



House of Representatives

General Assembly

File No. 594

January Session, 2021

Substitute House Bill No. 6505

House of Representatives, April 26, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Section 1-56r of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any person eighteen years of age or older may execute a
4 document that designates another person eighteen years of age or older
5 to make certain decisions on behalf of the maker of such document and
6 have certain rights and obligations with respect to the maker of such
7 document under section 1-1k, subsection (b) of section 14-16, subsection
8 (b) of section 17a-543, subsection (a) of section 19a-289h, section 19a-550,
9 subsection (a) of section 19a-571, section 19a-580, subsection (b) of
10 section 19a-578, [section 31-51jj, section 54-85d, section 54-91c, section
11 54-126a] sections 31-51jj, 46b-127, as amended by this act, 54-85d, 54-91c
12 and 54-126a, or chapter 968.

13 (b) Such document shall be signed, dated and acknowledged by the
14 maker before a notary public or other person authorized to take
15 acknowledgments, and be witnessed by at least two persons. Such
16 document may be revoked at any time by the maker, or by a person in

17 the maker's presence and at the maker's direction, burning, canceling,
18 tearing or obliterating such document or by the execution of a
19 subsequent document by the maker in accordance with subsection (a) of
20 this section.

21 (c) Any person who is presented with a document executed in
22 accordance with this section shall honor and give effect to such
23 document for the purposes [therein] indicated in such document.

24 Sec. 2. Section 4b-55 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective January 1, 2022*):

26 As used in this section, section 4b-1 and sections 4b-56 to 4b-59,
27 inclusive, unless the context clearly requires otherwise:

28 (1) "Commissioner" means the Commissioner of Administrative
29 Services;

30 (2) "Consultant" means (A) any architect, professional engineer,
31 landscape architect, land surveyor, accountant, interior designer,
32 environmental professional or construction administrator, who is
33 registered or licensed to practice such person's profession in accordance
34 with the applicable provisions of the general statutes, or (B) any planner
35 or financial specialist;

36 (3) "Consultant services" includes those professional services
37 rendered by architects, professional engineers, landscape architects,
38 land surveyors, accountants, interior designers, environmental
39 professionals, construction administrators, planners or financial
40 specialists, as well as incidental services that members of these
41 professions and those in their employ are authorized to perform;

42 (4) "Firm" means any individual, partnership, corporation, joint
43 venture, association or other legal entity (A) authorized by law to
44 practice the profession of architecture, landscape architecture,
45 engineering, land surveying, accounting, interior design, environmental
46 or construction administration, or (B) practicing the profession of
47 planning or financial specialization;

48 (5) "Priority higher education facility project" means any project
49 which is part of a state program to repair, renovate, enlarge, equip,
50 purchase or construct (A) instructional facilities, (B) academic core
51 facilities, including library, research and laboratory facilities, (C)
52 student residential or related student dining facilities, or (D) utility
53 systems related to such projects, which are or will be operated under the
54 jurisdiction of the board of trustees of any constituent unit of the state
55 system of higher education, except The University of Connecticut
56 provided the project is included in the comprehensive facilities master
57 plan of the constituent unit in the most recent state facility plan of the
58 Office of Policy and Management pursuant to section 4b-23;

59 (6) "Project" means any state program requiring consultant services if
60 the cost of such services is estimated to exceed five hundred thousand
61 dollars;

62 (7) "Selection panel" or "panel" means the State Construction Services
63 Selection Panel established pursuant to subsection (a) of section 4b-56
64 or, in the case of a Connecticut Health and Education Facilities
65 Authority project pursuant to section 10a-186a, means the Connecticut
66 Health and Education Facilities Authority Construction Services Panel
67 established pursuant to subsection (c) of section 4b-56;

68 (8) "User agency" means the state department or agency requesting
69 the project or the agency for which such project is being undertaken
70 pursuant to law;

71 (9) "Community court project" means (A) any project to renovate and
72 improve a facility designated for the community court established
73 pursuant to section 51-181c, and (B) the renovation and improvement of
74 other state facilities required for the relocation of any state agency
75 resulting from the placement of the community court;

76 (10) "Downtown Hartford higher education center project" means a
77 project to develop a higher education center, as defined in subparagraph
78 (B) of subdivision (2) of section 32-600, and as described in subsection
79 (a) of section 32-612, for the regional community-technical college

80 system;

81 (11) "Correctional facility project" means any project (A) which is part
82 of a state program to repair, renovate, enlarge or construct facilities
83 which are or will be operated by the Department of Correction, and (B)
84 for which there is an immediate need for completion in order to remedy
85 prison and jail overcrowding; and

86 (12) "Juvenile [detention] residential center project" means any
87 project (A) which is part of a state program to repair, renovate, enlarge
88 or construct juvenile [detention] residential centers which are or will be
89 operated by the Judicial Department, and (B) for which there is an
90 immediate need for completion in order to remedy overcrowding.

91 Sec. 3. Subsection (a) of section 4b-58 of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective January*
93 *1, 2022*):

94 (a) (1) Except in the case of a project, a priority higher education
95 facility project, a project, as defined in subdivision (16) of section 10a-
96 109c, undertaken by The University of Connecticut, a community court
97 project, a correctional facility project, a juvenile [detention] residential
98 center project, and the downtown Hartford higher education center
99 project, the commissioner shall negotiate a contract for consultant
100 services with the firm most qualified, in the commissioner's judgment,
101 at compensation which the commissioner determines is both fair and
102 reasonable to the state. (2) In the case of a project, the commissioner shall
103 negotiate a contract for such services with the most qualified firm from
104 among the list of firms submitted by the panel at compensation which
105 the commissioner determines in writing to be fair and reasonable to the
106 state. If the commissioner is unable to conclude a contract with any of
107 the firms recommended by the panel, the commissioner shall, after
108 issuing written findings of fact documenting the reasons for such
109 inability, negotiate with those firms which the commissioner determines
110 to be most qualified, at fair and reasonable compensation, to render the
111 particular consultant services under consideration. (3) Whenever
112 consultant services are required for a priority higher education facility

113 project, a project involving the construction, repair or alteration of a
114 building or premises under the supervision of the Office of the Chief
115 Court Administrator or property where the Judicial Department is the
116 primary occupant, a community court project, a correctional facility
117 project, a juvenile [detention] residential center project, or the
118 downtown Hartford higher education center project, the commissioner
119 shall select and interview at least three consultants or firms and shall
120 negotiate a contract for consultant services with the firm most qualified,
121 in the commissioner's judgment, at compensation which the
122 commissioner determines is both fair and reasonable to the state. Except
123 for the downtown Hartford higher education center project, the
124 commissioner shall notify the State Properties Review Board of the
125 commissioner's action not later than five business days after such action
126 for its approval or disapproval in accordance with subsection (i) of
127 section 4b-23, except that if, not later than fifteen days after such notice,
128 a decision has not been made, the board shall be deemed to have
129 approved such contract.

130 Sec. 4. Subsection (a) of section 4b-91 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective January*
132 *1, 2022*):

133 (a) (1) As used in this section, "prequalification classification" means
134 the prequalification classifications established by the Commissioner of
135 Administrative Services pursuant to section 4a-100, "public agency" has
136 the same meaning as provided in section 1-200, "awarding authority"
137 means the Department of Administrative Services, except "awarding
138 authority" means (A) the Joint Committee on Legislative Management,
139 in the case of a contract for the construction of or work on a building or
140 other public work under the supervision and control of the joint
141 committee, (B) a constituent unit of the state system of higher education,
142 in the case of a contract for the construction of or work on a building or
143 other public work under the supervision and control of such constituent
144 unit, or (C) the Military Department, in the case of a contract for the
145 construction of or work on a building or other public work under the
146 supervision and control of said department and "community court

147 project", "downtown Hartford higher education center project",
148 "correctional facility project", "juvenile [detention] residential center
149 project" and "priority higher education facility project" have the same
150 meanings as provided in section 4b-55, as amended by this act.

151 (2) Except as provided in subdivision (3) of this subsection, every
152 contract for the construction, reconstruction, alteration, remodeling,
153 repair or demolition of any public building or any other public work by
154 the state that is estimated to cost more than five hundred thousand
155 dollars shall be awarded to the lowest responsible and qualified general
156 bidder who is prequalified pursuant to section 4a-100 on the basis of
157 competitive bids in accordance with the procedures set forth in this
158 chapter, after the awarding authority has invited such bids by posting
159 notice on the State Contracting Portal. The awarding authority shall
160 indicate the prequalification classification required for the contract in
161 such notice.

162 (3) The requirements set forth in subdivision (2) of this subsection
163 shall not apply to (A) a public highway or bridge project or any other
164 construction project administered by the Department of Transportation,
165 or (B) a contract awarded by the Commissioner of Administrative
166 Services for (i) any public building or other public works project
167 administered by the Department of Administrative Services that is
168 estimated to cost one million five hundred thousand dollars or less, (ii)
169 a community court project, (iii) the downtown Hartford higher
170 education center project, (iv) a correctional facility project, (v) a juvenile
171 [detention] residential center project, or (vi) a student residential facility
172 for the Connecticut State University System that is a priority higher
173 education facility project.

174 (4) Every contract for the construction, reconstruction, alteration,
175 remodeling, repair or demolition of any public building or any other
176 public work by a public agency that is paid for, in whole or in part, with
177 state funds and that is estimated to cost more than five hundred
178 thousand dollars shall be awarded to a bidder that is prequalified
179 pursuant to section 4a-100 after the public agency has invited such bids

180 by posting notice on the State Contracting Portal, except for (A) a public
181 highway or bridge project or any other construction project
182 administered by the Department of Transportation, or (B) any public
183 building or other public works project administered by the Department
184 of Administrative Services that is estimated to cost one million five
185 hundred thousand dollars or less. The awarding authority or public
186 agency, as the case may be, shall indicate the prequalification
187 classification required for the contract in such notice.

188 (5) (A) The Commissioner of Administrative Services may select
189 contractors to be on lists established for the purpose of providing
190 contractor services for the construction, reconstruction, alteration,
191 remodeling, repair or demolition of any public building or other public
192 works project administered by the Department of Administrative
193 Services involving an expense to the state of one million five hundred
194 thousand dollars or less. The commissioner shall use the
195 prequalification classifications established pursuant to section 4a-100 to
196 determine the specific categories of services that contractors may
197 perform after being selected in accordance with this subparagraph and
198 subparagraph (B) of this subdivision and awarded a contract in
199 accordance with subparagraph (C) of this subdivision. The
200 commissioner may establish a separate list for projects involving an
201 expense to the state of less than five hundred thousand dollars for the
202 purpose of selecting and utilizing the services of small contractors and
203 minority business enterprises, as such terms are defined in section 4a-
204 60g.

205 (B) The commissioner shall invite contractors to submit qualifications
206 for each specific category of services sought by the department by
207 posting notice of such invitation on the State Contracting Portal. The
208 notice shall be in the form determined by the commissioner, and shall
209 set forth the information that a contractor is required to submit to be
210 considered for selection. Upon receipt of the submittal from the
211 contractor, the commissioner shall select, for each specified category,
212 those contractors who (i) are determined to be the most responsible and
213 qualified, as such terms are defined in section 4b-92, to perform the

214 work required under the specified category, (ii) have demonstrated the
215 skill, ability and integrity to fulfill contract obligations considering their
216 past performance, financial responsibility and experience with projects
217 of the size, scope and complexity required by the state under the
218 specified category, and (iii) for projects with a cost exceeding five
219 hundred thousand dollars, have the ability to obtain the requisite
220 bonding. The commissioner shall establish the duration that each list
221 remains in effect, which in no event may exceed three years.

222 (C) For any public building or public works project involving an
223 expense to the state of one million five hundred thousand dollars or less,
224 the commissioner shall invite bids from only those contractors selected
225 pursuant to subparagraphs (A) and (B) of this subdivision for the
226 specific category of services required for the particular project. The
227 commissioner shall determine the form of bid invitation, the manner of,
228 and time for, submission of bids, and the conditions and requirements
229 of such bids. The contract shall be awarded to the lowest responsible
230 and qualified bidder, subject to the provisions of sections 4b-92 and 4b-
231 94. In the event that fewer than three bids are received in response to an
232 invitation to bid under this subdivision, or that all the bids are in excess
233 of the amount of available funds for the project, the commissioner may
234 negotiate a contract with any of the contractors submitting a bid, or
235 reject the bids received and rebid the project in accordance with this
236 section.

237 Sec. 5. Subsection (g) of section 4b-91 of the general statutes is
238 repealed and the following is substituted in lieu thereof (*Effective January*
239 *1, 2022*):

240 (g) Notwithstanding the provisions of this chapter regarding
241 competitive bidding procedures, the commissioner may select and
242 interview at least three responsible and qualified general contractors
243 who are prequalified pursuant to section 4a-100 and submit the three
244 selected contractors to the construction services award panels process
245 described in section 4b-100a and any regulation adopted by the
246 commissioner. The commissioner may negotiate with the successful

247 bidder a contract which is both fair and reasonable to the state for a
248 community court project, the downtown Hartford higher education
249 center project, a correctional facility project, a juvenile [detention]
250 residential center project, or a student residential facility for the
251 Connecticut State University System that is a priority higher education
252 facility project. The Commissioner of Administrative Services, prior to
253 entering any such contract or performing any work on such project,
254 shall submit such contract to the State Properties Review Board for
255 review and approval or disapproval by the board, pursuant to
256 subsection (i) of this section. Any general contractor awarded a contract
257 pursuant to this subsection shall be subject to the same requirements
258 concerning the furnishing of bonds as a contractor awarded a contract
259 pursuant to subsection (b) of this section.

260 Sec. 6. Section 10-220k of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective January 1, 2022*):

262 In the case of a student confined pursuant to court order to a state-
263 operated [detention] residential facility or community [detention]
264 residential facility, the local or regional board of education of the town
265 where the student attends school or the charter school that the student
266 attends shall, upon request of the [detention] residential facility, disclose
267 the student's educational records to personnel at such facility. Records
268 disclosed pursuant to this section shall be used for the sole purpose of
269 providing the student with educational services. Such disclosure shall
270 be made pursuant to the provisions of 34 CFR 99.38 without the prior
271 written consent of the student's parent or guardian. If the student's
272 parent or guardian did not give prior written consent for the disclosure
273 of such records, the local or regional board of education or the charter
274 school shall send notification of such disclosure to the parent or
275 guardian at the same time that it discloses the records. The student's
276 educational records may not be further disclosed without a court order
277 or the written consent of the student's parent or guardian.

278 Sec. 7. Subsection (l) of section 10-233d of the general statutes are
279 repealed and the following is substituted in lieu thereof (*Effective January*

280 1, 2022):

281 (l) (1) Any student who commits an expellable offense and is
282 subsequently placed in a juvenile [detention] residential center or any
283 other residential placement for such offense may be expelled by a local
284 or regional board of education in accordance with the provisions of this
285 section. The period of expulsion shall run concurrently with the period
286 of placement in a juvenile [detention] residential center or other
287 residential placement.

288 (2) If a student who committed an expellable offense seeks to return
289 to a school district after participating in a diversionary program or
290 having been placed in a juvenile [detention] residential center or any
291 other residential placement and such student has not been expelled by
292 the local or regional board of education for such offense under
293 subdivision (1) of this subsection, the local or regional board of
294 education for the school district to which the student is returning shall
295 allow such student to return and may not expel the student for
296 additional time for such offense.

297 Sec. 8. Subsection (b) of section 10-233k of the general statutes is
298 repealed and the following is substituted in lieu thereof (*Effective January*
299 *1, 2022*):

300 (b) The Department of Children and Families and the Judicial
301 Department or the local or regional board of education shall provide to
302 the superintendent of schools any educational records within their
303 custody of a child seeking to enter or return to a school district from a
304 juvenile [detention] residential center or any other residential placement
305 prior to the child's entry or return. The agencies shall also require any
306 contracting entity that holds custody of such records to provide them to
307 the superintendent of schools prior to the child's entry or return. Receipt
308 of the educational records shall not delay a child from enrolling in
309 school. The superintendent of schools shall provide such information to
310 the principal at the school the child will be attending. The principal shall
311 disclose such information to appropriate staff as is necessary to the
312 education or care of the child.

313 Sec. 9. Subsection (g) of section 10-253 of the general statutes is
314 repealed and the following is substituted in lieu thereof (*Effective January*
315 *1, 2022*):

316 (g) (1) For purposes of this subsection, "juvenile [detention facility]
317 residential center" means a juvenile [detention facility] residential center
318 operated by, or under contract with, the Judicial Department.

319 (2) The local or regional board of education for the school district in
320 which a juvenile [detention facility] residential center is located shall be
321 responsible for the provision of general education and special education
322 and related services to children detained in such [facility] center. The
323 provision of general education and special education and related
324 services shall be in accordance with all applicable state and federal laws
325 concerning the provision of educational services. Such board may
326 provide such educational services directly or may contract with public
327 or private educational service providers for the provision of such
328 services. Tuition may be charged to the local or regional board of
329 education under whose jurisdiction the child would otherwise be
330 attending school for the provision of general education and special
331 education and related services. Responsibility for the provision of
332 educational services to the child shall begin on the date of the child's
333 placement in the juvenile [detention facility] residential center and
334 financial responsibility for the provision of such services shall begin
335 upon the receipt by the child of such services.

336 (3) The local or regional board of education under whose jurisdiction
337 the child would otherwise be attending school or, if no such board can
338 be identified, the local or regional board of education for the school
339 district in which the juvenile [detention facility] residential center is
340 located shall be financially responsible for the tuition charged for the
341 provision of educational services to the child in such juvenile [detention
342 facility] residential center. The State Board of Education shall pay, on a
343 current basis, any costs in excess of such local or regional board of
344 education's prior year's average per pupil costs. If the local or regional
345 board of education under whose jurisdiction the child would otherwise

346 be attending school cannot be identified, the local or regional board of
347 education for the school district in which the juvenile [detention facility]
348 residential center is located shall be eligible to receive on a current basis
349 from the State Board of Education any costs in excess of such local or
350 regional board of education's prior year's average per pupil costs.
351 Application for the grant to be paid by the state for costs in excess of the
352 local or regional board of education's basic contribution shall be made
353 in accordance with the provisions of subdivision (5) of subsection (e) of
354 section 10-76d.

355 (4) The local or regional board of education under whose jurisdiction
356 the child would otherwise be attending school shall be financially
357 responsible for the provision of educational services to the child placed
358 in a juvenile [detention facility] residential center as provided in
359 subdivision (3) of this subsection notwithstanding that the child has
360 been suspended from school pursuant to section 10-233c, has been
361 expelled from school pursuant to section 10-233d, as amended by this
362 act, or has withdrawn, dropped out or otherwise terminated enrollment
363 from school. Upon notification of such board of education by the
364 educational services provider for the juvenile [detention facility]
365 residential center, the child shall be reenrolled in the school district
366 where the child would otherwise be attending school or, if no such
367 district can be identified, in the school district in which the juvenile
368 [detention facility] residential center is located, and provided with
369 educational services in accordance with the provisions of this
370 subsection.

371 (5) The local or regional board of education under whose jurisdiction
372 the child would otherwise be attending school or, if no such board can
373 be identified, the local or regional board of education for the school
374 district in which the juvenile [detention facility] residential center is
375 located shall be notified in writing by the Judicial Branch of the child's
376 placement at the juvenile [detention facility] residential center not later
377 than one business day after the child's placement, notwithstanding any
378 provision of the general statutes. The notification shall include the
379 child's name and date of birth, the address of the child's parents or

380 guardian, placement location and contact information, and such other
381 information as is necessary to provide educational services to the child.

382 (6) Notwithstanding any provision of the general statutes, a child
383 who is enrolled in a school district at the time of placement in a juvenile
384 [detention facility] residential center shall remain enrolled in that same
385 school district for the duration of his or her detention, unless the child
386 voluntarily terminates enrollment, and shall have the right to return to
387 such school district immediately upon discharge from [detention] the
388 juvenile residential center into the community.

389 (7) When a child is not enrolled in a school at the time of placement
390 in a juvenile [detention facility] residential center:

391 (A) The child shall be enrolled in the school district where the child
392 would otherwise be attending school not later than three business days
393 after notification is given pursuant to subdivision (4) of this subsection.

394 (B) If no such district can be identified, the child shall be enrolled in
395 the school district in which the juvenile [detention facility] residential
396 center is located not later than three business days after the
397 determination is made that no such district can be identified.

398 (8) Upon learning that a child is to be discharged from a juvenile
399 [detention facility] residential center, the educational services provider
400 for the juvenile [detention facility] residential center shall immediately
401 notify the jurisdiction in which the child will continue his or her
402 education after discharge from the juvenile residential center.

403 (9) Prior to the child's discharge from the juvenile [detention facility]
404 residential center, the local or regional board of education responsible
405 for the provision of educational services to children in the juvenile
406 [detention facility] residential center shall conduct an assessment of the
407 school work completed by the child to determine an assignment of
408 academic credit for the work completed. Credit assigned shall be the
409 credit of the local or regional board of education responsible for the
410 provision of the educational services. Credit assigned for work

411 completed by the child shall be accepted in transfer by the local or
412 regional board of education for the school district in which the child
413 continues his or her education after discharge from the juvenile
414 [detention facility] residential center.

415 Sec. 10. Subsection (a) of section 12-19a of the general statutes is
416 repealed and the following is substituted in lieu thereof (*Effective January*
417 *1, 2022*):

418 (a) Until the fiscal year commencing July 1, 2016, on or before January
419 first, annually, the Secretary of the Office of Policy and Management
420 shall determine the amount due, as a state grant in lieu of taxes, to each
421 town in this state wherein state-owned real property, reservation land
422 held in trust by the state for an Indian tribe, a municipally owned
423 airport, or any airport owned by the Connecticut Airport Authority,
424 other than Bradley International Airport, except that which was
425 acquired and used for highways and bridges, but not excepting
426 property acquired and used for highway administration or maintenance
427 purposes, is located. The grant payable to any town under the
428 provisions of this section in the state fiscal year commencing July 1,
429 1999, and each fiscal year thereafter, shall be equal to the total of (1) (A)
430 one hundred per cent of the property taxes which would have been paid
431 with respect to any facility designated by the Commissioner of
432 Correction, on or before August first of each year, to be a correctional
433 facility administered under the auspices of the Department of
434 Correction or a juvenile [detention] residential center under direction of
435 the Court Support Services Division of the Judicial Branch that was used
436 for incarcerative purposes during the preceding fiscal year. If a list
437 containing the name and location of such designated facilities and
438 information concerning their use for purposes of incarceration during
439 the preceding fiscal year is not available from the Secretary of the State
440 on the first day of August of any year, said commissioner shall, on said
441 first day of August, certify to the Secretary of the Office of Policy and
442 Management a list containing such information, (B) one hundred per
443 cent of the property taxes which would have been paid with respect to
444 that portion of the John Dempsey Hospital located at The University of

445 Connecticut Health Center in Farmington that is used as a permanent
446 medical ward for prisoners under the custody of the Department of
447 Correction. Nothing in this section shall be construed as designating any
448 portion of The University of Connecticut Health Center John Dempsey
449 Hospital as a correctional facility, and (C) in the state fiscal year
450 commencing July 1, 2001, and each fiscal year thereafter, one hundred
451 per cent of the property taxes which would have been paid on any land
452 designated within the 1983 Settlement boundary and taken into trust by
453 the federal government for the Mashantucket Pequot Tribal Nation on
454 or after June 8, 1999, (2) subject to the provisions of subsection (c) of this
455 section, sixty-five per cent of the property taxes which would have been
456 paid with respect to the buildings and grounds comprising Connecticut
457 Valley Hospital and Whiting Forensic Hospital in Middletown. Such
458 grant shall commence with the fiscal year beginning July 1, 2000, and
459 continuing each year thereafter, (3) notwithstanding the provisions of
460 subsections (b) and (c) of this section, with respect to any town in which
461 more than fifty per cent of the property is state-owned real property,
462 one hundred per cent of the property taxes which would have been paid
463 with respect to such state-owned property. Such grant shall commence
464 with the fiscal year beginning July 1, 1997, and continuing each year
465 thereafter, (4) subject to the provisions of subsection (c) of this section,
466 forty-five per cent of the property taxes which would have been paid
467 with respect to all other state-owned real property, (5) forty-five per cent
468 of the property taxes which would have been paid with respect to all
469 municipally owned airports or any airport owned by the Connecticut
470 Airport Authority, other than Bradley International Airport, except for
471 the exemption applicable to such property, on the assessment list in such
472 town for the assessment date two years prior to the commencement of
473 the state fiscal year in which such grant is payable. The grant provided
474 pursuant to this section for any municipally owned airport or any
475 airport owned by the Connecticut Airport Authority, other than Bradley
476 International Airport, shall be paid to any municipality in which the
477 airport is located, except that the grant applicable to Sikorsky Airport
478 shall be paid half to the town of Stratford and half to the city of
479 Bridgeport, and (6) forty-five per cent of the property taxes which would

480 have been paid with respect to any land designated within the 1983
481 Settlement boundary and taken into trust by the federal government for
482 the Mashantucket Pequot Tribal Nation prior to June 8, 1999, or taken
483 into trust by the federal government for the Mohegan Tribe of Indians
484 of Connecticut, provided (A) the real property subject to this
485 subdivision shall be the land only, and shall not include the assessed
486 value of any structures, buildings or other improvements on such land,
487 and (B) said forty-five per cent grant shall be phased in as follows: (i) In
488 the fiscal year commencing July 1, 2012, an amount equal to ten per cent
489 of said forty-five per cent grant, (ii) in the fiscal year commencing July
490 1, 2013, thirty-five per cent of said forty-five per cent grant, (iii) in the
491 fiscal year commencing July 1, 2014, sixty per cent of said forty-five per
492 cent grant, (iv) in the fiscal year commencing July 1, 2015, eighty-five
493 per cent of said forty-five per cent grant, and (v) in the fiscal year
494 commencing July 1, 2016, one hundred per cent of said forty-five per
495 cent grant.

496 Sec. 11. Subsections (a) and (b) of section 17b-745 of the general
497 statutes are repealed and the following is substituted in lieu thereof
498 (*Effective from passage*):

499 (a) (1) The Superior Court or a family support magistrate may make
500 and enforce orders for payment of support to the Commissioner of
501 Administrative Services or, in IV-D support cases, to the state acting by
502 and through the IV-D agency, directed to the husband or wife and, if the
503 patient or person is under the age of eighteen years or as otherwise
504 provided in this subsection, to any parent of any patient or person being
505 supported by the state, wholly or in part, in a state humane institution,
506 or under any welfare program administered by the Department of Social
507 Services, as the court or family support magistrate finds, in accordance
508 with the provisions of subsection (b) of section 17b-179, or section 17a-
509 90, 17b-81, 17b-223, 46b-129 or 46b-130, to be reasonably commensurate
510 with the financial ability of any such relative. If such person is
511 unmarried and a full-time high school student, such support shall
512 continue according to the parents' respective abilities, if such person is
513 in need of support, until such person completes the twelfth grade or

514 attains the age of nineteen, whichever occurs first. Any court or family
515 support magistrate called upon to make or enforce such an order,
516 including an order based upon a determination consented to by the
517 relative, shall ensure that such order is reasonable in light of the
518 relative's ability to pay.

519 (2) (A) The court or family support magistrate shall include in each
520 support order in a IV-D support case a provision for the health care
521 coverage of the child. Such provision may include an order for either
522 parent or both parents to provide such coverage under any or all of
523 clauses (i), (ii) or (iii) of this subparagraph.

524 (i) The provision for health care coverage may include an order for
525 either parent to name any child as a beneficiary of any medical or dental
526 insurance or benefit plan carried by such parent or available to such
527 parent at a reasonable cost, as described in clause (iv) of this
528 subparagraph. If such order requires the parent to maintain insurance
529 available through an employer, the order shall be enforced using a
530 National Medical Support Notice as provided in section 46b-88.

531 (ii) The provision for health care coverage may include an order for
532 either parent to: (I) Apply for and maintain coverage on behalf of the
533 child under HUSKY B; or (II) provide cash medical support, as
534 described in clauses (v) and (vi) of this subparagraph. An order under
535 this clause shall be made only if the cost to the parent obligated to
536 maintain coverage under HUSKY B, or provide cash medical support is
537 reasonable as described in clause (iv) of this subparagraph. An order
538 under subclause (I) of this clause shall be made only if insurance
539 coverage as described in clause (i) of this subparagraph is unavailable
540 at reasonable cost to either parent, or inaccessible to the child.

