



House of Representatives

File No. 726

General Assembly

January Session, 2021

(Reprint of File No. 594)

Substitute House Bill No. 6505
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 26, 2021

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 Section 1-56r of the general statutes is repealed and the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 Section 4b-55 of the general statutes is repealed and the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 or
571 protective order issued pursuant to section 46b-38c, between the parties
572 is in effect or pending before the court. Cash medical support, as
573 described in subclauses (I) and (II) of this clause, may be ordered in lieu
574 of an order under clause (i) of this subparagraph to be effective until

575 such time as health insurance that is accessible to the child and
576 reasonable in cost becomes available, or in addition to an order under
577 clause (i) of this subparagraph, provided the total cost to the obligated
578 parent of insurance and cash medical support is reasonable, as described
579 in clause (iv) of this subparagraph. An order for cash medical support
580 shall be payable to the state or the custodial party, as their interests may
581 appear, provided an order under subclause (I) of this clause shall be
582 effective only as long as health insurance coverage is maintained. Any
583 unreimbursed medical and dental expenses not covered by an order
584 issued pursuant to subclause (II) of this clause are subject to an order for
585 unreimbursed medical and dental expenses pursuant to clause (iii) of
586 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; (6) complaints
874 for change of name; (7) civil support obligations; (8) habeas corpus and
875 other proceedings to determine the custody and visitation of children;
876 (9) habeas corpus brought by or on behalf of any mentally ill person
877 except a person charged with a criminal offense; (10) appointment of a
878 commission to inquire whether a person is wrongfully confined as
879 provided by section 17a-523; (11) juvenile matters as provided in section
880 46b-121; (12) all rights and remedies provided for in chapter 815j; (13)
881 the establishing of paternity; (14) appeals from probate concerning: (A)
882 Adoption or termination of parental rights; (B) appointment and
883 removal of guardians; (C) custody of a minor child; (D) appointment
884 and removal of conservators; (E) orders for custody of any child; and (F)
885 orders of commitment of persons to public and private institutions and
886 to other appropriate facilities as provided by statute; (15) actions related
887 to prenuptial and separation agreements and to matrimonial and civil
888 union decrees of a foreign jurisdiction; (16) dissolution, legal separation
889 or annulment of a civil union performed in a foreign jurisdiction; (17)
890 custody proceedings brought under the provisions of chapter 815p; and
891 (18) all such other matters within the jurisdiction of the Superior Court
892 concerning children or family relations as may be determined by the
893 judges of said court.

894 Sec. 17. Section 46b-16a of the general statutes is repealed and the
895 following is substituted in lieu thereof (*Effective from passage*):

896 (a) Any person who has been the victim of sexual abuse, sexual
897 assault or stalking may make an application to the Superior Court for
898 relief under this section, provided such person has not obtained any
899 other court order of protection arising out of such abuse, assault or
900 stalking and does not qualify to seek relief under section 46b-15. As used
901 in this section, "stalking" means two or more wilful acts, performed in a
902 threatening, predatory or disturbing manner of: Harassing, following,
903 lying in wait for, surveilling, monitoring or sending unwanted gifts or

904 messages to another person directly, indirectly or through a third
905 person, by any method, device or other means, that causes such person
906 to reasonably fear for his or her physical safety.

907 (b) The application shall be accompanied by an affidavit made by the
908 applicant under oath that includes a statement of the specific facts that
909 form the basis for relief. If the applicant attests that disclosure of the
910 applicant's location information would jeopardize the health, safety or
911 liberty of the applicant or the applicant's children, the applicant may
912 request, on a form prescribed by the Chief Court Administrator, that his
913 or her location information not be disclosed. Upon receipt of the
914 application, if the allegations set forth in the affidavit meet the
915 requirements of subsection (a) of this section, the court shall schedule a
916 hearing not later than fourteen days from the date of the application. If
917 a postponement of a hearing on the application is requested by either
918 party, no ex parte order shall be continued except upon agreement of
919 the parties or by order of the court for good cause shown. If the court is
920 closed on the scheduled hearing date, the hearing shall be held on the
921 next day the court is open and any ex parte order that was issued shall
922 remain in effect until the date of such hearing. If the applicant is under
923 eighteen years of age, a parent, guardian or responsible adult who
924 brings the application as next friend of the applicant may not speak on
925 the applicant's behalf at such hearing unless there is good cause shown
926 as to why the applicant is unable to speak on his or her own behalf,
927 except that nothing in this subsection shall preclude such parent,
928 guardian or responsible adult from testifying as a witness at such
929 hearing. If the court finds that there are reasonable grounds to believe
930 that the respondent has committed acts constituting grounds for
931 issuance of an order under this section and will continue to commit such
932 acts or acts designed to intimidate or retaliate against the applicant, the
933 court, in its discretion, may make such orders as it deems appropriate
934 for the protection of the applicant. If the court finds that there are
935 reasonable grounds to believe that an imminent danger exists to the
936 applicant, the court may issue an ex parte order granting such relief as
937 it deems appropriate. In making such orders, the court, in its discretion,

938 may consider relevant court records if the records are available to the
939 public from a clerk of the Superior Court or on the Judicial Branch's
940 Internet web site. Such orders may include, but are not limited to, an
941 order enjoining the respondent from: (1) Imposing any restraint upon
942 the person or liberty of the applicant; (2) threatening, harassing,
943 assaulting, molesting, sexually assaulting or attacking the applicant;
944 and (3) entering the dwelling of the applicant.

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

951 (d) The applicant shall cause notice of the hearing pursuant to
952 subsection (b) of this section and a copy of the application and the
953 applicant's affidavit and of any ex parte order issued pursuant to
954 subsection (b) of this section to be served by a proper officer on the
955 respondent not less than five days before the hearing. The cost of such
956 service shall be paid for by the Judicial Branch. Upon the granting of an
957 ex parte order, the clerk of the court shall provide two copies of the order
958 to the applicant. Upon the granting of an order after notice and hearing,
959 the clerk of the court shall provide two copies of the order to the
960 applicant and a copy to the respondent. Every order of the court made
961 in accordance with this section after notice and hearing shall be
962 accompanied by a notification that is consistent with the full faith and
963 credit provisions set forth in 18 USC 2265(a), as amended from time to
964 time. Immediately after making service on the respondent, the proper
965 officer shall (1) send or cause to be sent, by facsimile or other means, a
966 copy of the application, or the information contained in such
967 application, stating the date and time the respondent was served, to the
968 law enforcement agency or agencies for the town in which the applicant
969 resides, the town in which the applicant is employed and the town in
970 which the respondent resides, and (2) as soon as possible, but not later
971 than two hours after the time that service is executed, input into the

972 Judicial Branch's Internet-based service tracking system the date, time
973 and method of service. If, prior to the date of the scheduled hearing,
974 service has not been executed, the proper officer shall input into such
975 service tracking system that service was unsuccessful. The clerk of the
976 court shall send, by facsimile or other means, a copy of any ex parte
977 order and of any order after notice and hearing, or the information
978 contained in any such order, to the law enforcement agency or agencies
979 for the town in which the applicant resides, the town in which the
980 applicant is employed and the town in which the respondent resides,
981 not later than forty-eight hours after the issuance of such order, and
982 immediately to the Commissioner of Emergency Services and Public
983 Protection. If the applicant is enrolled in a public or private elementary
984 or secondary school, including a technical education and career school,
985 or an institution of higher education, as defined in section 10a-55, the
986 clerk of the court shall, upon the request of the applicant, send, by
987 facsimile or other means, a copy of such ex parte order or of any order
988 after notice and hearing, or the information contained in any such order,
989 to such school or institution of higher education, the president of any
990 institution of higher education at which the applicant is enrolled and the
991 special police force established pursuant to section 10a-142, if any, at the
992 institution of higher education at which the applicant is enrolled, if the
993 applicant provides the clerk with the name and address of such school
994 or institution of higher education.

995 (e) If the court issues an ex parte order pursuant to subsection (b) of
996 this section and service has not been made on the respondent in
997 conformance with subsection (d) of this section, upon request of the
998 applicant, the court shall, based on the information contained in the
999 original application, extend any ex parte order for an additional period
1000 not to exceed fourteen days from the originally scheduled hearing date.
1001 The clerk of the court shall prepare a new order of hearing and notice
1002 containing the new hearing date, which shall be served upon the
1003 respondent in accordance with the provisions of subsection (d) of this
1004 section.

1005 [(e)] (f) An action under this section shall not preclude the applicant

1006 from subsequently seeking any other civil or criminal relief based on the
1007 same facts and circumstances.

1008 Sec. 18. Section 46b-51 of the general statutes is repealed and the
1009 following is substituted in lieu thereof (*Effective from passage*):

1010 (a) In any action for dissolution of marriage or legal separation the
1011 court shall make a finding that a marriage breakdown has occurred
1012 where (1) the parties, and not their attorneys, execute a written
1013 stipulation that their marriage has broken down irretrievably, or (2)
1014 both parties are physically present in court and stipulate that their
1015 marriage has broken down irretrievably and have submitted an
1016 agreement concerning the custody, care, education, visitation,
1017 maintenance or support of their children, if any, and concerning
1018 alimony and the disposition of property. The testimony of either party
1019 in support of that conclusion, or an affidavit made under oath by either
1020 party, pursuant to subsection (b) of this section, shall be sufficient.

1021 (b) Any finding required to be made by the court pursuant to
1022 subsection (a) of this section, may be made on the basis of an affidavit,
1023 made under oath, by either party, provided that the party making the
1024 affidavit attests that no restraining order issued pursuant to section 46b-
1025 15 or protective order, issued pursuant to section 46b-38c, between the
1026 parties is in effect or pending before the court. Nothing in this
1027 subsection shall preclude the court from requiring that the parties
1028 attend a hearing and that findings be made on the record.

1029 [(b)] (c) In any case in which the court finds [, after hearing,] that a
1030 cause enumerated in subsection (c) of section 46b-40 exists, the court
1031 shall enter a decree dissolving the marriage or granting a legal
1032 separation. In entering the decree, the court may either set forth the
1033 cause of action on which the decree is based or dissolve the marriage or
1034 grant a legal separation on the basis of irretrievable breakdown. In no
1035 case shall the decree granted be in favor of either party.

1036 Sec. 19. Section 46b-56c of the general statutes is repealed and the
1037 following is substituted in lieu thereof (*Effective from passage*):

1038 (a) For purposes of this section, an educational support order is an
1039 order entered by a court requiring a parent to provide support for a
1040 child or children to attend for up to a total of four full academic years
1041 an institution of higher education or a private occupational school for
1042 the purpose of attaining a bachelor's or other undergraduate degree, or
1043 other appropriate vocational instruction. An educational support order
1044 may be entered with respect to any child who has not attained twenty-
1045 three years of age and shall terminate not later than the date on which
1046 the child attains twenty-three years of age.

1047 (b) (1) On motion or petition of a parent, the court may enter an
1048 educational support order at the time of entry of a decree of dissolution,
1049 legal separation or annulment, and no educational support order may
1050 be entered thereafter unless the decree explicitly provides that a motion
1051 or petition for an educational support order may be filed by either
1052 parent at a subsequent date. If no educational support order is entered
1053 at the time of entry of a decree of dissolution, legal separation or
1054 annulment, and the parents have a child who has not attained twenty-
1055 three years of age, the court shall inform the parents that no educational
1056 support order may be entered thereafter. The court may accept a
1057 parent's waiver of the right to file a motion or petition for an educational
1058 support order upon a finding that the parent fully understands the
1059 consequences of such waiver.

1060 (2) A waiver of the right to file a motion or petition for an educational
1061 support order may be made in writing by either parent and accepted by
1062 the court, provided the parent making the writing attests, under oath,
1063 that the parent fully understands the consequences of such waiver, and
1064 that no restraining order issued pursuant to section 46b-15 or protective
1065 order issued pursuant to section 46b-38c, between the parties is in effect
1066 or pending before the court. The provisions of this subdivision shall not
1067 preclude the court from requiring that the parties attend a hearing and
1068 that findings be made on the record.

1069 [(2)] (3) On motion or petition of a parent, the court may enter an
1070 educational support order at the time of entry of an order for support

1071 pendente lite pursuant to section 46b-83.

1072 [(3)] (4) On motion or petition of a parent, the court may enter an
1073 educational support order at the time of entering an order of support
1074 pursuant to section 46b-61 or 46b-171, as amended by this act, or similar
1075 section of the general statutes, or at any time thereafter.

1076 [(4)] (5) On motion or petition of a parent, the court may enter an
1077 educational support order at the time of entering an order pursuant to
1078 any other provision of the general statutes authorizing the court to make
1079 an order of support for a child, subject to the provisions of sections 46b-
1080 301 to 46b-425, inclusive.

1081 (c) The court may not enter an educational support order pursuant to
1082 this section unless the court finds as a matter of fact that it is more likely
1083 than not that the parents would have provided support to the child for
1084 higher education or private occupational school if the family were
1085 intact. After making such finding, the court, in determining whether to
1086 enter an educational support order, shall consider all relevant
1087 circumstances, including: (1) The parents' income, assets and other
1088 obligations, including obligations to other dependents; (2) the child's
1089 need for support to attend an institution of higher education or private
1090 occupational school considering the child's assets and the child's ability
1091 to earn income; (3) the availability of financial aid from other sources,
1092 including grants and loans; (4) the reasonableness of the higher
1093 education to be funded considering the child's academic record and the
1094 financial resources available; (5) the child's preparation for, aptitude for
1095 and commitment to higher education; and (6) evidence, if any, of the
1096 institution of higher education or private occupational school the child
1097 would attend.

