



General Assembly

February Session, 2016

**Raised Bill No. 350**

LCO No. 2186

\* \_\_\_\_\_SB00350JUD\_\_\_033016\_\_\_\_\_\*

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2 supplement to the general statutes are repealed and the following is  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)          |

**JUD**      *Joint Favorable*