541 (iii) An order for payment of the child's medical and dental expenses,
542 other than those described in subclause (II) of clause (v) of this
543 subparagraph, that are not covered by insurance or reimbursed in any
544 other manner shall be entered in accordance with the child support
545 guidelines established pursuant to section 46b-215a.

546 (iv) Health care coverage shall be deemed reasonable in cost if: (I) The
547 parent obligated to maintain such coverage would qualify as a low-
548 income obligor under the child support guidelines established pursuant
549 to section 46b-215a, based solely on such parent's income, and the cost
550 does not exceed five per cent of such parent's net income; or (II) the
551 parent obligated to maintain such coverage would not qualify as a low-
552 income obligor under such guidelines and the cost does not exceed
553 seven and one-half per cent of such parent's net income. In either case,
554 net income shall be determined in accordance with the child support
555 guidelines established pursuant to section 46b-215a. If a parent
556 obligated to maintain insurance must obtain coverage for himself or
557 herself to comply with the order to provide coverage for the child,
558 reasonable cost shall be determined based on the combined cost of
559 coverage for such parent and such child.

560 (v) Cash medical support means: (I) An amount ordered to be paid
561 toward the cost of premiums for health insurance coverage provided by
562 a public entity, including HUSKY A or B, except as provided in clause
563 (vi) of this subparagraph, or by another parent through employment or
564 otherwise, or (II) an amount ordered to be paid, either directly to a
565 medical provider or to the person obligated to pay such provider,
566 toward any ongoing extraordinary medical and dental expenses of the
567 child that are not covered by insurance or reimbursed in any other
568 manner, provided such expenses are documented and identified
569 specifically on the record, or in an affidavit, made under oath, that also
570 states that no restraining order issued pursuant to section 46b-15, as
571 amended by this act, or protective order issued pursuant to section 46b-
572 38c, between the parties is in effect or pending before the court. Cash
573 medical support, as described in subclauses (I) and (II) of this clause,
574 may be ordered in lieu of an order under clause (i) of this subparagraph
575 to be effective until such time as health insurance that is accessible to the
576 child and reasonable in cost becomes available, or in addition to an
577 order under clause (i) of this subparagraph, provided the total cost to
578 the obligated parent of insurance and cash medical support is
579 reasonable, as described in clause (iv) of this subparagraph. An order
580 for cash medical support shall be payable to the state or the custodial

581 party, as their interests may appear, provided an order under subclause
582 (I) of this clause shall be effective only as long as health insurance
583 coverage is maintained. Any unreimbursed medical and dental
584 expenses not covered by an order issued pursuant to subclause (II) of
585 this clause are subject to an order for unreimbursed medical and dental
586 expenses pursuant to clause (iii) of this subparagraph.

587 (vi) Cash medical support to offset the cost of any insurance payable
588 under HUSKY A or B, shall not be ordered against a noncustodial parent
589 who is a low-income obligor, as defined in the child support guidelines
590 established pursuant to section 46b-215a, or against a custodial parent
591 of children covered under HUSKY A or B.

592 (B) Whenever an order of the Superior Court or family support
593 magistrate is issued against a parent to cover the cost of such medical or
594 dental insurance or benefit plan for a child who is eligible for Medicaid
595 benefits, and such parent has received payment from a third party for
596 the costs of such services but such parent has not used such payment to
597 reimburse, as appropriate, either the other parent or guardian or the
598 provider of such services, the Department of Social Services may request
599 the court or family support magistrate to order the employer of such
600 parent to withhold from the wages, salary or other employment income
601 of such parent to the extent necessary to reimburse the Department of
602 Social Services for expenditures for such costs under the Medicaid
603 program, except that any claims for current or past-due child support
604 shall take priority over any such claims for the costs of such services.

605 (3) Said court or family support magistrate shall also have authority
606 to make and enforce orders directed to the conservator or guardian of
607 any such patient or person, or the payee of Social Security or other
608 benefits to which such patient or person is entitled, to the extent of the
609 income or estate held or received by such fiduciary or payee in any such
610 capacity.

611 (4) For purposes of this section, the term "father" shall include a
612 person who has acknowledged in writing paternity of a child born out
613 of wedlock, and the court or family support magistrate shall have

614 authority to determine, order and enforce payment of any accumulated
615 sums due under a written agreement to support such child in
616 accordance with the provisions of this section.

617 (5) (A) The court or family support magistrate may also make and
618 enforce orders for the payment by any person named herein of past-due
619 support for which any such person is liable in accordance with the
620 provisions of section 17a-90 or 17b-81, subsection (b) of section 17b-179
621 or section 17b-223, 46b-129 or 46b-130 and, in IV-D cases, order such
622 person, provided such person is not incapacitated, to participate in work
623 activities that may include, but shall not be limited to, job search,
624 training, work experience and participation in the job training and
625 retraining program established by the Labor Commissioner pursuant to
626 section 31-3t. A parent's liability for past-due support of a child born out
627 of wedlock shall be limited to the three years next preceding the filing
628 of a petition pursuant to this section.

629 (B) In the determination of child support due based on neglect or
630 refusal to furnish support prior to the action, the support due for periods
631 of time prior to the action shall be based upon the obligor's ability to pay
632 during such prior periods, as determined in accordance with the child
633 support guidelines established pursuant to section 46b-215a. The state
634 shall disclose to the court any information in its possession concerning
635 current and past ability to pay. If no information is available to the court
636 concerning past ability to pay, the court may determine the support due
637 for periods of time prior to the action as if past ability to pay is equal to
638 current ability to pay, if current ability is known. If current ability to pay
639 is not known, the court shall determine the past ability to pay based on
640 the obligor's work history if known, or if not known, on the state
641 minimum wage that was in effect during such periods, provided only
642 actual earnings shall be used to determine ability to pay for past periods
643 during which the obligor was a full-time high school student or was
644 incarcerated, institutionalized or incapacitated.

645 (C) Any finding of support due for periods of time prior to an action
646 in which the obligor failed to appear shall be entered subject to

647 adjustment. Such adjustment may be made upon motion of any party,
648 and the state in IV-D cases shall make such motion if it obtains
649 information that would have substantially affected the court's
650 determination of past ability to pay if such information had been
651 available to the court. Motion for adjustment under this subparagraph
652 may be made not later than twelve months from the date upon which
653 the obligor receives notification of (i) the amount of such finding of
654 support due for periods of time prior to the action, and (ii) the right not
655 later than twelve months from the date of receipt of such notification to
656 present evidence as to such obligor's past ability to pay support for such
657 periods of time prior to the action. A copy of any support order entered,
658 subject to adjustment, that is provided to each party under subsection
659 (c) of this section shall state in plain language the basis for the court's
660 determination of past support, the right to request an adjustment and to
661 present information concerning the obligor's past ability to pay, and the
662 consequences of a failure to request such adjustment.

663 (6) (A) All payments ordered by the court or family support
664 magistrate under this section shall be made to the Commissioner of
665 Administrative Services or, in IV-D cases, to the state acting by and
666 through the IV-D agency, as the court or family support magistrate may
667 determine, for the period during which the supported person is
668 receiving assistance or care from the state, provided, in the case of
669 beneficiaries of any program of public assistance, upon the
670 discontinuance of such assistance, payments shall be distributed to the
671 beneficiary, beginning with the effective date of discontinuance, and
672 provided further that in IV-D support cases, all payments shall be
673 distributed as required by Title IV-D of the Social Security Act. Any
674 order of payment made under this section may, at any time after being
675 made, be set aside or altered by the court or a family support magistrate.

676 (B) In IV-D support cases, the IV-D agency or a support enforcement
677 agency under cooperative agreement with the IV-D agency may, upon
678 notice to the obligor and obligee, redirect payments for the support of
679 any child receiving child support enforcement services either to the state
680 of Connecticut or to the present custodial party, as their interests may

681 appear, provided neither the obligor nor the obligee objects in writing
682 within ten business days from the mailing date of such notice. Any such
683 notice shall be sent by first class mail to the most recent address of such
684 obligor and obligee, as recorded in the state case registry pursuant to
685 section 46b-218, and a copy of such notice shall be filed with the court
686 or family support magistrate if both the obligor and obligee fail to object
687 to the redirected payments within ten business days from the mailing
688 date of such notice.

689 (7) (A) Proceedings to obtain orders of support under this section
690 shall be commenced by the service on the liable person or persons of a
691 verified petition of the Commissioner of Administrative Services, the
692 Commissioner of Social Services or their designees. The verified petition
693 shall be filed by any of said commissioners or their designees in the
694 judicial district of the court or Family Support Magistrate Division in
695 which the patient, applicant, beneficiary, recipient or the defendant
696 resides. The judge or family support magistrate shall cause a summons,
697 signed by such judge or magistrate, by the clerk of said court, or by a
698 commissioner of the Superior Court to be issued, requiring such liable
699 person or persons to appear before the court or a family support
700 magistrate at a time and place as determined by the clerk but not more
701 than ninety days after the issuance of the summons to show cause, if
702 any, why the request for relief in such petition should not be granted.

703 (B) Service of process issued under this section may be made by a
704 state marshal, any proper officer or any investigator employed by the
705 Department of Social Services or by the Commissioner of
706 Administrative Services. The state marshal, proper officer or
707 investigator shall make due return of process to the court not less than
708 twenty-one days before the date assigned for hearing. Upon proof of the
709 service of the summons to appear before the court or a family support
710 magistrate, at the time and place named for hearing upon such petition,
711 the failure of the defendant to appear shall not prohibit the court or
712 family support magistrate from going forward with the hearing.

713 (8) Failure of any defendant to obey an order of the court or Family

714 Support Magistrate Division made under this section may be punished
715 as contempt of court. If the summons and order is signed by a
716 commissioner of the Superior Court, upon proof of service of the
717 summons to appear in court or before a family support magistrate and
718 upon the failure of the defendant to appear at the time and place named
719 for hearing upon the petition, request may be made by the petitioner to
720 the court or family support magistrate for an order that a *capias*
721 *mittimus* be issued. Except as otherwise provided, upon proof of the
722 service of the summons to appear in court or before a family support
723 magistrate at the time and place named for a hearing upon the failure of
724 the defendant to obey the court order as contempt of court, the court or
725 the family support magistrate may order a *capias mittimus* to be issued
726 and directed to a judicial marshal to the extent authorized pursuant to
727 section 46b-225, or any other proper officer to arrest such defendant and
728 bring such defendant before the Superior Court for the contempt
729 hearing. The costs of commitment of any person imprisoned for
730 contempt shall be paid by the state as in criminal cases. When any such
731 defendant is so found in contempt, the court or family support
732 magistrate may award to the petitioner a reasonable attorney's fee and
733 the fees of the officer serving the contempt citation, such sums to be paid
734 by the person found in contempt.

735 (9) In addition to or in lieu of contempt proceedings, the court or
736 family support magistrate, upon a finding that any person has failed to
737 obey any order made under this section, may issue an order directing
738 that an income withholding order issue against such amount of any debt
739 accruing by reason of personal services due and owing to such person
740 in accordance with section 52-362, as amended by this act, or against
741 such lesser amount of such excess as said court or family support
742 magistrate deems equitable, for payment of accrued and unpaid
743 amounts due under such order and all amounts which thereafter
744 become due under such order. On presentation of such income
745 withholding order by the officer to whom delivered for service to the
746 person or persons or corporation from whom such debt accruing by
747 reason of personal services is due and owing, or thereafter becomes due
748 and owing, to the person against whom such support order was issued,

749 such income withholding order shall be a lien and a continuing levy
750 upon such debt to the amount specified therein, which shall be
751 accumulated by the debtor and paid directly to the Commissioner of
752 Administrative Services or, in IV-D cases, to the state acting by and
753 through the IV-D agency, in accordance with section 52-362, as amended
754 by this act, until such income withholding order and expenses are fully
755 satisfied and paid, or until such income withholding order is modified.

756 (10) No entry fee, judgment fee or any other court fee shall be charged
757 by the court to either party in actions under this section.

758 (11) Written statements from employers as to property, insurance,
759 wages, indebtedness and other information obtained by the
760 Commissioner of Social Services, or the Commissioner of
761 Administrative Services under authority of section 17b-137, shall be
762 admissible in evidence in actions under this section.

763 (b) Except as provided in sections 46b-301 to 46b-425, inclusive, any
764 court or family support magistrate, called upon to enforce a support
765 order, shall insure that such order is reasonable in light of the obligor's
766 ability to pay. Except as provided in sections 46b-301 to 46b-425,
767 inclusive, any support order entered pursuant to this section, or any
768 support order from another jurisdiction subject to enforcement by the
769 state of Connecticut, may be modified by motion of the party seeking
770 such modification, including Support Enforcement Services in IV-D
771 support cases, as defined in subdivision (13) of subsection (b) of section
772 46b-231, upon a showing of a substantial change in the circumstances of
773 either party or upon a showing that the final order for child support
774 substantially deviates from the child support guidelines established
775 pursuant to section 46b-215a, unless there was a specific finding on the
776 record at a hearing, or in a written judgment, order or memorandum of
777 decision of the court, that the application of the guidelines would be
778 inequitable or inappropriate, provided the court or family support
779 magistrate finds that the obligor or the obligee and any other interested
780 party have received actual notice of the pendency of such motion and of
781 the time and place of the hearing on such motion. There shall be a

782 rebuttable presumption that any deviation of less than fifteen per cent
783 from the child support guidelines is not substantial and any deviation
784 of fifteen per cent or more from the guidelines is substantial.
785 Modification may be made of such support order without regard to
786 whether the order was issued before, on or after May 9, 1991. In any
787 hearing to modify any support order from another jurisdiction the court
788 or the family support magistrate shall conduct the proceedings in
789 accordance with sections 46b-384 to 46b-393, inclusive. No such support
790 orders may be subject to retroactive modification except that the court
791 or family support magistrate may order modification with respect to
792 any period during which there is a pending motion for a modification
793 of an existing support order from the date of service of notice of such
794 pending motion upon the opposing party pursuant to section 52-50.

795 Sec. 12. Section 20-14h of the general statutes is repealed and the
796 following is substituted in lieu thereof (*Effective January 1, 2022*):

797 As used in sections 20-14h to 20-14j, inclusive, as amended by this act:

798 (1) "Administration" means the direct application of a medication by
799 means other than injection to the body of a person.

800 (2) "Day programs", "residential facilities" and "individual and family
801 support" include only those programs, facilities and support services
802 designated in the regulations adopted pursuant to section 20-14j, as
803 amended by this act.

804 (3) "Juvenile [detention] residential centers" include only those
805 centers operated under the jurisdiction of the Judicial Department.

806 (4) "Medication" means any medicinal preparation, and includes any
807 controlled substances specifically designated in the regulations or
808 policies adopted pursuant to section 20-14j, as amended by this act.

809 (5) "Trained person" means a person who has successfully completed
810 training prescribed by the regulations or policies adopted pursuant to
811 section 20-14j, as amended by this act.

812 Sec. 13. Section 20-14i of the general statutes is repealed and the
813 following is substituted in lieu thereof (*Effective January 1, 2022*):

814 Any provisions to the contrary notwithstanding, chapter 378 shall not
815 prohibit the administration of medication to persons (1) attending day
816 programs, residing in residential facilities or receiving individual and
817 family support, under the jurisdiction of the Departments of Children
818 and Families, Correction, Developmental Services and Mental Health
819 and Addiction Services, (2) being detained in juvenile [detention]
820 residential centers or residing in residential facilities dually licensed by
821 the Department of Children and Families and the Department of Public
822 Health, or (3) residing in substance abuse treatment facilities licensed by
823 the Department of Children and Families pursuant to section 17a-145
824 when such medication is administered by trained persons, pursuant to
825 the written order of a physician licensed under this chapter, a dentist
826 licensed under chapter 379, an advanced practice registered nurse
827 licensed to prescribe in accordance with section 20-94a or a physician
828 assistant licensed to prescribe in accordance with section 20-12d,
829 authorized to prescribe such medication. The provisions of this section
830 shall not apply to institutions, facilities or programs licensed pursuant
831 to chapter 368v.

832 Sec. 14. Subsection (b) of section 20-14j of the general statutes is
833 repealed and the following is substituted in lieu thereof (*Effective January*
834 *1, 2022*):

835 (b) The Chief Court Administrator shall (1) establish ongoing training
836 programs for personnel who are to administer medications to detainees
837 in juvenile [detention] residential centers, and (2) adopt policies to carry
838 out the provisions of sections 20-14h, as amended by this act, and 20-14i,
839 as amended by this act, concerning the administration of medication to
840 detainees in juvenile [detention] residential centers.

841 Sec. 15. Section 45a-78 of the general statutes is repealed and the
842 following is substituted in lieu thereof (*Effective from passage*):

843 (a) The Probate Court Administrator shall, from time to time,

844 recommend to the judges of the Supreme Court, for adoption and
845 promulgation, [pursuant to the provisions of section 51-14,] uniform
846 rules of procedure in the Probate Courts. Any rules of procedure so
847 adopted and promulgated shall be mandatory upon all Probate Courts.
848 To assist the Probate Court Administrator in formulating such
849 recommendations, the Probate Court Administrator shall meet with the
850 Probate Assembly at least annually, and may meet with members of the
851 bar of this state and with the general public. The Probate Court
852 Administrator shall designate no fewer than three Probate Court judges
853 who shall hold a public hearing after reasonable notice is given in the
854 Connecticut Law Journal and otherwise as the Probate Court
855 Administrator deems proper, on any proposed new rule or any change
856 in an existing rule before it is presented to the judges of the Supreme
857 Court for adoption and promulgation.

858 (b) The Probate Court Administrator shall, from time to time, publish
859 the rules of procedure for the Probate Courts. The Probate Court
860 Administrator may pay the expenses of publication from the fund
861 established under section 45a-82 and shall sell the book of Probate Court
862 rules of procedure, at a price determined by the Probate Court
863 Administrator. The proceeds from the sales shall be added to and shall
864 become a part of said fund.

865 Sec. 16. Section 46b-1 of the general statutes is repealed and the
866 following is substituted in lieu thereof (*Effective from passage*):

867 Matters within the jurisdiction of the Superior Court deemed to be
868 family relations matters shall be matters affecting or involving: (1)
869 Dissolution of marriage, contested and uncontested, except dissolution
870 upon conviction of crime as provided in section [46b-47] ~~46b-48~~; (2) legal
871 separation; (3) annulment of marriage; (4) alimony, support, custody
872 and change of name incident to dissolution of marriage, legal separation
873 and annulment; (5) actions brought under section 46b-15, as amended
874 by this act; (6) complaints for change of name; (7) civil support
875 obligations; (8) habeas corpus and other proceedings to determine the
876 custody and visitation of children; (9) habeas corpus brought by or on

877 behalf of any mentally ill person except a person charged with a criminal
878 offense; (10) appointment of a commission to inquire whether a person
879 is wrongfully confined as provided by section 17a-523; (11) juvenile
880 matters as provided in section 46b-121; (12) all rights and remedies
881 provided for in chapter 815j; (13) the establishing of paternity; (14)
882 appeals from probate concerning: (A) Adoption or termination of
883 parental rights; (B) appointment and removal of guardians; (C) custody
884 of a minor child; (D) appointment and removal of conservators; (E)
885 orders for custody of any child; and (F) orders of commitment of persons
886 to public and private institutions and to other appropriate facilities as
887 provided by statute; (15) actions related to prenuptial and separation
888 agreements and to matrimonial and civil union decrees of a foreign
889 jurisdiction; (16) dissolution, legal separation or annulment of a civil
890 union performed in a foreign jurisdiction; (17) custody proceedings
891 brought under the provisions of chapter 815p; and (18) all such other
892 matters within the jurisdiction of the Superior Court concerning
893 children or family relations as may be determined by the judges of said
894 court.

895 Sec. 17. Section 46b-15 of the general statutes is repealed and the
896 following is substituted in lieu thereof (*Effective from passage*):

897 (a) Any family or household member, as defined in section 46b-38a,
898 who has been subjected to a continuous threat of present physical pain
899 or physical injury, stalking or a pattern of threatening, including, but
900 not limited to, a pattern of threatening, as described in section 53a-62,
901 by another family or household member may make an application to the
902 Superior Court for relief under this section. The court shall provide any
903 person who applies for relief under this section with the information set
904 forth in section 46b-15b.

905 (b) The application form shall allow the applicant, at the applicant's
906 option, to indicate whether the respondent holds a permit to carry a
907 pistol or revolver, an eligibility certificate for a pistol or revolver, a long
908 gun eligibility certificate or an ammunition certificate or possesses one
909 or more firearms or ammunition. The application shall be accompanied

910 by [an affidavit made under oath which includes a brief] a statement of
911 the conditions from which relief is sought made under penalty of false
912 statement pursuant to section 53a-157b. Upon receipt of the application
913 the court shall order that a hearing on the application be held not later
914 than fourteen days from the date of the order except that, if the
915 application indicates that the respondent holds a permit to carry a pistol
916 or revolver, an eligibility certificate for a pistol or revolver, a long gun
917 eligibility certificate or an ammunition certificate or possesses one or
918 more firearms or ammunition, and the court orders an ex parte order,
919 the court shall order that a hearing be held on the application not later
920 than seven days from the date on which the ex parte order is issued. The
921 court, in its discretion, may make such orders as it deems appropriate
922 for the protection of the applicant and such dependent children or other
923 persons as the court sees fit. In making such orders ex parte, the court,
924 in its discretion, may consider relevant court records if the records are
925 available to the public from a clerk of the Superior Court or on the
926 Judicial Branch's Internet web site. In addition, at the time of the
927 hearing, the court, in its discretion, may also consider a report prepared
928 by the family services unit of the Judicial Branch that may include, as
929 available: Any existing or prior orders of protection obtained from the
930 protection order registry; information on any pending criminal case or
931 past criminal case in which the respondent was convicted of a violent
932 crime; any outstanding arrest warrant for the respondent; and the
933 respondent's level of risk based on a risk assessment tool utilized by the
934 Court Support Services Division. The report may also include
935 information pertaining to any pending or disposed family matters case
936 involving the applicant and respondent. Any report provided by the
937 Court Support Services Division to the court shall also be provided to
938 the applicant and respondent. Such orders may include temporary child
939 custody or visitation rights, and such relief may include, but is not
940 limited to, an order enjoining the respondent from (1) imposing any
941 restraint upon the person or liberty of the applicant; (2) threatening,
942 harassing, assaulting, molesting, sexually assaulting or attacking the
943 applicant; or (3) entering the family dwelling or the dwelling of the
944 applicant. Such order may include provisions necessary to protect any

945 animal owned or kept by the applicant including, but not limited to, an
946 order enjoining the respondent from injuring or threatening to injure
947 such animal. If an applicant alleges an immediate and present physical
948 danger to the applicant, the court may issue an ex parte order granting
949 such relief as it deems appropriate. If a postponement of a hearing on
950 the application is requested by either party and granted, the ex parte
951 order shall not be continued except upon agreement of the parties or by
952 order of the court for good cause shown. If a hearing on the application
953 is scheduled or an ex parte order is granted and the court is closed on
954 the scheduled hearing date, the hearing shall be held on the next day the
955 court is open and any such ex parte order shall remain in effect until the
956 date of such hearing. If the applicant is under eighteen years of age, a
957 parent, guardian or responsible adult who brings the application as next
958 friend of the applicant may not speak on the applicant's behalf at such
959 hearing unless there is good cause shown as to why the applicant is
960 unable to speak on his or her own behalf, except that nothing in this
961 subsection shall preclude such parent, guardian or responsible adult
962 from testifying as a witness at such hearing. As used in this subsection,
963 "violent crime" includes: (A) An incident resulting in physical harm,
964 bodily injury or assault; (B) an act of threatened violence that constitutes
965 fear of imminent physical harm, bodily injury or assault, including, but
966 not limited to, stalking or a pattern of threatening; (C) verbal abuse or
967 argument if there is a present danger and likelihood that physical
968 violence will occur; and (D) cruelty to animals as set forth in section 53-
969 247.

970 (c) If the court issues an ex parte order pursuant to subsection (b) of
971 this section and service has not been made on the respondent in
972 conformance with subsection (h) of this section, upon request of the
973 applicant, the court shall, based on the information contained in the
974 original application, extend any ex parte order for an additional period
975 not to exceed fourteen days from the originally scheduled hearing date.
976 The clerk shall prepare a new order of hearing and notice containing the
977 new hearing date, which shall be served upon the respondent in
978 accordance with the provisions of subsection (h) of this section.

979 (d) Any ex parte restraining order entered under subsection (b) of this
980 section in which the applicant and respondent are spouses, or persons
981 who have a dependent child or children in common and who live
982 together, may include, if no order exists, and if necessary to maintain
983 the safety and basic needs of the applicant or the dependent child or
984 children in common of the applicant and respondent, in addition to any
985 orders authorized under subsection (b) of this section, any of the
986 following: (1) An order prohibiting the respondent from (A) taking any
987 action that could result in the termination of any necessary utility
988 services or necessary services related to the family dwelling or the
989 dwelling of the applicant, (B) taking any action that could result in the
990 cancellation, change of coverage or change of beneficiary of any health,
991 automobile or homeowners insurance policy to the detriment of the
992 applicant or the dependent child or children in common of the applicant
993 and respondent, or (C) transferring, encumbering, concealing or
994 disposing of specified property owned or leased by the applicant; or (2)
995 an order providing the applicant with temporary possession of an
996 automobile, checkbook, documentation of health, automobile or
997 homeowners insurance, a document needed for purposes of proving
998 identity, a key or other necessary specified personal effects.

999 (e) At the hearing on any application under this section, if the court
1000 grants relief pursuant to subsection (b) of this section and the applicant
1001 and respondent are spouses, or persons who have a dependent child or
1002 children in common and who live together, and if necessary to maintain
1003 the safety and basic needs of the applicant or the dependent child or
1004 children in common of the applicant and respondent, any orders
1005 entered by the court may include, in addition to the orders authorized
1006 under subsection (b) of this section, any of the following: (1) An order
1007 prohibiting the respondent from (A) taking any action that could result
1008 in the termination of any necessary utility services or services related to
1009 the family dwelling or the dwelling of the applicant, (B) taking any
1010 action that could result in the cancellation, change of coverage or change
1011 of beneficiary of any health, automobile or homeowners insurance
1012 policy to the detriment of the applicant or the dependent child or
1013 children in common of the applicant and respondent, or (C)

1014 transferring, encumbering, concealing or disposing of specified
1015 property owned or leased by the applicant; (2) an order providing the
1016 applicant with temporary possession of an automobile, checkbook,
1017 documentation of health, automobile or homeowners insurance, a
1018 document needed for purposes of proving identity, a key or other
1019 necessary specified personal effects; or (3) an order that the respondent:
1020 (A) Make rent or mortgage payments on the family dwelling or the
1021 dwelling of the applicant and the dependent child or children in
1022 common of the applicant and respondent, (B) maintain utility services
1023 or other necessary services related to the family dwelling or the
1024 dwelling of the applicant and the dependent child or children in
1025 common of the applicant and respondent, (C) maintain all existing
1026 health, automobile or homeowners insurance coverage without change
1027 in coverage or beneficiary designation, or (D) provide financial support
1028 for the benefit of any dependent child or children in common of the
1029 applicant and the respondent, provided the respondent has a legal duty
1030 to support such child or children and the ability to pay. The court shall
1031 not enter any order of financial support without sufficient evidence as
1032 to the ability to pay, including, but not limited to, financial affidavits. If
1033 at the hearing no order is entered under this subsection or subsection
1034 (d) of this section, no such order may be entered thereafter pursuant to
1035 this section. Any order entered pursuant to this subsection shall not be
1036 subject to modification and shall expire one hundred twenty days after
1037 the date of issuance or upon issuance of a superseding order, whichever
1038 occurs first. Any amounts not paid or collected under this subsection or
1039 subsection (d) of this section may be preserved and collectible in an
1040 action for dissolution of marriage, custody, paternity or support.

1041 (f) Every order of the court made in accordance with this section shall
1042 contain the following language: (1) "This order may be extended by the
1043 court beyond one year. In accordance with section 53a-107 of the
1044 Connecticut general statutes, entering or remaining in a building or any
1045 other premises in violation of this order constitutes criminal trespass in
1046 the first degree. This is a criminal offense punishable by a term of
1047 imprisonment of not more than one year, a fine of not more than two
1048 thousand dollars or both."; and (2) "In accordance with section 53a-223b

1049 of the Connecticut general statutes, any violation of subparagraph (A)
1050 or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes
1051 criminal violation of a restraining order which is punishable by a term
1052 of imprisonment of not more than five years, a fine of not more than five
1053 thousand dollars, or both. Additionally, any violation of subparagraph
1054 (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b
1055 constitutes criminal violation of a restraining order which is punishable
1056 by a term of imprisonment of not more than ten years, a fine of not more
1057 than ten thousand dollars, or both."