1098 (d) Any finding required to be made by the court, pursuant to this
1099 section may be made on the basis of an affidavit, made under oath, by
1100 either party, provided that the party making the affidavit attests that no
1101 restraining order issued pursuant to section 46b-15 or protective order,
1102 issued pursuant to section 46b-38c, between the parties is in effect or

1103 pending before the court. Nothing in this subsection shall preclude the
1104 court from requiring that the parties attend a hearing and that findings
1105 be made on the record.

1106 ~~[(d)]~~ (e) At the appropriate time, both parents shall participate in, and
1107 agree upon, the decision as to which institution of higher education or
1108 private occupational school the child will attend. The court may make
1109 an order resolving the matter if the parents fail to reach an agreement.

1110 ~~[(e)]~~ (f) To qualify for payments due under an educational support
1111 order, the child must (1) enroll in an accredited institution of higher
1112 education or private occupational school, as defined in section 10a-22a,
1113 (2) actively pursue a course of study commensurate with the child's
1114 vocational goals that constitutes at least one-half the course load
1115 determined by that institution or school to constitute full-time
1116 enrollment, (3) maintain good academic standing in accordance with the
1117 rules of the institution or school, and (4) make available all academic
1118 records to both parents during the term of the order. The order shall be
1119 suspended after any academic period during which the child fails to
1120 comply with these conditions.

1121 ~~[(f)]~~ (g) The educational support order may include support for any
1122 necessary educational expense, including room, board, dues, tuition,
1123 fees, registration and application costs, but such expenses shall not be
1124 more than the amount charged by The University of Connecticut for a
1125 full-time in-state student at the time the child for whom educational
1126 support is being ordered matriculates, except this limit may be exceeded
1127 by agreement of the parents. An educational support order may also
1128 include the cost of books and medical insurance for such child.

1129 ~~[(g)]~~ (h) The court may direct that payments under an educational
1130 support order be made (1) to a parent to be forwarded to the institution
1131 of higher education or private occupational school, (2) directly to the
1132 institution or school, or (3) otherwise as the court determines to be
1133 appropriate.

1134 ~~[(h)]~~ (i) On motion or petition of a parent, an educational support

1135 order may be modified or enforced in the same manner as is provided
1136 by law for any support order.

1137 [(i)] (j) This section does not create a right of action by a child for
1138 parental support for higher education.

1139 [(j)] (k) An educational support order under this section does not
1140 include support for graduate or postgraduate education beyond a
1141 bachelor's degree.

1142 [(k)] (l) The provisions of this section shall apply only in cases when
1143 the initial order for parental support of the child is entered on or after
1144 October 1, 2002.

1145 Sec. 20. Subsection (b) of section 46b-65 of the general statutes is
1146 repealed and the following is substituted in lieu thereof (*Effective from*
1147 *passage*):

1148 (b) If no declaration has been filed under subsection (a) of this section,
1149 then at any time after the entry of a decree of legal separation, either
1150 party may petition the superior court for the judicial district in which
1151 the decree was entered for a decree dissolving the marriage. [and the
1152 court shall] The court may enter the decree in the presence of the party
1153 seeking the dissolution or, if a party attests that no restraining order
1154 issued pursuant to section 46b-15 or protective order issued pursuant to
1155 section 46b-38c, between the parties is in effect or pending before the
1156 court, the court may enter the decree without requiring the presence of
1157 either party.

1158 Sec. 21. Section 46b-66 of the general statutes is repealed and the
1159 following is substituted in lieu thereof (*Effective from passage*):

1160 (a) Except as provided in section 46b-44c, in any case under this
1161 chapter where the parties have submitted to the court a final agreement
1162 concerning the custody, care, education, visitation, maintenance or
1163 support of any of their children or concerning alimony or the disposition
1164 of property, the court shall inquire into the financial resources and

1165 actual needs of the [spouses] parties and their respective fitness to have
1166 physical custody of or rights of visitation with any minor child, in order
1167 to determine whether the agreement of the [spouses] parties is fair and
1168 equitable under all the circumstances.

1169 (b) The inquiry required pursuant to subsections (a) and (e) of this
1170 section may take place on the record at a hearing, or if each party attests
1171 that no restraining order issued pursuant to section 46b-15 or protective
1172 order, issued pursuant to section 46b-38c, between the parties is in effect
1173 or pending before the court, the court may accept an affidavit from each
1174 party, made under oath, stating facts satisfying the requirements of the
1175 inquiry in question, in order to determine whether the agreement of the
1176 parties is fair and equitable under all the circumstances and to make any
1177 other findings required by this section.

1178 (c) If the court finds the agreement fair and equitable, it shall become
1179 part of the court file, and if the agreement is in writing, it shall be
1180 incorporated by reference into the order or decree of the court. If the
1181 court finds the agreement is not fair and equitable, it shall make such
1182 orders as to finances and custody as the circumstances require. If the
1183 agreement is in writing and provides for the care, education,
1184 maintenance or support of a child beyond the age of eighteen, it may
1185 also be incorporated or otherwise made a part of any such order and
1186 shall be enforceable to the same extent as any other provision of such
1187 order or decree, notwithstanding the provisions of section 1-1d.

1188 [(b)] (d) Agreements providing for the care, education, maintenance
1189 or support of a child beyond the age of eighteen entered into on or after
1190 July 1, 2001, shall be modifiable to the same extent as any other
1191 provision of any order or decree in accordance with section 46b-86, as
1192 amended by this act.

1193 [(c)] (e) The provisions of chapter 909 shall be applicable to any
1194 agreement to arbitrate in an action for dissolution of marriage under this
1195 chapter, provided [(1)] an arbitration pursuant to such agreement may
1196 proceed only after the court has made a thorough inquiry and is satisfied

1197 that [(A)] (1) each party entered into such agreement voluntarily and
1198 without coercion, and [(B)] (2) such agreement is fair and equitable
1199 under the circumstances. [, and (2) such agreement and an arbitration
1200 pursuant to such agreement shall not include issues related to child
1201 support, visitation and custody.] An arbitration award in such action
1202 shall [be] not be enforceable until it has been confirmed, modified or
1203 vacated in accordance with the provisions of chapter 909 and
1204 incorporated into an order or decree of court in an action for dissolution
1205 of marriage between the parties. If the arbitration award concerns child
1206 support, the court may enter such order or decree if the court finds that
1207 the award complies with section 46b-215b, as amended by this act. An
1208 arbitration award relating to a dissolution of marriage that is
1209 incorporated into an order or decree of the court shall be enforceable
1210 and modifiable to the same extent as an agreement of the parties that is
1211 incorporated into an order or decree of the court pursuant to subsection
1212 (c) of this section.

1213 Sec. 22. Subsection (f) of section 46b-84 of the general statutes is
1214 repealed and the following is substituted in lieu thereof (*Effective from*
1215 *passage*):

1216 (f) (1) After the granting of a decree annulling or dissolving the
1217 marriage or ordering a legal separation, and upon complaint or motion
1218 with order and summons made to the Superior Court by either parent
1219 or by the Commissioner of Administrative Services in any case arising
1220 under subsection (a) or (b) of this section, the court shall inquire into the
1221 child's need of maintenance and the respective abilities of the parents to
1222 supply maintenance. The court shall make and enforce the decree for
1223 the maintenance of the child as it considers just, and may direct security
1224 to be given therefor, including an order to either party to contract with
1225 a third party for periodic payments or payments contingent on a life to
1226 the other party. The court may order that a party obtain life insurance
1227 as such security unless such party proves, by a preponderance of the
1228 evidence, that such insurance is not available to such party, such party
1229 is unable to pay the cost of such insurance or such party is uninsurable.

1230 (2) The court shall include in each support order a provision for the
1231 health care coverage of the child who is subject to the provisions of
1232 subsection (a) or (b) of this section. Such provision may include an order
1233 for either parent or both parents to provide such coverage under any or
1234 all of subparagraphs (A), (B) or (C) of this subdivision.

1235 (A) The provision for health care coverage may include an order for
1236 either parent to name any child as a beneficiary of any medical or dental
1237 insurance or benefit plan carried by such parent or available to such
1238 parent at a reasonable cost, as described in subparagraph (D) of this
1239 subdivision. If such order in a IV-D support case requires the parent to
1240 maintain insurance available through an employer, the order shall be
1241 enforced using a National Medical Support Notice as provided in
1242 section 46b-88.

1243 (B) The provision for health care coverage may include an order for
1244 either parent to: (i) Apply for and maintain coverage on behalf of the
1245 child under HUSKY B; or (ii) provide cash medical support, as described
1246 in subparagraphs (E) and (F) of this subdivision. An order under this
1247 subparagraph shall be made only if the cost to the parent obligated to
1248 maintain the coverage under HUSKY B or provide cash medical support
1249 is reasonable, as described in subparagraph (D) of this subdivision. An
1250 order under clause (i) of this subparagraph shall be made only if
1251 insurance coverage as described in subparagraph (A) of this subdivision
1252 is unavailable at reasonable cost to either parent, or inaccessible to the
1253 child.

1254 (C) An order for payment of the child's medical and dental expenses,
1255 other than those described in clause (ii) of subparagraph (E) of this
1256 subdivision, that are not covered by insurance or reimbursed in any
1257 other manner shall be entered in accordance with the child support
1258 guidelines established pursuant to section 46b-215a.

1259 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
1260 parent obligated to maintain such coverage would qualify as a low-
1261 income obligor under the child support guidelines established pursuant

1262 to section 46b-215a, based solely on such parent's income, and the cost
1263 does not exceed five per cent of such parent's net income; or (ii) the
1264 parent obligated to maintain such coverage would not qualify as a low-
1265 income obligor under such guidelines and the cost does not exceed
1266 seven and one-half per cent of such parent's net income. In either case,
1267 net income shall be determined in accordance with the child support
1268 guidelines established pursuant to section 46b-215a. If a parent
1269 obligated to maintain insurance must obtain coverage for himself or
1270 herself to comply with the order to provide coverage for the child,
1271 reasonable cost shall be determined based on the combined cost of
1272 coverage for such parent and such child.

1273 (E) Cash medical support means: (i) An amount ordered to be paid
1274 toward the cost of premiums for health insurance coverage provided by
1275 a public entity, including HUSKY A or B, except as provided in
1276 subparagraph (F) of this subdivision, or by another parent through
1277 employment or otherwise, or (ii) an amount ordered to be paid, either
1278 directly to a medical provider or to the person obligated to pay such
1279 provider, toward any ongoing extraordinary medical and dental
1280 expenses of the child that are not covered by insurance or reimbursed in
1281 any other manner, provided such expenses are documented and
1282 identified (I) specifically on the record, or (II) in an affidavit, made
1283 under oath, that states no restraining order issued pursuant to section
1284 46b-15 or protective order issued pursuant to section 46b-38c, between
1285 the parties is in effect or pending before the court. Cash medical support,
1286 as described in clauses (i) and (ii) of this subparagraph may be ordered
1287 in lieu of an order under subparagraph (A) of this subdivision to be
1288 effective until such time as health insurance that is accessible to the child
1289 and reasonable in cost becomes available, or in addition to an order
1290 under subparagraph (A) of this subdivision, provided the combined
1291 cost of insurance and cash medical support is reasonable, as defined in
1292 subparagraph (D) of this subdivision. An order for cash medical support
1293 shall be payable to the state or the custodial party, as their interests may
1294 appear, provided an order under clause (i) of this subparagraph shall be
1295 effective only as long as health insurance coverage is maintained. Any

1296 unreimbursed medical and dental expenses not covered by an order
1297 issued pursuant to clause (ii) of this subparagraph are subject to an
1298 order for unreimbursed medical and dental expenses pursuant to
1299 subparagraph (C) of this subdivision.

1300 (F) Cash medical support to offset the cost of any insurance payable
1301 under HUSKY A or B, shall not be ordered against a noncustodial parent
1302 who is a low-income obligor, as defined in the child support guidelines
1303 established pursuant to section 46b-215a, or against a custodial parent
1304 of children covered under HUSKY A or B.

1305 Sec. 23. Subsection (a) of section 46b-86 of the general statutes is
1306 repealed and the following is substituted in lieu thereof (*Effective from*
1307 *passage*):

1308 (a) Unless and to the extent that the decree precludes modification,
1309 any final order for the periodic payment of permanent alimony or
1310 support, an order for alimony or support pendente lite or an order
1311 requiring either party to maintain life insurance for the other party or a
1312 minor child of the parties may, at any time thereafter, be continued, set
1313 aside, altered or modified by the court upon a showing of a substantial
1314 change in the circumstances of either party or upon a showing that the
1315 final order for child support substantially deviates from the child
1316 support guidelines established pursuant to section 46b-215a, unless
1317 there was a specific finding on the record at a hearing, or in a written
1318 judgment, order or memorandum of decision of the court, that the
1319 application of the guidelines would be inequitable or inappropriate.
1320 There shall be a rebuttable presumption that any deviation of less than
1321 fifteen per cent from the child support guidelines is not substantial and
1322 any deviation of fifteen per cent or more from the guidelines is
1323 substantial. Modification may be made of such support order without
1324 regard to whether the order was issued before, on or after May 9, 1991.
1325 In determining whether to modify a child support order based on a
1326 substantial deviation from such child support guidelines the court shall
1327 consider the division of real and personal property between the parties
1328 set forth in the final decree and the benefits accruing to the child as the

1329 result of such division. After the date of judgment, modification of any
1330 child support order issued before, on or after July 1, 1990, may be made
1331 upon a showing of such substantial change of circumstances, whether
1332 or not such change of circumstances was contemplated at the time of
1333 dissolution. By written agreement, stipulation or decision of the court,
1334 those items or circumstances that were contemplated and are not to be
1335 changed may be specified in the written agreement, stipulation or
1336 decision of the court. This section shall not apply to assignments under
1337 section 46b-81 or to any assignment of the estate or a portion thereof of
1338 one party to the other party under prior law. No order for periodic
1339 payment of permanent alimony or support may be subject to retroactive
1340 modification, except that the court may order modification with respect
1341 to any period during which there is a pending motion for modification
1342 of an alimony or support order from the date of service of notice of such
1343 pending motion upon the opposing party pursuant to section 52-50. If a
1344 court [, after hearing,] finds that a substantial change in circumstances
1345 of either party has occurred, the court shall determine what
1346 modification of alimony, if any, is appropriate, considering the criteria
1347 set forth in section 46b-82.

