

**Proposed Substitute
Bill No. 5366**

LCO No. 2993

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2 to the general statutes is repealed and the following is substituted in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

20 developed significant emotional ties; (5) the age of the child; (6) the
21 efforts the parent has made to adjust such parent's circumstances,
22 conduct, or conditions to make it in the best interest of the child to
23 return such child home in the foreseeable future, including, but not
24 limited to, (A) the extent to which the parent has maintained contact
25 with the child as part of an effort to reunite the child with the parent,
26 provided the court may give weight to incidental visitations,
27 communications or contributions, and (B) the maintenance of regular
28 contact or communication with the guardian or other custodian of the
29 child; and (7) the extent to which a parent has been prevented from
30 maintaining a meaningful relationship with the child by the
31 unreasonable act or conduct of the other parent of the child, or the
32 unreasonable act of any other person or by the economic circumstances
33 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 more
49 than twelve months from the date judgment is entered or from the
50 date of the last permanency hearing held pursuant to subsection (k) of
51 section 46b-129, whichever is earlier, and at least once a year thereafter
52 while the child remains in the custody of the Commissioner of
53 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 Court Support Services Division that may include, as available: Any
102 existing or prior orders of protection obtained from the protection
103 order registry; information on any pending or past criminal case in
104 which the respondent was charged with or convicted of a violent
105 crime; any outstanding arrest warrant for the respondent and the
106 respondent's level of risk based on a risk assessment tool utilized by
107 the Court Support Services Division. The report may also include
108 information pertaining to any pending or disposed family matters case
109 involving the applicant and respondent. Any report provided by the
110 Court Support Services Division to the court shall also be provided to
111 the applicant and respondent. Such orders may include temporary
112 child custody or visitation rights, and such relief may include, but is
113 not limited to, an order enjoining the respondent from (1) imposing
114 any restraint upon the person or liberty of the applicant; (2)
115 threatening, harassing, assaulting, molesting, sexually assaulting or
116 attacking the applicant; or (3) entering the family dwelling or the
117 dwelling of the applicant. Such order may include provisions
118 necessary to protect any animal owned or kept by the applicant
119 including, but not limited to, an order enjoining the respondent from
120 injuring or threatening to injure such animal. If an applicant alleges an
121 immediate and present physical danger to the applicant, the court may

122 issue an ex parte order granting such relief as it deems appropriate. If a
123 postponement of a hearing on the application is requested by either
124 party and granted, the ex parte order shall not be continued except
125 upon agreement of the parties or by order of the court for good cause
126 shown. If a hearing on the application is scheduled or an ex parte order
127 is granted and the court is closed on the scheduled hearing date, the
128 hearing shall be held on the next day the court is open and any such ex
129 parte order shall remain in effect until the date of such hearing. If the
130 applicant is under eighteen years of age, a parent, guardian or
131 responsible adult who brings the application as next friend of the
132 applicant may not speak on the applicant's behalf at such hearing
133 unless there is good cause shown as to why the applicant is unable to
134 speak on his or her own behalf. If a respondent is under eighteen years
135 of age and appears for such hearing without a parent or guardian, the
136 court may appoint a responsible adult as next friend. As used in this
137 subsection "violent crime" includes: (A) An incident resulting in
138 physical harm, bodily injury or assault; (B) an act of threatened
139 violence that constitutes fear of imminent physical harm, bodily injury
140 or assault, including, but not limited to, stalking or a pattern of
141 threatening; (C) verbal abuse or argument if there is a present danger
142 and likelihood that physical violence will occur; and (D) cruelty to
143 animals as set forth in section 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. Subdivision (1) of subsection (o) of section 21 of public act 13-
234 239 is amended to read as follows (*Effective from passage*):

235 (1) Alterations, renovations and improvements to buildings and
236 grounds at state-owned and maintained facilities, not exceeding
237 \$7,500,000, provided not more than \$4,500,000 shall be used for repairs,
238 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>	PA 13-239, Sec. 21(o)(1)