1058 (g) No order of the court shall exceed one year, except that an order
1059 may be extended by the court upon motion of the applicant for such
1060 additional time as the court deems necessary. If the respondent has not
1061 appeared upon the initial application, service of a motion to extend an
1062 order may be made by first-class mail directed to the respondent at the
1063 respondent's last-known address.

1064 (h) (1) The applicant shall cause notice of the hearing pursuant to
1065 subsection (b) of this section and a copy of the application and the
1066 applicant's [affidavit] statement of the specific facts that form the basis
1067 for relief made under penalty of false statement pursuant to section 53a-
1068 157b and of any ex parte order issued pursuant to subsection (b) of this
1069 section to be served on the respondent not less than three days before
1070 the hearing. The cost of such service shall be paid for by the Judicial
1071 Branch.

1072 (2) When (A) an application indicates that a respondent holds a
1073 permit to carry a pistol or revolver, an eligibility certificate for a pistol
1074 or revolver, a long gun eligibility certificate or an ammunition certificate
1075 or possesses one or more firearms or ammunition, and (B) the court has
1076 issued an ex parte order pursuant to this section, the proper officer
1077 responsible for executing service shall, whenever possible, provide in-
1078 hand service and, prior to serving such order, shall (i) provide notice to
1079 the law enforcement agency for the town in which the respondent will
1080 be served concerning when and where the service will take place, and
1081 (ii) send, or cause to be sent by facsimile or other means, a copy of the

1082 application, the applicant's [affidavit] statement of the specific facts that
1083 form the basis for relief made under penalty of false statement pursuant
1084 to section 53a-157b, the ex parte order and the notice of hearing to such
1085 law enforcement agency, and (iii) request that a police officer from the
1086 law enforcement agency for the town in which the respondent will be
1087 served be present when service is executed by the proper officer. Upon
1088 receiving a request from a proper officer under the provisions of this
1089 subdivision, the law enforcement agency for the town in which the
1090 respondent will be served may designate a police officer to be present
1091 when service is executed by the proper officer.

1092 (3) Upon the granting of an ex parte order, the clerk of the court shall
1093 provide two copies of the order to the applicant. Upon the granting of
1094 an order after notice and hearing, the clerk of the court shall provide
1095 two copies of the order to the applicant and a copy to the respondent.
1096 Every order of the court made in accordance with this section after
1097 notice and hearing shall be accompanied by a notification that is
1098 consistent with the full faith and credit provisions set forth in 18 USC
1099 2265(a), as amended from time to time. Immediately after making
1100 service on the respondent, the proper officer shall (A) send or cause to
1101 be sent, by facsimile or other means, a copy of the application, or the
1102 information contained in such application, stating the date and time the
1103 respondent was served, to the law enforcement agency or agencies for
1104 the town in which the applicant resides, the town in which the applicant
1105 is employed and the town in which the respondent resides, and (B) as
1106 soon as possible, but not later than two hours after the time that service
1107 is executed, input into the Judicial Branch's Internet-based service
1108 tracking system the date, time and method of service. If, prior to the date
1109 of the scheduled hearing, service has not been executed, the proper
1110 officer shall input into such service tracking system that service was
1111 unsuccessful. The clerk of the court shall send, by facsimile or other
1112 means, a copy of any ex parte order and of any order after notice and
1113 hearing, or the information contained in any such order, to the law
1114 enforcement agency or agencies for the town in which the applicant
1115 resides, the town in which the applicant is employed and the town in
1116 which the respondent resides, within forty-eight hours of the issuance

1117 of such order. If the victim, or victim's minor child protected by such
1118 order, is enrolled in a public or private elementary or secondary school,
1119 including a technical education and career school, or an institution of
1120 higher education, as defined in section 10a-55, the clerk of the court
1121 shall, upon the request of the victim, send, by facsimile or other means,
1122 a copy of such ex parte order or of any order after notice and hearing, or
1123 the information contained in any such order, to such school or
1124 institution of higher education, the president of any institution of higher
1125 education at which the victim, or victim's minor child protected by such
1126 order, is enrolled and the special police force established pursuant to
1127 section 10a-156b, if any, at the institution of higher education at which
1128 the victim, or victim's minor child protected by such order, is enrolled,
1129 if the victim provides the clerk with the name and address of such school
1130 or institution of higher education.

1131 (i) A caretaker who is providing shelter in his or her residence to a
1132 person sixty years or older shall not be enjoined from the full use and
1133 enjoyment of his or her home and property. The Superior Court may
1134 make any other appropriate order under the provisions of this section.

1135 (j) When a motion for contempt is filed for violation of a restraining
1136 order, there shall be an expedited hearing. Such hearing shall be held
1137 within five court days of service of the motion on the respondent,
1138 provided service on the respondent is made not less than twenty-four
1139 hours before the hearing. If the court finds the respondent in contempt
1140 for violation of an order, the court may impose such sanctions as the
1141 court deems appropriate.

1142 (k) An action under this section shall not preclude the applicant from
1143 seeking any other civil or criminal relief.

1144 (l) For purposes of this section, "police officer" means a state police
1145 officer or a sworn member of a municipal police department and "law
1146 enforcement agency" means the Division of State Police within the
1147 Department of Emergency Services and Public Protection or any
1148 municipal police department.

1149 Sec. 18. Section 46b-16a of the general statutes is repealed and the
1150 following is substituted in lieu thereof (*Effective from passage*):

1151 (a) Any person who has been the victim of sexual abuse, sexual
1152 assault or stalking may make an application to the Superior Court for
1153 relief under this section, provided such person has not obtained any
1154 other court order of protection arising out of such abuse, assault or
1155 stalking and does not qualify to seek relief under section 46b-15, as
1156 amended by this act. As used in this section, "stalking" means two or
1157 more wilful acts, performed in a threatening, predatory or disturbing
1158 manner of: Harassing, following, lying in wait for, surveilling,
1159 monitoring or sending unwanted gifts or messages to another person
1160 directly, indirectly or through a third person, by any method, device or
1161 other means, that causes such person to reasonably fear for his or her
1162 physical safety.

1163 (b) The application shall be accompanied by [an affidavit made by the
1164 applicant under oath that includes] a statement of the specific facts that
1165 form the basis for relief made under penalty of false statement pursuant
1166 to section 53a-157b. If the applicant attests that disclosure of the
1167 applicant's location information would jeopardize the health, safety or
1168 liberty of the applicant or the applicant's children, the applicant may
1169 request, on a form prescribed by the Chief Court Administrator, that his
1170 or her location information not be disclosed. Upon receipt of the
1171 application, if the allegations set forth in the [affidavit] statement of the
1172 specific facts that form the basis for relief made under penalty of false
1173 statement pursuant to section 53a-157b meet the requirements of
1174 subsection (a) of this section, the court shall schedule a hearing not later
1175 than fourteen days from the date of the application. If a postponement
1176 of a hearing on the application is requested by either party, no ex parte
1177 order shall be continued except upon agreement of the parties or by
1178 order of the court for good cause shown. If the court is closed on the
1179 scheduled hearing date, the hearing shall be held on the next day the
1180 court is open and any ex parte order that was issued shall remain in
1181 effect until the date of such hearing. If the applicant is under eighteen
1182 years of age, a parent, guardian or responsible adult who brings the

1183 application as next friend of the applicant may not speak on the
1184 applicant's behalf at such hearing unless there is good cause shown as
1185 to why the applicant is unable to speak on his or her own behalf, except
1186 that nothing in this subsection shall preclude such parent, guardian or
1187 responsible adult from testifying as a witness at such hearing. If the
1188 court finds that there are reasonable grounds to believe that the
1189 respondent has committed acts constituting grounds for issuance of an
1190 order under this section and will continue to commit such acts or acts
1191 designed to intimidate or retaliate against the applicant, the court, in its
1192 discretion, may make such orders as it deems appropriate for the
1193 protection of the applicant. If the court finds that there are reasonable
1194 grounds to believe that an imminent danger exists to the applicant, the
1195 court may issue an ex parte order granting such relief as it deems
1196 appropriate. In making such orders, the court, in its discretion, may
1197 consider relevant court records if the records are available to the public
1198 from a clerk of the Superior Court or on the Judicial Branch's Internet
1199 web site. Such orders may include, but are not limited to, an order
1200 enjoining the respondent from: (1) Imposing any restraint upon the
1201 person or liberty of the applicant; (2) threatening, harassing, assaulting,
1202 molesting, sexually assaulting or attacking the applicant; and (3)
1203 entering the dwelling of the applicant.

1204 (c) No order of the court shall exceed one year, except that an order
1205 may be extended by the court upon proper motion of the applicant,
1206 provided a copy of the motion has been served by a proper officer on
1207 the respondent, no other order of protection based on the same facts and
1208 circumstances is in place and the need for protection, consistent with
1209 subsection (a) of this section, still exists.

1210 (d) The applicant shall cause notice of the hearing pursuant to
1211 subsection (b) of this section and a copy of the application and the
1212 applicant's [affidavit] statement of the specific facts that form the basis
1213 for relief made under penalty of false statement pursuant to section 53a-
1214 157b and of any ex parte order issued pursuant to subsection (b) of this
1215 section to be served by a proper officer on the respondent not less than
1216 five days before the hearing. The cost of such service shall be paid for

1217 by the Judicial Branch. Upon the granting of an ex parte order, the clerk
1218 of the court shall provide two copies of the order to the applicant. Upon
1219 the granting of an order after notice and hearing, the clerk of the court
1220 shall provide two copies of the order to the applicant and a copy to the
1221 respondent. Every order of the court made in accordance with this
1222 section after notice and hearing shall be accompanied by a notification
1223 that is consistent with the full faith and credit provisions set forth in 18
1224 USC 2265(a), as amended from time to time. Immediately after making
1225 service on the respondent, the proper officer shall (1) send or cause to
1226 be sent, by facsimile or other means, a copy of the application, or the
1227 information contained in such application, stating the date and time the
1228 respondent was served, to the law enforcement agency or agencies for
1229 the town in which the applicant resides, the town in which the applicant
1230 is employed and the town in which the respondent resides, and (2) as
1231 soon as possible, but not later than two hours after the time that service
1232 is executed, input into the Judicial Branch's Internet-based service
1233 tracking system the date, time and method of service. If, prior to the date
1234 of the scheduled hearing, service has not been executed, the proper
1235 officer shall input into such service tracking system that service was
1236 unsuccessful. The clerk of the court shall send, by facsimile or other
1237 means, a copy of any ex parte order and of any order after notice and
1238 hearing, or the information contained in any such order, to the law
1239 enforcement agency or agencies for the town in which the applicant
1240 resides, the town in which the applicant is employed and the town in
1241 which the respondent resides, not later than forty-eight hours after the
1242 issuance of such order, and immediately to the Commissioner of
1243 Emergency Services and Public Protection. If the applicant is enrolled in
1244 a public or private elementary or secondary school, including a technical
1245 education and career school, or an institution of higher education, as
1246 defined in section 10a-55, the clerk of the court shall, upon the request
1247 of the applicant, send, by facsimile or other means, a copy of such ex
1248 parte order or of any order after notice and hearing, or the information
1249 contained in any such order, to such school or institution of higher
1250 education, the president of any institution of higher education at which
1251 the applicant is enrolled and the special police force established

1252 pursuant to section 10a-142, if any, at the institution of higher education
1253 at which the applicant is enrolled, if the applicant provides the clerk
1254 with the name and address of such school or institution of higher
1255 education.

1256 (e) If the court issues an ex parte order pursuant to subsection (b) of
1257 this section and service has not been made on the respondent in
1258 conformance with subsection (d) of this section, upon request of the
1259 applicant, the court shall, based on the information contained in the
1260 original application, extend any ex parte order for an additional period
1261 not to exceed fourteen days from the originally scheduled hearing date.
1262 The clerk of the court shall prepare a new order of hearing and notice
1263 containing the new hearing date, which shall be served upon the
1264 respondent in accordance with the provisions of subsection (d) of this
1265 section.

1266 [(e)] (f) An action under this section shall not preclude the applicant
1267 from subsequently seeking any other civil or criminal relief based on the
1268 same facts and circumstances.

1269 Sec. 19. Section 46b-51 of the general statutes is repealed and the
1270 following is substituted in lieu thereof (*Effective from passage*):

1271 (a) In any action for dissolution of marriage or legal separation the
1272 court shall make a finding that a marriage breakdown has occurred
1273 where (1) the parties, and not their attorneys, execute a written
1274 stipulation that their marriage has broken down irretrievably, or (2)
1275 both parties are physically present in court and stipulate that their
1276 marriage has broken down irretrievably and have submitted an
1277 agreement concerning the custody, care, education, visitation,
1278 maintenance or support of their children, if any, and concerning
1279 alimony and the disposition of property. The testimony of either party
1280 in support of that conclusion, or an affidavit made under oath by either
1281 party, pursuant to subsection (b) of this section, shall be sufficient.

1282 (b) Any finding required to be made by the court pursuant to
1283 subsection (a) of this section, may be made on the basis of an affidavit,

1284 made under oath, by either party, provided that the party making the
1285 affidavit attests that no restraining order issued pursuant to section 46b-
1286 15, as amended by this act, or protective order, issued pursuant to
1287 section 46b-38c, between the parties is in effect or pending before the
1288 court. Nothing in this subsection shall preclude the court from requiring
1289 that the parties attend a hearing and that findings be made on the
1290 record.

1291 [(b)] (c) In any case in which the court finds [, after hearing,] that a
1292 cause enumerated in subsection (c) of section 46b-40 exists, the court
1293 shall enter a decree dissolving the marriage or granting a legal
1294 separation. In entering the decree, the court may either set forth the
1295 cause of action on which the decree is based or dissolve the marriage or
1296 grant a legal separation on the basis of irretrievable breakdown. In no
1297 case shall the decree granted be in favor of either party.

1298 Sec. 20. Section 46b-56c of the general statutes is repealed and the
1299 following is substituted in lieu thereof (*Effective from passage*):

1300 (a) For purposes of this section, an educational support order is an
1301 order entered by a court requiring a parent to provide support for a
1302 child or children to attend for up to a total of four full academic years
1303 an institution of higher education or a private occupational school for
1304 the purpose of attaining a bachelor's or other undergraduate degree, or
1305 other appropriate vocational instruction. An educational support order
1306 may be entered with respect to any child who has not attained twenty-
1307 three years of age and shall terminate not later than the date on which
1308 the child attains twenty-three years of age.

1309 (b) (1) On motion or petition of a parent, the court may enter an
1310 educational support order at the time of entry of a decree of dissolution,
1311 legal separation or annulment, and no educational support order may
1312 be entered thereafter unless the decree explicitly provides that a motion
1313 or petition for an educational support order may be filed by either
1314 parent at a subsequent date. If no educational support order is entered
1315 at the time of entry of a decree of dissolution, legal separation or
1316 annulment, and the parents have a child who has not attained twenty-

1317 three years of age, the court shall inform the parents that no educational
1318 support order may be entered thereafter. The court may accept a
1319 parent's waiver of the right to file a motion or petition for an educational
1320 support order upon a finding that the parent fully understands the
1321 consequences of such waiver.

1322 (2) A waiver of the right to file a motion or petition for an educational
1323 support order may be made in writing by either parent and accepted by
1324 the court, provided the parent making the writing attests, under oath,
1325 that the parent fully understands the consequences of such waiver, and
1326 that no restraining order issued pursuant to section 46b-15, as amended
1327 by this act, or protective order issued pursuant to section 46b-38c,
1328 between the parties is in effect or pending before the court. The
1329 provisions of this subdivision shall not preclude the court from
1330 requiring that the parties attend a hearing and that findings be made on
1331 the record.

1332 [(2)] (3) On motion or petition of a parent, the court may enter an
1333 educational support order at the time of entry of an order for support
1334 pendente lite pursuant to section 46b-83.

1335 [(3)] (4) On motion or petition of a parent, the court may enter an
1336 educational support order at the time of entering an order of support
1337 pursuant to section 46b-61 or 46b-171, as amended by this act, or similar
1338 section of the general statutes, or at any time thereafter.

1339 [(4)] (5) On motion or petition of a parent, the court may enter an
1340 educational support order at the time of entering an order pursuant to
1341 any other provision of the general statutes authorizing the court to make
1342 an order of support for a child, subject to the provisions of sections 46b-
1343 301 to 46b-425, inclusive.

1344 (c) The court may not enter an educational support order pursuant to
1345 this section unless the court finds as a matter of fact that it is more likely
1346 than not that the parents would have provided support to the child for
1347 higher education or private occupational school if the family were
1348 intact. After making such finding, the court, in determining whether to

1349 enter an educational support order, shall consider all relevant
1350 circumstances, including: (1) The parents' income, assets and other
1351 obligations, including obligations to other dependents; (2) the child's
1352 need for support to attend an institution of higher education or private
1353 occupational school considering the child's assets and the child's ability
1354 to earn income; (3) the availability of financial aid from other sources,
1355 including grants and loans; (4) the reasonableness of the higher
1356 education to be funded considering the child's academic record and the
1357 financial resources available; (5) the child's preparation for, aptitude for
1358 and commitment to higher education; and (6) evidence, if any, of the
1359 institution of higher education or private occupational school the child
1360 would attend.

1361 (d) Any finding required to be made by the court, pursuant to this
1362 section may be made on the basis of an affidavit, made under oath, by
1363 either party, provided that the party making the affidavit attests that no
1364 restraining order issued pursuant to section 46b-15, as amended by this
1365 act, or protective order, issued pursuant to section 46b-38c, between the
1366 parties is in effect or pending before the court. Nothing in this
1367 subsection shall preclude the court from requiring that the parties
1368 attend a hearing and that findings be made on the record.

1369 [(d)] (e) At the appropriate time, both parents shall participate in, and
1370 agree upon, the decision as to which institution of higher education or
1371 private occupational school the child will attend. The court may make
1372 an order resolving the matter if the parents fail to reach an agreement.

1373 [(e)] (f) To qualify for payments due under an educational support
1374 order, the child must (1) enroll in an accredited institution of higher
1375 education or private occupational school, as defined in section 10a-22a,
1376 (2) actively pursue a course of study commensurate with the child's
1377 vocational goals that constitutes at least one-half the course load
1378 determined by that institution or school to constitute full-time
1379 enrollment, (3) maintain good academic standing in accordance with the
1380 rules of the institution or school, and (4) make available all academic
1381 records to both parents during the term of the order. The order shall be

1382 suspended after any academic period during which the child fails to
1383 comply with these conditions.

1384 ~~[(f)]~~ (g) The educational support order may include support for any
1385 necessary educational expense, including room, board, dues, tuition,
1386 fees, registration and application costs, but such expenses shall not be
1387 more than the amount charged by The University of Connecticut for a
1388 full-time in-state student at the time the child for whom educational
1389 support is being ordered matriculates, except this limit may be exceeded
1390 by agreement of the parents. An educational support order may also
1391 include the cost of books and medical insurance for such child.

1392 ~~[(g)]~~ (h) The court may direct that payments under an educational
1393 support order be made (1) to a parent to be forwarded to the institution
1394 of higher education or private occupational school, (2) directly to the
1395 institution or school, or (3) otherwise as the court determines to be
1396 appropriate.

1397 ~~[(h)]~~ (i) On motion or petition of a parent, an educational support
1398 order may be modified or enforced in the same manner as is provided
1399 by law for any support order.

1400 ~~[(i)]~~ (j) This section does not create a right of action by a child for
1401 parental support for higher education.

1402 ~~[(j)]~~ (k) An educational support order under this section does not
1403 include support for graduate or postgraduate education beyond a
1404 bachelor's degree.

1405 ~~[(k)]~~ (l) The provisions of this section shall apply only in cases when
1406 the initial order for parental support of the child is entered on or after
1407 October 1, 2002.

1408 Sec. 21. Subsection (b) of section 46b-65 of the general statutes is
1409 repealed and the following is substituted in lieu thereof (*Effective from*
1410 *passage*):

1411 (b) If no declaration has been filed under subsection (a) of this section,

1412 then at any time after the entry of a decree of legal separation, either
1413 party may petition the superior court for the judicial district in which
1414 the decree was entered for a decree dissolving the marriage, [and the
1415 court shall] The court may enter the decree in the presence of the party
1416 seeking the dissolution or, if a party attests that no restraining order
1417 issued pursuant to section 46b-15, as amended by this act, or protective
1418 order issued pursuant to section 46b-38c, between the parties is in effect
1419 or pending before the court, the court may enter the decree without
1420 requiring the presence of either party.

1421 Sec. 22. Section 46b-66 of the general statutes is repealed and the
1422 following is substituted in lieu thereof (*Effective from passage*):

1423 (a) Except as provided in section 46b-44c, in any case under this
1424 chapter where the parties have submitted to the court a final agreement
1425 concerning the custody, care, education, visitation, maintenance or
1426 support of any of their children or concerning alimony or the disposition
1427 of property, the court shall inquire into the financial resources and
1428 actual needs of the [spouses] parties and their respective fitness to have
1429 physical custody of or rights of visitation with any minor child, in order
1430 to determine whether the agreement of the [spouses] parties is fair and
1431 equitable under all the circumstances.

1432 (b) The inquiry required pursuant to subsections (a) and (e) of this
1433 section may take place on the record at a hearing, or if each party attests
1434 that no restraining order issued pursuant to section 46b-15, as amended
1435 by this act, or protective order, issued pursuant to section 46b-38c,
1436 between the parties is in effect or pending before the court, the court
1437 may accept an affidavit from each party, made under oath, stating facts
1438 satisfying the requirements of the inquiry in question, in order to
1439 determine whether the agreement of the parties is fair and equitable
1440 under all the circumstances and to make any other findings required by
1441 this section.

1442 (c) If the court finds the agreement fair and equitable, it shall become
1443 part of the court file, and if the agreement is in writing, it shall be
1444 incorporated by reference into the order or decree of the court. If the

1445 court finds the agreement is not fair and equitable, it shall make such
1446 orders as to finances and custody as the circumstances require. If the
1447 agreement is in writing and provides for the care, education,
1448 maintenance or support of a child beyond the age of eighteen, it may
1449 also be incorporated or otherwise made a part of any such order and
1450 shall be enforceable to the same extent as any other provision of such
1451 order or decree, notwithstanding the provisions of section 1-1d.

1452 [(b)] (d) Agreements providing for the care, education, maintenance
1453 or support of a child beyond the age of eighteen entered into on or after
1454 July 1, 2001, shall be modifiable to the same extent as any other
1455 provision of any order or decree in accordance with section 46b-86, as
1456 amended by this act.

1457 [(c)] (e) The provisions of chapter 909 shall be applicable to any
1458 agreement to arbitrate in an action for dissolution of marriage under this
1459 chapter, provided [(1)] an arbitration pursuant to such agreement may
1460 proceed only after the court has made a thorough inquiry and is satisfied
1461 that [(A)] (1) each party entered into such agreement voluntarily and
1462 without coercion, and [(B)] (2) such agreement is fair and equitable
1463 under the circumstances. [, and (2) such agreement and an arbitration
1464 pursuant to such agreement shall not include issues related to child
1465 support, visitation and custody.] An arbitration award in such action
1466 shall [be] not be enforceable until it has been confirmed, modified or
1467 vacated in accordance with the provisions of chapter 909 and
1468 incorporated into an order or decree of court in an action for dissolution
1469 of marriage between the parties. If the arbitration award concerns child
1470 support, the court may enter such order or decree if the court finds that
1471 the award complies with section 46b-215b, as amended by this act. An
1472 arbitration award relating to a dissolution of marriage that is
1473 incorporated into an order or decree of the court shall be enforceable
1474 and modifiable to the same extent as an agreement of the parties that is
1475 incorporated into an order or decree of the court pursuant to subsection
1476 (c) of this section.

1477 Sec. 23. Subsection (f) of section 46b-84 of the general statutes is

1478 repealed and the following is substituted in lieu thereof (*Effective from*
1479 *passage*):

1480 (f) (1) After the granting of a decree annulling or dissolving the
1481 marriage or ordering a legal separation, and upon complaint or motion
1482 with order and summons made to the Superior Court by either parent
1483 or by the Commissioner of Administrative Services in any case arising
1484 under subsection (a) or (b) of this section, the court shall inquire into the
1485 child's need of maintenance and the respective abilities of the parents to
1486 supply maintenance. The court shall make and enforce the decree for
1487 the maintenance of the child as it considers just, and may direct security
1488 to be given therefor, including an order to either party to contract with
1489 a third party for periodic payments or payments contingent on a life to
1490 the other party. The court may order that a party obtain life insurance
1491 as such security unless such party proves, by a preponderance of the
1492 evidence, that such insurance is not available to such party, such party
1493 is unable to pay the cost of such insurance or such party is uninsurable.

1494 (2) The court shall include in each support order a provision for the
1495 health care coverage of the child who is subject to the provisions of
1496 subsection (a) or (b) of this section. Such provision may include an order
1497 for either parent or both parents to provide such coverage under any or
1498 all of subparagraphs (A), (B) or (C) of this subdivision.

1499 (A) The provision for health care coverage may include an order for
1500 either parent to name any child as a beneficiary of any medical or dental
1501 insurance or benefit plan carried by such parent or available to such
1502 parent at a reasonable cost, as described in subparagraph (D) of this
1503 subdivision. If such order in a IV-D support case requires the parent to
1504 maintain insurance available through an employer, the order shall be
1505 enforced using a National Medical Support Notice as provided in
1506 section 46b-88.

1507 (B) The provision for health care coverage may include an order for
1508 either parent to: (i) Apply for and maintain coverage on behalf of the
1509 child under HUSKY B; or (ii) provide cash medical support, as described
1510 in subparagraphs (E) and (F) of this subdivision. An order under this

1511 subparagraph shall be made only if the cost to the parent obligated to
1512 maintain the coverage under HUSKY B or provide cash medical support
1513 is reasonable, as described in subparagraph (D) of this subdivision. An
1514 order under clause (i) of this subparagraph shall be made only if
1515 insurance coverage as described in subparagraph (A) of this subdivision
1516 is unavailable at reasonable cost to either parent, or inaccessible to the
1517 child.

1518 (C) An order for payment of the child's medical and dental expenses,
1519 other than those described in clause (ii) of subparagraph (E) of this
1520 subdivision, that are not covered by insurance or reimbursed in any
1521 other manner shall be entered in accordance with the child support
1522 guidelines established pursuant to section 46b-215a.

1523 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
1524 parent obligated to maintain such coverage would qualify as a low-
1525 income obligor under the child support guidelines established pursuant
1526 to section 46b-215a, based solely on such parent's income, and the cost
1527 does not exceed five per cent of such parent's net income; or (ii) the
1528 parent obligated to maintain such coverage would not qualify as a low-
1529 income obligor under such guidelines and the cost does not exceed
1530 seven and one-half per cent of such parent's net income. In either case,
1531 net income shall be determined in accordance with the child support
1532 guidelines established pursuant to section 46b-215a. If a parent
1533 obligated to maintain insurance must obtain coverage for himself or
1534 herself to comply with the order to provide coverage for the child,
1535 reasonable cost shall be determined based on the combined cost of
1536 coverage for such parent and such child.

1537 (E) Cash medical support means: (i) An amount ordered to be paid
1538 toward the cost of premiums for health insurance coverage provided by
1539 a public entity, including HUSKY A or B, except as provided in
1540 subparagraph (F) of this subdivision, or by another parent through
1541 employment or otherwise, or (ii) an amount ordered to be paid, either
1542 directly to a medical provider or to the person obligated to pay such
1543 provider, toward any ongoing extraordinary medical and dental

1544 expenses of the child that are not covered by insurance or reimbursed in
1545 any other manner, provided such expenses are documented and
1546 identified (I) specifically on the record, or (II) in an affidavit, made
1547 under oath, that states no restraining order issued pursuant to section
1548 46b-15, as amended by this act, or protective order issued pursuant to
1549 section 46b-38c, between the parties is in effect or pending before the
1550 court. Cash medical support, as described in clauses (i) and (ii) of this
1551 subparagraph may be ordered in lieu of an order under subparagraph
1552 (A) of this subdivision to be effective until such time as health insurance
1553 that is accessible to the child and reasonable in cost becomes available,
1554 or in addition to an order under subparagraph (A) of this subdivision,
1555 provided the combined cost of insurance and cash medical support is
1556 reasonable, as defined in subparagraph (D) of this subdivision. An order
1557 for cash medical support shall be payable to the state or the custodial
1558 party, as their interests may appear, provided an order under clause (i)
1559 of this subparagraph shall be effective only as long as health insurance
1560 coverage is maintained. Any unreimbursed medical and dental
1561 expenses not covered by an order issued pursuant to clause (ii) of this
1562 subparagraph are subject to an order for unreimbursed medical and
1563 dental expenses pursuant to subparagraph (C) of this subdivision.