1348 Sec. 24. Section 46b-120 of the general statutes is repealed and the
1349 following is substituted in lieu thereof (*Effective January 1, 2022*):

1350 The terms used in this chapter shall, in its interpretation and in the
1351 interpretation of other statutes, be defined as follows:

1352 (1) "Child" means any person under eighteen years of age who has
1353 not been legally emancipated, except that (A) for purposes of
1354 delinquency matters and proceedings, "child" means any person who (i)
1355 is at least seven years of age at the time of the alleged commission of a
1356 delinquent act and who is (I) under eighteen years of age and has not
1357 been legally emancipated, or (II) eighteen years of age or older and
1358 committed a delinquent act prior to attaining eighteen years of age, or
1359 (ii) is subsequent to attaining eighteen years of age, (I) violates any order
1360 of the Superior Court or any condition of probation ordered by the
1361 Superior Court with respect to a delinquency proceeding, or (II) wilfully

1362 fails to appear in response to a summons under section 46b-133, as
1363 amended by this act, or at any other court hearing in a delinquency
1364 proceeding of which the child had notice, and (B) for purposes of family
1365 with service needs matters and proceedings, child means a person who
1366 is at least seven years of age and is under eighteen years of age;

1367 (2) (A) A child may be adjudicated as "delinquent" who has, while
1368 under sixteen years of age, (i) violated any federal or state law, except
1369 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or
1370 violated a municipal or local ordinance, except an ordinance regulating
1371 behavior of a child in a family with service needs, (ii) wilfully failed to
1372 appear in response to a summons under section 46b-133, as amended by
1373 this act, or at any other court hearing in a delinquency proceeding of
1374 which the child had notice, (iii) violated any order of the Superior Court
1375 in a delinquency proceeding, except as provided in section 46b-148, as
1376 amended by this act, or (iv) violated conditions of probation supervision
1377 or probation supervision with residential placement in a delinquency
1378 proceeding as ordered by the court;

1379 (B) A child may be adjudicated as "delinquent" who has (i) while
1380 sixteen or seventeen years of age, violated any federal or state law, other
1381 than (I) an infraction, except an infraction under subsection (d) of section
1382 21a-267, (II) a violation, except a violation under subsection (a) of section
1383 21a-279a, (III) a motor vehicle offense or violation under title 14, (IV) a
1384 violation of a municipal or local ordinance, or (V) a violation of section
1385 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (ii)
1386 while sixteen years of age or older, wilfully failed to appear in response
1387 to a summons under section 46b-133, as amended by this act, or at any
1388 other court hearing in a delinquency proceeding of which the child had
1389 notice, (iii) while sixteen years of age or older, violated any order of the
1390 Superior Court in a delinquency proceeding, except as provided in
1391 section 46b-148, as amended by this act, or (iv) while sixteen years of age
1392 or older, violated conditions of probation supervision or probation
1393 supervision with residential placement in a delinquency proceeding as
1394 ordered by the court;

1395 (3) "Family with service needs" means a family that includes a child
1396 who is at least seven years of age and is under eighteen years of age
1397 who, according to a petition lawfully filed on or before June 30, 2020,
1398 (A) has without just cause run away from the parental home or other
1399 properly authorized and lawful place of abode, (B) is beyond the control
1400 of the child's parent, parents, guardian or other custodian, (C) has
1401 engaged in indecent or immoral conduct, or (D) is thirteen years of age
1402 or older and has engaged in sexual intercourse with another person and
1403 such other person is thirteen years of age or older and not more than
1404 two years older or younger than such child;

1405 (4) A child may be found "neglected" who, for reasons other than
1406 being impoverished, (A) has been abandoned, (B) is being denied
1407 proper care and attention, physically, educationally, emotionally or
1408 morally, or (C) is being permitted to live under conditions,
1409 circumstances or associations injurious to the well-being of the child;

1410 (5) A child may be found "abused" who (A) has been inflicted with
1411 physical injury or injuries other than by accidental means, (B) has
1412 injuries that are at variance with the history given of them, or (C) is in a
1413 condition that is the result of maltreatment, including, but not limited
1414 to, malnutrition, sexual molestation or exploitation, deprivation of
1415 necessities, emotional maltreatment or cruel punishment;

1416 (6) A child may be found "uncared for" (A) who is homeless, (B)
1417 whose home cannot provide the specialized care that the physical,
1418 emotional or mental condition of the child requires, or (C) who has been
1419 identified as a victim of trafficking, as defined in section 46a-170. For the
1420 purposes of this section, the treatment of any child by an accredited
1421 Christian Science practitioner, in lieu of treatment by a licensed
1422 practitioner of the healing arts, shall not of itself constitute neglect or
1423 maltreatment;

1424 (7) "Delinquent act" means (A) the violation by a child under the age
1425 of sixteen of any federal or state law, except the violation of section 53a-
1426 172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the violation of a

1427 municipal or local ordinance, except an ordinance regulating behavior
1428 of a child in a family with service needs, (B) the violation by a child
1429 sixteen or seventeen years of age of any federal or state law, other than
1430 (i) an infraction, except an infraction under subsection (d) of section 21a-
1431 267, (ii) a violation, except a violation under subsection (a) of section
1432 21a-279a, (iii) a motor vehicle offense or violation under title 14, (iv) the
1433 violation of a municipal or local ordinance, or (v) the violation of section
1434 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (C) the
1435 wilful failure of a child, including a child who has attained the age of
1436 eighteen, to appear in response to a summons under section 46b-133, as
1437 amended by this act, or at any other court hearing in a delinquency
1438 proceeding of which the child has notice, (D) the violation of any order
1439 of the Superior Court in a delinquency proceeding by a child, including
1440 a child who has attained the age of eighteen, except as provided in
1441 section 46b-148, as amended by this act, or (E) the violation of conditions
1442 of probation supervision or probation supervision with residential
1443 placement in a delinquency proceeding by a child, including a child who
1444 has attained the age of eighteen, as ordered by the court;

1445 (8) "Serious juvenile offense" means (A) the violation of, including
1446 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,
1447 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a, 53-
1448 202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive,
1449 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to 53a-71,
1450 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-
1451 100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
1452 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
1453 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
1454 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
1455 53a-212, 53a-216 or 53a-217b, or (B) absconding, escaping or running
1456 away, without just cause, from any secure residential facility in which
1457 the child has been placed by the court as a delinquent child;

1458 (9) "Serious juvenile offender" means any child adjudicated as
1459 delinquent for the commission of a serious juvenile offense;

1460 (10) "Serious juvenile repeat offender" means any child charged with
1461 the commission of any felony if such child has previously been
1462 adjudicated as delinquent or otherwise adjudicated at any age for two
1463 violations of any provision of title 21a, 29, 53 or 53a that is designated as
1464 a felony;

1465 (11) "Alcohol-dependent" means a psychoactive substance
1466 dependence on alcohol as that condition is defined in the most recent
1467 edition of the American Psychiatric Association's "Diagnostic and
1468 Statistical Manual of Mental Disorders";

1469 (12) "Drug-dependent" means a psychoactive substance dependence
1470 on drugs as that condition is defined in the most recent edition of the
1471 American Psychiatric Association's "Diagnostic and Statistical Manual
1472 of Mental Disorders". No child shall be classified as drug-dependent
1473 who is dependent (A) upon a morphine-type substance as an incident
1474 to current medical treatment of a demonstrable physical disorder other
1475 than drug dependence, or (B) upon amphetamine-type, ataractic,
1476 barbiturate-type, hallucinogenic or other stimulant and depressant
1477 substances as an incident to current medical treatment of a
1478 demonstrable physical or psychological disorder, or both, other than
1479 drug dependence;

1480 (13) "Pre-dispositional study" means a comprehensive written report
1481 prepared by a juvenile probation officer pursuant to section 46b-134
1482 regarding the child's social, medical, mental health, educational, risks
1483 and needs, and family history, as well as the events surrounding the
1484 offense to present a supported recommendation to the court;

1485 (14) "Probation supervision" means a legal status whereby a juvenile
1486 who has been adjudicated delinquent is placed by the court under the
1487 supervision of juvenile probation for a specified period of time and
1488 upon such terms as the court determines;

1489 (15) "Probation supervision with residential placement" means a legal
1490 status whereby a juvenile who has been adjudicated delinquent is
1491 placed by the court under the supervision of juvenile probation for a

1492 specified period of time, upon such terms as the court determines, that
1493 include a period of placement in a secure or staff-secure residential
1494 treatment facility, as ordered by the court, and a period of supervision
1495 in the community;

1496 (16) "Risk and needs assessment" means a standardized tool that (A)
1497 assists juvenile probation officers in collecting and synthesizing
1498 information about a child to estimate the child's risk of recidivating and
1499 identify other factors that, if treated and changed, can reduce the child's
1500 likelihood of reoffending, and (B) provides a guide for intervention
1501 planning;

1502 (17) "Secure-residential facility" means a hardware-secured
1503 residential facility that includes direct staff supervision, surveillance
1504 enhancements and physical barriers that allow for close supervision and
1505 controlled movement in a treatment setting; [and]

1506 (18) "Staff-secure residential facility" means a residential facility that
1507 provides residential treatment for children in a structured setting where
1508 the children are monitored by staff; and

1509 (19) "Juvenile residential center" means a hardware-secured
1510 residential facility operated by the Court Support Services Division of
1511 the Judicial Branch that includes direct staff supervision, surveillance
1512 enhancements and physical barriers that allow for close supervision and
1513 controlled movement in a treatment setting for preadjudicated juveniles
1514 and juveniles adjudicated as delinquent.

1515 Sec. 25. Subsection (b) of section 46b-124 of the general statutes is
1516 repealed and the following is substituted in lieu thereof (*Effective from*
1517 *passage*):

1518 (b) All records of cases of juvenile matters, as provided in section 46b-
1519 121, except delinquency proceedings, or any part thereof, and all records
1520 of appeals from probate brought to the superior court for juvenile
1521 matters pursuant to section 45a-186, shall be confidential and for the use
1522 of the court in juvenile matters, and open to inspection or disclosure to

1523 any third party, including bona fide researchers commissioned by a
1524 state agency, only upon order of the Superior Court, except that: (1) Such
1525 records shall be available to (A) the attorney representing the child,
1526 including the Division of Public Defender Services, in any proceeding
1527 in which such records are relevant, (B) the parents or guardian of the
1528 child until such time as the child reaches the age of majority or becomes
1529 emancipated, (C) an adult adopted person in accordance with the
1530 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive,
1531 (D) employees of the Division of Criminal Justice who, in the
1532 performance of their duties, require access to such records, (E)
1533 employees of the Judicial Branch who, in the performance of their
1534 duties, require access to such records, (F) another court under the
1535 provisions of subsection (d) of section 46b-115j, (G) the subject of the
1536 record, upon submission of satisfactory proof of the subject's identity,
1537 pursuant to guidelines prescribed by the Office of the Chief Court
1538 Administrator, provided the subject has reached the age of majority or
1539 has been emancipated, (H) the Department of Children and Families, (I)
1540 the employees of the Division of Public Defender Services who, in the
1541 performance of their duties related to Division of Public Defender
1542 Services assigned counsel, require access to such records, [and] (J)
1543 judges and employees of the Probate Court who, in the performance of
1544 their duties, require access to such records, and (K) members and
1545 employees of the Judicial Review Council who, in the performance of
1546 their duties related to said council, require access to such records; and
1547 (2) all or part of the records concerning a youth in crisis with respect to
1548 whom a court order was issued prior to January 1, 2010, may be made
1549 available to the Department of Motor Vehicles, provided such records
1550 are relevant to such order. Any records of cases of juvenile matters, or
1551 any part thereof, provided to any persons, governmental or private
1552 agencies, or institutions pursuant to this section shall not be disclosed,
1553 directly or indirectly, to any third party not specified in subsection (d)
1554 of this section, except as provided by court order, in the report required
1555 under section 54-76d or 54-91a or as otherwise provided by law.

