



General Assembly

**Amendment**

February Session, 2016

LCO No. 4089



Offered by:

REP. TONG, 147<sup>th</sup> Dist.

SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Subst. House Bill No. 5366

File No. 345

Cal. No. 239

**"AN ACT CONCERNING COURT OPERATIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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4 to the general statutes is repealed and the following is substituted in  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

6 (k) Except in the case where termination of parental rights is based  
7 on consent, in determining whether to terminate parental rights under  
8 this section, the court shall consider and shall make written findings  
9 regarding: (1) The timeliness, nature and extent of services offered,  
10 provided and made available to the parent and the child by an agency  
11 to facilitate the reunion of the child with the parent; (2) whether the  
12 Department of Children and Families has made reasonable efforts to  
13 reunite the family pursuant to the federal [Adoption Assistance and  
14 Child Welfare Act of 1980, as amended] Adoption and Safe Families

15 Act of 1997, as amended from time to time; (3) the terms of any  
16 applicable court order entered into and agreed upon by any individual  
17 or agency and the parent, and the extent to which all parties have  
18 fulfilled their obligations under such order; (4) the feelings and  
19 emotional ties of the child with respect to the child's parents, any  
20 guardian of such child's person and any person who has exercised  
21 physical care, custody or control of the child for at least one year and  
22 with whom the child has developed significant emotional ties; (5) the  
23 age of the child; (6) the efforts the parent has made to adjust such  
24 parent's circumstances, conduct, or conditions to make it in the best  
25 interest of the child to return such child home in the foreseeable future,  
26 including, but not limited to, (A) the extent to which the parent has  
27 maintained contact with the child as part of an effort to reunite the  
28 child with the parent, provided the court may give weight to incidental  
29 visitations, communications or contributions, and (B) the maintenance  
30 of regular contact or communication with the guardian or other  
31 custodian of the child; and (7) the extent to which a parent has been  
32 prevented from maintaining a meaningful relationship with the child  
33 by the unreasonable act or conduct of the other parent of the child, or  
34 the unreasonable act of any other person or by the economic  
35 circumstances of the parent.

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

39 (o) In the case where termination of parental rights is granted, the  
40 guardian of the person or statutory parent shall report to the court not  
41 later than thirty days after the date judgment is entered on a case plan,  
42 as defined by the federal [Adoption Assistance and Child Welfare Act  
43 of 1980] Adoption and Safe Families Act of 1997, as amended from  
44 time to time, for the child which shall include measurable objectives  
45 and time schedules. At least every three months thereafter, such  
46 guardian or statutory parent shall make a report to the court on the  
47 progress made on implementation of the plan. The court may convene

48 a hearing upon the filing of a report and shall convene and conduct a  
49 permanency hearing pursuant to subsection (k) of section 46b-129 for  
50 the purpose of reviewing the permanency plan for the child [no] not  
51 more than twelve months from the date judgment is entered or from  
52 the date of the last permanency hearing held pursuant to subsection  
53 (k) of section 46b-129, whichever is earlier, and at least once a year  
54 thereafter while the child remains in the custody of the Commissioner  
55 of Children and Families. For children where the commissioner has  
56 determined that adoption is appropriate, the report on the  
57 implementation of the plan shall include a description of the  
58 reasonable efforts the department is taking to promote and expedite  
59 the adoptive placement and to finalize the adoption of the child,  
60 including documentation of child specific recruitment efforts. At such  
61 hearing, the court shall determine whether the department has made  
62 reasonable efforts to achieve the permanency plan. If the court  
63 determines that the department has not made reasonable efforts to  
64 place a child in an adoptive placement or that reasonable efforts have  
65 not resulted in the placement of the child, the court may order the  
66 Department of Children and Families, within available appropriations,  
67 to contract with a child-placing agency to arrange for the adoption of  
68 the child. The department, as statutory parent, shall continue to  
69 provide care and services for the child while a child-placing agency is  
70 arranging for the adoption of the child.