1564 (F) Cash medical support to offset the cost of any insurance payable
1565 under HUSKY A or B, shall not be ordered against a noncustodial parent
1566 who is a low-income obligor, as defined in the child support guidelines
1567 established pursuant to section 46b-215a, or against a custodial parent
1568 of children covered under HUSKY A or B.

1569 Sec. 24. Subsection (a) of section 46b-86 of the general statutes is
1570 repealed and the following is substituted in lieu thereof (*Effective from*
1571 *passage*):

1572 (a) Unless and to the extent that the decree precludes modification,
1573 any final order for the periodic payment of permanent alimony or
1574 support, an order for alimony or support pendente lite or an order
1575 requiring either party to maintain life insurance for the other party or a
1576 minor child of the parties may, at any time thereafter, be continued, set

1577 aside, altered or modified by the court upon a showing of a substantial
1578 change in the circumstances of either party or upon a showing that the
1579 final order for child support substantially deviates from the child
1580 support guidelines established pursuant to section 46b-215a, unless
1581 there was a specific finding on the record at a hearing, or in a written
1582 judgment, order or memorandum of decision of the court, that the
1583 application of the guidelines would be inequitable or inappropriate.
1584 There shall be a rebuttable presumption that any deviation of less than
1585 fifteen per cent from the child support guidelines is not substantial and
1586 any deviation of fifteen per cent or more from the guidelines is
1587 substantial. Modification may be made of such support order without
1588 regard to whether the order was issued before, on or after May 9, 1991.
1589 In determining whether to modify a child support order based on a
1590 substantial deviation from such child support guidelines the court shall
1591 consider the division of real and personal property between the parties
1592 set forth in the final decree and the benefits accruing to the child as the
1593 result of such division. After the date of judgment, modification of any
1594 child support order issued before, on or after July 1, 1990, may be made
1595 upon a showing of such substantial change of circumstances, whether
1596 or not such change of circumstances was contemplated at the time of
1597 dissolution. By written agreement, stipulation or decision of the court,
1598 those items or circumstances that were contemplated and are not to be
1599 changed may be specified in the written agreement, stipulation or
1600 decision of the court. This section shall not apply to assignments under
1601 section 46b-81 or to any assignment of the estate or a portion thereof of
1602 one party to the other party under prior law. No order for periodic
1603 payment of permanent alimony or support may be subject to retroactive
1604 modification, except that the court may order modification with respect
1605 to any period during which there is a pending motion for modification
1606 of an alimony or support order from the date of service of notice of such
1607 pending motion upon the opposing party pursuant to section 52-50. If a
1608 court [, after hearing,] finds that a substantial change in circumstances
1609 of either party has occurred, the court shall determine what
1610 modification of alimony, if any, is appropriate, considering the criteria
1611 set forth in section 46b-82.

1612 Sec. 25. Section 46b-120 of the general statutes is repealed and the
1613 following is substituted in lieu thereof (*Effective January 1, 2022*):

1614 The terms used in this chapter shall, in its interpretation and in the
1615 interpretation of other statutes, be defined as follows:

1616 (1) "Child" means any person under eighteen years of age who has
1617 not been legally emancipated, except that (A) for purposes of
1618 delinquency matters and proceedings, "child" means any person who (i)
1619 is at least seven years of age at the time of the alleged commission of a
1620 delinquent act and who is (I) under eighteen years of age and has not
1621 been legally emancipated, or (II) eighteen years of age or older and
1622 committed a delinquent act prior to attaining eighteen years of age, or
1623 (ii) is subsequent to attaining eighteen years of age, (I) violates any order
1624 of the Superior Court or any condition of probation ordered by the
1625 Superior Court with respect to a delinquency proceeding, or (II) wilfully
1626 fails to appear in response to a summons under section 46b-133, as
1627 amended by this act, or at any other court hearing in a delinquency
1628 proceeding of which the child had notice, and (B) for purposes of family
1629 with service needs matters and proceedings, child means a person who
1630 is at least seven years of age and is under eighteen years of age;

1631 (2) (A) A child may be adjudicated as "delinquent" who has, while
1632 under sixteen years of age, (i) violated any federal or state law, except
1633 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or
1634 violated a municipal or local ordinance, except an ordinance regulating
1635 behavior of a child in a family with service needs, (ii) wilfully failed to
1636 appear in response to a summons under section 46b-133, as amended by
1637 this act, or at any other court hearing in a delinquency proceeding of
1638 which the child had notice, (iii) violated any order of the Superior Court
1639 in a delinquency proceeding, except as provided in section 46b-148, as
1640 amended by this act, or (iv) violated conditions of probation supervision
1641 or probation supervision with residential placement in a delinquency
1642 proceeding as ordered by the court;

1643 (B) A child may be adjudicated as "delinquent" who has (i) while
1644 sixteen or seventeen years of age, violated any federal or state law, other

1645 than (I) an infraction, except an infraction under subsection (d) of section
1646 21a-267, (II) a violation, except a violation under subsection (a) of section
1647 21a-279a, (III) a motor vehicle offense or violation under title 14, (IV) a
1648 violation of a municipal or local ordinance, or (V) a violation of section
1649 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (ii)
1650 while sixteen years of age or older, wilfully failed to appear in response
1651 to a summons under section 46b-133, as amended by this act, or at any
1652 other court hearing in a delinquency proceeding of which the child had
1653 notice, (iii) while sixteen years of age or older, violated any order of the
1654 Superior Court in a delinquency proceeding, except as provided in
1655 section 46b-148, as amended by this act, or (iv) while sixteen years of age
1656 or older, violated conditions of probation supervision or probation
1657 supervision with residential placement in a delinquency proceeding as
1658 ordered by the court;

1659 (3) "Family with service needs" means a family that includes a child
1660 who is at least seven years of age and is under eighteen years of age
1661 who, according to a petition lawfully filed on or before June 30, 2020,
1662 (A) has without just cause run away from the parental home or other
1663 properly authorized and lawful place of abode, (B) is beyond the control
1664 of the child's parent, parents, guardian or other custodian, (C) has
1665 engaged in indecent or immoral conduct, or (D) is thirteen years of age
1666 or older and has engaged in sexual intercourse with another person and
1667 such other person is thirteen years of age or older and not more than
1668 two years older or younger than such child;

1669 (4) A child may be found "neglected" who, for reasons other than
1670 being impoverished, (A) has been abandoned, (B) is being denied
1671 proper care and attention, physically, educationally, emotionally or
1672 morally, or (C) is being permitted to live under conditions,
1673 circumstances or associations injurious to the well-being of the child;

1674 (5) A child may be found "abused" who (A) has been inflicted with
1675 physical injury or injuries other than by accidental means, (B) has
1676 injuries that are at variance with the history given of them, or (C) is in a
1677 condition that is the result of maltreatment, including, but not limited

1678 to, malnutrition, sexual molestation or exploitation, deprivation of
1679 necessities, emotional maltreatment or cruel punishment;

1680 (6) A child may be found "uncared for" (A) who is homeless, (B)
1681 whose home cannot provide the specialized care that the physical,
1682 emotional or mental condition of the child requires, or (C) who has been
1683 identified as a victim of trafficking, as defined in section 46a-170. For the
1684 purposes of this section, the treatment of any child by an accredited
1685 Christian Science practitioner, in lieu of treatment by a licensed
1686 practitioner of the healing arts, shall not of itself constitute neglect or
1687 maltreatment;

1688 (7) "Delinquent act" means (A) the violation by a child under the age
1689 of sixteen of any federal or state law, except the violation of section 53a-
1690 172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the violation of a
1691 municipal or local ordinance, except an ordinance regulating behavior
1692 of a child in a family with service needs, (B) the violation by a child
1693 sixteen or seventeen years of age of any federal or state law, other than
1694 (i) an infraction, except an infraction under subsection (d) of section 21a-
1695 267, (ii) a violation, except a violation under subsection (a) of section
1696 21a-279a, (iii) a motor vehicle offense or violation under title 14, (iv) the
1697 violation of a municipal or local ordinance, or (v) the violation of section
1698 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (C) the
1699 wilful failure of a child, including a child who has attained the age of
1700 eighteen, to appear in response to a summons under section 46b-133, as
1701 amended by this act, or at any other court hearing in a delinquency
1702 proceeding of which the child has notice, (D) the violation of any order
1703 of the Superior Court in a delinquency proceeding by a child, including
1704 a child who has attained the age of eighteen, except as provided in
1705 section 46b-148, as amended by this act, or (E) the violation of conditions
1706 of probation supervision or probation supervision with residential
1707 placement in a delinquency proceeding by a child, including a child who
1708 has attained the age of eighteen, as ordered by the court;

1709 (8) "Serious juvenile offense" means (A) the violation of, including
1710 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,

1711 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a, 53-
1712 202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive,
1713 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to 53a-71,
1714 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-
1715 100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
1716 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
1717 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
1718 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
1719 53a-212, 53a-216 or 53a-217b, or (B) absconding, escaping or running
1720 away, without just cause, from any secure residential facility in which
1721 the child has been placed by the court as a delinquent child;

1722 (9) "Serious juvenile offender" means any child adjudicated as
1723 delinquent for the commission of a serious juvenile offense;

1724 (10) "Serious juvenile repeat offender" means any child charged with
1725 the commission of any felony if such child has previously been
1726 adjudicated as delinquent or otherwise adjudicated at any age for two
1727 violations of any provision of title 21a, 29, 53 or 53a that is designated as
1728 a felony;

1729 (11) "Alcohol-dependent" means a psychoactive substance
1730 dependence on alcohol as that condition is defined in the most recent
1731 edition of the American Psychiatric Association's "Diagnostic and
1732 Statistical Manual of Mental Disorders";

1733 (12) "Drug-dependent" means a psychoactive substance dependence
1734 on drugs as that condition is defined in the most recent edition of the
1735 American Psychiatric Association's "Diagnostic and Statistical Manual
1736 of Mental Disorders". No child shall be classified as drug-dependent
1737 who is dependent (A) upon a morphine-type substance as an incident
1738 to current medical treatment of a demonstrable physical disorder other
1739 than drug dependence, or (B) upon amphetamine-type, ataractic,
1740 barbiturate-type, hallucinogenic or other stimulant and depressant
1741 substances as an incident to current medical treatment of a
1742 demonstrable physical or psychological disorder, or both, other than
1743 drug dependence;

1744 (13) "Pre-dispositional study" means a comprehensive written report
1745 prepared by a juvenile probation officer pursuant to section 46b-134
1746 regarding the child's social, medical, mental health, educational, risks
1747 and needs, and family history, as well as the events surrounding the
1748 offense to present a supported recommendation to the court;

1749 (14) "Probation supervision" means a legal status whereby a juvenile
1750 who has been adjudicated delinquent is placed by the court under the
1751 supervision of juvenile probation for a specified period of time and
1752 upon such terms as the court determines;

1753 (15) "Probation supervision with residential placement" means a legal
1754 status whereby a juvenile who has been adjudicated delinquent is
1755 placed by the court under the supervision of juvenile probation for a
1756 specified period of time, upon such terms as the court determines, that
1757 include a period of placement in a secure or staff-secure residential
1758 treatment facility, as ordered by the court, and a period of supervision
1759 in the community;

1760 (16) "Risk and needs assessment" means a standardized tool that (A)
1761 assists juvenile probation officers in collecting and synthesizing
1762 information about a child to estimate the child's risk of recidivating and
1763 identify other factors that, if treated and changed, can reduce the child's
1764 likelihood of reoffending, and (B) provides a guide for intervention
1765 planning;

1766 (17) "Secure-residential facility" means a hardware-secured
1767 residential facility that includes direct staff supervision, surveillance
1768 enhancements and physical barriers that allow for close supervision and
1769 controlled movement in a treatment setting; [and]

1770 (18) "Staff-secure residential facility" means a residential facility that
1771 provides residential treatment for children in a structured setting where
1772 the children are monitored by staff; and

1773 (19) "Juvenile residential center" means a hardware-secured
1774 residential facility operated by the Court Support Services Division of

1775 the Judicial Branch that includes direct staff supervision, surveillance
1776 enhancements and physical barriers that allow for close supervision and
1777 controlled movement in a treatment setting for preadjudicated juveniles
1778 and juveniles adjudicated as delinquent.

1779 Sec. 26. Subsection (b) of section 46b-124 of the general statutes is
1780 repealed and the following is substituted in lieu thereof (*Effective from*
1781 *passage*):

1782 (b) All records of cases of juvenile matters, as provided in section 46b-
1783 121, except delinquency proceedings, or any part thereof, and all records
1784 of appeals from probate brought to the superior court for juvenile
1785 matters pursuant to section 45a-186, shall be confidential and for the use
1786 of the court in juvenile matters, and open to inspection or disclosure to
1787 any third party, including bona fide researchers commissioned by a
1788 state agency, only upon order of the Superior Court, except that: (1) Such
1789 records shall be available to (A) the attorney representing the child,
1790 including the Division of Public Defender Services, in any proceeding
1791 in which such records are relevant, (B) the parents or guardian of the
1792 child until such time as the child reaches the age of majority or becomes
1793 emancipated, (C) an adult adopted person in accordance with the
1794 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive,
1795 (D) employees of the Division of Criminal Justice who, in the
1796 performance of their duties, require access to such records, (E)
1797 employees of the Judicial Branch who, in the performance of their
1798 duties, require access to such records, (F) another court under the
1799 provisions of subsection (d) of section 46b-115j, (G) the subject of the
1800 record, upon submission of satisfactory proof of the subject's identity,
1801 pursuant to guidelines prescribed by the Office of the Chief Court
1802 Administrator, provided the subject has reached the age of majority or
1803 has been emancipated, (H) the Department of Children and Families, (I)
1804 the employees of the Division of Public Defender Services who, in the
1805 performance of their duties related to Division of Public Defender
1806 Services assigned counsel, require access to such records, [and] (J)
1807 judges and employees of the Probate Court who, in the performance of
1808 their duties, require access to such records, and (K) members and

1809 employees of the Judicial Review Council who, in the performance of
1810 their duties related to said council, require access to such records; and
1811 (2) all or part of the records concerning a youth in crisis with respect to
1812 whom a court order was issued prior to January 1, 2010, may be made
1813 available to the Department of Motor Vehicles, provided such records
1814 are relevant to such order. Any records of cases of juvenile matters, or
1815 any part thereof, provided to any persons, governmental or private
1816 agencies, or institutions pursuant to this section shall not be disclosed,
1817 directly or indirectly, to any third party not specified in subsection (d)
1818 of this section, except as provided by court order, in the report required
1819 under section 54-76d or 54-91a or as otherwise provided by law.

1820 Sec. 27. Subsection (d) of section 46b-124 of the general statutes is
1821 repealed and the following is substituted in lieu thereof (*Effective from*
1822 *passage*):

1823 (d) Records of cases of juvenile matters involving delinquency
1824 proceedings shall be available to (1) Judicial Branch employees who, in
1825 the performance of their duties, require access to such records, (2) judges
1826 and employees of the Probate Court who, in the performance of their
1827 duties, require access to such records, and (3) employees and authorized
1828 agents of state or federal agencies involved in (A) the delinquency
1829 proceedings, (B) the provision of services directly to the child, or (C) the
1830 delivery of court diversionary programs. Such employees and
1831 authorized agents include, but are not limited to, law enforcement
1832 officials, community-based youth service bureau officials, state and
1833 federal prosecutorial officials, school officials in accordance with section
1834 10-233h, court officials including officials of both the regular criminal
1835 docket and the docket for juvenile matters and officials of the Division
1836 of Criminal Justice, the Division of Public Defender Services, the
1837 Department of Children and Families, if the child is committed pursuant
1838 to section 46b-129, provided such disclosure shall be limited to (i)
1839 information that identifies the child as the subject of the delinquency
1840 petition, or (ii) the records of the delinquency proceedings, when the
1841 juvenile court orders the department to provide services to said child,
1842 the Court Support Services Division and agencies under contract with

1843 the Judicial Branch. Such records shall also be available to (I) the
1844 attorney representing the child, including the Division of Public
1845 Defender Services, in any proceeding in which such records are
1846 relevant, (II) the parents or guardian of the child, until such time as the
1847 subject of the record reaches the age of majority, (III) the subject of the
1848 record, upon submission of satisfactory proof of the subject's identity,
1849 pursuant to guidelines prescribed by the Office of the Chief Court
1850 Administrator, provided the subject has reached the age of majority,
1851 (IV) law enforcement officials and prosecutorial officials conducting
1852 legitimate criminal investigations, (V) a state or federal agency
1853 providing services related to the collection of moneys due or funding to
1854 support the service needs of eligible juveniles, provided such disclosure
1855 shall be limited to that information necessary for the collection of and
1856 application for such moneys, [and] (VI) members and employees of the
1857 Board of Pardons and Paroles and employees of the Department of
1858 Correction who, in the performance of their duties, require access to
1859 such records, provided the subject of the record has been convicted of a
1860 crime in the regular criminal docket of the Superior Court and such
1861 records are relevant to the performance of a risk and needs assessment
1862 of such person while such person is incarcerated, the determination of
1863 such person's suitability for release from incarceration or for a pardon,
1864 or the determination of the supervision and treatment needs of such
1865 person while on parole or other supervised release, and (VII) members
1866 and employees of the Judicial Review Council who, in the performance
1867 of their duties related to said council, require access to such records.
1868 Records disclosed pursuant to this subsection shall not be further
1869 disclosed, except that information contained in such records may be
1870 disclosed in connection with bail or sentencing reports in open court
1871 during criminal proceedings involving the subject of such information,
1872 or as otherwise provided by law.

1873 Sec. 28. Subsection (g) of section 46b-124 of the general statutes is
1874 repealed and the following is substituted in lieu thereof (*Effective January*
1875 *1, 2022*):

1876 (g) Information concerning a child who has absconded, escaped or

1877 run away from, or failed to return from an authorized leave to, a
1878 [detention] juvenile residential center or a residential treatment facility
1879 in which the child has been placed by a court order in a delinquency
1880 case, or for whom an arrest warrant has been issued with respect to the
1881 commission of a felony may be disclosed by law enforcement officials.

1882 Sec. 29. Subsection (c) of section 46b-127 of the general statutes is
1883 repealed and the following is substituted in lieu thereof (*Effective from*
1884 *passage*):

1885 (c) (1) (A) Any proceeding of any case transferred to the regular
1886 criminal docket pursuant to this section shall be (i) private, except that
1887 any victim and the victim's next of kin shall not be excluded from such
1888 proceeding, and [shall be] (ii) conducted in such parts of the courthouse
1889 or the building in which the court is located that are separate and apart
1890 from the other parts of the court which are then being used for
1891 proceedings pertaining to adults charged with crimes. Any records of
1892 such proceedings shall be confidential in the same manner as records of
1893 cases of juvenile matters are confidential in accordance with the
1894 provisions of section 46b-124, as amended by this act, except as
1895 provided in subparagraph (B) of this subdivision, unless and until the
1896 court or jury renders a verdict or a guilty plea is entered in such case on
1897 the regular criminal docket. For the purposes of this subparagraph, (I)
1898 "victim" means the victim of the crime, a parent or guardian of such
1899 person, the legal representative of such person, or a victim advocate for
1900 such person under section 54-220, or a person designated by a victim in
1901 accordance with section 1-56r, as amended by this act, and (II) "next of
1902 kin" means a spouse, an adult child, a parent, an adult sibling, an aunt,
1903 an uncle or a grandparent.

1904 (B) Records of any child whose case is transferred to the regular
1905 criminal docket under this section, or any part of such records, shall be
1906 available to the victim of the crime committed by the child to the same
1907 extent as the records of the case of a defendant in a criminal proceeding
1908 in the regular criminal docket of the Superior Court is available to a
1909 victim of the crime committed by such defendant. The court shall

1910 designate an official from whom the victim may request such records.
1911 Records disclosed pursuant to this subparagraph shall not be further
1912 disclosed.

1913 (2) If a case is transferred to the regular criminal docket pursuant to
1914 subdivision (3) of subsection (a) of this section or subsection (b) of this
1915 section, or if a case is transferred to the regular criminal docket pursuant
1916 to subdivision (1) of subsection (a) of this section and the charge in such
1917 case is subsequently reduced to that of the commission of an offense for
1918 which a case may be transferred pursuant to subdivision (2) or (3) of
1919 subsection (a) of this section or subsection (b) of this section, the court
1920 sitting for the regular criminal docket may return the case to the docket
1921 for juvenile matters at any time prior to the court or jury rendering a
1922 verdict or the entry of a guilty plea for good cause shown for
1923 proceedings in accordance with the provisions of this chapter.

1924 Sec. 30. Section 46b-132a of the general statutes is repealed and the
1925 following is substituted in lieu thereof (*Effective January 1, 2022*):

1926 When deemed in the best interests of a child placed in a juvenile
1927 [detention] residential center, the administrator of such [detention]
1928 residential center may authorize, under policies promulgated by the
1929 Chief Court Administrator, such medical assessment and treatment and
1930 dentistry as is necessary to ensure the continued good health or life of
1931 the child. The administrator of the [detention] residential center shall
1932 make reasonable efforts to inform the child's parents or guardian prior
1933 to taking such action, and in all cases shall send notice to the parents or
1934 guardian by letter to their last-known address informing them of the
1935 actions taken and of the outcome, provided failure to notify shall not
1936 affect the validity of the authorization.

1937 Sec. 31. Section 46b-133 of the general statutes is repealed and the
1938 following is substituted in lieu thereof (*Effective January 1, 2022*):

1939 (a) Nothing in this part shall be construed as preventing the arrest of
1940 a child, with or without a warrant, as may be provided by law, or as
1941 preventing the issuance of warrants by judges in the manner provided

1942 by section 54-2a, except that no child shall be taken into custody on such
1943 process except on apprehension in the act, or on speedy information, or
1944 in other cases when the use of such process appears imperative.
1945 Whenever a child is arrested and charged with a delinquent act, such
1946 child may be required to submit to the taking of his photograph,
1947 physical description and fingerprints. Notwithstanding the provisions
1948 of section 46b-124, as amended by this act, the name, photograph and
1949 custody status of any child arrested for the commission of a capital
1950 felony under the provisions of section 53a-54b in effect prior to April 25,
1951 2012, or class A felony may be disclosed to the public.

1952 (b) Whenever a child is brought before a judge of the Superior Court,
1953 which court shall be the court that has jurisdiction over juvenile matters
1954 where the child resides if the residence of such child can be determined,
1955 such judge shall immediately have the case proceeded upon as a
1956 juvenile matter. Such judge may admit the child to bail or release the
1957 child in the custody of the child's parent or parents, the child's guardian
1958 or some other suitable person to appear before the Superior Court when
1959 ordered. If detention becomes necessary, such detention shall be in the
1960 manner prescribed by this chapter, provided the child shall be placed in
1961 the least restrictive environment possible in a manner consistent with
1962 public safety.

1963 (c) Upon the arrest of any child by an officer, such officer may (1)
1964 release the child to the custody of the child's parent or parents, guardian
1965 or some other suitable person or agency, (2) at the discretion of the
1966 officer, release the child to the child's own custody, or (3) seek a court
1967 order to detain the child in a juvenile [detention] residential center. No
1968 child may be placed in [detention] a juvenile residential center unless a
1969 judge of the Superior Court determines, based on the available facts, that
1970 (A) there is probable cause to believe that the child has committed the
1971 acts alleged, (B) there is no appropriate less restrictive alternative
1972 available, and (C) there is (i) probable cause to believe that the level of
1973 risk that the child poses to public safety if released to the community
1974 prior to the court hearing or disposition cannot be managed in a less
1975 restrictive setting, (ii) a need to hold the child in order to ensure the

1976 child's appearance before the court or compliance with court process, as
1977 demonstrated by the child's previous failure to respond to the court
1978 process, or (iii) a need to hold the child for another jurisdiction. No child
1979 shall be held in any [detention] juvenile residential center unless an
1980 order to detain is issued by a judge of the Superior Court.

1981 (d) When a child is arrested for the commission of a delinquent act
1982 and the child is not placed in [detention] a juvenile residential center or
1983 referred to a diversionary program, an officer shall serve a written
1984 complaint and summons on the child and the child's parent, guardian
1985 or some other suitable person or agency. If such child is released to the
1986 child's own custody, the officer shall make reasonable efforts to notify,
1987 and to provide a copy of a written complaint and summons to, the
1988 parent or guardian or some other suitable person or agency prior to the
1989 court date on the summons. If any person so summoned wilfully fails to
1990 appear in court at the time and place so specified, the court may issue a
1991 warrant for the child's arrest or a *ca-pias* to assure the appearance in
1992 court of such parent, guardian or other person. If a child wilfully fails to
1993 appear in response to such a summons, the court may order such child
1994 taken into custody and such child may be charged with the delinquent
1995 act of wilful failure to appear under section 46b-120, as amended by this
1996 act. The court may punish for contempt, as provided in section 46b-121,
1997 any parent, guardian or other person so summoned who wilfully fails
1998 to appear in court at the time and place so specified.

1999 (e) When a child is arrested for the commission of a delinquent act
2000 and is placed in [detention] a juvenile residential center pursuant to
2001 subsection (c) of this section, such child may be detained pending a
2002 hearing which shall be held on the business day next following the
2003 child's arrest. No child may be detained after such hearing unless the
2004 court determines, based on the available facts, that (1) there is probable
2005 cause to believe that the child has committed the acts alleged, (2) there
2006 is no less restrictive alternative available, and (3) through the use of the
2007 detention risk screening instrument developed pursuant to section 46b-
2008 133g, that there is (A) probable cause to believe that the level of risk the
2009 child poses to public safety if released to the community prior to the

2010 court hearing or disposition cannot be managed in a less restrictive
2011 setting; (B) a need to hold the child in order to ensure the child's
2012 appearance before the court or compliance with court process, as
2013 demonstrated by the child's previous failure to respond to the court
2014 process, or (C) a need to hold the child for another jurisdiction. Such
2015 probable cause may be shown by sworn affidavit in lieu of testimony.
2016 No child shall be released from [detention] a juvenile residential center
2017 who is alleged to have committed a serious juvenile offense except by
2018 order of a judge of the Superior Court. The court may, in its discretion,
2019 consider as an alternative to detention a suspended detention order with
2020 graduated sanctions to be imposed based on the detention risk
2021 screening for such child, using the instrument developed pursuant to
2022 section 46b-133g. Any child confined in a community correctional center
2023 or lockup shall be held in an area separate and apart from any adult
2024 detainee, except in the case of a nursing infant, and no child shall at any
2025 time be held in solitary confinement or held for a period that exceeds six
2026 hours. When a female child is held in custody, she shall, as far as
2027 possible, be in the charge of a woman attendant.

2028 (f) The police officer who brings a child into detention shall have first
2029 notified, or made a reasonable effort to notify, the parents or guardian
2030 of the child in question of the intended action and shall file at the
2031 [detention] juvenile residential center a signed statement setting forth
2032 the alleged delinquent conduct of the child and the order to detain such
2033 child. Upon admission, the child shall be administered the detention
2034 risk screening instrument developed pursuant to section 46b-133g, and
2035 unless the child was arrested for a serious juvenile offense or unless an
2036 order not to release is noted on the take into custody order, arrest
2037 warrant or order to detain, the child may be released to the custody of
2038 the child's parent or parents, guardian or some other suitable person or
2039 agency in accordance with policies adopted by the Court Support
2040 Services Division of the Judicial Department pursuant to section 46b-
2041 133h.

2042 (g) In conjunction with any order of release from detention, the court
2043 may, when it has reason to believe a child is alcohol-dependent or drug-

2044 dependent as defined in section 46b-120, as amended by this act, and
2045 where necessary, reasonable and appropriate, order the child to
2046 participate in a program of periodic alcohol or drug testing and
2047 treatment as a condition of such release. The results of any such alcohol
2048 or drug test shall be admissible only for the purposes of enforcing the
2049 conditions of release from detention.

2050 (h) The detention supervisor of a juvenile [detention] residential
2051 center in charge of intake shall admit only a child who: (1) Is the subject
2052 of an order to detain or an outstanding court order to take such child
2053 into custody, (2) is ordered by a court to be held in detention, or (3) is
2054 being transferred to such center to await a court appearance.