1556 Sec. 26. Subsection (d) of section 46b-124 of the general statutes is

1557 repealed and the following is substituted in lieu thereof (*Effective from*
1558 *passage*):

1559 (d) Records of cases of juvenile matters involving delinquency
1560 proceedings shall be available to (1) Judicial Branch employees who, in
1561 the performance of their duties, require access to such records, (2) judges
1562 and employees of the Probate Court who, in the performance of their
1563 duties, require access to such records, and (3) employees and authorized
1564 agents of state or federal agencies involved in (A) the delinquency
1565 proceedings, (B) the provision of services directly to the child, or (C) the
1566 delivery of court diversionary programs. Such employees and
1567 authorized agents include, but are not limited to, law enforcement
1568 officials, community-based youth service bureau officials, state and
1569 federal prosecutorial officials, school officials in accordance with section
1570 10-233h, court officials including officials of both the regular criminal
1571 docket and the docket for juvenile matters and officials of the Division
1572 of Criminal Justice, the Division of Public Defender Services, the
1573 Department of Children and Families, if the child is committed pursuant
1574 to section 46b-129, provided such disclosure shall be limited to (i)
1575 information that identifies the child as the subject of the delinquency
1576 petition, or (ii) the records of the delinquency proceedings, when the
1577 juvenile court orders the department to provide services to said child,
1578 the Court Support Services Division and agencies under contract with
1579 the Judicial Branch. Such records shall also be available to (I) the
1580 attorney representing the child, including the Division of Public
1581 Defender Services, in any proceeding in which such records are
1582 relevant, (II) the parents or guardian of the child, until such time as the
1583 subject of the record reaches the age of majority, (III) the subject of the
1584 record, upon submission of satisfactory proof of the subject's identity,
1585 pursuant to guidelines prescribed by the Office of the Chief Court
1586 Administrator, provided the subject has reached the age of majority,
1587 (IV) law enforcement officials and prosecutorial officials conducting
1588 legitimate criminal investigations, (V) a state or federal agency
1589 providing services related to the collection of moneys due or funding to
1590 support the service needs of eligible juveniles, provided such disclosure

1591 shall be limited to that information necessary for the collection of and
1592 application for such moneys, [and] (VI) members and employees of the
1593 Board of Pardons and Paroles and employees of the Department of
1594 Correction who, in the performance of their duties, require access to
1595 such records, provided the subject of the record has been convicted of a
1596 crime in the regular criminal docket of the Superior Court and such
1597 records are relevant to the performance of a risk and needs assessment
1598 of such person while such person is incarcerated, the determination of
1599 such person's suitability for release from incarceration or for a pardon,
1600 or the determination of the supervision and treatment needs of such
1601 person while on parole or other supervised release, and (VII) members
1602 and employees of the Judicial Review Council who, in the performance
1603 of their duties related to said council, require access to such records.
1604 Records disclosed pursuant to this subsection shall not be further
1605 disclosed, except that information contained in such records may be
1606 disclosed in connection with bail or sentencing reports in open court
1607 during criminal proceedings involving the subject of such information,
1608 or as otherwise provided by law.

1609 Sec. 27. Subsection (g) of section 46b-124 of the general statutes is
1610 repealed and the following is substituted in lieu thereof (*Effective January*
1611 *1, 2022*):

1612 (g) Information concerning a child who has absconded, escaped or
1613 run away from, or failed to return from an authorized leave to, a
1614 [detention] juvenile residential center or a residential treatment facility
1615 in which the child has been placed by a court order in a delinquency
1616 case, or for whom an arrest warrant has been issued with respect to the
1617 commission of a felony may be disclosed by law enforcement officials.

1618 Sec. 28. Subsection (c) of section 46b-127 of the general statutes is
1619 repealed and the following is substituted in lieu thereof (*Effective from*
1620 *passage*):

1621 (c) (1) (A) Any proceeding of any case transferred to the regular
1622 criminal docket pursuant to this section shall be (i) private, except that

1623 any victim and the victim's next of kin shall not be excluded from such
1624 proceeding, and [shall be] (ii) conducted in such parts of the courthouse
1625 or the building in which the court is located that are separate and apart
1626 from the other parts of the court which are then being used for
1627 proceedings pertaining to adults charged with crimes. Any records of
1628 such proceedings shall be confidential in the same manner as records of
1629 cases of juvenile matters are confidential in accordance with the
1630 provisions of section 46b-124, as amended by this act, except as
1631 provided in subparagraph (B) of this subdivision, unless and until the
1632 court or jury renders a verdict or a guilty plea is entered in such case on
1633 the regular criminal docket. For the purposes of this subparagraph, (I)
1634 "victim" means the victim of the crime, a parent or guardian of such
1635 person, the legal representative of such person, or a victim advocate for
1636 such person under section 54-220, or a person designated by a victim in
1637 accordance with section 1-56r, as amended by this act, and (II) "next of
1638 kin" means a spouse, an adult child, a parent, an adult sibling, an aunt,
1639 an uncle or a grandparent.

1640 (B) Records of any child whose case is transferred to the regular
1641 criminal docket under this section, or any part of such records, shall be
1642 available to the victim of the crime committed by the child to the same
1643 extent as the records of the case of a defendant in a criminal proceeding
1644 in the regular criminal docket of the Superior Court is available to a
1645 victim of the crime committed by such defendant. The court shall
1646 designate an official from whom the victim may request such records.
1647 Records disclosed pursuant to this subparagraph shall not be further
1648 disclosed.

1649 (2) If a case is transferred to the regular criminal docket pursuant to
1650 subdivision (3) of subsection (a) of this section or subsection (b) of this
1651 section, or if a case is transferred to the regular criminal docket pursuant
1652 to subdivision (1) of subsection (a) of this section and the charge in such
1653 case is subsequently reduced to that of the commission of an offense for
1654 which a case may be transferred pursuant to subdivision (2) or (3) of
1655 subsection (a) of this section or subsection (b) of this section, the court
1656 sitting for the regular criminal docket may return the case to the docket

1657 for juvenile matters at any time prior to the court or jury rendering a
1658 verdict or the entry of a guilty plea for good cause shown for
1659 proceedings in accordance with the provisions of this chapter.

1660 Sec. 29. Section 46b-132a of the general statutes is repealed and the
1661 following is substituted in lieu thereof (*Effective January 1, 2022*):

1662 When deemed in the best interests of a child placed in a juvenile
1663 [detention] residential center, the administrator of such [detention]
1664 residential center may authorize, under policies promulgated by the
1665 Chief Court Administrator, such medical assessment and treatment and
1666 dentistry as is necessary to ensure the continued good health or life of
1667 the child. The administrator of the [detention] residential center shall
1668 make reasonable efforts to inform the child's parents or guardian prior
1669 to taking such action, and in all cases shall send notice to the parents or
1670 guardian by letter to their last-known address informing them of the
1671 actions taken and of the outcome, provided failure to notify shall not
1672 affect the validity of the authorization.

1673 Sec. 30. Section 46b-133 of the general statutes is repealed and the
1674 following is substituted in lieu thereof (*Effective January 1, 2022*):

1675 (a) Nothing in this part shall be construed as preventing the arrest of
1676 a child, with or without a warrant, as may be provided by law, or as
1677 preventing the issuance of warrants by judges in the manner provided
1678 by section 54-2a, except that no child shall be taken into custody on such
1679 process except on apprehension in the act, or on speedy information, or
1680 in other cases when the use of such process appears imperative.
1681 Whenever a child is arrested and charged with a delinquent act, such
1682 child may be required to submit to the taking of his photograph,
1683 physical description and fingerprints. Notwithstanding the provisions
1684 of section 46b-124, as amended by this act, the name, photograph and
1685 custody status of any child arrested for the commission of a capital
1686 felony under the provisions of section 53a-54b in effect prior to April 25,
1687 2012, or class A felony may be disclosed to the public.

1688 (b) Whenever a child is brought before a judge of the Superior Court,

1689 which court shall be the court that has jurisdiction over juvenile matters
1690 where the child resides if the residence of such child can be determined,
1691 such judge shall immediately have the case proceeded upon as a
1692 juvenile matter. Such judge may admit the child to bail or release the
1693 child in the custody of the child's parent or parents, the child's guardian
1694 or some other suitable person to appear before the Superior Court when
1695 ordered. If detention becomes necessary, such detention shall be in the
1696 manner prescribed by this chapter, provided the child shall be placed in
1697 the least restrictive environment possible in a manner consistent with
1698 public safety.

1699 (c) Upon the arrest of any child by an officer, such officer may (1)
1700 release the child to the custody of the child's parent or parents, guardian
1701 or some other suitable person or agency, (2) at the discretion of the
1702 officer, release the child to the child's own custody, or (3) seek a court
1703 order to detain the child in a juvenile [detention] residential center. No
1704 child may be placed in [detention] a juvenile residential center unless a
1705 judge of the Superior Court determines, based on the available facts, that
1706 (A) there is probable cause to believe that the child has committed the
1707 acts alleged, (B) there is no appropriate less restrictive alternative
1708 available, and (C) there is (i) probable cause to believe that the level of
1709 risk that the child poses to public safety if released to the community
1710 prior to the court hearing or disposition cannot be managed in a less
1711 restrictive setting, (ii) a need to hold the child in order to ensure the
1712 child's appearance before the court or compliance with court process, as
1713 demonstrated by the child's previous failure to respond to the court
1714 process, or (iii) a need to hold the child for another jurisdiction. No child
1715 shall be held in any [detention] juvenile residential center unless an
1716 order to detain is issued by a judge of the Superior Court.

1717 (d) When a child is arrested for the commission of a delinquent act
1718 and the child is not placed in [detention] a juvenile residential center or
1719 referred to a diversionary program, an officer shall serve a written
1720 complaint and summons on the child and the child's parent, guardian
1721 or some other suitable person or agency. If such child is released to the
1722 child's own custody, the officer shall make reasonable efforts to notify,

1723 and to provide a copy of a written complaint and summons to, the
1724 parent or guardian or some other suitable person or agency prior to the
1725 court date on the summons. If any person so summoned wilfully fails to
1726 appear in court at the time and place so specified, the court may issue a
1727 warrant for the child's arrest or a *capias* to assure the appearance in
1728 court of such parent, guardian or other person. If a child wilfully fails to
1729 appear in response to such a summons, the court may order such child
1730 taken into custody and such child may be charged with the delinquent
1731 act of wilful failure to appear under section 46b-120, as amended by this
1732 act. The court may punish for contempt, as provided in section 46b-121,
1733 any parent, guardian or other person so summoned who wilfully fails
1734 to appear in court at the time and place so specified.

1735 (e) When a child is arrested for the commission of a delinquent act
1736 and is placed in [detention] a juvenile residential center pursuant to
1737 subsection (c) of this section, such child may be detained pending a
1738 hearing which shall be held on the business day next following the
1739 child's arrest. No child may be detained after such hearing unless the
1740 court determines, based on the available facts, that (1) there is probable
1741 cause to believe that the child has committed the acts alleged, (2) there
1742 is no less restrictive alternative available, and (3) through the use of the
1743 detention risk screening instrument developed pursuant to section 46b-
1744 133g, that there is (A) probable cause to believe that the level of risk the
1745 child poses to public safety if released to the community prior to the
1746 court hearing or disposition cannot be managed in a less restrictive
1747 setting; (B) a need to hold the child in order to ensure the child's
1748 appearance before the court or compliance with court process, as
1749 demonstrated by the child's previous failure to respond to the court
1750 process, or (C) a need to hold the child for another jurisdiction. Such
1751 probable cause may be shown by sworn affidavit in lieu of testimony.
1752 No child shall be released from [detention] a juvenile residential center
1753 who is alleged to have committed a serious juvenile offense except by
1754 order of a judge of the Superior Court. The court may, in its discretion,
1755 consider as an alternative to detention a suspended detention order with
1756 graduated sanctions to be imposed based on the detention risk

1757 screening for such child, using the instrument developed pursuant to
1758 section 46b-133g. Any child confined in a community correctional center
1759 or lockup shall be held in an area separate and apart from any adult
1760 detainee, except in the case of a nursing infant, and no child shall at any
1761 time be held in solitary confinement or held for a period that exceeds six
1762 hours. When a female child is held in custody, she shall, as far as
1763 possible, be in the charge of a woman attendant.

1764 (f) The police officer who brings a child into detention shall have first
1765 notified, or made a reasonable effort to notify, the parents or guardian
1766 of the child in question of the intended action and shall file at the
1767 [detention] juvenile residential center a signed statement setting forth
1768 the alleged delinquent conduct of the child and the order to detain such
1769 child. Upon admission, the child shall be administered the detention
1770 risk screening instrument developed pursuant to section 46b-133g, and
1771 unless the child was arrested for a serious juvenile offense or unless an
1772 order not to release is noted on the take into custody order, arrest
1773 warrant or order to detain, the child may be released to the custody of
1774 the child's parent or parents, guardian or some other suitable person or
1775 agency in accordance with policies adopted by the Court Support
1776 Services Division of the Judicial Department pursuant to section 46b-
1777 133h.

1778 (g) In conjunction with any order of release from detention, the court
1779 may, when it has reason to believe a child is alcohol-dependent or drug-
1780 dependent as defined in section 46b-120, as amended by this act, and
1781 where necessary, reasonable and appropriate, order the child to
1782 participate in a program of periodic alcohol or drug testing and
1783 treatment as a condition of such release. The results of any such alcohol
1784 or drug test shall be admissible only for the purposes of enforcing the
1785 conditions of release from detention.

1786 (h) The detention supervisor of a juvenile [detention] residential
1787 center in charge of intake shall admit only a child who: (1) Is the subject
1788 of an order to detain or an outstanding court order to take such child
1789 into custody, (2) is ordered by a court to be held in detention, or (3) is

1790 being transferred to such center to await a court appearance.

1791 (i) Whenever a child is subject to a court order to take such child into
1792 custody, or other process issued pursuant to this section or section 46b-
1793 140a, as amended by this act, the Judicial Branch may cause the order or
1794 process to be entered into a central computer system in accordance with
1795 policies and procedures established by the Chief Court Administrator.
1796 The existence of the order or process in the computer system shall
1797 constitute prima facie evidence of the issuance of the order or process.
1798 Any child named in the order or process may be arrested or taken into
1799 custody based on the existence of the order or process in the computer
1800 system and, if the order or process directs that such child be detained,
1801 the child shall be held in a juvenile [detention] residential center.

