



# House of Representatives

General Assembly

**File No. 598**

February Session, 2018

Substitute House Bill No. 5575

*House of Representatives, April 19, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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.***

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

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) In a family relations  
2 matter, as defined in section 46b-1 of the general statutes, if a court  
3 orders that a parent undergo treatment from a qualified, licensed  
4 health care provider, the court shall permit the parent to select a  
5 qualified, licensed health care provider to provide such treatment.

6 (b) In a family relations matter, as defined in section 46b-1 of the  
7 general statutes, if a court orders that a child undergo treatment from a  
8 qualified, licensed health care provider, the court shall permit the  
9 parent or legal guardian of such child to select a qualified, licensed  
10 health care provider to provide such treatment. Except in a case where  
11 one of the parents has been awarded sole custody, if both parents do  
12 not agree on the selection of a qualified, licensed health care provider

13 to provide such treatment to a child, the court shall continue the matter  
14 for two weeks to allow the parents an opportunity to jointly select a  
15 qualified, licensed health care provider. If after the two-week period,  
16 the parents have not reached an agreement on the selection of a  
17 qualified, licensed health care provider, the court shall select such  
18 provider after giving due consideration to the health insurance  
19 coverage and financial resources available to such parents.

20 (c) (1) In a family relations matter, as defined in section 46b-1 of the  
21 general statutes, if the parties agree or if a court orders that a parent or  
22 child undergo an evaluation from a qualified, licensed health care  
23 provider, the court shall first make a finding that the parties have the  
24 financial resources to pay for such evaluation.

25 (2) If the court has determined that an evaluation can be undertaken  
26 and a qualified, licensed health care provider has been selected to  
27 perform the evaluation, the court's order for an evaluation shall  
28 contain the name of each provider who is to undertake the evaluation,  
29 the estimated cost of the evaluation, each party's responsibility for the  
30 cost of the evaluation, the professional credentials of each provider  
31 and the estimated deadline by which such evaluation shall be  
32 completed and submitted to the court.

33 (3) Not later than thirty days after the date of completion of such  
34 evaluation, the provider shall report the results of the evaluation to the  
35 clerk of the court, who shall seal such report.

36 Sec. 2. Section 46b-7 of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2018*):

38 Whenever, in any family relations matter, including appeals from  
39 the Superior Court, an investigation or evaluation has been ordered,  
40 the case shall not be disposed of until the report of the investigation or  
41 evaluation has been filed as hereinafter provided, and counsel and the  
42 parties have had a reasonable opportunity to examine it prior to the  
43 time the case is to be heard. Any report of an investigation or  
44 evaluation shall be filed with the clerk and mailed to counsel and self-

45 represented parties of record.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	New section
Sec. 2	October 1, 2018	46b-7

**Statement of Legislative Commissioners:**

In Section 1(c), "Not later than thirty days after the date of completion of such evaluation, the provider shall report the results of the evaluation to the clerk of the court, who shall seal such report." was moved from Section 1(c)(1) to Section 1(c)(3) for clarity; and in Section 1(c)(2), "a private evaluation" was changed to "an evaluation" for consistency.

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill allows parties in a family relations matter to have input on the selection of a licensed health care professional. As these services are paid by the party, there is no fiscal impact to the state or municipalities.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 5575**

**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 submit the evaluation report to 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.

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 submit the evaluation report to the court clerk within 30 days after completing it. 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)