2055 (i) Whenever a child is subject to a court order to take such child into
2056 custody, or other process issued pursuant to this section or section 46b-
2057 140a, as amended by this act, the Judicial Branch may cause the order or
2058 process to be entered into a central computer system in accordance with
2059 policies and procedures established by the Chief Court Administrator.
2060 The existence of the order or process in the computer system shall
2061 constitute prima facie evidence of the issuance of the order or process.
2062 Any child named in the order or process may be arrested or taken into
2063 custody based on the existence of the order or process in the computer
2064 system and, if the order or process directs that such child be detained,
2065 the child shall be held in a juvenile [detention] residential center.

2066 (j) In the case of any child held in detention, the order to detain such
2067 child shall be for a period that does not exceed seven days or until the
2068 dispositional hearing is held, whichever is shorter, unless, following a
2069 detention review hearing, such order is renewed for a period that does
2070 not exceed seven days or until the dispositional hearing is held,
2071 whichever is shorter.

2072 (k) For purposes of subsections (c) and (e) of this section, a child may
2073 be determined to pose a risk to public safety if such child has previously
2074 been adjudicated as delinquent for or convicted of or pled guilty or nolo
2075 contendere to two or more felony offenses, has had two or more prior
2076 dispositions of probation and is charged with commission of a larceny

2077 under subdivision (3) of subsection (a) of section 53a-122 or subdivision
2078 (1) of subsection (a) of section 53a-123 or subdivision (1) of subsection
2079 (a) of section 53a-124.

2080 Sec. 32. Subsections (c) and (d) of section 46b-140a of the general
2081 statutes are repealed and the following is substituted in lieu thereof
2082 (*Effective January 1, 2022*):

2083 (c) At any time during the period of probation supervision or
2084 probation supervision with residential placement, the court may issue
2085 an order to take into custody or a warrant for the arrest of a child for
2086 violation of any of the conditions of probation supervision or probation
2087 supervision with residential placement, or may issue a notice to appear
2088 to answer to a charge of such violation, which notice shall be personally
2089 served upon the child. Any such order or warrant shall authorize all
2090 officers named therein to return the child to the custody of the court or
2091 to any suitable juvenile [detention facility] residential center designated
2092 by the court in accordance with subsection (e) of section 46b-133, as
2093 amended by this act.

2094 (d) At any time during the period of probation supervision or
2095 probation supervision with residential placement, notwithstanding the
2096 provisions of subsection (c) of section 46b-133, as amended by this act,
2097 the court, upon a finding of probable cause, may issue an order to detain
2098 any child who has absconded, escaped or run away from a residential
2099 facility in which such child has been placed by court order. Any such
2100 order to detain shall authorize all officers named in such order to return
2101 the child to any suitable juvenile [detention facility] residential center
2102 designated by the court. Such child shall be detained pending a hearing
2103 to be held on the next business day, which shall be held in accordance
2104 with the provisions of subsection (e) of section 46b-133, as amended by
2105 this act.

2106 Sec. 33. Section 46b-141d of the general statutes is repealed and the
2107 following is substituted in lieu thereof (*Effective January 1, 2022*):

2108 Any child who is arrested and held in a [detention] juvenile

2109 residential center, an alternative [detention] residential center or a police
2110 station or courthouse lockup prior to the disposition of a juvenile matter
2111 shall, if subsequently adjudicated as delinquent by the Superior Court
2112 and sentenced to a period of probation supervision or probation
2113 supervision with residential placement, earn a reduction of such child's
2114 period of probation supervision or probation supervision with
2115 residential placement, including any extensions thereof, equal to the
2116 number of days that such child spent in such [detention] residential
2117 center or lockup.

2118 Sec. 34. Subsection (a) of section 46b-148 of the general statutes is
2119 repealed and the following is substituted in lieu thereof (*Effective January*
2120 *1, 2022*):

2121 (a) Notwithstanding any provision of this chapter: (1) No child who
2122 has been adjudicated as a child from a family with service needs in
2123 accordance with section 46b-149 may be processed or held in a juvenile
2124 [detention] residential center as a delinquent child, or be convicted as
2125 delinquent, solely for the violation of a valid order which regulates
2126 future conduct of the child that was issued by the court following such
2127 an adjudication; and (2) no such child who is found to be in violation of
2128 any such order may be punished for such violation by placement in any
2129 juvenile [detention] residential center.

2130 Sec. 35. Subsection (a) of section 46b-171 of the general statutes is
2131 repealed and the following is substituted in lieu thereof (*Effective from*
2132 *passage*):

2133 (a) (1) (A) If the defendant is found to be the father of the child, the
2134 court or family support magistrate shall order the defendant to stand
2135 charged with the support and maintenance of such child, with the
2136 assistance of the mother if such mother is financially able, as the court
2137 or family support magistrate finds, in accordance with the provisions of
2138 subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223, 17b-
2139 745, as amended by this act, 46b-129, 46b-130 or 46b-215, as amended by
2140 this act, to be reasonably commensurate with the financial ability of the
2141 defendant, and to pay a certain sum periodically until the child attains

2142 the age of eighteen years or as otherwise provided in this subsection. If
2143 such child is unmarried and a full-time high school student, such
2144 support shall continue according to the parents' respective abilities, if
2145 such child is in need of support, until such child completes the twelfth
2146 grade or attains the age of nineteen, whichever occurs first.

2147 (B) The court or family support magistrate shall order the defendant
2148 to pay such sum to the complainant, or, if a town or the state has paid
2149 such expense, to the town or the state, as the case may be, and shall grant
2150 execution for the same and costs of suit taxed as in other civil actions,
2151 together with a reasonable attorney's fee, and may require the defendant
2152 to become bound with sufficient surety to perform such orders for
2153 support and maintenance. In IV-D support cases, the IV-D agency or a
2154 support enforcement agency under cooperative agreement with the IV-
2155 D agency may, upon notice to the obligor and obligee, redirect payments
2156 for the support of any child receiving child support enforcement
2157 services either to the state of Connecticut or to the present custodial
2158 party, as their interests may appear, provided neither the obligor nor the
2159 obligee objects in writing within ten business days from the mailing date
2160 of such notice. Any such notice shall be sent by first class mail to the
2161 most recent address of such obligor and obligee, as recorded in the state
2162 case registry pursuant to section 46b-218, and a copy of such notice shall
2163 be filed with the court or family support magistrate if both the obligor
2164 and obligee fail to object to the redirected payments within ten business
2165 days from the mailing date of such notice. All payments made shall be
2166 distributed as required by Title IV-D of the Social Security Act.

2167 (2) In addition, the court or family support magistrate shall include
2168 in each support order in a IV-D support case a provision for the health
2169 care coverage of the child. Such provision may include an order for
2170 either parent or both parents to provide such coverage under any or all
2171 of subparagraphs (A), (B) or (C) of this subdivision.

2172 (A) The provision for health care coverage may include an order for
2173 either parent to name any child as a beneficiary of any medical or dental
2174 insurance or benefit plan carried by such parent or available to such

2175 parent at a reasonable cost as described in subparagraph (D) of this
2176 subdivision. If such order requires the parent to maintain insurance
2177 available through an employer, the order shall be enforced using a
2178 National Medical Support Notice as provided in section 46b-88.

2179 (B) The provision for health care coverage may include an order for
2180 either parent to: (i) Apply for and maintain coverage on behalf of the
2181 child under the HUSKY Plan, Part B; or (ii) provide cash medical
2182 support, as described in subparagraphs (E) and (F) of this subdivision.
2183 An order under this subparagraph shall be made only if the cost to the
2184 parent obligated to maintain coverage under the HUSKY Plan, Part B,
2185 or provide cash medical support is reasonable, as described in
2186 subparagraph (D) of this subdivision. An order under clause (i) of this
2187 subparagraph shall be made only if insurance coverage as described in
2188 subparagraph (A) of this subdivision is unavailable at reasonable cost to
2189 either parent, or inaccessible to the child.

2190 (C) An order for payment of the child's medical and dental expenses,
2191 other than those described in clause (ii) of subparagraph (E) of this
2192 subdivision, that are not covered by insurance or reimbursed in any
2193 other manner shall be entered in accordance with the child support
2194 guidelines established pursuant to section 46b-215a.

2195 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
2196 parent obligated to maintain such coverage would qualify as a low-
2197 income obligor under the child support guidelines established pursuant
2198 to section 46b-215a, based solely on such parent's income, and the cost
2199 does not exceed five per cent of such parent's net income; or (ii) the
2200 parent obligated to maintain such coverage would not qualify as a low-
2201 income obligor under such guidelines and the cost does not exceed
2202 seven and one-half per cent of such parent's net income. In either case,
2203 net income shall be determined in accordance with the child support
2204 guidelines established pursuant to section 46b-215a. If a parent
2205 obligated to maintain insurance must obtain coverage for himself or
2206 herself to comply with the order to provide coverage for the child,
2207 reasonable cost shall be determined based on the combined cost of

2208 coverage for such parent and such child.

2209 (E) Cash medical support means (i) an amount ordered to be paid
2210 toward the cost of premiums for health insurance coverage provided by
2211 a public entity, including the HUSKY Plan, Part A or Part B, except as
2212 provided in subparagraph (F) of this subdivision, or by another parent
2213 through employment or otherwise, or (ii) an amount ordered to be paid,
2214 either directly to a medical provider or to the person obligated to pay
2215 such provider, toward any ongoing extraordinary medical and dental
2216 expenses of the child that are not covered by insurance or reimbursed in
2217 any other manner, provided such expenses are documented and
2218 identified (I) specifically on the record, or (II) in an affidavit, made
2219 under oath, that also states that no restraining order issued pursuant to
2220 section 46b-15, as amended by this act, or protective order issued
2221 pursuant to section 46b-38c, between the parties is in effect or pending
2222 before the court. Cash medical support, as described in clauses (i) and
2223 (ii) of this subparagraph, may be ordered in lieu of an order under
2224 subparagraph (A) of this subdivision to be effective until such time as
2225 health insurance that is accessible to the child and reasonable in cost
2226 becomes available, or in addition to an order under subparagraph (A)
2227 of this subdivision, provided the total cost to the obligated parent of
2228 insurance and cash medical support is reasonable, as described in
2229 subparagraph (D) of this subdivision. An order for cash medical support
2230 shall be payable to the state or the custodial party, as their interests may
2231 appear, provided an order under clause (i) of this subparagraph shall be
2232 effective only as long as health insurance coverage is maintained. Any
2233 unreimbursed medical and dental expenses not covered by an order
2234 pursuant to clause (ii) of this subparagraph are subject to an order for
2235 unreimbursed medical and dental expenses pursuant to subparagraph
2236 (C) of this subdivision.

2237 (F) Cash medical support to offset the cost of any insurance payable
2238 under the HUSKY Plan, Part A or Part B, shall not be ordered against a
2239 noncustodial parent who is a low-income obligor, as defined in the child
2240 support guidelines established pursuant to section 46b-215a, or against
2241 a custodial parent of children covered under the HUSKY Plan, Part A or

2242 Part B.

2243 (3) The court or family support magistrate may also make and enforce
2244 orders for the payment by any person named herein of past-due support
2245 for which the defendant is liable in accordance with the provisions of
2246 section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-
2247 223, 46b-129 or 46b-130 and, in IV-D cases, order such person, provided
2248 such person is not incapacitated, to participate in work activities which
2249 may include, but shall not be limited to, job search, training, work
2250 experience and participation in the job training and retraining program
2251 established by the Labor Commissioner pursuant to section 31-3t. The
2252 defendant's liability for past-due support under this subdivision shall
2253 be limited to the three years next preceding the filing of the petition.

2254 (4) If the defendant fails to comply with any order made under this
2255 section, the court or family support magistrate may commit the
2256 defendant to a community correctional center, there to remain until the
2257 defendant complies therewith; but, if it appears that the mother does not
2258 apply the periodic allowance paid by the defendant toward the support
2259 of such child, and that such child is chargeable, or likely to become
2260 chargeable, to the town where it belongs, the court, on application, may
2261 discontinue such allowance to the mother, and may direct it to be paid
2262 to the selectmen of such town, for such support, and may issue
2263 execution in their favor for the same. The provisions of section 17b-743
2264 shall apply to this section. The clerk of the court which has rendered
2265 judgment for the payment of money for the maintenance of any child
2266 under the provisions of this section shall, within twenty-four hours after
2267 such judgment has been rendered, notify the selectmen of the town
2268 where the child belongs.

2269 (5) Any support order made under this section may at any time
2270 thereafter be set aside, altered or modified by any court issuing such
2271 order upon a showing of a substantial change in the circumstances of
2272 the defendant or the mother of such child or upon a showing that such
2273 order substantially deviates from the child support guidelines
2274 established pursuant to section 46b-215a, unless there was a specific

2275 finding on the record at a hearing, or in a written judgment, order or
2276 memorandum of decision of the court, that the application of the
2277 guidelines would be inequitable or inappropriate. There shall be a
2278 rebuttable presumption that any deviation of less than fifteen per cent
2279 from the child support guidelines is not substantial and any deviation
2280 of fifteen per cent or more from the guidelines is substantial.
2281 Modification may be made of such support order without regard to
2282 whether the order was issued before, on or after May 9, 1991. No such
2283 support orders may be subject to retroactive modification, except that
2284 the court may order modification with respect to any period during
2285 which there is a pending motion for a modification of an existing
2286 support order from the date of service of the notice of such pending
2287 motion upon the opposing party pursuant to section 52-50.

2288 (6) Failure of the defendant to obey any order for support made under
2289 this section may be punished as for contempt of court and the costs of
2290 commitment of any person imprisoned therefor shall be paid by the
2291 state as in criminal cases.

2292 Sec. 36. Section 46b-215 of the general statutes is repealed and the
2293 following is substituted in lieu thereof (*Effective from passage*):

2294 (a) (1) The Superior Court or a family support magistrate may make
2295 and enforce orders for payment of support against any person who
2296 neglects or refuses to furnish necessary support to such person's spouse
2297 or a child under the age of eighteen or as otherwise provided in this
2298 subsection, according to such person's ability to furnish such support,
2299 notwithstanding the provisions of section 46b-37. If such child is
2300 unmarried and a full-time high school student, such support shall
2301 continue according to the parents' respective abilities, if such child is in
2302 need of support, until such child completes the twelfth grade or attains
2303 the age of nineteen, whichever occurs first.

2304 (2) Any such support order in a IV-D support case shall include a
2305 provision for the health care coverage of the child. Such provision may
2306 include an order for either parent or both parents to provide such
2307 coverage under any or all of subparagraphs (A), (B) or (C) of this

2308 subdivision.

2309 (A) The provision for health care coverage may include an order for
2310 either parent to name any child as a beneficiary of any medical or dental
2311 insurance or benefit plan carried by such parent or available to such
2312 parent at a reasonable cost, as defined in subparagraph (D) of this
2313 subdivision. If such order requires the parent to maintain insurance
2314 available through an employer, the order shall be enforced using a
2315 National Medical Support Notice as provided in section 46b-88.

2316 (B) The provision for health care coverage may include an order for
2317 either parent to: (i) Apply for and maintain coverage on behalf of the
2318 child under the HUSKY Plan, Part B; or (ii) provide cash medical
2319 support, as described in subparagraphs (E) and (F) of this subdivision.
2320 An order under this subparagraph shall be made only if the cost to the
2321 parent obligated to maintain coverage under the HUSKY Plan, Part B,
2322 or provide cash medical support is reasonable, as defined in
2323 subparagraph (D) of this subdivision. An order under clause (i) of this
2324 subparagraph shall be made only if insurance coverage as described in
2325 subparagraph (A) of this subdivision is unavailable at reasonable cost to
2326 either parent, or inaccessible to the child.

2327 (C) An order for payment of the child's medical and dental expenses,
2328 other than those described in clause (ii) of subparagraph (E) of this
2329 subdivision, that are not covered by insurance or reimbursed in any
2330 other manner shall be entered in accordance with the child support
2331 guidelines established pursuant to section 46b-215a.

2332 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
2333 parent obligated to maintain such coverage would qualify as a low-
2334 income obligor under the child support guidelines established pursuant
2335 to section 46b-215a, based solely on such parent's income, and the cost
2336 does not exceed five per cent of such parent's net income; or (ii) the
2337 parent obligated to maintain such coverage would not qualify as a low-
2338 income obligor under such guidelines and the cost does not exceed
2339 seven and one-half per cent of such parent's net income. In either case,
2340 net income shall be determined in accordance with the child support

2341 guidelines established pursuant to section 46b-215a. If a parent
2342 obligated to maintain insurance must obtain coverage for himself or
2343 herself to comply with the order to provide coverage for the child,
2344 reasonable cost shall be determined based on the combined cost of
2345 coverage for such parent and such child.

2346 (E) Cash medical support means (i) an amount ordered to be paid
2347 toward the cost of premiums for health insurance coverage provided by
2348 a public entity, including the HUSKY Plan, Part A or Part B, except as
2349 provided in subparagraph (F) of this subdivision, or by another parent
2350 through employment or otherwise, or (ii) an amount ordered to be paid,
2351 either directly to a medical provider or to the person obligated to pay
2352 such provider, toward any ongoing extraordinary medical and dental
2353 expenses of the child that are not covered by insurance or reimbursed in
2354 any other manner, provided such expenses are documented and
2355 identified (I) specifically on the record, or (II) in an affidavit, made
2356 under oath, that also states that no restraining order issued pursuant to
2357 section 46b-15, as amended by this act, or protective order issued
2358 pursuant to section 46b-38c, between the parties is in effect or pending
2359 before the court. Cash medical support, as described in clauses (i) and
2360 (ii) of this subparagraph, may be ordered in lieu of an order under
2361 subparagraph (A) of this subdivision to be effective until such time as
2362 health insurance that is accessible to the child and reasonable in cost
2363 becomes available, or in addition to an order under subparagraph (A)
2364 of this subdivision, provided the total cost to the obligated parent of
2365 insurance and cash medical support is reasonable, as described in
2366 subparagraph (D) of this subdivision. An order for cash medical support
2367 shall be payable to the state or the custodial party, as their interests may
2368 appear, provided an order under clause (i) of this subparagraph shall be
2369 effective only as long as health insurance coverage is maintained. Any
2370 unreimbursed medical and dental expenses not covered by an order
2371 issued pursuant to clause (ii) of this subparagraph are subject to an
2372 order for unreimbursed medical and dental expenses pursuant to
2373 subparagraph (C) of this subdivision.

2374 (F) Cash medical support to offset the cost of any insurance payable

2375 under the HUSKY Plan, Part A or Part B, shall not be ordered against a
2376 noncustodial parent who is a low-income obligor, as defined in the child
2377 support guidelines established pursuant to section 46b-215a, or against
2378 a custodial parent of children covered under the HUSKY Plan, Part A or
2379 Part B.

2380 (3) Proceedings to obtain orders of support under this section shall be
2381 commenced by the service on the liable person or persons of a verified
2382 petition, with summons and order, of the husband or wife, child or any
2383 relative or the conservator, guardian or support enforcement officer,
2384 town or state, or any selectmen or the public official charged with the
2385 administration of public assistance of the town, or in IV-D support cases,
2386 as defined in subdivision (13) of subsection (b) of section 46b-231, the
2387 Commissioner of Social Services. The verified petition, summons and
2388 order shall be filed in the judicial district in which the petitioner or
2389 respondent resides or does business, or if filed in the Family Support
2390 Magistrate Division, in the judicial district in which the petitioner or
2391 respondent resides or does business.

2392 (4) For purposes of this section, the term "child" shall include one
2393 born out of wedlock whose father has acknowledged in writing
2394 paternity of such child or has been adjudged the father by a court of
2395 competent jurisdiction, or a child who was born before marriage whose
2396 parents afterwards intermarry.

2397 (5) Said court or family support magistrate shall also have authority
2398 to make and enforce orders directed to the conservator or guardian of
2399 any person, or payee of Social Security or other benefits to which such
2400 person is entitled, to the extent of the income or estate held by such
2401 fiduciary or payee in any such capacity.

2402 (6) Said court or family support magistrate shall also have authority
2403 to determine, order and enforce payment of any sums due under a
2404 written agreement to support against the person liable for such support
2405 under such agreement.

2406 (7) (A) The court or family support magistrate may also determine,

2407 order and enforce payment of any support due because of neglect or
2408 refusal to furnish support for periods prior to the action. In the case of a
2409 child born out of wedlock whose parents have not intermarried, a
2410 parent's liability for such support shall be limited to the three years next
2411 preceding the filing of a petition or written agreement to support
2412 pursuant to this section.

2413 (B) In the determination of support due based on neglect or refusal to
2414 furnish support prior to the action, the support due for periods of time
2415 prior to the action shall be based upon the obligor's ability to pay during
2416 such prior periods, as determined in accordance with the child support
2417 guidelines established pursuant to section 46b-215a. The state shall
2418 disclose to the court any information in its possession concerning
2419 current and past ability to pay. If no information is available to the court
2420 concerning past ability to pay, the court may determine the support due
2421 for periods of time prior to the action as if past ability to pay is equal to
2422 current ability to pay, if current ability is known. If current ability to pay
2423 is not known, the court shall determine the past ability to pay based on
2424 the obligor's work history, if known, or if not known, on the state
2425 minimum wage that was in effect during such periods, provided only
2426 actual earnings shall be used to determine ability to pay for past periods
2427 during which the obligor was a full-time high school student or was
2428 incarcerated, institutionalized or incapacitated.

2429 (C) Any finding of support due for periods of time prior to an action
2430 in which the obligor failed to appear shall be entered subject to
2431 adjustment. Such adjustment may be made upon motion of any party,
2432 and the state in IV-D cases shall make such motion if it obtains
2433 information that would have substantially affected the court's
2434 determination of past ability to pay if such information had been
2435 available to the court. Motion for adjustment under this subparagraph
2436 may be made not later than twelve months from the date upon which
2437 the obligor receives notification of (i) the amount of such finding of
2438 support due for periods of time prior to the action, and (ii) the right not
2439 later than twelve months from the date of receipt of such notification to
2440 present evidence as to such obligor's past ability to pay support for such

2441 periods of time prior to the action. A copy of any support order entered,
2442 subject to adjustment, shall state in plain language the basis for the
2443 court's determination of past support, the right to request an adjustment
2444 and to present information concerning the obligor's past ability to pay,
2445 and the consequences of a failure to request such adjustment.

2446 (8) (A) The judge or family support magistrate shall cause a
2447 summons, signed by such judge or magistrate, by the clerk of said court
2448 or Family Support Magistrate Division, or by a commissioner of the
2449 Superior Court to be issued requiring such liable person or persons to
2450 appear in court or before a family support magistrate, at a time and
2451 place as determined by the clerk but not more than ninety days after the
2452 issuance of the summons. Service may be made by a state marshal, any
2453 proper officer or any investigator employed by the Department of Social
2454 Services or by the Commissioner of Administrative Services. The state
2455 marshal, proper officer or investigator shall make due return of process
2456 to the court not less than twenty-one days before the date assigned for
2457 hearing. Upon proof of the service of the summons to appear in court or
2458 before a family support magistrate at the time and place named for
2459 hearing upon such petition, the failure of the defendant or defendants
2460 to appear shall not prohibit the court or family support magistrate from
2461 going forward with the hearing. If the summons and order is signed by
2462 a commissioner of the Superior Court, upon proof of service of the
2463 summons to appear in court or before a family support magistrate and
2464 upon the failure of the defendant to appear at the time and place named
2465 for hearing upon the petition, request may be made by the petitioner to
2466 the court or family support magistrate for an order that a *capias*
2467 *mittimus* be issued.

2468 (B) In the case of a person supported wholly or in part by a town, the
2469 welfare authority of the town shall notify the responsible relatives of
2470 such person of the amount of assistance given, the beginning date
2471 thereof and the amount of support expected from each of them, if any,
2472 and if any such relative does not contribute in such expected amount,
2473 the superior court for the judicial district in which such town is located
2474 or a family support magistrate sitting in the judicial district in which

2475 such town is located may order such relative or relatives to contribute
2476 to such support, from the time of the beginning date of expense shown
2477 on the notice, such sum as said court or family support magistrate
2478 deems reasonably within each such relative's ability to support such
2479 person.

2480 (C) The court, or any judge thereof, or family support magistrate
2481 when said court or family support magistrate is not sitting, may require
2482 the defendant or defendants to become bound, with sufficient surety, to
2483 the state, town or person bringing the complaint, to abide such
2484 judgment as may be rendered on such complaint. Failure of the
2485 defendant or defendants to obey any order made under this section may
2486 be punished as contempt of court and the costs of commitment of any
2487 person imprisoned for contempt shall be paid by the state as in criminal
2488 cases. Except as otherwise provided, upon proof of the service of the
2489 summons to appear in court or before a family support magistrate at the
2490 time and place named for a hearing upon the failure of the defendant or
2491 defendants to obey such court order or order of the family support
2492 magistrate, the court or family support magistrate may order a *capias*
2493 *mittimus* be issued and directed to a judicial marshal to the extent
2494 authorized pursuant to section 46b-225, or any other proper officer to
2495 arrest such defendant or defendants and bring such defendant or
2496 defendants before the Superior Court for the contempt hearing. When
2497 any person is found in contempt under this section, the court or family
2498 support magistrate may award to the petitioner a reasonable attorney's
2499 fee and the fees of the officer serving the contempt citation, such sums
2500 to be paid by the person found in contempt.

2501 (9) In addition to or in lieu of such contempt proceedings, the court
2502 or family support magistrate, upon a finding that any person has failed
2503 to obey any order made under this section, may: (A) Order a plan for
2504 payment of any past-due support owing under such order, or, in IV-D
2505 cases, if such obligor is not incapacitated, order such obligor to
2506 participate in work activities which may include, but shall not be limited
2507 to, job search, training, work experience and participation in the job
2508 training and retraining program established by the Labor

2509 Commissioner pursuant to section 31-3t; (B) suspend any professional,
2510 occupational, recreational, commercial driver's or motor vehicle
2511 operator's license as provided in subsections (b) to (e), inclusive, of
2512 section 46b-220, provided such failure was without good cause; (C) issue
2513 an income withholding order against such amount of any debt accruing
2514 by reason of personal services as provided by sections 52-362, as
2515 amended by this act, 52-362b and 52-362c; and (D) order executions
2516 against any real, personal, or other property of such person which
2517 cannot be categorized solely as either, for payment of accrued and
2518 unpaid amounts due under such order.

2519 (10) No entry fee, judgment fee or any other court fee shall be charged
2520 by the court or the family support magistrate to either party in
2521 proceedings under this section.

2522 (11) Any written agreement to support which is filed with the court
2523 or the Family Support Magistrate Division shall have the effect of an
2524 order of the court or a family support magistrate.

2525 (b) The Attorney General of the state of Connecticut and the attorney
2526 representing a town shall become a party for the interest of the state of
2527 Connecticut and such town in any proceedings for support which
2528 concerns any person who is receiving or has received public assistance
2529 or care from the state or any town. The Attorney General shall represent
2530 the IV-D agency in non-TFA IV-D support cases if the IV-D agency
2531 determines that such representation is required pursuant to guidelines
2532 issued by the Commissioner of Social Services.

2533 (c) The court or a family support magistrate shall direct all payments
2534 on orders of support in IV-D cases to be made to the state acting by and
2535 through the IV-D agency. In IV-D support cases, the IV-D agency or a
2536 support enforcement agency under cooperative agreement with the IV-
2537 D agency may, upon notice to the obligor and obligee, redirect payments
2538 for the support of any child receiving child support enforcement
2539 services either to the state of Connecticut or to the present custodial
2540 party, as their interests may appear, provided neither the obligor nor the
2541 obligee objects in writing within ten business days from the mailing date

2542 of such notice. Any such notice shall be sent by first class mail to the
2543 most recent address of such obligor and obligee, as recorded in the state
2544 case registry pursuant to section 46b-218, and a copy of such notice shall
2545 be filed with the court or family support magistrate if both the obligor
2546 and obligee fail to object to the redirected payments within ten business
2547 days from the mailing date of such notice. All payments made shall be
2548 distributed as required by Title IV-D of the Social Security Act.

2549 (d) No order for support made by the court or a family support
2550 magistrate shall be stayed by an appeal but such order shall continue in
2551 effect until a determination is made thereon upon such appeal; if
2552 however as a result of such appeal or further hearing, the amount of
2553 such order is reduced or vacated, such defendant shall be credited or
2554 reimbursed accordingly.