1802 (j) In the case of any child held in detention, the order to detain such
1803 child shall be for a period that does not exceed seven days or until the
1804 dispositional hearing is held, whichever is shorter, unless, following a
1805 detention review hearing, such order is renewed for a period that does
1806 not exceed seven days or until the dispositional hearing is held,
1807 whichever is shorter.

1808 (k) For purposes of subsections (c) and (e) of this section, a child may
1809 be determined to pose a risk to public safety if such child has previously
1810 been adjudicated as delinquent for or convicted of or pled guilty or nolo
1811 contendere to two or more felony offenses, has had two or more prior
1812 dispositions of probation and is charged with commission of a larceny
1813 under subdivision (3) of subsection (a) of section 53a-122 or subdivision
1814 (1) of subsection (a) of section 53a-123 or subdivision (1) of subsection
1815 (a) of section 53a-124.

1816 Sec. 31. Subsections (c) and (d) of section 46b-140a of the general
1817 statutes are repealed and the following is substituted in lieu thereof
1818 (*Effective January 1, 2022*):

1819 (c) At any time during the period of probation supervision or
1820 probation supervision with residential placement, the court may issue
1821 an order to take into custody or a warrant for the arrest of a child for

1822 violation of any of the conditions of probation supervision or probation
1823 supervision with residential placement, or may issue a notice to appear
1824 to answer to a charge of such violation, which notice shall be personally
1825 served upon the child. Any such order or warrant shall authorize all
1826 officers named therein to return the child to the custody of the court or
1827 to any suitable juvenile [detention facility] residential center designated
1828 by the court in accordance with subsection (e) of section 46b-133, as
1829 amended by this act.

1830 (d) At any time during the period of probation supervision or
1831 probation supervision with residential placement, notwithstanding the
1832 provisions of subsection (c) of section 46b-133, as amended by this act,
1833 the court, upon a finding of probable cause, may issue an order to detain
1834 any child who has absconded, escaped or run away from a residential
1835 facility in which such child has been placed by court order. Any such
1836 order to detain shall authorize all officers named in such order to return
1837 the child to any suitable juvenile [detention facility] residential center
1838 designated by the court. Such child shall be detained pending a hearing
1839 to be held on the next business day, which shall be held in accordance
1840 with the provisions of subsection (e) of section 46b-133, as amended by
1841 this act.

1842 Sec. 32. Section 46b-141d of the general statutes is repealed and the
1843 following is substituted in lieu thereof (*Effective January 1, 2022*):

1844 Any child who is arrested and held in a [detention] juvenile
1845 residential center, an alternative [detention] residential center or a police
1846 station or courthouse lockup prior to the disposition of a juvenile matter
1847 shall, if subsequently adjudicated as delinquent by the Superior Court
1848 and sentenced to a period of probation supervision or probation
1849 supervision with residential placement, earn a reduction of such child's
1850 period of probation supervision or probation supervision with
1851 residential placement, including any extensions thereof, equal to the
1852 number of days that such child spent in such [detention] residential
1853 center or lockup.

1854 Sec. 33. Subsection (a) of section 46b-148 of the general statutes is
1855 repealed and the following is substituted in lieu thereof (*Effective January*
1856 *1, 2022*):

1857 (a) Notwithstanding any provision of this chapter: (1) No child who
1858 has been adjudicated as a child from a family with service needs in
1859 accordance with section 46b-149 may be processed or held in a juvenile
1860 [detention] residential center as a delinquent child, or be convicted as
1861 delinquent, solely for the violation of a valid order which regulates
1862 future conduct of the child that was issued by the court following such
1863 an adjudication; and (2) no such child who is found to be in violation of
1864 any such order may be punished for such violation by placement in any
1865 juvenile [detention] residential center.

1866 Sec. 34. Subsection (a) of section 46b-171 of the general statutes is
1867 repealed and the following is substituted in lieu thereof (*Effective from*
1868 *passage*):

1869 (a) (1) (A) If the defendant is found to be the father of the child, the
1870 court or family support magistrate shall order the defendant to stand
1871 charged with the support and maintenance of such child, with the
1872 assistance of the mother if such mother is financially able, as the court
1873 or family support magistrate finds, in accordance with the provisions of
1874 subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223, 17b-
1875 745, as amended by this act, 46b-129, 46b-130 or 46b-215, as amended by
1876 this act, to be reasonably commensurate with the financial ability of the
1877 defendant, and to pay a certain sum periodically until the child attains
1878 the age of eighteen years or as otherwise provided in this subsection. If
1879 such child is unmarried and a full-time high school student, such
1880 support shall continue according to the parents' respective abilities, if
1881 such child is in need of support, until such child completes the twelfth
1882 grade or attains the age of nineteen, whichever occurs first.

1883 (B) The court or family support magistrate shall order the defendant
1884 to pay such sum to the complainant, or, if a town or the state has paid
1885 such expense, to the town or the state, as the case may be, and shall grant

1886 execution for the same and costs of suit taxed as in other civil actions,
1887 together with a reasonable attorney's fee, and may require the defendant
1888 to become bound with sufficient surety to perform such orders for
1889 support and maintenance. In IV-D support cases, the IV-D agency or a
1890 support enforcement agency under cooperative agreement with the IV-
1891 D agency may, upon notice to the obligor and obligee, redirect payments
1892 for the support of any child receiving child support enforcement
1893 services either to the state of Connecticut or to the present custodial
1894 party, as their interests may appear, provided neither the obligor nor the
1895 obligee objects in writing within ten business days from the mailing date
1896 of such notice. Any such notice shall be sent by first class mail to the
1897 most recent address of such obligor and obligee, as recorded in the state
1898 case registry pursuant to section 46b-218, and a copy of such notice shall
1899 be filed with the court or family support magistrate if both the obligor
1900 and obligee fail to object to the redirected payments within ten business
1901 days from the mailing date of such notice. All payments made shall be
1902 distributed as required by Title IV-D of the Social Security Act.

1903 (2) In addition, the court or family support magistrate shall include
1904 in each support order in a IV-D support case a provision for the health
1905 care coverage of the child. Such provision may include an order for
1906 either parent or both parents to provide such coverage under any or all
1907 of subparagraphs (A), (B) or (C) of this subdivision.

1908 (A) The provision for health care coverage may include an order for
1909 either parent to name any child as a beneficiary of any medical or dental
1910 insurance or benefit plan carried by such parent or available to such
1911 parent at a reasonable cost as described in subparagraph (D) of this
1912 subdivision. If such order requires the parent to maintain insurance
1913 available through an employer, the order shall be enforced using a
1914 National Medical Support Notice as provided in section 46b-88.

1915 (B) The provision for health care coverage may include an order for
1916 either parent to: (i) Apply for and maintain coverage on behalf of the
1917 child under the HUSKY Plan, Part B; or (ii) provide cash medical
1918 support, as described in subparagraphs (E) and (F) of this subdivision.

1919 An order under this subparagraph shall be made only if the cost to the
1920 parent obligated to maintain coverage under the HUSKY Plan, Part B,
1921 or provide cash medical support is reasonable, as described in
1922 subparagraph (D) of this subdivision. An order under clause (i) of this
1923 subparagraph shall be made only if insurance coverage as described in
1924 subparagraph (A) of this subdivision is unavailable at reasonable cost to
1925 either parent, or inaccessible to the child.

1926 (C) An order for payment of the child's medical and dental expenses,
1927 other than those described in clause (ii) of subparagraph (E) of this
1928 subdivision, that are not covered by insurance or reimbursed in any
1929 other manner shall be entered in accordance with the child support
1930 guidelines established pursuant to section 46b-215a.

1931 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
1932 parent obligated to maintain such coverage would qualify as a low-
1933 income obligor under the child support guidelines established pursuant
1934 to section 46b-215a, based solely on such parent's income, and the cost
1935 does not exceed five per cent of such parent's net income; or (ii) the
1936 parent obligated to maintain such coverage would not qualify as a low-
1937 income obligor under such guidelines and the cost does not exceed
1938 seven and one-half per cent of such parent's net income. In either case,
1939 net income shall be determined in accordance with the child support
1940 guidelines established pursuant to section 46b-215a. If a parent
1941 obligated to maintain insurance must obtain coverage for himself or
1942 herself to comply with the order to provide coverage for the child,
1943 reasonable cost shall be determined based on the combined cost of
1944 coverage for such parent and such child.

1945 (E) Cash medical support means (i) an amount ordered to be paid
1946 toward the cost of premiums for health insurance coverage provided by
1947 a public entity, including the HUSKY Plan, Part A or Part B, except as
1948 provided in subparagraph (F) of this subdivision, or by another parent
1949 through employment or otherwise, or (ii) an amount ordered to be paid,
1950 either directly to a medical provider or to the person obligated to pay
1951 such provider, toward any ongoing extraordinary medical and dental

1952 expenses of the child that are not covered by insurance or reimbursed in
1953 any other manner, provided such expenses are documented and
1954 identified (I) specifically on the record, or (II) in an affidavit, made
1955 under oath, that also states that no restraining order issued pursuant to
1956 section 46b-15 or protective order issued pursuant to section 46b-38c,
1957 between the parties is in effect or pending before the court. Cash medical
1958 support, as described in clauses (i) and (ii) of this subparagraph, may be
1959 ordered in lieu of an order under subparagraph (A) of this subdivision
1960 to be effective until such time as health insurance that is accessible to the
1961 child and reasonable in cost becomes available, or in addition to an
1962 order under subparagraph (A) of this subdivision, provided the total
1963 cost to the obligated parent of insurance and cash medical support is
1964 reasonable, as described in subparagraph (D) of this subdivision. An
1965 order for cash medical support shall be payable to the state or the
1966 custodial party, as their interests may appear, provided an order under
1967 clause (i) of this subparagraph shall be effective only as long as health
1968 insurance coverage is maintained. Any unreimbursed medical and
1969 dental expenses not covered by an order pursuant to clause (ii) of this
1970 subparagraph are subject to an order for unreimbursed medical and
1971 dental expenses pursuant to subparagraph (C) of this subdivision.

1972 (F) Cash medical support to offset the cost of any insurance payable
1973 under the HUSKY Plan, Part A or Part B, shall not be ordered against a
1974 noncustodial parent who is a low-income obligor, as defined in the child
1975 support guidelines established pursuant to section 46b-215a, or against
1976 a custodial parent of children covered under the HUSKY Plan, Part A or
1977 Part B.

1978 (3) The court or family support magistrate may also make and enforce
1979 orders for the payment by any person named herein of past-due support
1980 for which the defendant is liable in accordance with the provisions of
1981 section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-
1982 223, 46b-129 or 46b-130 and, in IV-D cases, order such person, provided
1983 such person is not incapacitated, to participate in work activities which
1984 may include, but shall not be limited to, job search, training, work
1985 experience and participation in the job training and retraining program

1986 established by the Labor Commissioner pursuant to section 31-3t. The
1987 defendant's liability for past-due support under this subdivision shall
1988 be limited to the three years next preceding the filing of the petition.

1989 (4) If the defendant fails to comply with any order made under this
1990 section, the court or family support magistrate may commit the
1991 defendant to a community correctional center, there to remain until the
1992 defendant complies therewith; but, if it appears that the mother does not
1993 apply the periodic allowance paid by the defendant toward the support
1994 of such child, and that such child is chargeable, or likely to become
1995 chargeable, to the town where it belongs, the court, on application, may
1996 discontinue such allowance to the mother, and may direct it to be paid
1997 to the selectmen of such town, for such support, and may issue
1998 execution in their favor for the same. The provisions of section 17b-743
1999 shall apply to this section. The clerk of the court which has rendered
2000 judgment for the payment of money for the maintenance of any child
2001 under the provisions of this section shall, within twenty-four hours after
2002 such judgment has been rendered, notify the selectmen of the town
2003 where the child belongs.

2004 (5) Any support order made under this section may at any time
2005 thereafter be set aside, altered or modified by any court issuing such
2006 order upon a showing of a substantial change in the circumstances of
2007 the defendant or the mother of such child or upon a showing that such
2008 order substantially deviates from the child support guidelines
2009 established pursuant to section 46b-215a, unless there was a specific
2010 finding on the record at a hearing, or in a written judgment, order or
2011 memorandum of decision of the court, that the application of the
2012 guidelines would be inequitable or inappropriate. There shall be a
2013 rebuttable presumption that any deviation of less than fifteen per cent
2014 from the child support guidelines is not substantial and any deviation
2015 of fifteen per cent or more from the guidelines is substantial.
2016 Modification may be made of such support order without regard to
2017 whether the order was issued before, on or after May 9, 1991. No such
2018 support orders may be subject to retroactive modification, except that
2019 the court may order modification with respect to any period during

2020 which there is a pending motion for a modification of an existing
2021 support order from the date of service of the notice of such pending
2022 motion upon the opposing party pursuant to section 52-50.

2023 (6) Failure of the defendant to obey any order for support made under
2024 this section may be punished as for contempt of court and the costs of
2025 commitment of any person imprisoned therefor shall be paid by the
2026 state as in criminal cases.

2027 Sec. 35. Section 46b-215 of the general statutes is repealed and the
2028 following is substituted in lieu thereof (*Effective from passage*):

2029 (a) (1) The Superior Court or a family support magistrate may make
2030 and enforce orders for payment of support against any person who
2031 neglects or refuses to furnish necessary support to such person's spouse
2032 or a child under the age of eighteen or as otherwise provided in this
2033 subsection, according to such person's ability to furnish such support,
2034 notwithstanding the provisions of section 46b-37. If such child is
2035 unmarried and a full-time high school student, such support shall
2036 continue according to the parents' respective abilities, if such child is in
2037 need of support, until such child completes the twelfth grade or attains
2038 the age of nineteen, whichever occurs first.