71 Sec. 3. Subsection (j) of section 45a-717 of the 2016 supplement to the  
72 general statutes is repealed and the following is substituted in lieu  
73 thereof (*Effective from passage*):

74 (j) In the case where termination of parental rights is granted, the  
75 guardian of the person or statutory parent shall report to the court  
76 within thirty days of the date judgment is entered on a case plan, as  
77 defined by the federal [Adoption Assistance and Child Welfare Act of  
78 1980] Adoption and Safe Families Act of 1997, as amended from time  
79 to time, for the child. At least every three months thereafter, such  
80 guardian or statutory parent shall make a report to the court on the

81 implementation of the plan. The court may convene a hearing upon  
82 the filing of a report and shall convene a hearing for the purpose of  
83 reviewing the plan no more than twelve months from the date  
84 judgment is entered or from the date of the last permanency hearing  
85 held pursuant to subsection (k) of section 46b-129 if the child or youth  
86 is in the care and custody of the Commissioner of Children and  
87 Families, whichever is earlier, and at least once a year thereafter until  
88 such time as any proposed adoption plan has become finalized. If the  
89 Commissioner of Children and Families is the statutory parent for the  
90 child, at such a hearing the court shall determine whether the  
91 department has made reasonable efforts to achieve the permanency  
92 plan. In the case where termination of parental rights is granted, the  
93 guardian of the person or statutory parent shall obtain the approval of  
94 the court prior to placing the child or youth for adoption outside the  
95 state. Before ordering or approving such placement, the court shall  
96 make findings concerning compliance with the provisions of section  
97 17a-175. Such findings shall include, but not be limited to: (1) A finding  
98 that the state has received notice in writing from the receiving state, in  
99 accordance with subsection (d) of Article III of section 17a-175,  
100 indicating that the proposed placement does not appear contrary to the  
101 interests of the child, (2) the court has reviewed such notice, (3)  
102 whether or not an interstate compact study or other home study has  
103 been completed by the receiving state, and (4) if such a study has been  
104 completed, whether the conclusions reached by the receiving state as a  
105 result of such study support the placement.

106 Sec. 4. Subsections (a) and (b) of section 46b-15 of the general  
107 statutes are repealed and the following is substituted in lieu thereof  
108 (*Effective October 1, 2016*):

109 (a) Any family or household member, as defined in section 46b-38a,  
110 who has been subjected to a continuous threat of present physical pain  
111 or physical injury, stalking or a pattern of threatening, including, but  
112 not limited to, a pattern of threatening, as described in section 53a-62,  
113 by another family or household member may make an application to

114 the Superior Court for relief under this section. The court shall provide  
115 any person who applies for relief under this section with the  
116 information set forth in section 46b-15b, as amended by this act.

117 (b) The application form shall allow the applicant, at the applicant's  
118 option, to indicate whether the respondent holds a permit to carry a  
119 pistol or revolver or possesses one or more firearms or ammunition.  
120 The application shall be accompanied by an affidavit made under oath  
121 which includes a brief statement of the conditions from which relief is  
122 sought. Upon receipt of the application the court shall order that a  
123 hearing on the application be held not later than fourteen days from  
124 the date of the order. The court, in its discretion, may make such  
125 orders as it deems appropriate for the protection of the applicant and  
126 such dependent children or other persons as the court sees fit. In  
127 making such orders ex parte, the court, in its discretion, may consider  
128 relevant court records if the records are available to the public from a  
129 clerk of the Superior Court or on the Judicial Branch's Internet web  
130 site. In addition, at the time of the hearing, the court, in its discretion,  
131 may also consider a report prepared by the family services unit of the  
132 Judicial Branch that may include, as available: Any existing or prior  
133 orders of protection obtained from the protection order registry;  
134 information on any pending criminal case or past criminal case in  
135 which the respondent was convicted of a violent crime; any  
136 outstanding arrest warrant for the respondent; and the respondent's  
137 level of risk based on a risk assessment tool utilized by the Court  
138 Support Services Division. The report may also include information  
139 pertaining to any pending or disposed family matters case involving  
140 the applicant and respondent. Any report provided by the Court  
141 Support Services Division to the court shall also be provided to the  
142 applicant and respondent. Such orders may include temporary child  
143 custody or visitation rights, and such relief may include, but is not  
144 limited to, an order enjoining the respondent from (1) imposing any  
145 restraint upon the person or liberty of the applicant; (2) threatening,  
146 harassing, assaulting, molesting, sexually assaulting or attacking the  
147 applicant; or (3) entering the family dwelling or the dwelling of the