2555 (e) Except as provided in sections 46b-301 to 46b-425, inclusive, any
2556 court or family support magistrate, called upon to enforce a support
2557 order, shall insure that such order is reasonable in light of the obligor's
2558 ability to pay. Except as provided in sections 46b-301 to 46b-425,
2559 inclusive, any support order entered pursuant to this section, or any
2560 support order from another jurisdiction subject to enforcement by the
2561 state of Connecticut, may be modified by motion of the party seeking
2562 such modification upon a showing of a substantial change in the
2563 circumstances of either party or upon a showing that such support order
2564 substantially deviates from the child support guidelines established
2565 pursuant to section 46b-215a, unless there was a specific finding on the
2566 record at a hearing, or in a written judgment, order or memorandum of
2567 decision of the court, that the application of the guidelines would be
2568 inequitable or inappropriate, provided the court or family support
2569 magistrate finds that the obligor or the obligee and any other interested
2570 party have received actual notice of the pendency of such motion and of
2571 the time and place of the hearing on such motion. There shall be a
2572 rebuttable presumption that any deviation of less than fifteen per cent
2573 from the child support guidelines is not substantial and any deviation
2574 of fifteen per cent or more from the guidelines is substantial.
2575 Modification may be made of such support order without regard to

2576 whether the order was issued before, on or after May 9, 1991. No such
2577 support orders may be subject to retroactive modification, except that
2578 the court or family support magistrate may order modification with
2579 respect to any period during which there is a pending motion for a
2580 modification of an existing support order from the date of service of the
2581 notice of such pending motion upon the opposing party pursuant to
2582 section 52-50. In any hearing to modify any support order from another
2583 jurisdiction the court or the family support magistrate shall conduct the
2584 proceedings in accordance with sections 46b-384 to 46b-387, inclusive.

2585 (f) In IV-D support cases, as defined in subdivision (13) of subsection
2586 (b) of section 46b-231, a copy of any support order established or
2587 modified pursuant to this section or, in the case of a motion for
2588 modification of an existing support order, a notice of determination that
2589 there should be no change in the amount of the support order, shall be
2590 provided to each party and the state case registry within fourteen days
2591 after issuance of such order or determination.

2592 Sec. 37. Subsection (a) of section 46b-215b of the general statutes is
2593 repealed and the following is substituted in lieu thereof (*Effective from*
2594 *passage*):

2595 (a) The child support and arrearage guidelines issued pursuant to
2596 section 46b-215a, adopted as regulations pursuant to section 46b-215c,
2597 and in effect on the date of the support determination shall be
2598 considered in all determinations of child support award amounts,
2599 including any current support, health care coverage, child care
2600 contribution and past-due support amounts, and payment on
2601 arrearages and past-due support within the state. In all such
2602 determinations, there shall be a rebuttable presumption that the amount
2603 of such awards which resulted from the application of such guidelines
2604 is the amount to be ordered. A specific finding on the record at a
2605 hearing, or in a written judgment, order or memorandum of decision of
2606 the court, that the application of the guidelines would be inequitable or
2607 inappropriate in a particular case, as determined under the deviation
2608 criteria established by the Commission for Child Support Guidelines

2609 under section 46b-215a, shall be required in order to rebut the
2610 presumption in such case.

2611 Sec. 38. Subsection (m) of section 46b-231 of the general statutes is
2612 repealed and the following is substituted in lieu thereof (*Effective from*
2613 *passage*):

2614 (m) The Chief Family Support Magistrate and the family support
2615 magistrates shall have the powers and duties enumerated in this
2616 subsection.

2617 (1) A family support magistrate in IV-D support cases may compel
2618 the attendance of witnesses or the obligor under a summons issued
2619 pursuant to section 17b-745, as amended by this act, 46b-172 or 46b-215,
2620 as amended by this act, a subpoena issued pursuant to section 52-143,
2621 or a citation for failure to obey an order of a family support magistrate
2622 or a judge of the Superior Court. If a person is served with any such
2623 summons, subpoena or citation issued by a family support magistrate
2624 or the assistant clerk of the Family Support Magistrate Division and fails
2625 to appear, a family support magistrate may issue a *capias mittimus*
2626 directed to a judicial marshal to the extent authorized pursuant to
2627 section 46b-225, or any other proper officer to arrest the obligor or the
2628 witness and bring the obligor or witness before a family support
2629 magistrate. Whenever such a *capias mittimus* is ordered, the family
2630 support magistrate shall establish a recognizance to the state of
2631 Connecticut in the form of a bond of such character and amount as to
2632 assure the appearance of the obligor at the next regular session of the
2633 Family Support Magistrate Division in the judicial district in which the
2634 matter is pending. If the obligor posts such a bond, and thereafter fails
2635 to appear before the family support magistrate at the time and place the
2636 obligor is ordered to appear, the family support magistrate may order
2637 the bond forfeited, and the proceeds thereof distributed as required by
2638 Title IV-D of the Social Security Act.

2639 (2) (A) Family support magistrates shall hear and determine matters
2640 involving child and spousal support in IV-D support cases including
2641 petitions for support brought pursuant to sections 17b-81, 17b-179, 17b-

2642 745, as amended by this act, and 46b-215, as amended by this act,
2643 applications for show cause orders in IV-D support cases brought
2644 pursuant to subsection (b) of section 46b-172, and actions for interstate
2645 enforcement of child and spousal support and paternity under sections
2646 46b-301 to 46b-425, inclusive, and shall hear and determine all motions
2647 for modifications of child and spousal support in such cases.

2648 (B) In all IV-D support cases, family support magistrates shall have
2649 the authority to order any obligor who is subject to a plan for
2650 reimbursement of past-due support and is not incapacitated to
2651 participate in work activities which may include, but shall not be limited
2652 to, job search, training, work experience and participation in the job
2653 training and retraining program established by the Labor
2654 Commissioner pursuant to section 31-3t.

2655 (C) A family support magistrate shall not modify an order for
2656 periodic payment on an arrearage due the state for state assistance
2657 which has been discontinued to increase such payments, unless the
2658 family support magistrate first determines that the state has made a
2659 reasonable effort to notify the current recipient of child support, at the
2660 most current address available to the IV-D agency, of the pendency of
2661 the motion to increase such periodic arrearage payments and of the time
2662 and place of the hearing on such motion. If such recipient appears, either
2663 personally or through a representative, at such hearing, the family
2664 support magistrate shall determine whether the order in effect for child
2665 support is reasonable in relation to the current financial circumstances
2666 of the parties, prior to modifying an order increasing such periodic
2667 arrearage payments.

2668 (3) Family support magistrates shall review and approve or
2669 disapprove all agreements for support in IV-D support cases filed with
2670 the Family Support Magistrate Division in accordance with sections
2671 17b-179, 17b-745, as amended by this act, 46b-172, 46b-215, as amended
2672 by this act, and subsection (c) of section 53-304.

2673 (4) Motions for modification of existing child and spousal support
2674 orders entered by the Superior Court in IV-D support cases, including

2675 motions to modify existing child and spousal support orders entered in
2676 actions brought pursuant to chapter 815j, shall be brought in the Family
2677 Support Magistrate Division and decided by a family support
2678 magistrate. Family support magistrates, in deciding if a spousal or child
2679 support order should be modified, shall make such determination based
2680 upon the criteria set forth in sections 46b-84, as amended by this act, and
2681 46b-215b, as amended by this act. A person who is aggrieved by a
2682 decision of a family support magistrate modifying a Superior Court
2683 order is entitled to appeal such decision in accordance with the
2684 provisions of subsection (n) of this section.

2685 (5) Proceedings to establish paternity in IV-D support cases shall be
2686 filed in the family support magistrate division for the judicial district
2687 where the mother or putative father resides. The matter shall be heard
2688 and determined by a family support magistrate in accordance with the
2689 provisions of chapter 815y.

2690 (6) Agreements for support obtained in IV-D support cases shall be
2691 filed with the assistant clerk of the family support magistrate division
2692 for the judicial district where the mother or the father of the child
2693 resides, pursuant to subsection (b) of section 46b-172, and shall become
2694 effective as an order upon filing with the clerk. Such support agreements
2695 shall be reviewed by a family support magistrate who shall approve or
2696 disapprove the agreement. If the support agreement filed with the clerk
2697 is disapproved by a family support magistrate, the reason for
2698 disapproval shall be stated in the record and such disapproval shall
2699 have a retroactive effect. Upon such disapproval, the clerk shall
2700 schedule a hearing for the purpose of determining appropriate support
2701 amounts and shall notify all appearing parties of the hearing date.

2702 (7) Family support magistrates shall enforce orders for child and
2703 spousal support entered by such family support magistrate and by the
2704 Superior Court in IV-D support cases by citing an obligor for contempt.
2705 Family support magistrates, in IV-D support cases, may order any
2706 obligor who is subject to a plan for reimbursement of past-due support
2707 and is not incapacitated, to participate in work activities which may

2708 include, but shall not be limited to, job search, training, work experience
2709 and participation in the job training and retraining program established
2710 by the Labor Commissioner pursuant to section 31-3t. Family support
2711 magistrates shall also enforce income withholding orders entered
2712 pursuant to section 52-362, as amended by this act, including any
2713 additional amounts to be applied toward liquidation of any arrearage,
2714 as required under subsection (e) of said section. Family support
2715 magistrates may require the obligor to furnish recognizance to the state
2716 of Connecticut in the form of a cash deposit or bond of such character
2717 and in such amount as the Family Support Magistrate Division deems
2718 proper to assure appearance at the next regular session of the Family
2719 Support Magistrate Division in the judicial district in which the matter
2720 is pending. Upon failure of the obligor to post such bond, the family
2721 support magistrate may refer the obligor to a community correctional
2722 center until he has complied with such order, provided the obligor shall
2723 be heard at the next regular session of the Family Support Magistrate
2724 Division in the court to which he was summoned. If no regular session
2725 is held within seven days of such referral, the family support magistrate
2726 shall either cause a special session of the Family Support Magistrate
2727 Division to be convened, or the obligor shall be heard by a Superior
2728 Court judge in the judicial district in which the matter is pending. If the
2729 obligor fails to appear before the family support magistrate at the time
2730 and place he is ordered to appear, the family support magistrate may
2731 order the bond, if any, forfeited, and the proceeds thereof distributed as
2732 required by Title IV-D of the Social Security Act, and the family support
2733 magistrate may issue a *capias mittimus* for the arrest of the obligor,
2734 ordering him to appear before the family support magistrate. A family
2735 support magistrate may determine whether or not an obligor is in
2736 contempt of the order of the Superior Court or of a family support
2737 magistrate and may make such orders as are provided by law to enforce
2738 a support obligation, except that if the family support magistrate
2739 determines that incarceration of an obligor for failure to obey a support
2740 order may be indicated, the family support magistrate shall inform the
2741 obligor of his right to be represented by an attorney and his right to a
2742 court-appointed attorney to represent him if he is indigent. If the obligor

2743 claims he is indigent and desires an attorney to represent him, the family
2744 support magistrate shall conduct a hearing to determine if the obligor is
2745 indigent. If, after such hearing, the family support magistrate finds that
2746 the obligor is indigent, the family support magistrate shall appoint an
2747 attorney to represent the obligor.

2748 (8) Agreements between parties as to custody and visitation of minor
2749 children in IV-D support cases may be filed with the assistant clerk of
2750 the Family Support Magistrate Division. Such agreements shall be
2751 reviewed by a family support magistrate, who shall approve the
2752 agreement unless he finds such agreement is not in the best interests of
2753 the child. Agreements between parties as to custody and visitation in
2754 IV-D support cases shall be enforced in the same manner as agreements
2755 for support are enforced, pursuant to subdivision (7) of this subsection.

2756 (9) Agreements between the parties as to the modification or
2757 enforcement of support orders in IV-D support cases may be filed with
2758 the assistant clerk of the Family Support Magistrate Division for the
2759 judicial district where the mother or father of the child resides and
2760 where the parties have submitted to a motion for modification or an
2761 application for contempt of an existing child or spousal support order.
2762 Such agreements may be approved by the family support magistrate
2763 after an inquiry into the financial needs, resources and the respective
2764 abilities of the parties. The inquiry required pursuant to this subdivision
2765 may take place on the record at a hearing, or may be made on the basis
2766 of an affidavit from each party, made under oath, stating that (A) each
2767 party has the financial resources and other facts satisfying any
2768 requirement of the inquiry in question, and (B) that no restraining order
2769 issued pursuant to section 46b-15, as amended by this act, or protective
2770 order issued pursuant to section 46b-38c, between the parties is in effect
2771 or pending before the court. If each party so attests, a family support
2772 magistrate may (i) determine whether the agreement between the
2773 parties as to modification or enforcement of a support order is fair and
2774 equitable under all the circumstances, and (ii) make any other findings
2775 required by this section.

2776 [(9)] (10) Whenever an obligor is before a family support magistrate
2777 in proceedings to establish, modify or enforce a support order in a IV-D
2778 support case and such order is not secured by an income withholding
2779 order, the family support magistrate may require the obligor to execute
2780 a bond or post other security sufficient to perform such order for
2781 support, provided the family support magistrate finds that such a bond
2782 is available for purchase within the financial means of the obligor. Upon
2783 failure of such obligor to comply with such support order, the family
2784 support magistrate may order the bond or the security forfeited and the
2785 proceeds thereof distributed as required by Title IV-D of the Social
2786 Security Act.

2787 [(10)] (11) In any proceeding in the Family Support Magistrate
2788 Division, if the family support magistrate finds that a party is indigent
2789 and unable to pay a fee or fees payable to the court or to pay the cost of
2790 service of process, the family support magistrate shall waive such fee or
2791 fees and the cost of service of process shall be paid by the state.

2792 [(11)] (12) A family support magistrate may dismiss any action or
2793 proceeding which the family support magistrate may hear and
2794 determine.

2795 [(12)] (13) A family support magistrate may order parties to
2796 participate in the parenting education program in accordance with the
2797 provisions of section 46b-69b.

2798 [(13)] (14) Family support magistrates may issue writs of habeas
2799 corpus ad testificandum in IV-D support cases for persons in the
2800 custody of the Commissioner of Correction.

2801 (15) A family support magistrate may, upon the filing of a motion to
2802 modify an existing support order based on the fact that the Social
2803 Security Administration, or a state agency authorized to award
2804 disability benefits has determined that the obligor qualifies for disability
2805 benefits under the federal Supplemental Security Income Program and
2806 the filing of an affidavit by a support enforcement officer: (A) Modify
2807 the existing support order to zero dollars without a hearing; (B)

2808 schedule the motion for a hearing; or (C) deny the motion without a
2809 hearing. The support enforcement officer's affidavit shall state: (i) The
2810 date that the child support obligor qualified for benefits under the
2811 federal Supplemental Security Income Program; (ii) that the support
2812 enforcement officer confirmed such benefits with the federal Social
2813 Security Administration or another federal agency with access to Social
2814 Security Administration applicant and benefit information; (iii) that a
2815 diligent search failed to identify any other income or assets that could
2816 be used to satisfy the child support order; (iv) that support enforcement
2817 services provided notice to the custodial party in accordance with
2818 section 52-57 or by certified mail, return receipt requested, of the
2819 proposed modification, that the custodial party had the right to object
2820 to the proposed modification, and that support enforcement services
2821 must receive any objection to the proposed modification not later than
2822 fifteen calendar days after the date that the custodial party received such
2823 notice; and (v) that support enforcement services did not receive an
2824 objection from the custodial party. Any support order modified
2825 pursuant to this subdivision may be later modified upon a finding of a
2826 substantial change in circumstances. Nothing in this subdivision shall
2827 preclude a family support magistrate from modifying an existing
2828 support order under any other section of the general statutes.

2829 Sec. 39. Section 51-14 of the general statutes is repealed and the
2830 following is substituted in lieu thereof (*Effective from passage*):

2831 (a) The judges of the Supreme Court, the judges of the Appellate
2832 Court, and the judges of the Superior Court shall adopt and promulgate
2833 and may from time to time modify or repeal rules and forms regulating
2834 pleading, practice and procedure in judicial proceedings in courts in
2835 which they have the constitutional authority to make rules, for the
2836 purpose of simplifying proceedings in the courts and of promoting the
2837 speedy and efficient determination of litigation upon its merits. The
2838 rules of the Appellate Court shall be as consistent as feasible with the
2839 rules of the Supreme Court to promote uniformity in the procedure for
2840 the taking of appeals and may dispense, so far as justice to the parties
2841 will permit while affording a fair review, with the necessity of printing

2842 of records and briefs. Such rules shall not abridge, enlarge or modify
2843 any substantive right or the jurisdiction of any of the courts. [Subject to
2844 the provisions of subsection (b) of this section, such] Such rules shall
2845 become effective on such date as the judges specify but not in any event
2846 until sixty days after such promulgation, except that such rules may
2847 become effective prior to the expiration of the sixty-day time period if
2848 the judges deem that circumstances require that a new rule or a change
2849 to an existing rule be adopted expeditiously.

2850 (b) All statutes relating to pleading, practice and procedure in
2851 existence on July 1, 1957, shall be deemed to be rules of court and shall
2852 remain in effect as such only until modified, superseded or suspended
2853 by rules adopted and promulgated by the judges of the Supreme Court
2854 or the Superior Court pursuant to the provisions of this section. The
2855 Chief Justice shall report any such rules to the General Assembly for
2856 study at the beginning of each regular session. Such rules shall be
2857 referred by the speaker of the House or by the president of the Senate to
2858 the judiciary committee for its consideration and such committee shall
2859 schedule hearings thereon. Any rule or any part thereof disapproved by
2860 the General Assembly by resolution shall be void and of no effect and a
2861 copy of such resolution shall thereafter be published once in the
2862 Connecticut Law Journal.

2863 (c) The judges or a committee of their number shall hold public
2864 hearings, of which reasonable notice shall be given in the Connecticut
2865 Law Journal and otherwise as they deem proper, upon any proposed
2866 new rule or any change in an existing rule that is to come before said
2867 judges for action, and each such proposed new rule or change in an
2868 existing rule shall be published in the Connecticut Law Journal as a part
2869 of such notice. A public hearing shall be held at least once a year, of
2870 which reasonable notice shall likewise be given, at which any member
2871 of the bar or layman may bring to the attention of the judges any new
2872 rule or change in an existing rule that he deems desirable.

2873 (d) Upon the taking effect of such rules adopted and promulgated by
2874 the judges of the Supreme Court pursuant to the provisions of this

2875 section, all provisions of rules theretofore promulgated by the judges of
2876 the Superior Court shall be deemed to be repealed.

2877 Sec. 40. Subsection (a) of section 51-51l of the general statutes is
2878 repealed and the following is substituted in lieu thereof (*Effective from*
2879 *passage*):

2880 (a) Except as provided in subsection (d) of this section, the Judicial
2881 Review Council shall investigate every written complaint brought
2882 before it alleging conduct under section 51-51i, and may initiate an
2883 investigation of any judge, compensation commissioner or family
2884 support magistrate if (1) the council has reason to believe conduct under
2885 section 51-51i has occurred or (2) previous complaints indicate a pattern
2886 of behavior which would lead to a reasonable belief that conduct under
2887 section 51-51i has occurred. The council shall, not later than five days
2888 after such initiation of an investigation or receipt of such complaint,
2889 notify by registered or certified mail any judge, compensation
2890 commissioner or family support magistrate under investigation or
2891 against whom such complaint is filed. A copy of any such complaint
2892 shall accompany such notice. The council shall also notify the
2893 complainant of its receipt of such complaint not later than five days
2894 thereafter. Any investigation to determine whether or not there is
2895 probable cause that conduct under section 51-51i has occurred shall be
2896 confidential and any individual called by the council for the purpose of
2897 providing information shall not disclose his knowledge of such
2898 investigation to a third party prior to the decision of the council on
2899 whether probable cause exists, unless the respondent requests that such
2900 investigation and disclosure be open, provided information known or
2901 obtained independently of any such investigation shall not be
2902 confidential. The judge, compensation commissioner or family support
2903 magistrate shall have the right to appear and be heard and to offer any
2904 information which may tend to clear him of probable cause to believe
2905 he is guilty of conduct under section 51-51i. The judge, compensation
2906 commissioner or family support magistrate shall also have the right to
2907 be represented by legal counsel and examine and cross-examine
2908 witnesses. In conducting its investigation under this subsection, the

2909 council may request that a court furnish to the council a record or
2910 transcript of court proceedings, including records and transcripts of
2911 juvenile matters pursuant to section 46b-124, as amended by this act,
2912 and records and transcripts of cases involving youthful offenders
2913 pursuant to section 54-76l, as amended by this act, made or prepared by
2914 a court reporter, assistant court reporter or monitor and the court shall,
2915 upon such request, furnish such record or transcript.

2916 Sec. 41. Subsection (a) of section 51-51o of the general statutes is
2917 repealed and the following is substituted in lieu thereof (*Effective October*
2918 *1, 2021*):

2919 (a) Any person may be compelled, by subpoena signed by competent
2920 authority, to appear before the Supreme Court or Judicial Review
2921 Council to testify in relation to any complaint brought to or by the court
2922 or council against a judge, compensation commissioner or family
2923 support magistrate for conduct alleged in section 51-51i, [or] in relation
2924 to any matter referred to the council by the Chief Court Administrator
2925 pursuant to section 51-45b, or in relation to any matter before the council
2926 pursuant to section 51-49, and may be compelled, by subpoena signed
2927 by competent authority, to produce before the court or council, for
2928 examination, any books or papers which in the judgment of the court or
2929 council or any judges, compensation commissioners or family support
2930 magistrates under investigation are relevant to the inquiry or
2931 investigation. The court or council, while engaged in the discharge of its
2932 duties, shall have the same authority over witnesses as is provided in
2933 section 51-35 and may commit for contempt for a period no longer than
2934 thirty days.

2935 Sec. 42. Section 51-60 of the general statutes is repealed and the
2936 following is substituted in lieu thereof (*Effective July 1, 2021*):

2937 (a) As used in this chapter:

2938 (1) "State's attorney" means a state's attorney, assistant state's
2939 attorney, deputy assistant state's attorney and special deputy assistant
2940 state's attorney;

2941 (2) "Public defender" means a public defender, assistant public
2942 defender, deputy assistant public defender and Division of Public
2943 Defender Services assigned counsel;

2944 (3) "Public official" means any official of (A) the state, (B) any state
2945 agency, board or commission, or (C) a municipality of the state acting in
2946 an official capacity;

2947 (4) "Transcript" means the official written record of a proceeding, or
2948 any part thereof, including, but not limited to, testimony and arguments
2949 of counsel, produced in the Superior, Appellate or Supreme Court, by
2950 an official court reporter, [or] a court recording monitor or any other
2951 entity designated by the Chief Court Administrator; and

2952 (5) "Transcript page" means a page consisting of twenty-seven
2953 double-spaced lines on paper eight and one-half by eleven inches in size,
2954 with sixty spaces available per line.

2955 (b) The judges of the Superior Court shall appoint official court
2956 reporters for the court as the judges or an authorized committee thereof
2957 determines the business of the court requires.

2958 (c) The Chief Court Administrator shall adopt policies and
2959 procedures necessary to implement the provisions of this chapter,
2960 including, but not limited to, the establishment and administration of a
2961 system of fees for production of expedited transcripts.

2962 Sec. 43. Subdivision (2) of subsection (a) of section 51-63 of the general
2963 statutes is repealed and the following is substituted in lieu thereof
2964 (*Effective July 1, 2021*):

2965 (2) In addition to a salary, an official court reporter and a court
2966 recording monitor shall be entitled to charge any public official, other
2967 than a judicial officer or employee of the Judicial Branch, two dollars for
2968 each transcript page which is ordered and transcribed from the official
2969 record as provided by law, provided such rate may only be charged
2970 once. The charge to any public official shall be seventy-five cents for
2971 each transcript page previously produced, except (A) there shall be no

2972 charge to the state's attorney for a transcript provided pursuant to
2973 subsection (d) of section 51-61, and (B) there shall be no charge to the
2974 court for a transcript provided pursuant to subsection (f) of section 51-
2975 61.

2976 Sec. 44. Subsection (a) of section 52-212 of the general statutes is
2977 repealed and the following is substituted in lieu thereof (*Effective from*
2978 *passage*):

2979 (a) Any judgment rendered or decree passed upon a default or
2980 nonsuit in the Superior Court may be set aside, within four months
2981 following the date on which [it was rendered or passed] the notice of
2982 judgment or decree was sent, and the case reinstated on the docket, on
2983 such terms in respect to costs as the court deems reasonable, upon the
2984 complaint or written motion of any party or person prejudiced thereby,
2985 showing reasonable cause, or that a good cause of action or defense in
2986 whole or in part existed at the time of the rendition of the judgment or
2987 the passage of the decree, and that the plaintiff or defendant was
2988 prevented by mistake, accident or other reasonable cause from
2989 prosecuting the action or making the defense.

2990 Sec. 45. Section 52-212a of the general statutes is repealed and the
2991 following is substituted in lieu thereof (*Effective from passage*):

2992 Unless otherwise provided by law and except in such cases in which
2993 the court has continuing jurisdiction, a civil judgment or decree
2994 rendered in the Superior Court may not be opened or set aside unless a
2995 motion to open or set aside is filed within four months following the
2996 date on which [it was rendered or passed] the notice of judgment or
2997 decree was sent. The continuing jurisdiction conferred on the court in
2998 preadoptive proceedings pursuant to subsection (o) of section 17a-112
2999 does not confer continuing jurisdiction on the court for purposes of
3000 reopening a judgment terminating parental rights. The parties may
3001 waive the provisions of this section or otherwise submit to the
3002 jurisdiction of the court, provided the filing of an amended petition for
3003 termination of parental rights does not constitute a waiver of the
3004 provisions of this section or a submission to the jurisdiction of the court

3005 to reopen a judgment terminating parental rights.

3006 Sec. 46. Subsection (d) of section 52-361b of the general statutes is
3007 repealed and the following is substituted in lieu thereof (*Effective from*
3008 *passage*):

3009 (d) Except as provided in section 52-367b, as amended by this act, a
3010 judgment debtor may claim an exemption as to property or earnings
3011 sought to be levied on, or may seek a modification of a wage execution,
3012 in a supplemental proceeding to the original action by return of a signed
3013 exemption claim form, indicating the property or earnings claimed to be
3014 exempt or the nature of the claim for modification being made, the class
3015 of any exemption claimed, and the name and address of any employer,
3016 or other person holding such property or earnings, to the Superior
3017 Court. Any claim with respect to a personal property execution under
3018 section 52-356a shall be returned within twenty days after levy on such
3019 property. On receipt of the claim, the clerk of the court shall promptly
3020 [set] schedule the matter for a [short calendar] hearing and give notice
3021 of the exemption or modification claimed and the hearing date to all
3022 parties and to any employer or other third person holding such property
3023 or earnings.

3024 Sec. 47. Subsection (d) of section 52-362 of the general statutes is
3025 repealed and the following is substituted in lieu thereof (*Effective from*
3026 *passage*):

3027 (d) An obligor may claim a defense based upon mistake of fact, may
3028 claim an exemption in accordance with subsection (e) of this section
3029 with respect to the withholding order, or may file by motion a
3030 modification or defense to the support order being enforced by the
3031 withholding, by delivering a signed claim form, or other written notice
3032 or motion, with the address of the obligor thereon, indicating the nature
3033 of the claim or grounds of the motion, to the clerk of the Superior Court
3034 or the assistant clerk of the Family Support Magistrate Division within
3035 fifteen days of receipt of notice. On receipt of the claim or motion, the
3036 clerk shall promptly enter the appearance of the obligor, [set] schedule
3037 the matter for a [short calendar] hearing, send a file-stamped copy of the

3038 claim or motion to the person or agency of the state to whom the support
3039 order is payable and notify all parties of the hearing date set. The court
3040 or family support magistrate shall promptly hear and determine the
3041 claim or motion and notify the obligor within forty-five days from the
3042 date of the notice required under subsection (c) of this section of its
3043 determination. Unless the obligor successfully shows cause why the
3044 withholding order should not continue in effect, the court or family
3045 support magistrate shall order that the outstanding withholding order
3046 continue in effect against the nonexempt income of the obligor to the
3047 extent provided under subsection (e) of this section. The order shall be
3048 a final judgment for purposes of appeal. The effect of the withholding
3049 order shall not be stayed on appeal except by order of the court or a
3050 family support magistrate.