2039 (2) Any such support order in a IV-D support case shall include a
2040 provision for the health care coverage of the child. Such provision may
2041 include an order for either parent or both parents to provide such
2042 coverage under any or all of subparagraphs (A), (B) or (C) of this
2043 subdivision.

2044 (A) The provision for health care coverage may include an order for
2045 either parent to name any child as a beneficiary of any medical or dental
2046 insurance or benefit plan carried by such parent or available to such
2047 parent at a reasonable cost, as defined in subparagraph (D) of this
2048 subdivision. If such order requires the parent to maintain insurance
2049 available through an employer, the order shall be enforced using a
2050 National Medical Support Notice as provided in section 46b-88.

2051 (B) The provision for health care coverage may include an order for
2052 either parent to: (i) Apply for and maintain coverage on behalf of the
2053 child under the HUSKY Plan, Part B; or (ii) provide cash medical
2054 support, as described in subparagraphs (E) and (F) of this subdivision.
2055 An order under this subparagraph shall be made only if the cost to the
2056 parent obligated to maintain coverage under the HUSKY Plan, Part B,
2057 or provide cash medical support is reasonable, as defined in
2058 subparagraph (D) of this subdivision. An order under clause (i) of this
2059 subparagraph shall be made only if insurance coverage as described in
2060 subparagraph (A) of this subdivision is unavailable at reasonable cost to
2061 either parent, or inaccessible to the child.

2062 (C) An order for payment of the child's medical and dental expenses,
2063 other than those described in clause (ii) of subparagraph (E) of this
2064 subdivision, that are not covered by insurance or reimbursed in any
2065 other manner shall be entered in accordance with the child support
2066 guidelines established pursuant to section 46b-215a.

2067 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
2068 parent obligated to maintain such coverage would qualify as a low-
2069 income obligor under the child support guidelines established pursuant
2070 to section 46b-215a, based solely on such parent's income, and the cost
2071 does not exceed five per cent of such parent's net income; or (ii) the
2072 parent obligated to maintain such coverage would not qualify as a low-
2073 income obligor under such guidelines and the cost does not exceed
2074 seven and one-half per cent of such parent's net income. In either case,
2075 net income shall be determined in accordance with the child support
2076 guidelines established pursuant to section 46b-215a. If a parent
2077 obligated to maintain insurance must obtain coverage for himself or
2078 herself to comply with the order to provide coverage for the child,
2079 reasonable cost shall be determined based on the combined cost of
2080 coverage for such parent and such child.

2081 (E) Cash medical support means (i) an amount ordered to be paid
2082 toward the cost of premiums for health insurance coverage provided by
2083 a public entity, including the HUSKY Plan, Part A or Part B, except as

2084 provided in subparagraph (F) of this subdivision, or by another parent
2085 through employment or otherwise, or (ii) an amount ordered to be paid,
2086 either directly to a medical provider or to the person obligated to pay
2087 such provider, toward any ongoing extraordinary medical and dental
2088 expenses of the child that are not covered by insurance or reimbursed in
2089 any other manner, provided such expenses are documented and
2090 identified (I) specifically on the record, or (II) in an affidavit, made
2091 under oath, that also states that no restraining order issued pursuant to
2092 section 46b-15 or protective order issued pursuant to section 46b-38c,
2093 between the parties is in effect or pending before the court. Cash medical
2094 support, as described in clauses (i) and (ii) of this subparagraph, may be
2095 ordered in lieu of an order under subparagraph (A) of this subdivision
2096 to be effective until such time as health insurance that is accessible to the
2097 child and reasonable in cost becomes available, or in addition to an
2098 order under subparagraph (A) of this subdivision, provided the total
2099 cost to the obligated parent of insurance and cash medical support is
2100 reasonable, as described in subparagraph (D) of this subdivision. An
2101 order for cash medical support shall be payable to the state or the
2102 custodial party, as their interests may appear, provided an order under
2103 clause (i) of this subparagraph shall be effective only as long as health
2104 insurance coverage is maintained. Any unreimbursed medical and
2105 dental expenses not covered by an order issued pursuant to clause (ii)
2106 of this subparagraph are subject to an order for unreimbursed medical
2107 and dental expenses pursuant to subparagraph (C) of this subdivision.

2108 (F) Cash medical support to offset the cost of any insurance payable
2109 under the HUSKY Plan, Part A or Part B, shall not be ordered against a
2110 noncustodial parent who is a low-income obligor, as defined in the child
2111 support guidelines established pursuant to section 46b-215a, or against
2112 a custodial parent of children covered under the HUSKY Plan, Part A or
2113 Part B.

2114 (3) Proceedings to obtain orders of support under this section shall be
2115 commenced by the service on the liable person or persons of a verified
2116 petition, with summons and order, of the husband or wife, child or any
2117 relative or the conservator, guardian or support enforcement officer,

2118 town or state, or any selectmen or the public official charged with the
2119 administration of public assistance of the town, or in IV-D support cases,
2120 as defined in subdivision (13) of subsection (b) of section 46b-231, the
2121 Commissioner of Social Services. The verified petition, summons and
2122 order shall be filed in the judicial district in which the petitioner or
2123 respondent resides or does business, or if filed in the Family Support
2124 Magistrate Division, in the judicial district in which the petitioner or
2125 respondent resides or does business.

2126 (4) For purposes of this section, the term "child" shall include one
2127 born out of wedlock whose father has acknowledged in writing
2128 paternity of such child or has been adjudged the father by a court of
2129 competent jurisdiction, or a child who was born before marriage whose
2130 parents afterwards intermarry.

2131 (5) Said court or family support magistrate shall also have authority
2132 to make and enforce orders directed to the conservator or guardian of
2133 any person, or payee of Social Security or other benefits to which such
2134 person is entitled, to the extent of the income or estate held by such
2135 fiduciary or payee in any such capacity.

2136 (6) Said court or family support magistrate shall also have authority
2137 to determine, order and enforce payment of any sums due under a
2138 written agreement to support against the person liable for such support
2139 under such agreement.

2140 (7) (A) The court or family support magistrate may also determine,
2141 order and enforce payment of any support due because of neglect or
2142 refusal to furnish support for periods prior to the action. In the case of a
2143 child born out of wedlock whose parents have not intermarried, a
2144 parent's liability for such support shall be limited to the three years next
2145 preceding the filing of a petition or written agreement to support
2146 pursuant to this section.

2147 (B) In the determination of support due based on neglect or refusal to
2148 furnish support prior to the action, the support due for periods of time
2149 prior to the action shall be based upon the obligor's ability to pay during

2150 such prior periods, as determined in accordance with the child support
2151 guidelines established pursuant to section 46b-215a. The state shall
2152 disclose to the court any information in its possession concerning
2153 current and past ability to pay. If no information is available to the court
2154 concerning past ability to pay, the court may determine the support due
2155 for periods of time prior to the action as if past ability to pay is equal to
2156 current ability to pay, if current ability is known. If current ability to pay
2157 is not known, the court shall determine the past ability to pay based on
2158 the obligor's work history, if known, or if not known, on the state
2159 minimum wage that was in effect during such periods, provided only
2160 actual earnings shall be used to determine ability to pay for past periods
2161 during which the obligor was a full-time high school student or was
2162 incarcerated, institutionalized or incapacitated.

2163 (C) Any finding of support due for periods of time prior to an action
2164 in which the obligor failed to appear shall be entered subject to
2165 adjustment. Such adjustment may be made upon motion of any party,
2166 and the state in IV-D cases shall make such motion if it obtains
2167 information that would have substantially affected the court's
2168 determination of past ability to pay if such information had been
2169 available to the court. Motion for adjustment under this subparagraph
2170 may be made not later than twelve months from the date upon which
2171 the obligor receives notification of (i) the amount of such finding of
2172 support due for periods of time prior to the action, and (ii) the right not
2173 later than twelve months from the date of receipt of such notification to
2174 present evidence as to such obligor's past ability to pay support for such
2175 periods of time prior to the action. A copy of any support order entered,
2176 subject to adjustment, shall state in plain language the basis for the
2177 court's determination of past support, the right to request an adjustment
2178 and to present information concerning the obligor's past ability to pay,
2179 and the consequences of a failure to request such adjustment.

2180 (8) (A) The judge or family support magistrate shall cause a
2181 summons, signed by such judge or magistrate, by the clerk of said court
2182 or Family Support Magistrate Division, or by a commissioner of the
2183 Superior Court to be issued requiring such liable person or persons to

2184 appear in court or before a family support magistrate, at a time and
2185 place as determined by the clerk but not more than ninety days after the
2186 issuance of the summons. Service may be made by a state marshal, any
2187 proper officer or any investigator employed by the Department of Social
2188 Services or by the Commissioner of Administrative Services. The state
2189 marshal, proper officer or investigator shall make due return of process
2190 to the court not less than twenty-one days before the date assigned for
2191 hearing. Upon proof of the service of the summons to appear in court or
2192 before a family support magistrate at the time and place named for
2193 hearing upon such petition, the failure of the defendant or defendants
2194 to appear shall not prohibit the court or family support magistrate from
2195 going forward with the hearing. If the summons and order is signed by
2196 a commissioner of the Superior Court, upon proof of service of the
2197 summons to appear in court or before a family support magistrate and
2198 upon the failure of the defendant to appear at the time and place named
2199 for hearing upon the petition, request may be made by the petitioner to
2200 the court or family support magistrate for an order that a *capias*
2201 *mittimus* be issued.

2202 (B) In the case of a person supported wholly or in part by a town, the
2203 welfare authority of the town shall notify the responsible relatives of
2204 such person of the amount of assistance given, the beginning date
2205 thereof and the amount of support expected from each of them, if any,
2206 and if any such relative does not contribute in such expected amount,
2207 the superior court for the judicial district in which such town is located
2208 or a family support magistrate sitting in the judicial district in which
2209 such town is located may order such relative or relatives to contribute
2210 to such support, from the time of the beginning date of expense shown
2211 on the notice, such sum as said court or family support magistrate
2212 deems reasonable within each such relative's ability to support such
2213 person.

2214 (C) The court, or any judge thereof, or family support magistrate
2215 when said court or family support magistrate is not sitting, may require
2216 the defendant or defendants to become bound, with sufficient surety, to
2217 the state, town or person bringing the complaint, to abide such

2218 judgment as may be rendered on such complaint. Failure of the
2219 defendant or defendants to obey any order made under this section may
2220 be punished as contempt of court and the costs of commitment of any
2221 person imprisoned for contempt shall be paid by the state as in criminal
2222 cases. Except as otherwise provided, upon proof of the service of the
2223 summons to appear in court or before a family support magistrate at the
2224 time and place named for a hearing upon the failure of the defendant or
2225 defendants to obey such court order or order of the family support
2226 magistrate, the court or family support magistrate may order a *capias*
2227 *mittimus* be issued and directed to a judicial marshal to the extent
2228 authorized pursuant to section 46b-225, or any other proper officer to
2229 arrest such defendant or defendants and bring such defendant or
2230 defendants before the Superior Court for the contempt hearing. When
2231 any person is found in contempt under this section, the court or family
2232 support magistrate may award to the petitioner a reasonable attorney's
2233 fee and the fees of the officer serving the contempt citation, such sums
2234 to be paid by the person found in contempt.

2235 (9) In addition to or in lieu of such contempt proceedings, the court
2236 or family support magistrate, upon a finding that any person has failed
2237 to obey any order made under this section, may: (A) Order a plan for
2238 payment of any past-due support owing under such order, or, in IV-D
2239 cases, if such obligor is not incapacitated, order such obligor to
2240 participate in work activities which may include, but shall not be limited
2241 to, job search, training, work experience and participation in the job
2242 training and retraining program established by the Labor
2243 Commissioner pursuant to section 31-3t; (B) suspend any professional,
2244 occupational, recreational, commercial driver's or motor vehicle
2245 operator's license as provided in subsections (b) to (e), inclusive, of
2246 section 46b-220, provided such failure was without good cause; (C) issue
2247 an income withholding order against such amount of any debt accruing
2248 by reason of personal services as provided by sections 52-362, as
2249 amended by this act, 52-362b and 52-362c; and (D) order executions
2250 against any real, personal, or other property of such person which
2251 cannot be categorized solely as either, for payment of accrued and

2252 unpaid amounts due under such order.

2253 (10) No entry fee, judgment fee or any other court fee shall be charged
2254 by the court or the family support magistrate to either party in
2255 proceedings under this section.

2256 (11) Any written agreement to support which is filed with the court
2257 or the Family Support Magistrate Division shall have the effect of an
2258 order of the court or a family support magistrate.

2259 (b) The Attorney General of the state of Connecticut and the attorney
2260 representing a town shall become a party for the interest of the state of
2261 Connecticut and such town in any proceedings for support which
2262 concerns any person who is receiving or has received public assistance
2263 or care from the state or any town. The Attorney General shall represent
2264 the IV-D agency in non-TFA IV-D support cases if the IV-D agency
2265 determines that such representation is required pursuant to guidelines
2266 issued by the Commissioner of Social Services.

