
OLR Bill Analysis

sHB 5575 (as amended by House "A")*

AN ACT CONCERNING THE APPOINTMENT OF A QUALIFIED, LICENSED HEALTH CARE PROFESSIONAL TO PROVIDE TREATMENT OR AN EVALUATION IN CONNECTION WITH A FAMILY RELATIONS MATTER.

SUMMARY

This bill establishes a process for selecting qualified, licensed health care providers in family relations matters (see BACKGROUND) involving court-ordered treatment or evaluation of parents and children.

The bill requires the court to permit the parent to select the treatment provider for him or herself and allow the parent or legal guardian to do so for the child. When the child's parents do not agree on a provider within a specific timeframe, the bill requires the court to select the provider. In doing so, the court must consider the parents' insurance coverage and financial resources.

Additionally, when the parties agree or the court orders that a parent or child undergo an evaluation from a qualified, licensed healthcare provider, the court must first find that the parties can afford to pay the provider.

The bill establishes the (1) components of the court order and (2) deadline by which the provider must file a report containing the results of the evaluation with the court. The parties must have a reasonable time to examine the report before the case is heard and the court must seal the report.

*House Amendment "A" clarifies that the qualified, licensed health care provider who completes the court-ordered evaluation must file a report containing the results of the evaluation with the court clerk within 30 days after completing it.

EFFECTIVE DATE: October 1, 2018

COURT-ORDERED TREATMENT OF A PARENT

Under the bill, if the court in a family relations matter orders a parent to undergo treatment from a qualified, licensed health care provider, the court must allow the parent to select the provider.

COURT-ORDERED TREATMENT OF A CHILD

Under the bill, if the court in a family relations matter orders that a child undergo treatment from a qualified, licensed health care provider, the court must allow the child's parent or guardian to select the provider.

Except in cases where one parent has sole custody, if the child's two parents do not jointly agree on the selection of the provider, the court must continue the matter for two weeks to allow them an opportunity to jointly select a provider. If they are unable to do so within the two-week period, the court must select the provider after considering the parents' health insurance coverage and financial resources.

COURT-ORDERED EVALUATION OF PARENT OR CHILD

The Court's Findings

Under the bill, if the parties in a family relations matter agree or if the court orders a parent or a child to undergo an evaluation from a qualified, licensed health care provider, the court must first find that the parties have the financial resources to pay for the evaluation.

The Court's Order

If the court determines that an evaluation can be undertaken and a provider has been selected, its order for the evaluation must contain the:

1. name and professional credentials of the health care provider who will complete the evaluation,
2. estimated cost of the evaluation and each party's share of the cost, and

3. estimated deadline by which the evaluation report must be completed and submitted to the court.

Evaluation Submission

The bill requires the provider to file a report containing the results of the evaluation with the court clerk within 30 days after completing the evaluation. The clerk must seal the report.

Under the bill, an evaluation report must be mailed to counsel and self-represented parties (presumably, by the court). The same is required for investigation reports under existing law.

Parties' Review of the Evaluation

The bill prohibits the court from disposing of the case until (1) the evaluation report has been filed with the court and (2) the parties and the attorney have had an opportunity to examine it before the case is heard. Existing law has the same restriction in family relations cases involving court-ordered investigations.

BACKGROUND

Family Relations Matters

By law, "family relations matters" are matters affecting or involving divorce; legal separation; annulment; alimony; support; custody; visitation; change of name; civil restraining orders; civil support obligations; petitions on behalf of a mentally ill person not charged with a criminal offense; wrongful convictions; paternity; appeals from probate court decisions concerning adoption, termination of parental rights, appointment and removal of guardians, custody of a minor child, appointment and removal of conservators, orders for custody of any child, and orders to commit persons to public and private institutions and to other appropriate facilities; actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; dissolution, legal separation, or annulment of a civil union performed in a foreign jurisdiction; interstate child custody matters; and all other matters within the Superior Court's jurisdiction concerning children or family relations as the court determines (CGS § 46b-1).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/04/2018)