3051 Sec. 48. Subsection (f) of section 52-367b of the general statutes is
3052 repealed and the following is substituted in lieu thereof (*Effective from*
3053 *passage*):

3054 (f) (1) Upon receipt of an exemption claim form or a secured party
3055 claim notice, the clerk of the court shall enter the appearance of the
3056 judgment debtor or such secured party with the address set forth in the
3057 exemption claim form or secured party claim notice. The clerk shall
3058 forthwith send file-stamped copies of the exemption claim form or
3059 secured party claim notice to the judgment creditor and judgment
3060 debtor with a notice stating that the disputed funds are being held for
3061 forty-five days from the date the exemption claim form or secured party
3062 claim notice was received by the financial institution or until a court
3063 order is entered regarding the disposition of the funds, whichever
3064 occurs earlier, and the clerk shall [automatically] promptly schedule the
3065 matter for a [short calendar] hearing. The claim of exemption filed by
3066 such judgment debtor shall be prima facie evidence at such hearing of
3067 the existence of the exemption.

3068 (2) Upon receipt of notice from the financial institution pursuant to
3069 subsection (c) of this section, a judgment creditor may, on an ex parte
3070 basis, present to a judge of the Superior Court an affidavit sworn under

3071 oath by a competent party demonstrating a reasonable belief that such
3072 judgment debtor's account contains funds which are not exempt from
3073 execution and the amount of such nonexempt funds. Such affidavit shall
3074 not be conclusory but is required to show the factual basis upon which
3075 the reasonable belief is based. If such judge finds that the judgment
3076 creditor has demonstrated a reasonable belief that such judgment
3077 debtor's account contains funds which are not exempt from execution,
3078 such judge shall authorize the judgment creditor to submit a written
3079 application to the clerk of the court for a hearing on the exempt status
3080 of funds left in the judgment debtor's account pursuant to subsection (c)
3081 of this section. The judgment creditor shall promptly send a copy of the
3082 application and the supporting affidavit to the judgment debtor and to
3083 any secured party shown on a secured party claim notice sent to the
3084 judgment creditor pursuant to subdivision (1) of this subsection. Upon
3085 receipt of such application, the clerk of the court shall [automatically]
3086 promptly schedule the matter for a [short calendar] hearing and shall
3087 give written notice to the judgment creditor, the judgment debtor and
3088 any secured party shown on a secured party claim notice received by
3089 the clerk of the court. The notice to the judgment creditor pursuant to
3090 subsection (c) of this section shall be prima facie evidence at such
3091 hearing that the funds in the account are exempt funds. The burden of
3092 proof shall be upon the judgment creditor to establish the amount of
3093 funds which are not exempt.

3094 Sec. 49. Subsection (b) of section 54-76l of the general statutes is
3095 repealed and the following is substituted in lieu thereof (*Effective from*
3096 *passage*):

3097 (b) The records of any such youth, or any part thereof, may be
3098 disclosed to and between individuals and agencies, and employees of
3099 such agencies, providing services directly to the youth, including law
3100 enforcement officials, state and federal prosecutorial officials, school
3101 officials in accordance with section 10-233h, court officials, the Division
3102 of Criminal Justice, the Court Support Services Division and a victim
3103 advocate under section 54-220 for a victim of a crime committed by the
3104 youth. Such records shall also be available to the attorney representing

3105 the youth, in any proceedings in which such records are relevant, to the
3106 parents or guardian of such youth, until such time as the youth reaches
3107 the age of majority or is emancipated, and to the youth upon his or her
3108 emancipation or attainment of the age of majority, provided proof of the
3109 identity of such youth is submitted in accordance with guidelines
3110 prescribed by the Chief Court Administrator. Such records shall also be
3111 available to members and employees of the Board of Pardons and
3112 Paroles and employees of the Department of Correction who, in the
3113 performance of their duties, require access to such records, provided the
3114 subject of the record has been adjudged a youthful offender and
3115 sentenced to a term of imprisonment or been convicted of a crime in the
3116 regular criminal docket of the Superior Court, and such records are
3117 relevant to the performance of a risk and needs assessment of such
3118 person while such person is incarcerated, the determination of such
3119 person's suitability for release from incarceration or for a pardon, or the
3120 determination of the supervision and treatment needs of such person
3121 while on parole or other supervised release. Such records shall also be
3122 available to law enforcement officials and prosecutorial officials
3123 conducting legitimate criminal investigations. Such records shall also be
3124 available to members and employees of the Judicial Review Council
3125 who, in the performance of their duties, require access to such records.
3126 Records disclosed pursuant to this subsection shall not be further
3127 disclosed.

3128 Sec. 50. Subsection (a) of section 54-108f of the general statutes is
3129 repealed and the following is substituted in lieu thereof (*Effective from*
3130 *passage*):

3131 (a) The Court Support Services Division of the Judicial Branch may
3132 issue a certificate of rehabilitation to an eligible offender who is under
3133 the supervision of the division while on probation or other supervised
3134 release, or may issue a new certificate of rehabilitation to enlarge the
3135 relief previously granted under such certificate of rehabilitation or
3136 revoke any such certificate of rehabilitation in accordance with the
3137 provisions of section 54-130e, as amended by this act, that are applicable
3138 to certificates of rehabilitation. If the division issues, enlarges the relief

3139 previously granted under a certificate of rehabilitation or revokes a
3140 certificate of rehabilitation under this section, the division shall
3141 immediately file written notice of such action with the Board of Pardons
3142 and Paroles. Nothing in section 54-130e, as amended by this act, shall
3143 require the division to continue monitoring the criminal activity of any
3144 person to whom the division has issued a certificate of rehabilitation but
3145 who is no longer under the supervision of the division.

3146 Sec. 51. Section 54-130e of the general statutes is repealed and the
3147 following is substituted in lieu thereof (*Effective from passage*):

3148 (a) For the purposes of this section and sections 31-51i, 46a-80, 54-
3149 108f, as amended by this act, 54-130a and 54-301:

3150 (1) "Barrier" means a denial of employment or a license based on an
3151 eligible offender's conviction of a crime without due consideration of
3152 whether the nature of the crime bears a direct relationship to such
3153 employment or license;

3154 (2) "Direct relationship" means that the nature of criminal conduct for
3155 which a person was convicted has a direct bearing on the person's fitness
3156 or ability to perform one or more of the duties or responsibilities
3157 necessarily related to the applicable employment or license;

3158 (3) "Certificate of rehabilitation" means a form of relief from barriers
3159 or forfeitures to employment or the issuance of licenses, other than a
3160 provisional pardon, that is granted to an eligible offender by (A) the
3161 Board of Pardons and Paroles pursuant to this section, or (B) the Court
3162 Support Services Division of the Judicial Branch pursuant to section 54-
3163 108f, as amended by this act;

3164 (4) "Eligible offender" means a person who has been convicted of a
3165 crime or crimes in this state or another jurisdiction and who is a resident
3166 of this state and (A) is applying for a provisional pardon or is under the
3167 jurisdiction of the Board of Pardons and Paroles, or (B) with respect to a
3168 certificate of rehabilitation under section 54-108f, as amended by this
3169 act, is under the supervision of the Court Support Services Division of

3170 the Judicial Branch;

3171 (5) "Employment" means any remunerative work, occupation or
3172 vocation or any form of vocational training, but does not include
3173 employment with a law enforcement agency;

3174 (6) "Forfeiture" means a disqualification or ineligibility for
3175 employment or a license by reason of law based on an eligible offender's
3176 conviction of a crime;

3177 (7) "License" means any license, permit, certificate or registration that
3178 is required to be issued by the state or any of its agencies to pursue,
3179 practice or engage in an occupation, trade, vocation, profession or
3180 business; and

3181 (8) "Provisional pardon" means a form of relief from barriers or
3182 forfeitures to employment or the issuance of licenses granted to an
3183 eligible offender by the Board of Pardons and Paroles pursuant to
3184 subsections (b) to (i), inclusive, of this section.

3185 (b) The Board of Pardons and Paroles may issue a provisional pardon
3186 or a certificate of rehabilitation to relieve an eligible offender of barriers
3187 or forfeitures by reason of such person's conviction of the crime or
3188 crimes specified in such provisional pardon or certificate of
3189 rehabilitation. Such provisional pardon or certificate of rehabilitation
3190 may be limited to one or more enumerated barriers or forfeitures or may
3191 relieve the eligible offender of all barriers and forfeitures. Such
3192 certificate of rehabilitation shall be labeled by the board as a "Certificate
3193 of Employability" or a "Certificate of Suitability for Licensure", or both,
3194 as deemed appropriate by the board. No provisional pardon or
3195 certificate of rehabilitation shall apply or be construed to apply to the
3196 right of such person to retain or be eligible for public office.

3197 (c) The Board of Pardons and Paroles may, in its discretion, issue a
3198 provisional pardon or a certificate of rehabilitation to an eligible
3199 offender upon verified application of such eligible offender. The board
3200 may issue a provisional pardon or a certificate of rehabilitation at any

3201 time after the sentencing of an eligible offender, including, but not
3202 limited to, any time prior to the eligible offender's date of release from
3203 the custody of the Commissioner of Correction, probation or parole.
3204 Such provisional pardon or certificate of rehabilitation may be issued by
3205 a pardon panel of the board or a parole release panel of the board.

3206 (d) The board shall not issue a provisional pardon or a certificate of
3207 rehabilitation unless the board is satisfied that:

3208 (1) The person to whom the provisional pardon or the certificate of
3209 rehabilitation is to be issued is an eligible offender;

3210 (2) The relief to be granted by the provisional pardon or the certificate
3211 of rehabilitation may promote the public policy of rehabilitation of ex-
3212 offenders through employment; and

3213 (3) The relief to be granted by the provisional pardon or the certificate
3214 of rehabilitation is consistent with the public interest in public safety,
3215 the safety of any victim of the offense and the protection of property.

3216 (e) In accordance with the provisions of subsection (d) of this section,
3217 the board may limit the applicability of the provisional pardon or the
3218 certificate of rehabilitation to specified types of employment or licensure
3219 for which the eligible offender is otherwise qualified.

3220 (f) The board may, for the purpose of determining whether such
3221 provisional pardon or certificate of rehabilitation should be issued,
3222 request its staff to conduct an investigation of the applicant and submit
3223 to the board a report of the investigation. Any written report submitted
3224 to the board pursuant to this subsection shall be confidential and shall
3225 not be disclosed except to the applicant and where required or
3226 permitted by any provision of the general statutes or upon specific
3227 authorization of the board.

3228 (g) If a provisional pardon or a certificate of rehabilitation is issued
3229 by the board pursuant to this section before an eligible offender has
3230 completed service of the offender's term of incarceration, probation, [or]
3231 parole or special parole, or any combination thereof, the provisional

3232 pardon or the certificate of rehabilitation shall be deemed to be
3233 temporary until the eligible offender completes such eligible offender's
3234 term of incarceration, probation, [or] parole or special parole. During
3235 the period that such provisional pardon or certificate of rehabilitation is
3236 temporary, the board may revoke such provisional pardon or certificate
3237 of rehabilitation for a violation of the conditions of such eligible
3238 offender's probation, [or] parole or special parole. After the eligible
3239 offender completes such eligible offender's term of incarceration,
3240 probation, [or] parole or special parole, the temporary provisional
3241 pardon or certificate of rehabilitation shall become permanent.

3242 (h) The board may at any time issue a new provisional pardon or
3243 certificate of rehabilitation to enlarge the relief previously granted, and
3244 the provisions of subsections (b) to (f), inclusive, of this section shall
3245 apply to the issuance of any new provisional pardon or certificate of
3246 rehabilitation.

3247 (i) The application for a provisional pardon or a certificate of
3248 rehabilitation, the report of an investigation conducted pursuant to
3249 subsection (f) of this section, the provisional pardon or the certificate of
3250 rehabilitation and the revocation of a provisional pardon or a certificate
3251 of rehabilitation shall be in such form and contain such information as
3252 the Board of Pardons and Paroles shall prescribe.

3253 (j) If a [temporary] provisional pardon or certificate of rehabilitation
3254 issued under this section or section 54-108f, as amended by this act, is
3255 revoked, the barriers and forfeitures thereby relieved shall be reinstated
3256 as of the date the person to whom the [temporary] provisional pardon
3257 or certificate of rehabilitation was issued receives written notice of the
3258 revocation. Any such person shall surrender the [temporary]
3259 provisional pardon or certificate of rehabilitation to the issuing board or
3260 division upon receipt of the notice.

3261 (k) The board [shall] may revoke a permanent provisional pardon or
3262 certificate of rehabilitation if the board is notified or becomes aware that
3263 the person to whom it was issued [is] was convicted of a crime, as
3264 defined in section 53a-24, after the issuance of the provisional pardon or

3265 certificate of rehabilitation. Nothing in this subsection shall require the
3266 board to continue monitoring the criminal activity of any person to
3267 whom the board has issued a provisional pardon or certificate of
3268 rehabilitation but who is no longer under parole or special parole
3269 supervision.

3270 (l) Not later than October 1, 2015, and annually thereafter, the board
3271 shall submit to the Office of Policy and Management and the
3272 Connecticut Sentencing Commission, in such form as the office may
3273 prescribe, data on the number of applications received for provisional
3274 pardons and certificates of rehabilitation, the number of applications
3275 denied, the number of applications granted and the number of
3276 provisional pardons and certificates of rehabilitation revoked.

3277 Sec. 52. Section 54-209 of the general statutes is repealed and the
3278 following is substituted in lieu thereof (*Effective from passage*):

3279 (a) The Office of Victim Services or, on review, a victim compensation
3280 commissioner, may order the payment of compensation in accordance
3281 with the provisions of sections 54-201 to 54-218, inclusive, for personal
3282 injury or death which resulted from: (1) An attempt to prevent the
3283 commission of crime or to apprehend a suspected criminal or in aiding
3284 or attempting to aid a police officer so to do, (2) the commission or
3285 attempt to commit by another of any crime as provided in section 53a-
3286 24, (3) any crime that occurred outside the territorial boundaries of the
3287 United States that would be considered a crime within this state,
3288 provided the victim of such crime is a resident of this state, or (4) any
3289 crime involving international terrorism as defined in Section 2331 of
3290 Title 18 of the United States Code.

3291 (b) The Office of Victim Services or, on review, a victim compensation
3292 commissioner, may also order the payment of compensation in
3293 accordance with the provisions of sections 54-201 to 54-218, inclusive,
3294 for personal injury or death that resulted from the operation of a motor
3295 vehicle, water vessel, snow mobile or all-terrain vehicle by another
3296 person who was subsequently convicted with respect to such operation
3297 for a violation of subsection (a) or subdivision (1) of subsection (b) of

3298 section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of
3299 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or
3300 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. In the absence of a
3301 conviction, the Office of Victim Services or, on review, a victim
3302 compensation commissioner, may order payment of compensation
3303 under this section if, upon consideration of all circumstances
3304 determined to be relevant, the office or commissioner, as the case may
3305 be, reasonably concludes that another person has operated a motor
3306 vehicle in violation of subsection (a) or subdivision (1) of subsection (b)
3307 of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of
3308 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or
3309 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d.

3310 (c) Except as provided in subsection (b) of this section, no act
3311 involving the operation of a motor vehicle which results in injury shall
3312 constitute a crime for the purposes of sections 54-201 to 54-218,
3313 inclusive, unless the injuries were intentionally inflicted through the use
3314 of the vehicle.

3315 (d) In instances where a violation of section 53a-70b of the general
3316 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
3317 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82 or 53a-
3318 192a, or family violence, as defined in section 46b-38a, has been alleged,
3319 the Office of Victim Services or, on review, a victim compensation
3320 commissioner, may order compensation be paid if (1) the personal
3321 injury has been disclosed to: (A) A physician or surgeon licensed under
3322 chapter 370; (B) a resident physician or intern in any hospital in this
3323 state, whether or not licensed; (C) a physician assistant licensed under
3324 chapter 370; (D) an advanced practice registered nurse, registered nurse
3325 or practical nurse licensed under chapter 378; (E) a psychologist licensed
3326 under chapter 383; (F) a police officer; (G) a mental health professional;
3327 (H) an emergency medical services provider licensed or certified under
3328 chapter 368d; (I) an alcohol and drug counselor licensed or certified
3329 under chapter 376b; (J) a marital and family therapist licensed under
3330 chapter 383a; (K) a domestic violence counselor or a sexual assault
3331 counselor, as defined in section 52-146k; (L) a professional counselor

3332 licensed under chapter 383c; (M) a clinical social worker licensed under
3333 chapter 383b; (N) an employee of the Department of Children and
3334 Families; (O) an employee of a child advocacy center, established
3335 pursuant to section 17a-106a; or [(O)] (P) a school principal, a school
3336 teacher, a school guidance counselor or a school counselor, [and] or (2)
3337 the personal injury is reported in an application for a restraining order
3338 under section 46b-15, as amended by this act, or an application for a civil
3339 protection order under section 46b-16a, as amended by this act, or on
3340 the record to the court, provided such restraining order or civil
3341 protection order was granted in the Superior Court following a hearing,
3342 and (3) the office or commissioner, as the case may be, reasonably
3343 concludes that a violation of any of said sections has occurred.

3344 [(e) In instances where a violation of section 53a-70b of the general
3345 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
3346 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-
3347 192a or family violence, as defined in section 46b-38a, has been alleged,
3348 the Office of Victim Services or, on review, a victim compensation
3349 commissioner, may also order the payment of compensation under
3350 sections 54-201 to 54-218, inclusive, for personal injury suffered by a
3351 victim (1) as reported in an application for a restraining order under
3352 section 46b-15 or an application for a civil protection order under section
3353 46b-16a, an affidavit supporting an application under section 46b-15 or
3354 section 46b-16a, or on the record to the court, provided such restraining
3355 order or civil protection order was granted in the Superior Court
3356 following a hearing; or (2) as disclosed to a domestic violence counselor
3357 or a sexual assault counselor, as such terms are defined in section 52-
3358 146k.]

3359 [(f)] (e) Evidence of an order for the payment of compensation by the
3360 Office of Victim Services or a victim compensation commissioner in
3361 accordance with the provisions of sections 54-201 to 54-218, inclusive,
3362 shall not be admissible in any civil proceeding to prove the liability of
3363 any person for such personal injury or death or in any criminal
3364 proceeding to prove the guilt or innocence of any person for any crime.

3365 Sec. 53. Section 54-228 of the general statutes is repealed and the
3366 following is substituted in lieu thereof (*Effective July 1, 2021*):

3367 (a) Any victim of a crime, any member of the immediate family of
3368 such victim or any member of an inmate's immediate family who desires
3369 to be notified whenever an inmate makes an application to the Board of
3370 Pardons and Paroles, Department of Correction, sentencing court or
3371 judge or review division as provided in section 54-227, or whenever an
3372 inmate is scheduled to be released from a correctional institution other
3373 than on a furlough, may complete and file a request for notification with
3374 the Office of Victim Services or the Victim Services Unit within the
3375 Department of Correction.

3376 (b) Any victim of a criminal offense against a victim who is a minor,
3377 a nonviolent sexual offense or a sexually violent offense, as those terms
3378 are defined in section 54-250, or a felony found by the sentencing court
3379 to have been committed for a sexual purpose, as provided in section 54-
3380 254, or any member of the immediate family of such victim, who desires
3381 to be notified whenever the person who was convicted or found not
3382 guilty by reason of mental disease or defect of such offense files an
3383 application with the court to be exempted from the registration
3384 requirements of section 54-251 pursuant to subsection (b) or (c) of said
3385 section or files a petition with the court pursuant to section 54-255 for an
3386 order restricting the dissemination of the registration information, or
3387 removing such restriction, may complete and file a request for
3388 notification with the Office of Victim Services or the Victim Services
3389 Unit within the Department of Correction.

3390 (c) A request for notification filed pursuant to this section shall be in
3391 such form and content as the Office of the Chief Court Administrator
3392 may prescribe. Such request for notification shall be confidential and
3393 shall remain confidential while in the custody of the Office of Victim
3394 Services and the Department of Correction and shall not be disclosed. It
3395 shall be the responsibility of the victim, or any member of the immediate
3396 family of such victim, to notify the Office of Victim Services and the
3397 Victim Services Unit within the Department of Correction of his or her

3398 current mailing address and telephone number, which shall be kept
3399 confidential and shall not be disclosed by the Office of Victim Services
3400 and the Department of Correction. Nothing in this section shall be
3401 construed to prohibit the Office of Victim Services, the Board of Pardons
3402 and Paroles and the Victim Services Unit within the Department of
3403 Correction from communicating with each other for the purpose of
3404 facilitating notification to a victim and disclosing to each other the name,
3405 mailing address and telephone number of the victim, provided such
3406 information shall not be further disclosed.

3407 Sec. 54. Section 52-408 of the general statutes is repealed and the
3408 following is substituted in lieu thereof (*Effective October 1, 2021*):

3409 An agreement in any written contract, or in a separate writing
3410 executed by the parties to any written contract, to settle by arbitration
3411 any controversy thereafter arising out of such contract, or out of the
3412 failure or refusal to perform the whole or any part thereof, or a written
3413 provision in the articles of association or bylaws of an association or
3414 corporation of which both parties are members to arbitrate any
3415 controversy which may arise between them in the future, or an
3416 agreement in writing between two or more persons to submit to
3417 arbitration any controversy existing between them at the time of the
3418 agreement to submit, or an agreement in writing between the parties to
3419 a marriage to submit to arbitration any controversy between them with
3420 respect to the dissolution of their marriage [, except issues related to
3421 child support, visitation and custody,] shall be valid, irrevocable and
3422 enforceable, except when there exists sufficient cause at law or in equity
3423 for the avoidance of written contracts generally, subject to the
3424 requirements of subsection (e) of section 46b-66, as amended by this act,
3425 in the case of an award with respect to a dissolution of marriage.

3426 Sec. 55. (NEW) (*Effective from passage*) (a) Notwithstanding the
3427 provisions of section 46b-124 of the general statutes, as amended by this
3428 act, the Judicial Branch, subject to policies and procedures approved by
3429 the Chief Court Administrator, may permit the following individuals to
3430 enter, physically or virtually, a juvenile residential center and interact

3431 with staff and juveniles in that facility without a court order, provided
3432 such entry and interaction is required for the performance of that
3433 individual's duties:

3434 (1) An employee or official of the Judicial Branch;

3435 (2) An employee or authorized agent of the organization or agency
3436 responsible for providing educational services in the center;

3437 (3) An employee of the Division of Public Defender Services;

3438 (4) An attorney representing a juvenile;

3439 (5) An employee or official of the Department of Children and
3440 Families;

3441 (6) An employee or authorized agent of an organization or agency
3442 contracted with the Judicial Branch to provide direct services to
3443 juveniles;

3444 (7) An individual who has been authorized by the Judicial Branch to
3445 provide training, enrichment, recreational or religious services to the
3446 juveniles; and

3447 (8) An individual who has been authorized by the Judicial Branch to
3448 repair or maintain the center.

3449 (b) A judge of the Superior Court may, upon finding that an
3450 individual not authorized under subsection (a) of this section has a
3451 legitimate interest in entering a juvenile residential center, order that
3452 such individual be allowed to enter that juvenile residential center.

3453 (c) An individual permitted to enter into a juvenile residential center
3454 pursuant to this section shall not disclose, directly or indirectly, by any
3455 means, any information obtained by such individual that specifically
3456 identifies a juvenile, unless authorized by court order or otherwise
3457 provided by law.

3458 (d) Any person who violates subsection (c) of this section shall be

3459 deemed guilty of a class B misdemeanor with a fine not to exceed one
3460 hundred dollars or imprisonment not greater than six months.

3461 Sec. 56. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
3462 abuse of an oath document, executed subsequent to an oath taken by a
3463 judicial officer pursuant to section 1-25 of the general statutes, when he
3464 or she disseminates said oath document to a person by telegraph or
3465 mail, by electronically transmitting a facsimile through connection with
3466 a telephone network, by computer network, as defined in section 53a-
3467 250 of the general statutes, or by any other form of written
3468 communication, with the intent to defraud, deceive, intimidate, injure
3469 or harass a judicial officer.

3470 (b) Abuse of an oath document is a class D felony.

3471 Sec. 57. (NEW) (*Effective from passage*) A Judicial Department official
3472 authorized to administer oaths pursuant to section 1-24 of the general
3473 statutes may administer an oath or affirmation by means of an
3474 interactive audio visual device or other remote technology to any party,
3475 counsel, witness, or other participant in a court proceeding or appearing
3476 before such official for a purpose related to a court process.

3477 Sec. 58. Section 22-4c of the general statutes is repealed and the
3478 following is substituted in lieu thereof (*Effective October 1, 2021*):

3479 (a) The Commissioner of Agriculture may: (1) Adopt, amend or
3480 repeal, in accordance with the provisions of chapter 54, such standards,
3481 criteria and regulations, and such procedural regulations as are
3482 necessary and proper to carry out the commissioner's functions, powers
3483 and duties; (2) enter into contracts with any person, firm, corporation or
3484 association to do all things necessary or convenient to carry out the
3485 functions, powers and duties of the department; (3) initiate and receive
3486 complaints as to any actual or suspected violation of any statute,
3487 regulation, permit or order administered, adopted or issued by the
3488 commissioner. The commissioner may hold hearings, administer oaths,
3489 take testimony and subpoena witnesses and evidence, enter orders and
3490 institute legal proceedings including, but not limited to, suits for

3491 injunctions and for the enforcement of any statute, regulation, order or
3492 permit administered, adopted or issued by the commissioner. The
3493 commissioner, or the commissioner's agent, may issue a citation in
3494 accordance with section 51-164n, as amended by this act, for any
3495 infraction or violation established in any provision of the general
3496 statutes that is under the commissioner's authority; (4) provide an
3497 advisory opinion, upon request of any municipality, state agency, tax
3498 assessor or any landowner as to what constitutes agriculture or farming
3499 pursuant to subsection (q) of section 1-1, or regarding classification of
3500 land as farm land or open space land pursuant to sections 12-107b to 12-
3501 107f, inclusive; (5) in accordance with constitutional limitations, enter at
3502 all reasonable times, without liability, upon any public or private
3503 property, except a private residence, for the purpose of inspection and
3504 investigation to ascertain possible violations of any statute, regulation,
3505 order or permit administered, adopted or issued by the commissioner
3506 and the owner, managing agent or occupant of any such property shall
3507 permit such entry, and no action for trespass shall lie against the
3508 commissioner for such entry, or the commissioner may apply to any
3509 court having criminal jurisdiction for a warrant to inspect such premises
3510 to determine compliance with any statute, regulation, order or permit
3511 or methods of manufacture or production ascertained by the
3512 commissioner during, or as a result of, any inspection, investigation or
3513 hearing; (6) undertake any studies, inquiries, surveys or analyses the
3514 commissioner may deem relevant, through the personnel of the
3515 department or in cooperation with any public or private agency, to
3516 accomplish the functions, powers and duties of the commissioner; (7)
3517 require the posting of sufficient performance bond or other security to
3518 assure compliance with any permit or order; (8) provide by notice
3519 printed on any form that any false statement made thereon or pursuant
3520 thereto is punishable as a criminal offense under section 53a-157b; (9) by
3521 regulations adopted in accordance with the provisions of chapter 54,
3522 require the payment of a fee sufficient to cover the reasonable cost of
3523 acting upon an application for and monitoring compliance with the
3524 terms and conditions of any state or federal permit, license, registration,
3525 order, certificate or approval. Such costs may include, but are not

3526 limited to, the costs of (A) public notice, (B) reviews, inspections and
3527 testing incidental to the issuance of and monitoring of compliance with
3528 such permits, licenses, orders, certificates and approvals, and (C)
3529 surveying and staking boundary lines. The applicant shall pay the fee
3530 established in accordance with the provisions of this section prior to the
3531 final decision of the commissioner on the application. The commissioner
3532 may postpone review of an application until receipt of the payment.

3533 (b) In any hearing held on or after October 1, 1995, on an application
3534 for any license issued by the commissioner, (1) the applicant shall pay
3535 all costs of recording and transcribing the hearing if a transcript is
3536 required by law, and (2) any applicant who requests a copy of a
3537 transcript of a hearing for which a transcript is not required by law shall
3538 pay to the department any expenses incurred by the department in
3539 having such transcript prepared. In any proceeding held on or after
3540 October 1, 1995, on a department order to enforce any statute,
3541 regulation, permit or order administered or issued by the commissioner,
3542 the respondent or other person taking an appeal from a final decision of
3543 the commissioner shall pay all costs of recording and transcribing the
3544 hearing if a transcript is required by law. Upon a showing of indigency
3545 by such respondent or person, the court may require the commissioner
3546 to pay such costs.

