successor
77 is designated by the Chief Court Administrator or such family support
78 magistrate is removed from office pursuant to subsection (f) of this
79 section or such family support magistrate's nomination has failed to be

80 approved in accordance with subsection (f) of this section. Under the
81 direction of the Chief Court Administrator, the Chief Family Support
82 Magistrate shall supervise the Family Support Magistrate Division and
83 submit an annual report to the Chief Court Administrator and perform
84 such other duties as provided in this section.

85 Sec. 2. Subsection (b) of section 51-51q of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *January 1, 2017*):

88 (b) The Judicial Review Council shall submit its recommendations
89 concerning the nomination for reappointment of any family support
90 magistrate whose term of office is about to expire, including a report of
91 any investigation of any such family support magistrate by the council,
92 to the Governor and to the joint standing committee of the General
93 Assembly having cognizance of matters relating to the judiciary. The
94 Judicial Review Council shall provide information to said committee
95 concerning any complaint filed against such family support magistrate
96 and the investigation and disposition of such complaint, including, but
97 not limited to, confidential information, in the same manner and
98 subject to the same requirements as information provided under
99 subdivisions (1) and (2) of subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	46b-231(f) and (g)
Sec. 2	<i>January 1, 2017</i>	51-51q(b)

Statement of Purpose:

To provide that future appointments and reappointments of family support magistrates shall be subject to approval by the General Assembly, and provide terms of office for such magistrates commensurate with the terms of office of workers' compensation commissioners.

[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.]