148 applicant. Such order may include provisions necessary to protect any  
149 animal owned or kept by the applicant including, but not limited to, an  
150 order enjoining the respondent from injuring or threatening to injure  
151 such animal. If an applicant alleges an immediate and present physical  
152 danger to the applicant, the court may issue an ex parte order granting  
153 such relief as it deems appropriate. If a postponement of a hearing on  
154 the application is requested by either party and granted, the ex parte  
155 order shall not be continued except upon agreement of the parties or  
156 by order of the court for good cause shown. If a hearing on the  
157 application is scheduled or an ex parte order is granted and the court is  
158 closed on the scheduled hearing date, the hearing shall be held on the  
159 next day the court is open and any such ex parte order shall remain in  
160 effect until the date of such hearing. If the applicant is under eighteen  
161 years of age, a parent, guardian or responsible adult who brings the  
162 application as next friend of the applicant may not speak on the  
163 applicant's behalf at such hearing unless there is good cause shown as  
164 to why the applicant is unable to speak on his or her own behalf,  
165 except that nothing in this subsection shall preclude such parent,  
166 guardian or responsible adult from testifying as a witness at such  
167 hearing. As used in this subsection, "violent crime" includes: (A) An  
168 incident resulting in physical harm, bodily injury or assault; (B) an act  
169 of threatened violence that constitutes fear of imminent physical harm,  
170 bodily injury or assault, including, but not limited to, stalking or a  
171 pattern of threatening; (C) verbal abuse or argument if there is a  
172 present danger and likelihood that physical violence will occur; and  
173 (D) cruelty to animals as set forth in section 53-247.

174 Sec. 5. Section 46b-15b of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective October 1, 2016*):

176 The Superior Court shall provide any person who applies for a  
177 restraining order in a domestic violence situation with information on  
178 steps necessary to continue such order beyond the initial period and  
179 shall provide an applicant with information on how to contact a  
180 domestic violence [counselors and counseling organizations]

181 counselor, as defined in section 52-146k, and a domestic violence  
182 agency, as defined in section 52-146k.

183 Sec. 6. Subsection (b) of section 46b-16a of the general statutes is  
184 repealed and the following is substituted in lieu thereof (*Effective*  
185 *October 1, 2016*):

186 (b) The application shall be accompanied by an affidavit made by  
187 the applicant under oath that includes a statement of the specific facts  
188 that form the basis for relief. Upon receipt of the application, if the  
189 allegations set forth in the affidavit meet the requirements of  
190 subsection (a) of this section, the court shall schedule a hearing not  
191 later than fourteen days from the date of the application. If a  
192 postponement of a hearing on the application is requested by either  
193 party, no ex parte order shall be continued except upon agreement of  
194 the parties or by order of the court for good cause shown. If the court is  
195 closed on the scheduled hearing date, the hearing shall be held on the  
196 next day the court is open and any ex parte order that was issued shall  
197 remain in effect until the date of such hearing. If the applicant is under  
198 eighteen years of age, a parent, guardian or responsible adult who  
199 brings the application as next friend of the applicant may not speak on  
200 the applicant's behalf at such hearing unless there is good cause shown  
201 as to why the applicant is unable to speak on his or her own behalf,  
202 except that nothing in this subsection shall preclude such parent,  
203 guardian or responsible adult from testifying as a witness at such  
204 hearing. If the court finds that there are reasonable grounds to believe  
205 that the respondent has committed acts constituting grounds for  
206 issuance of an order under this section and will continue to commit  
207 such acts or acts designed to intimidate or retaliate against the  
208 applicant, the court, in its discretion, may make such orders as it  
209 deems appropriate for the protection of the applicant. If the court finds  
210 that there are reasonable grounds to believe that an imminent danger  
211 exists to the applicant, the court may issue an ex parte order granting  
212 such relief as it deems appropriate. In making such orders, the court, in  
213 its discretion, may consider relevant court records if the records are

214 available to the public from a clerk of the Superior Court or on the  
 215 Judicial Branch's Internet web site. Such orders may include, but are  
 216 not limited to, an order enjoining the respondent from: (1) Imposing  
 217 any restraint upon the person or liberty of the applicant; (2)  
 218 threatening, harassing, assaulting, molesting, sexually assaulting or  
 219 attacking the applicant; and (3) entering the dwelling of the applicant.

220 Sec. 7. Subsection (f) of section 52-259 of the 2016 supplement to the  
 221 general statutes is repealed and the following is substituted in lieu  
 222 thereof (*Effective October 1, 2016*):

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

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>from passage</i>	45a-717(j)
Sec. 4	<i>October 1, 2016</i>	46b-15(a) and (b)
Sec. 5	<i>October 1, 2016</i>	46b-15b
Sec. 6	<i>October 1, 2016</i>	46b-16a(b)
Sec. 7	<i>October 1, 2016</i>	52-259(f)