2267 (c) The court or a family support magistrate shall direct all payments
2268 on orders of support in IV-D cases to be made to the state acting by and
2269 through the IV-D agency. In IV-D support cases, the IV-D agency or a
2270 support enforcement agency under cooperative agreement with the IV-
2271 D agency may, upon notice to the obligor and obligee, redirect payments
2272 for the support of any child receiving child support enforcement
2273 services either to the state of Connecticut or to the present custodial
2274 party, as their interests may appear, provided neither the obligor nor the
2275 obligee objects in writing within ten business days from the mailing date
2276 of such notice. Any such notice shall be sent by first class mail to the
2277 most recent address of such obligor and obligee, as recorded in the state
2278 case registry pursuant to section 46b-218, and a copy of such notice shall
2279 be filed with the court or family support magistrate if both the obligor
2280 and obligee fail to object to the redirected payments within ten business
2281 days from the mailing date of such notice. All payments made shall be
2282 distributed as required by Title IV-D of the Social Security Act.

2283 (d) No order for support made by the court or a family support

2284 magistrate shall be stayed by an appeal but such order shall continue in
2285 effect until a determination is made thereon upon such appeal; if
2286 however as a result of such appeal or further hearing, the amount of
2287 such order is reduced or vacated, such defendant shall be credited or
2288 reimbursed accordingly.

2289 (e) Except as provided in sections 46b-301 to 46b-425, inclusive, any
2290 court or family support magistrate, called upon to enforce a support
2291 order, shall insure that such order is reasonable in light of the obligor's
2292 ability to pay. Except as provided in sections 46b-301 to 46b-425,
2293 inclusive, any support order entered pursuant to this section, or any
2294 support order from another jurisdiction subject to enforcement by the
2295 state of Connecticut, may be modified by motion of the party seeking
2296 such modification upon a showing of a substantial change in the
2297 circumstances of either party or upon a showing that such support order
2298 substantially deviates from the child support guidelines established
2299 pursuant to section 46b-215a, unless there was a specific finding on the
2300 record at a hearing, or in a written judgment, order or memorandum of
2301 decision of the court, that the application of the guidelines would be
2302 inequitable or inappropriate, provided the court or family support
2303 magistrate finds that the obligor or the obligee and any other interested
2304 party have received actual notice of the pendency of such motion and of
2305 the time and place of the hearing on such motion. There shall be a
2306 rebuttable presumption that any deviation of less than fifteen per cent
2307 from the child support guidelines is not substantial and any deviation
2308 of fifteen per cent or more from the guidelines is substantial.
2309 Modification may be made of such support order without regard to
2310 whether the order was issued before, on or after May 9, 1991. No such
2311 support orders may be subject to retroactive modification, except that
2312 the court or family support magistrate may order modification with
2313 respect to any period during which there is a pending motion for a
2314 modification of an existing support order from the date of service of the
2315 notice of such pending motion upon the opposing party pursuant to
2316 section 52-50. In any hearing to modify any support order from another
2317 jurisdiction the court or the family support magistrate shall conduct the

2318 proceedings in accordance with sections 46b-384 to 46b-387, inclusive.

2319 (f) In IV-D support cases, as defined in subdivision (13) of subsection
2320 (b) of section 46b-231, a copy of any support order established or
2321 modified pursuant to this section or, in the case of a motion for
2322 modification of an existing support order, a notice of determination that
2323 there should be no change in the amount of the support order, shall be
2324 provided to each party and the state case registry within fourteen days
2325 after issuance of such order or determination.

2326 Sec. 36. Subsection (a) of section 46b-215b of the general statutes is
2327 repealed and the following is substituted in lieu thereof (*Effective from*
2328 *passage*):

2329 (a) The child support and arrearage guidelines issued pursuant to
2330 section 46b-215a, adopted as regulations pursuant to section 46b-215c,
2331 and in effect on the date of the support determination shall be
2332 considered in all determinations of child support award amounts,
2333 including any current support, health care coverage, child care
2334 contribution and past-due support amounts, and payment on
2335 arrearages and past-due support within the state. In all such
2336 determinations, there shall be a rebuttable presumption that the amount
2337 of such awards which resulted from the application of such guidelines
2338 is the amount to be ordered. A specific finding on the record at a
2339 hearing, or in a written judgment, order or memorandum of decision of
2340 the court, that the application of the guidelines would be inequitable or
2341 inappropriate in a particular case, as determined under the deviation
2342 criteria established by the Commission for Child Support Guidelines
2343 under section 46b-215a, shall be required in order to rebut the
2344 presumption in such case.

2345 Sec. 37. Subsection (m) of section 46b-231 of the general statutes is
2346 repealed and the following is substituted in lieu thereof (*Effective from*
2347 *passage*):

2348 (m) The Chief Family Support Magistrate and the family support
2349 magistrates shall have the powers and duties enumerated in this

2350 subsection.

2351 (1) A family support magistrate in IV-D support cases may compel
2352 the attendance of witnesses or the obligor under a summons issued
2353 pursuant to section 17b-745, as amended by this act, 46b-172 or 46b-215,
2354 as amended by this act, a subpoena issued pursuant to section 52-143,
2355 or a citation for failure to obey an order of a family support magistrate
2356 or a judge of the Superior Court. If a person is served with any such
2357 summons, subpoena or citation issued by a family support magistrate
2358 or the assistant clerk of the Family Support Magistrate Division and fails
2359 to appear, a family support magistrate may issue a *capias mittimus*
2360 directed to a judicial marshal to the extent authorized pursuant to
2361 section 46b-225, or any other proper officer to arrest the obligor or the
2362 witness and bring the obligor or witness before a family support
2363 magistrate. Whenever such a *capias mittimus* is ordered, the family
2364 support magistrate shall establish a recognizance to the state of
2365 Connecticut in the form of a bond of such character and amount as to
2366 assure the appearance of the obligor at the next regular session of the
2367 Family Support Magistrate Division in the judicial district in which the
2368 matter is pending. If the obligor posts such a bond, and thereafter fails
2369 to appear before the family support magistrate at the time and place the
2370 obligor is ordered to appear, the family support magistrate may order
2371 the bond forfeited, and the proceeds thereof distributed as required by
2372 Title IV-D of the Social Security Act.

2373 (2) (A) Family support magistrates shall hear and determine matters
2374 involving child and spousal support in IV-D support cases including
2375 petitions for support brought pursuant to sections 17b-81, 17b-179, 17b-
2376 745, as amended by this act, and 46b-215, as amended by this act,
2377 applications for show cause orders in IV-D support cases brought
2378 pursuant to subsection (b) of section 46b-172, and actions for interstate
2379 enforcement of child and spousal support and paternity under sections
2380 46b-301 to 46b-425, inclusive, and shall hear and determine all motions
2381 for modifications of child and spousal support in such cases.

2382 (B) In all IV-D support cases, family support magistrates shall have

2383 the authority to order any obligor who is subject to a plan for
2384 reimbursement of past-due support and is not incapacitated to
2385 participate in work activities which may include, but shall not be limited
2386 to, job search, training, work experience and participation in the job
2387 training and retraining program established by the Labor
2388 Commissioner pursuant to section 31-3t.

2389 (C) A family support magistrate shall not modify an order for
2390 periodic payment on an arrearage due the state for state assistance
2391 which has been discontinued to increase such payments, unless the
2392 family support magistrate first determines that the state has made a
2393 reasonable effort to notify the current recipient of child support, at the
2394 most current address available to the IV-D agency, of the pendency of
2395 the motion to increase such periodic arrearage payments and of the time
2396 and place of the hearing on such motion. If such recipient appears, either
2397 personally or through a representative, at such hearing, the family
2398 support magistrate shall determine whether the order in effect for child
2399 support is reasonable in relation to the current financial circumstances
2400 of the parties, prior to modifying an order increasing such periodic
2401 arrearage payments.

2402 (3) Family support magistrates shall review and approve or
2403 disapprove all agreements for support in IV-D support cases filed with
2404 the Family Support Magistrate Division in accordance with sections
2405 17b-179, 17b-745, as amended by this act, 46b-172, 46b-215, as amended
2406 by this act, and subsection (c) of section 53-304.

2407 (4) Motions for modification of existing child and spousal support
2408 orders entered by the Superior Court in IV-D support cases, including
2409 motions to modify existing child and spousal support orders entered in
2410 actions brought pursuant to chapter 815j, shall be brought in the Family
2411 Support Magistrate Division and decided by a family support
2412 magistrate. Family support magistrates, in deciding if a spousal or child
2413 support order should be modified, shall make such determination based
2414 upon the criteria set forth in sections 46b-84, as amended by this act, and
2415 46b-215b, as amended by this act. A person who is aggrieved by a

2416 decision of a family support magistrate modifying a Superior Court
2417 order is entitled to appeal such decision in accordance with the
2418 provisions of subsection (n) of this section.

2419 (5) Proceedings to establish paternity in IV-D support cases shall be
2420 filed in the family support magistrate division for the judicial district
2421 where the mother or putative father resides. The matter shall be heard
2422 and determined by a family support magistrate in accordance with the
2423 provisions of chapter 815y.

2424 (6) Agreements for support obtained in IV-D support cases shall be
2425 filed with the assistant clerk of the family support magistrate division
2426 for the judicial district where the mother or the father of the child
2427 resides, pursuant to subsection (b) of section 46b-172, and shall become
2428 effective as an order upon filing with the clerk. Such support agreements
2429 shall be reviewed by a family support magistrate who shall approve or
2430 disapprove the agreement. If the support agreement filed with the clerk
2431 is disapproved by a family support magistrate, the reason for
2432 disapproval shall be stated in the record and such disapproval shall
2433 have a retroactive effect. Upon such disapproval, the clerk shall
2434 schedule a hearing for the purpose of determining appropriate support
2435 amounts and shall notify all appearing parties of the hearing date.

2436 (7) Family support magistrates shall enforce orders for child and
2437 spousal support entered by such family support magistrate and by the
2438 Superior Court in IV-D support cases by citing an obligor for contempt.
2439 Family support magistrates, in IV-D support cases, may order any
2440 obligor who is subject to a plan for reimbursement of past-due support
2441 and is not incapacitated, to participate in work activities which may
2442 include, but shall not be limited to, job search, training, work experience
2443 and participation in the job training and retraining program established
2444 by the Labor Commissioner pursuant to section 31-3t. Family support
2445 magistrates shall also enforce income withholding orders entered
2446 pursuant to section 52-362, as amended by this act, including any
2447 additional amounts to be applied toward liquidation of any arrearage,
2448 as required under subsection (e) of said section. Family support

2449 magistrates may require the obligor to furnish recognizance to the state
2450 of Connecticut in the form of a cash deposit or bond of such character
2451 and in such amount as the Family Support Magistrate Division deems
2452 proper to assure appearance at the next regular session of the Family
2453 Support Magistrate Division in the judicial district in which the matter
2454 is pending. Upon failure of the obligor to post such bond, the family
2455 support magistrate may refer the obligor to a community correctional
2456 center until he has complied with such order, provided the obligor shall
2457 be heard at the next regular session of the Family Support Magistrate
2458 Division in the court to which he was summoned. If no regular session
2459 is held within seven days of such referral, the family support magistrate
2460 shall either cause a special session of the Family Support Magistrate
2461 Division to be convened, or the obligor shall be heard by a Superior
2462 Court judge in the judicial district in which the matter is pending. If the
2463 obligor fails to appear before the family support magistrate at the time
2464 and place he is ordered to appear, the family support magistrate may
2465 order the bond, if any, forfeited, and the proceeds thereof distributed as
2466 required by Title IV-D of the Social Security Act, and the family support
2467 magistrate may issue a *capias mittimus* for the arrest of the obligor,
2468 ordering him to appear before the family support magistrate. A family
2469 support magistrate may determine whether or not an obligor is in
2470 contempt of the order of the Superior Court or of a family support
2471 magistrate and may make such orders as are provided by law to enforce
2472 a support obligation, except that if the family support magistrate
2473 determines that incarceration of an obligor for failure to obey a support
2474 order may be indicated, the family support magistrate shall inform the
2475 obligor of his right to be represented by an attorney and his right to a
2476 court-appointed attorney to represent him if he is indigent. If the obligor
2477 claims he is indigent and desires an attorney to represent him, the family
2478 support magistrate shall conduct a hearing to determine if the obligor is
2479 indigent. If, after such hearing, the family support magistrate finds that
2480 the obligor is indigent, the family support magistrate shall appoint an
2481 attorney to represent the obligor.

2482 (8) Agreements between parties as to custody and visitation of minor

2483 children in IV-D support cases may be filed with the assistant clerk of
2484 the Family Support Magistrate Division. Such agreements shall be
2485 reviewed by a family support magistrate, who shall approve the
2486 agreement unless he finds such agreement is not in the best interests of
2487 the child. Agreements between parties as to custody and visitation in
2488 IV-D support cases shall be enforced in the same manner as agreements
2489 for support are enforced, pursuant to subdivision (7) of this subsection.

2490 (9) Agreements between the parties as to the modification or
2491 enforcement of support orders in IV-D support cases may be filed with
2492 the assistant clerk of the Family Support Magistrate Division for the
2493 judicial district where the mother or father of the child resides and
2494 where the parties have submitted to a motion for modification or an
2495 application for contempt of an existing child or spousal support order.
2496 Such agreements may be approved by the family support magistrate
2497 after an inquiry into the financial needs, resources and the respective
2498 abilities of the parties. The inquiry required pursuant to this subdivision
2499 may take place on the record at a hearing, or may be made on the basis
2500 of an affidavit from each party, made under oath, stating that (A) each
2501 party has the financial resources and other facts satisfying any
2502 requirement of the inquiry in question, and (B) that no restraining order
2503 issued pursuant to section 46b-15 or protective order issued pursuant to
2504 section 46b-38c, between the parties is in effect or pending before the
2505 court. If each party so attests, a family support magistrate may (i)
2506 determine whether the agreement between the parties as to
2507 modification or enforcement of a support order is fair and equitable
2508 under all the circumstances, and (ii) make any other findings required
2509 by this section.