3547 Sec. 59. Subsection (b) of section 51-164n of the general statutes is
3548 repealed and the following is substituted in lieu thereof (*Effective October*
3549 *1, 2021*):

3550 (b) Notwithstanding any provision of the general statutes, any person
3551 who is alleged to have committed (1) a violation under the provisions of
3552 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-
3553 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-
3554 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)
3555 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-
3556 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,
3557 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-
3558 253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292,

3559 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection
3560 (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
3561 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a,
3562 subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,
3563 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
3564 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
3565 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
3566 violation as specified in subsection (f) of section 14-164i, section 14-219
3567 as specified in subsection (e) of said section, subdivision (1) of section
3568 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-
3569 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
3570 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-
3571 296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or
3572 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-
3573 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
3574 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
3575 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-
3576 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
3577 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-
3578 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
3579 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-
3580 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-
3581 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48,
3582 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section
3583 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-
3584 25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
3585 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-
3586 85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
3587 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-
3588 16, 22-26g, 22-29, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, [22-39a, 22-39b,
3589 22-39c, 22-39d, 22-39e,] 22-39f, 22-49, [or] 22-54, 22-61j, as amended by
3590 this act, subdivision (1) of subsection (n) of section 22-61l, subdivision
3591 (1) of subsection (f) of section 22-61m, subsection (d) of section 22-84,
3592 section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o, 22-167,
3593 subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a,

3594 22-320h, 22-324a, 22-326, [or 22-342, subsection (b), (e) or (f) of section
3595 22-344, section] subsection (b), subdivision (1) or (2) of subsection (e) or
3596 subsection (g) of section 22-344, subdivision (2) of subsection (b) of
3597 section 22-344b, subsection (d) of section 22-344c, subsection (d) of
3598 section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391,
3599 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
3600 250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d,
3601 subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-
3602 38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of
3603 section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43,
3604 section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-
3605 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)
3606 of section 26-61, section 26-64, subdivision (1) of section 26-76, section
3607 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
3608 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section
3609 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
3610 section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-
3611 276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o,
3612 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q,
3613 section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-
3614 210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316,
3615 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-
3616 15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-
3617 47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
3618 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection
3619 (i) of section 31-273, section 31-288, subdivision (1) of section 35-20,
3620 section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision
3621 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
3622 34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264,
3623 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-
3624 344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation
3625 under the provisions of chapter 268, or (3) a violation of any regulation
3626 adopted in accordance with the provisions of section 12-484, 12-487 or
3627 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
3628 town, city or borough, except violations of building codes and the health

3629 code, for which the penalty exceeds ninety dollars but does not exceed
 3630 two hundred fifty dollars, unless such town, city or borough has
 3631 established a payment and hearing procedure for such violation
 3632 pursuant to section 7-152c, shall follow the procedures set forth in this
 3633 section.

3634 Sec. 60. Section 22-61j of the general statutes is repealed and the
 3635 following is substituted in lieu thereof (*Effective October 1, 2021*):

3636 Any person who violates the provisions of sections 22-61c to 22-61f,
 3637 inclusive, [shall be guilty of a class D misdemeanor and] shall be fined
 3638 one hundred dollars for the first offense and two hundred dollars for
 3639 each subsequent offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-56r
Sec. 2	<i>January 1, 2022</i>	4b-55
Sec. 3	<i>January 1, 2022</i>	4b-58(a)
Sec. 4	<i>January 1, 2022</i>	4b-91(a)
Sec. 5	<i>January 1, 2022</i>	4b-91(g)
Sec. 6	<i>January 1, 2022</i>	10-220k
Sec. 7	<i>January 1, 2022</i>	10-233d(l)
Sec. 8	<i>January 1, 2022</i>	10-233k(b)
Sec. 9	<i>January 1, 2022</i>	10-253(g)
Sec. 10	<i>January 1, 2022</i>	12-19a(a)
Sec. 11	<i>from passage</i>	17b-745(a) and (b)
Sec. 12	<i>January 1, 2022</i>	20-14h
Sec. 13	<i>January 1, 2022</i>	20-14i
Sec. 14	<i>January 1, 2022</i>	20-14j(b)
Sec. 15	<i>from passage</i>	45a-78
Sec. 16	<i>from passage</i>	46b-1
Sec. 17	<i>from passage</i>	46b-15
Sec. 18	<i>from passage</i>	46b-16a
Sec. 19	<i>from passage</i>	46b-51
Sec. 20	<i>from passage</i>	46b-56c
Sec. 21	<i>from passage</i>	46b-65(b)
Sec. 22	<i>from passage</i>	46b-66
Sec. 23	<i>from passage</i>	46b-84(f)

Sec. 24	<i>from passage</i>	46b-86(a)
Sec. 25	<i>January 1, 2022</i>	46b-120
Sec. 26	<i>from passage</i>	46b-124(b)
Sec. 27	<i>from passage</i>	46b-124(d)
Sec. 28	<i>January 1, 2022</i>	46b-124(g)
Sec. 29	<i>from passage</i>	46b-127(c)
Sec. 30	<i>January 1, 2022</i>	46b-132a
Sec. 31	<i>January 1, 2022</i>	46b-133
Sec. 32	<i>January 1, 2022</i>	46b-140a(c) and (d)
Sec. 33	<i>January 1, 2022</i>	46b-141d
Sec. 34	<i>January 1, 2022</i>	46b-148(a)
Sec. 35	<i>from passage</i>	46b-171(a)
Sec. 36	<i>from passage</i>	46b-215
Sec. 37	<i>from passage</i>	46b-215b(a)
Sec. 38	<i>from passage</i>	46b-231(m)
Sec. 39	<i>from passage</i>	51-14
Sec. 40	<i>from passage</i>	51-511(a)
Sec. 41	<i>October 1, 2021</i>	51-51o(a)
Sec. 42	<i>July 1, 2021</i>	51-60
Sec. 43	<i>July 1, 2021</i>	51-63(a)(2)
Sec. 44	<i>from passage</i>	52-212(a)
Sec. 45	<i>from passage</i>	52-212a
Sec. 46	<i>from passage</i>	52-361b(d)
Sec. 47	<i>from passage</i>	52-362(d)
Sec. 48	<i>from passage</i>	52-367b(f)
Sec. 49	<i>from passage</i>	54-761(b)
Sec. 50	<i>from passage</i>	54-108f(a)
Sec. 51	<i>from passage</i>	54-130e
Sec. 52	<i>from passage</i>	54-209
Sec. 53	<i>July 1, 2021</i>	54-228
Sec. 54	<i>October 1, 2021</i>	52-408
Sec. 55	<i>from passage</i>	New section
Sec. 56	<i>October 1, 2021</i>	New section
Sec. 57	<i>from passage</i>	New section
Sec. 58	<i>October 1, 2021</i>	22-4c
Sec. 59	<i>October 1, 2021</i>	51-164n(b)
Sec. 60	<i>October 1, 2021</i>	22-61j

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.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various technical, procedural, and clarifying changes to statutes governing to the Judicial Branch and does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6505*****AN ACT CONCERNING COURT OPERATIONS.*****SUMMARY**

This bill makes various unrelated changes in laws related to court procedures and operations. Generally, it:

1. replaces references to “juvenile detention center” with a new term “juvenile residential center” in statutes on juvenile matters (§§ 2-10, 12-14, 25, 28 & 30-34);
2. allows certain education and service providers to visit juvenile residential centers and interact with residents and staff, prohibits disclosure of confidential information, and imposes a penalty for violations (§ 55);
3. gives the Judicial Review Council’s members and employees access to juvenile records when required, including for investigations (§§ 26, 27, 40, 41 & 49);
4. expressly requires the probate court to hold hearings on new regulations (§ 15) and provides for the expeditious adoption of the state Supreme, Appellate, and Superior courts’ rules (§ 39);
5. allows other court-designated entities to produce court transcripts (§§ 42 & 43);
6. allows a Superior Court judgment that is based on default or nonsuit, or a civil judgement, to be opened or set aside within four months after the date the decision was sent instead of when it was rendered, as under current law (§§ 44 & 45);
7. requires the court clerk to promptly schedule a hearing instead

- of setting the matter down for a short calendar hearing in matters related to a (a) personal property execution claim, (b) child support withhold where the obligor claims mistake of fact, and (c) judgment debtor exemption claim (§§ 46-48);
8. allows the court, instead of holding a hearing in certain family relations matters, to accept an affidavit, made under oath, stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court (§§ 11, 17-23, 35 & 36);
 9. allows certain family court findings to be made without a hearing as required under current law, but instead through a written judgment, order, or memorandum of decision of the court (§§ 11, 24 & 35-37);
 10. allows parties to settle, by arbitration, issues related to child support, visitation, and custody, which is prohibited under current law with regard to divorce matters (§§ 22 & 54);
 11. addresses the child support guidelines and family support magistrates' powers and duties (§§ 37 & 38);
 12. gives victims, and their next of kin, access to the private proceedings of juveniles being tried on the adult criminal docket (§§ 1 & 29);
 13. makes any member of a crime victim's immediate family eligible to receive certain victim notifications and expands victim compensation eligibility (§§ 52 & 53);
 14. clarifies the scope of the Court Support Services Division's and the Board of Pardons and Paroles' monitoring of offenders on provisional pardons or certifications of rehabilitation (§§ 50 & 51); and
 15. creates the crime of abuse of an oath document as a class D felony (§§ 56 & 57) and addresses agriculture-related violations (§§ 58-

60).

Lastly, the bill corrects an internal statutory cross reference (§ 16) and makes other technical and conforming changes.

EFFECTIVE DATE: Upon passage, except for the provisions on (1) the “juvenile residential center” references (§§ 2-10, 12-14, 25, 28 & 30-34), which are effective January 1, 2022; (2) court transcripts and victim disclosure (§§ 42-43 & 53), which are effective July 1, 2021; and (3) Judicial Review Council testimony, settlements by arbitration, abuse of an oath document, and agriculture-related violations (§§ 41, 54, 56 & 58-60), which are effective October 1, 2021.

§§ 2-10, 12-14, 25, 28 & 30-34 — JUVENILE RESIDENTIAL CENTER

The bill creates a general definition for the term “juvenile residential center” to replace current references to the term “juvenile detention center” throughout the statutes on juvenile matters.

Under the bill, a “juvenile residential center” is a hardware-secured residential facility operated by the judicial branch’s Court Support Services Division that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting for pre-adjudicated juveniles and juveniles adjudicated as delinquent.

§ 55 — JUVENILE RESIDENTIAL CENTER VISITS AND INTERACTIONS

Individuals Allowed to Visit and Enter Centers. Under the bill, the judicial branch, subject to policies and procedures approved by the chief court administrator, may allow the following individuals to enter, physically or virtually, a juvenile residential center and interact with the staff and juveniles without a court order, if the entry and interaction are required by the individual to perform his or her duties:

1. a judicial branch employee or official;
2. an employee or authorized agent of the organization or agency providing educational services in the center;

3. a Division of Public Defender Services employee;
4. an attorney representing a juvenile;
5. a Department of Children and Families (DCF) employee or official;
6. an employee or authorized agent of an organization or agency contracted with the judicial branch to provide direct services to juveniles;
7. an individual who the Judicial Branch authorized to provide training, enrichment, recreational, or religious services to the juveniles; and
8. an individual the judicial branch authorized to repair or maintain the center.

Court's Authorization. The bill allows a Superior Court judge, upon finding that an individual is not authorized to enter but has a legitimate interest in entering a juvenile residential center, to order they be allowed to enter.

Confidentiality. The bill prohibits an individual who is allowed to enter a juvenile residential center from disclosing any information that specifically identifies a juvenile, unless authorized by court order or otherwise provided by law.

Penalty for Violations. Under the bill, individuals who violate the confidentiality provision are guilty of a class B misdemeanor, punishable by a fine up to \$100 and up to six months in prison. (By law, a class B misdemeanor is punishable by up to \$1,000 fine, up to six months in prison, or both.)

§ 15 — PROBATE COURT RULES OF PROCEDURE

The law generally requires the probate court administrator to recommend uniform rules of procedure for the probate courts that the state Supreme Court may adopt and promulgate. The bill clarifies that

it is the probate court, not the state Supreme Court, that must hold the public hearing on the rules.

The bill specifically requires the probate court administrator to designate at least three probate court judges who must hold a public hearing on any proposed new rule or any change in an existing rule before it is presented to the state Supreme Court judges for adoption and promulgation pursuant to CGS § 51-14. Under the bill, reasonable notice of the hearing must be given in the Connecticut Law Journal and otherwise as the probate court administrator deems proper, which are the same hearing requirements current law requires of the state Supreme Court.

§ 39 — COURT RULES AND FORMS

By law, the state's Supreme Court, Appellate Court, and Superior Court judges must adopt and promulgate, and may occasionally modify or repeal, rules and forms regulating pleading, practice, and procedure in judicial proceedings.

Under current law, the rules become effective on the date the judges specify but not before 60 days after they were promulgated. The bill allows the court to waive this 60-day requirement if a rule must be adopted expeditiously.

§§ 42 & 43 — COURT TRANSCRIPTS

The bill allows the chief court administrator to designate any other entity, in addition to an official court reporter or a court recording monitor, to produce transcripts. It does so by expanding the definition of the term "transcript" to also mean the official written record of a proceeding by any other entity designated by the chief court administrator, instead of only one made by an official court reporter or court recording monitor as under existing law.

The bill also eliminates the \$2.00 per page rate paid to official court reporters and court reporting monitors when they type transcripts for a judicial officer or judicial branch employee. Under current law, in addition to a salary, court reporters and court recording monitors are

entitled to charge a public official \$2.00 per page ordered and transcribed from the official record.

§ 41 — SUBPOENA TO TESTIFY BEFORE THE JUDICIAL REVIEW BOARD

By law, anyone can be compelled, by subpoena, to testify before the state Supreme Court or the Judicial Review Council in relation to a complaint against a judge, compensation commissioner, or family support magistrate.

Under existing law, this pertains to conduct that could be grounds for removal or censure (e.g., mental infirmity or willful and persistent failure to perform the duty of a judge). The bill also applies this to matters before the council that pertain to a judge becoming so permanently incapacitated that he or she is unable to adequately fulfill the duties of the office and may be retired by the Judicial Review Council.

§§ 17 & 18 — CIVIL ORDERS OF PROTECTION

Civil Restraining Order (§ 17)

By law, a family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

Statement Under Penalty of False Statement. Under current law, to obtain a restraining order, the victim must file an application and an affidavit made under oath that includes a brief statement of the condition from which relief is sought. Instead of an affidavit under oath, the bill requires the application be accompanied only by the statement made under penalty of false statement.

A person is guilty of false statement, a class A misdemeanor, when he or she (1) intentionally makes a false written statement that he or she does not believe to be true with the intent to mislead a public servant in the performance the public servant's official function and (2) makes the statement under oath or pursuant to a form providing notice, authorized by law, to the effect that false statements are punishable. A

class A misdemeanor is punishable by a fine up to \$2,000, up to one year in prison, or both (CGS § 53a-157b).

Service of Process. By law, the court must hold a hearing on the application for a restraining order within 14 days after receiving it. The court must give the alleged offender at least three days' notice before the hearing, although it may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., ex parte order). If the court issues an ex parte order because the applicant indicates that the respondent (i.e., accused) holds a permit to carry a pistol or revolver or possesses firearms or ammunition, the court must hold a hearing within seven days after issuing the order.

Under current law, the respondent must be served with a copy of the application, the applicant's affidavit, and a copy of any ex parte order. The bill makes a conforming change and requires that the respondent and the law enforcement agency, as applicable, be served with a copy of the application along with the statement of the specific facts that form the basis for the relief made under penalty of false statement instead of an affidavit as required by current law.

Civil Protection Order (§ 18)

By law, a victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

The bill makes the identical changes described above for obtaining a civil restraining order to the provisions on obtaining a civil protection order. Specifically, it removes the requirement that an affidavit made under oath stating conditions from which relief is sought accompany an application for a civil protection order and instead requires that a statement of the conditions from which relief is sought made under penalty of false statement accompany an application. It also makes the corresponding conforming changes regarding the documents that must accompany the application when process is being served to give the respondent notice of a hearing on the application.

Additionally, the bill adds a provision allowing the court to extend an ex parte order up to another 14 days from the originally scheduled hearing date, to allow more time for service of process. Under the bill, the court must do so upon the request of the applicant and based on the information in the original application. In such a case, the court clerk must prepare a new order with the new hearing date, which must be served on the respondent in the same manner associated with the original application. (Under existing law, this same provision already applies to civil restraining orders.)

§§ 11, 19-23, 35 & 36 — FAMILY MATTERS WITHOUT PHYSICAL COURT APPEARANCE

The bill allows the court, as an alternative to an in-person court hearing, to accept an affidavit made under oath, stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court. The bill generally provides this additional option when the court is determining the following family relations matters:

1. cash medical support for children who are public assistance recipients (IV-D support cases) (§ 11);
2. divorce after a marriage has broken down irretrievably (§ 19);
3. waiver of the right to educational support (affidavit must state that the party fully understands the consequences of the waiver) (§ 20);
4. divorce decree after a decree of legal separation (§ 21);
5. financial resources in custody and visitation of a minor child (§ 22);
6. identifying medical and dental expenses, including cases where paternity is determined in non-marital cases (§§ 23 & 35); and
7. enforcement orders to support a spouse or minor child (§ 36).

In matters related to cash and medical support in IV-D cases and cases involving paternity determination, and support enforcement orders, the bill also generally allows the court to make its findings from a written judgment, order, or memorandum of decision of the court in addition to from a hearing on the record, as allowed under existing law (§§ 11 & 35-36).

The bill also expressly states that it does not preclude the court from requiring that the parties attend a hearing and that findings be made on the record in certain matters involving divorce and educational support waiver (§§ 19 & 20).

§ 22 — FINANCIAL AGREEMENT IN DIVORCE CASES

By law, in a divorce case where the parties have submitted a final agreement concerning any of the children or regarding alimony or property disposition, in order to determine whether the agreement is fair and equitable under the circumstances, the court must inquire about the parties' financial resources and needs, and their respective fitness to have physical custody of or visitation rights to any minor children.

Under existing law, an arbitration pursuant to an agreement may proceed only after the court has made certain inquiries and is satisfied with its findings, such as that the agreement was voluntary and without coercion. The bill specifies that an arbitration award in such an action is not enforceable until it has been confirmed, modified, or vacated in accordance with laws on arbitration proceedings and incorporated into a court divorce order or decree.

Under current law, the agreement must not include issues related to child support, visitation, and custody. However, the bill allows the court to enter an arbitration award that concerns child support, if the court finds that the award complies with the child support guidelines. Under the bill, an arbitration award related to a divorce that is incorporated into a divorce order or decree must be enforceable and modifiable to the same extent as an agreement of the parties that is incorporated into an order or decree of the court as described above.

§§ 24 & 37 — CHILD SUPPORT GUIDELINES AND MODIFICATIONS

By law, there is a rebuttable presumption that the child support amount that resulted from applying the guidelines is the amount to be ordered. To rebut the presumption there must be a specific finding on the record (in a hearing) that the application of the guidelines would be inequitable or inappropriate in a particular case, as determined under the deviation criteria established by the guidelines. Under the bill this finding can also be made in a written judgment, order, or memorandum of decision of the court.

Additionally, the bill allows the court to make its findings in a written judgment, order, or memorandum of decision of the court, and in a hearing on the record as allowed under existing law. This provision also applies in cases involving alimony and support modifications (§ 24).

§ 38 — FAMILY SUPPORT MAGISTRATES' POWERS AND DUTIES

The bill expands the powers and duties of family support magistrates regarding the enforcement and modification of certain support orders as described below. It also states that it does not preclude a family support magistrate from modifying an existing support order under any other section of the statutes.

Modification in IV-D Support Cases

Under the bill, agreements between parties to modify or enforce support orders in IV-D support cases may be filed with the assistant clerk of the Family Support Magistrate Division for the judicial district where the child's mother or father lives and where the parties have submitted a motion for modification or an application for contempt of an existing support order. The agreements may be approved by the family support magistrate after an inquiry into the financial needs, resources, and the respective abilities of the parties.

The bill allows the inquiry to take place on the record at a hearing or be based on an affidavit from each party, made under oath, stating that (1) each party has the financial resources and other facts satisfying any requirement of the inquiry in question and (2) no civil restraining order

or family violence protective order between the parties is in effect or pending before the court. If each party attests to this, a family support magistrate may:

1. determine whether the agreement is fair and equitable under all the circumstances and
2. make any other findings required by this provision.

Obligor Qualified for Disability

The bill allows a family support magistrate to reduce a support order to zero dollars or make other changes if the obligor (i.e., person from whom support is due) qualifies for federal Supplemental Security Income (SSI) Program disability benefits.

Under the bill, if a support enforcement officer files an affidavit that the Social Security Administration (SSA) or a state agency that awards disability benefits has determined the obligor qualifies for SSI disability benefits, a family support magistrate may (1) modify the existing support order to zero dollars without a hearing, (2) schedule the motion for a hearing, or (3) deny the motion without a hearing.

The bill requires the support enforcement officer's affidavit to state:

1. the date the child support obligor qualified for SSI disability benefits;
2. that the officer confirmed this with SSA (or another appropriate federal agency);
3. that a diligent search failed to identify any other income or assets that could be used to satisfy the child support order;
4. that support enforcement services provided notice to the custodial party, consistent with service of process in a civil action, or by certified mail, return receipt requested, about the proposed modification and that the custodial party had the right to object to the proposed modification, generally within 15 days after

receiving it; and

5. that support enforcement services did not receive an objection from the custodial party.

The bill allows any support order modified based on this provision to be later modified upon a finding of a substantial change in circumstances.

§§ 1 & 29 — VICTIM ACCESS TO JUVENILE PROCEEDINGS

The bill allows victims and their next of kin to access the private proceedings of juveniles being tried on the adult criminal docket. It does so by prohibiting the court from excluding them from the proceedings.

Under the bill (1) a “victim” is the victim of the crime; his or her parent, guardian, or legal representative; a victim advocate; or a person designated by a victim for decision making and (2) “next of kin” is a spouse, adult child, parent, adult sibling, aunt, uncle, or grandparent.

§ 52 — FAMILY VIOLENCE VICTIM COMPENSATION

The bill expands eligibility for victim compensation by expanding the types of professionals that victims of eligible crimes may report to, or by allowing them to report it in applications for restraining or protection orders.

Family Violence Victims

Under existing law, the Office of Victim Services or, on review, a victim compensation commissioner, may order compensation to be paid to certain victims if the (1) personal injury has been disclosed to certain professionals, such as a doctor, police officer, or licensed marriage or family therapist, and (2) office or commissioner reasonably concludes that the violation occurred. However, to be eligible for compensation, current law requires that the victims of family violence disclosed their alleged personal injury to a domestic violence or sexual assault counselor. The bill instead allows family violence victims to report to the same list of professionals existing law allows for reporting personal injury from other crimes.

Eligible Crime Victims

For all victims of eligible crimes, the bill adds child advocacy center employee to the list of professionals to whom a victim, including a family violence victim, may disclose the alleged personal injury.

Restraining or Protection Orders

Under current law, victims of family violence, but not victims of other crimes, may be eligible for compensation if they report the alleged personal injury in an application for a restraining or protection order. The bill allows all eligible victims to report personal injury in this way.

§ 53 — CRIME VICTIM NOTIFICATION

The bill allows a member of a crime victim's immediate family to request that the Judicial Branch's Office of Victim Services (OVS) or the Department of Correction's (DOC) Victim Services Unit (VSU) notify them about certain events, such as when:

1. an inmate applies to the Board of Pardons and Paroles, DOC, the sentencing court or judge, or review division for a review of sentence;
2. an inmate is scheduled to be released from a correctional institution other than on furlough; or
3. certain felony or sexual offenders or offenders against minor victims file to be exempt from registration on the sex offender registry.

Existing law allows crime victims to request these same notifications. And as is the case for crime victims under existing law, the bill makes the family member responsible for notifying OVS and VSU of his or her current mailing address and telephone number, which is kept confidential.

§§ 50 & 51 — CERTIFICATE OF REHABILITATION

By law, a "certificate of rehabilitation" is a form of relief, other than a provisional pardon, from barriers or forfeitures to employment or the

issuance of licenses, that is granted to an eligible offender by the (1) Board of Pardons and Paroles (BPP) or (2) judicial branch's Court Support Services Division (CSSD) (CGS § 54-130e).

Court Support Services Division (CSSD) (§ 50)

By law, CSSD may (1) issue a certificate of rehabilitation to an eligible offender who is under the division's supervision while on probation or other supervised release, (2) issue a new certificate to enlarge the relief previously granted, or (3) revoke a certificate as allowed under the law.

Existing law requires the division to immediately notify BPP in writing if it either enlarges or revokes relief under a certificate of rehabilitation. The bill specifies that the division is not required to continue monitoring the criminal activity of anyone to whom the division issued a certificate of rehabilitation but who is no longer under its supervision.

Board or Pardons and Paroles (§ 51)

By law, BPP may issue a provisional pardon or certificate of rehabilitation before an eligible offender has completed his or her term of incarceration, probation, or parole. The bill applies these provisions to offenders who are on special parole and makes the corresponding conforming changes. Under the law, these provisional pardons are temporary and may be revoked.

Like the clarification provided regarding the scope of CSSD's monitoring responsibility (see above), the bill also specifies that BPP is not required to continue monitoring the criminal activity of anyone to whom it has issued a provisional pardon or certificate of rehabilitation but who is no longer under parole or special parole supervision.

§§ 56 & 57 — ADMINISTERING OATHS

Abuse of an Oath Document (§ 56)

The bill creates the crime of abuse of an oath document, executed subsequent to an oath taken by a judicial officer, and makes a person guilty of the crime when he or she disseminates the oath document by

telegraph, mail, computer network, electronically transmitting a fax through connection with a telephone network, or any other form of written communication, with the intent to defraud, deceive, intimidate, injure, or harass a judicial officer.

Under the bill, abuse of an oath document is a class D felony, punishable by a fine up to \$5,000, up to five years in prison, or both.

Means of Administering Oaths (§ 57)

The bill allows a Judicial Department official authorized to administer oaths to do so using an interactive audiovisual device or other remote technology to any party, counsel, witness, or other participant in a court proceeding or appearing before the official for a purpose related to a court process.

§§ 58-60 — AGRICULTURE-RELATED VIOLATIONS

The bill expands the agriculture commissioner's authority by expressly allowing him, or his agent, to issue citations for infractions or violations of statutes that are under the commissioner's authority (§ 58).

The bill reduces certain seed-related violations (e.g., proper labeling) from a class D misdemeanor to a violation. Under the bill, these violations are no longer subject to up to 30 days in prison but, as under existing law, they are punishable by a fine of \$100 for the first offense and \$200 for the second offense (§ 60).

The bill adds the agriculture-related violations shown in Table 1 to the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations (§ 59). Generally, anyone who is alleged to have committed an infraction or a violation may either plead not guilty or pay the established fine and any additional fee or cost for the infraction or the violation.

Table 1: Additional Violations that May be Handled Through the Centralized Infractions Bureau

Statute (CGS §)	Provision
22-30	Improper use of brand name
22-61j	Seed label and other requirements
22-61l(n)(1)	License required to cultivate or processes hemp
22-61m(f)(1)	License required to manufacture hemp
22-96	Certificate of inspection of imported nursery stock
22-277(c)	Keeping record of the sale and purchase of livestock
22-278	Preventing the spread of contagious and infectious diseases among livestock
22-344(g)	Failure to pass inspection of kennel, pet shop, shelter, or grooming or training facility
22-344b(b)(2)	Posting a statement of customer's rights in pet shops required
22-344c(d)	Required licensing of anyone keeping at least 10 unneutered or unspayed dogs capable of breeding
22-344d(d)	Specific signs required in pet shops selling dogs
22344f	Animal importer required to provide for a veterinarian to examine each imported dog or cat and maintain the record
22-350a	Tethering a dog to a stationary object or mobile device prohibited
22-354	Certificate of good health required to import dog or cat, including from areas under quarantine from rabies

The bill also removes certain violations from the list of violations handled by the bureau, making it no longer able to process their associated fines. The bill removes violations associated with (1) certain kennel owners' and keepers' failure to get a town-issued license and (2) animal shelters' failure to register (§ 59).

BACKGROUND

Related Bills

sSB 1091, favorably reported by the Judiciary Committee, has similar provisions regarding obtaining a civil restraining order. Specifically, provisions related to (1) removing the requirement for an affidavit made under oath and requiring instead a statement of the conditions from

which relief is sought made under penalty of false statement and (2) making the corresponding changes related to service of process (§ 17).

sHB 6385 (§ 5), favorably reported by the Environment Committee, makes the same change as § 60 in this bill (seed law penalty).

sHB 6500 (§ 2), favorably reported by the Environment Committee, makes a violation of the state hemp law (CGS § 22-61l), which is an infraction, payable by mail, as in § 59 of this bill.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 7 (04/09/2021)