2510 ~~[(9)]~~ (10) Whenever an obligor is before a family support magistrate
2511 in proceedings to establish, modify or enforce a support order in a IV-D
2512 support case and such order is not secured by an income withholding
2513 order, the family support magistrate may require the obligor to execute
2514 a bond or post other security sufficient to perform such order for
2515 support, provided the family support magistrate finds that such a bond
2516 is available for purchase within the financial means of the obligor. Upon

2517 failure of such obligor to comply with such support order, the family
2518 support magistrate may order the bond or the security forfeited and the
2519 proceeds thereof distributed as required by Title IV-D of the Social
2520 Security Act.

2521 ~~[(10)]~~ (11) In any proceeding in the Family Support Magistrate
2522 Division, if the family support magistrate finds that a party is indigent
2523 and unable to pay a fee or fees payable to the court or to pay the cost of
2524 service of process, the family support magistrate shall waive such fee or
2525 fees and the cost of service of process shall be paid by the state.

2526 ~~[(11)]~~ (12) A family support magistrate may dismiss any action or
2527 proceeding which the family support magistrate may hear and
2528 determine.

2529 ~~[(12)]~~ (13) A family support magistrate may order parties to
2530 participate in the parenting education program in accordance with the
2531 provisions of section 46b-69b.

2532 ~~[(13)]~~ (14) Family support magistrates may issue writs of habeas
2533 corpus ad testificandum in IV-D support cases for persons in the
2534 custody of the Commissioner of Correction.

2535 (15) A family support magistrate may, upon the filing of a motion to
2536 modify an existing support order based on the fact that the Social
2537 Security Administration, or a state agency authorized to award
2538 disability benefits has determined that the obligor qualifies for disability
2539 benefits under the federal Supplemental Security Income Program and
2540 the filing of an affidavit by a support enforcement officer: (A) Modify
2541 the existing support order to zero dollars without a hearing; (B)
2542 schedule the motion for a hearing; or (C) deny the motion without a
2543 hearing. The support enforcement officer's affidavit shall state: (i) The
2544 date that the child support obligor qualified for benefits under the
2545 federal Supplemental Security Income Program; (ii) that the support
2546 enforcement officer confirmed such benefits with the federal Social
2547 Security Administration or another federal agency with access to Social
2548 Security Administration applicant and benefit information; (iii) that a

2549 diligent search failed to identify any other income or assets that could
2550 be used to satisfy the child support order; (iv) that support enforcement
2551 services provided notice to the custodial party in accordance with
2552 section 52-57 or by certified mail, return receipt requested, of the
2553 proposed modification, that the custodial party had the right to object
2554 to the proposed modification, and that support enforcement services
2555 must receive any objection to the proposed modification not later than
2556 fifteen calendar days after the date that the custodial party received such
2557 notice; and (v) that support enforcement services did not receive an
2558 objection from the custodial party. Any support order modified
2559 pursuant to this subdivision may be later modified upon a finding of a
2560 substantial change in circumstances. Nothing in this subdivision shall
2561 preclude a family support magistrate from modifying an existing
2562 support order under any other section of the general statutes.

2563 Sec. 38. Section 51-14 of the general statutes is repealed and the
2564 following is substituted in lieu thereof (*Effective from passage*):

2565 (a) The judges of the Supreme Court, the judges of the Appellate
2566 Court, and the judges of the Superior Court shall adopt and promulgate
2567 and may from time to time modify or repeal rules and forms regulating
2568 pleading, practice and procedure in judicial proceedings in courts in
2569 which they have the constitutional authority to make rules, for the
2570 purpose of simplifying proceedings in the courts and of promoting the
2571 speedy and efficient determination of litigation upon its merits. The
2572 rules of the Appellate Court shall be as consistent as feasible with the
2573 rules of the Supreme Court to promote uniformity in the procedure for
2574 the taking of appeals and may dispense, so far as justice to the parties
2575 will permit while affording a fair review, with the necessity of printing
2576 of records and briefs. Such rules shall not abridge, enlarge or modify
2577 any substantive right or the jurisdiction of any of the courts. [Subject to
2578 the provisions of subsection (b) of this section, such] Such rules shall
2579 become effective on such date as the judges specify but not in any event
2580 until sixty days after such promulgation, except that such rules may
2581 become effective prior to the expiration of the sixty-day time period if
2582 the judges deem that circumstances require that a new rule or a change

2583 to an existing rule be adopted expeditiously.

2584 (b) All statutes relating to pleading, practice and procedure in
2585 existence on July 1, 1957, shall be deemed to be rules of court and shall
2586 remain in effect as such only until modified, superseded or suspended
2587 by rules adopted and promulgated by the judges of the Supreme Court
2588 or the Superior Court pursuant to the provisions of this section. The
2589 Chief Justice shall report any such rules to the General Assembly for
2590 study at the beginning of each regular session. Such rules shall be
2591 referred by the speaker of the House or by the president of the Senate to
2592 the judiciary committee for its consideration and such committee shall
2593 schedule hearings thereon. Any rule or any part thereof disapproved by
2594 the General Assembly by resolution shall be void and of no effect and a
2595 copy of such resolution shall thereafter be published once in the
2596 Connecticut Law Journal.

2597 (c) The judges or a committee of their number shall hold public
2598 hearings, of which reasonable notice shall be given in the Connecticut
2599 Law Journal and otherwise as they deem proper, upon any proposed
2600 new rule or any change in an existing rule that is to come before said
2601 judges for action, and each such proposed new rule or change in an
2602 existing rule shall be published in the Connecticut Law Journal as a part
2603 of such notice. A public hearing shall be held at least once a year, of
2604 which reasonable notice shall likewise be given, at which any member
2605 of the bar or layman may bring to the attention of the judges any new
2606 rule or change in an existing rule that he deems desirable.

2607 (d) Upon the taking effect of such rules adopted and promulgated by
2608 the judges of the Supreme Court pursuant to the provisions of this
2609 section, all provisions of rules theretofore promulgated by the judges of
2610 the Superior Court shall be deemed to be repealed.

2611 Sec. 39. Subsection (a) of section 51-51l of the general statutes is
2612 repealed and the following is substituted in lieu thereof (*Effective from*
2613 *passage*):

2614 (a) Except as provided in subsection (d) of this section, the Judicial

2615 Review Council shall investigate every written complaint brought
2616 before it alleging conduct under section 51-51i, and may initiate an
2617 investigation of any judge, compensation commissioner or family
2618 support magistrate if (1) the council has reason to believe conduct under
2619 section 51-51i has occurred or (2) previous complaints indicate a pattern
2620 of behavior which would lead to a reasonable belief that conduct under
2621 section 51-51i has occurred. The council shall, not later than five days
2622 after such initiation of an investigation or receipt of such complaint,
2623 notify by registered or certified mail any judge, compensation
2624 commissioner or family support magistrate under investigation or
2625 against whom such complaint is filed. A copy of any such complaint
2626 shall accompany such notice. The council shall also notify the
2627 complainant of its receipt of such complaint not later than five days
2628 thereafter. Any investigation to determine whether or not there is
2629 probable cause that conduct under section 51-51i has occurred shall be
2630 confidential and any individual called by the council for the purpose of
2631 providing information shall not disclose his knowledge of such
2632 investigation to a third party prior to the decision of the council on
2633 whether probable cause exists, unless the respondent requests that such
2634 investigation and disclosure be open, provided information known or
2635 obtained independently of any such investigation shall not be
2636 confidential. The judge, compensation commissioner or family support
2637 magistrate shall have the right to appear and be heard and to offer any
2638 information which may tend to clear him of probable cause to believe
2639 he is guilty of conduct under section 51-51i. The judge, compensation
2640 commissioner or family support magistrate shall also have the right to
2641 be represented by legal counsel and examine and cross-examine
2642 witnesses. In conducting its investigation under this subsection, the
2643 council may request that a court furnish to the council a record or
2644 transcript of court proceedings, including records and transcripts of
2645 juvenile matters pursuant to section 46b-124, as amended by this act,
2646 and records and transcripts of cases involving youthful offenders
2647 pursuant to section 54-76l, as amended by this act, made or prepared by
2648 a court reporter, assistant court reporter or monitor and the court shall,
2649 upon such request, furnish such record or transcript.

2650 Sec. 40. Subsection (a) of section 51-51o of the general statutes is
2651 repealed and the following is substituted in lieu thereof (*Effective October*
2652 *1, 2021*):

2653 (a) Any person may be compelled, by subpoena signed by competent
2654 authority, to appear before the Supreme Court or Judicial Review
2655 Council to testify in relation to any complaint brought to or by the court
2656 or council against a judge, compensation commissioner or family
2657 support magistrate for conduct alleged in section 51-51i, [or] in relation
2658 to any matter referred to the council by the Chief Court Administrator
2659 pursuant to section 51-45b, or in relation to any matter before the council
2660 pursuant to section 51-49, and may be compelled, by subpoena signed
2661 by competent authority, to produce before the court or council, for
2662 examination, any books or papers which in the judgment of the court or
2663 council or any judges, compensation commissioners or family support
2664 magistrates under investigation are relevant to the inquiry or
2665 investigation. The court or council, while engaged in the discharge of its
2666 duties, shall have the same authority over witnesses as is provided in
2667 section 51-35 and may commit for contempt for a period no longer than
2668 thirty days.

2669 Sec. 41. Section 51-60 of the general statutes is repealed and the
2670 following is substituted in lieu thereof (*Effective July 1, 2021*):

2671 (a) As used in this chapter:

2672 (1) "State's attorney" means a state's attorney, assistant state's
2673 attorney, deputy assistant state's attorney and special deputy assistant
2674 state's attorney;

2675 (2) "Public defender" means a public defender, assistant public
2676 defender, deputy assistant public defender and Division of Public
2677 Defender Services assigned counsel;

2678 (3) "Public official" means any official of (A) the state, (B) any state
2679 agency, board or commission, or (C) a municipality of the state acting in
2680 an official capacity;

2681 (4) "Transcript" means the official written record of a proceeding, or
2682 any part thereof, including, but not limited to, testimony and arguments
2683 of counsel, produced in the Superior, Appellate or Supreme Court, by
2684 an official court reporter, [or] a court recording monitor or any other
2685 entity designated by the Chief Court Administrator; and

2686 (5) "Transcript page" means a page consisting of twenty-seven
2687 double-spaced lines on paper eight and one-half by eleven inches in size,
2688 with sixty spaces available per line.

2689 (b) The judges of the Superior Court shall appoint official court
2690 reporters for the court as the judges or an authorized committee thereof
2691 determines the business of the court requires.

2692 (c) The Chief Court Administrator shall adopt policies and
2693 procedures necessary to implement the provisions of this chapter,
2694 including, but not limited to, the establishment and administration of a
2695 system of fees for production of expedited transcripts.

2696 Sec. 42. Subdivision (2) of subsection (a) of section 51-63 of the general
2697 statutes is repealed and the following is substituted in lieu thereof
2698 (*Effective July 1, 2021*):

2699 (2) In addition to a salary, an official court reporter and a court
2700 recording monitor shall be entitled to charge any public official, other
2701 than a judicial officer or employee of the Judicial Branch, two dollars for
2702 each transcript page which is ordered and transcribed from the official
2703 record as provided by law, provided such rate may only be charged
2704 once. The charge to any public official shall be seventy-five cents for
2705 each transcript page previously produced, except (A) there shall be no
2706 charge to the state's attorney for a transcript provided pursuant to
2707 subsection (d) of section 51-61, and (B) there shall be no charge to the
2708 court for a transcript provided pursuant to subsection (f) of section 51-
2709 61.

2710 Sec. 43. Subsection (a) of section 52-212 of the general statutes is
2711 repealed and the following is substituted in lieu thereof (*Effective from*

2712 *passage*):

2713 (a) Any judgment rendered or decree passed upon a default or
2714 nonsuit in the Superior Court may be set aside, within four months
2715 following the date on which [it was rendered or passed] the notice of
2716 judgment or decree was sent, and the case reinstated on the docket, on
2717 such terms in respect to costs as the court deems reasonable, upon the
2718 complaint or written motion of any party or person prejudiced thereby,
2719 showing reasonable cause, or that a good cause of action or defense in
2720 whole or in part existed at the time of the rendition of the judgment or
2721 the passage of the decree, and that the plaintiff or defendant was
2722 prevented by mistake, accident or other reasonable cause from
2723 prosecuting the action or making the defense.

2724 Sec. 44. Section 52-212a of the general statutes is repealed and the
2725 following is substituted in lieu thereof (*Effective from passage*):

2726 Unless otherwise provided by law and except in such cases in which
2727 the court has continuing jurisdiction, a civil judgment or decree
2728 rendered in the Superior Court may not be opened or set aside unless a
2729 motion to open or set aside is filed within four months following the
2730 date on which [it was rendered or passed] the notice of judgment or
2731 decree was sent. The continuing jurisdiction conferred on the court in
2732 preadoptive proceedings pursuant to subsection (o) of section 17a-112
2733 does not confer continuing jurisdiction on the court for purposes of
2734 reopening a judgment terminating parental rights. The parties may
2735 waive the provisions of this section or otherwise submit to the
2736 jurisdiction of the court, provided the filing of an amended petition for
2737 termination of parental rights does not constitute a waiver of the
2738 provisions of this section or a submission to the jurisdiction of the court
2739 to reopen a judgment terminating parental rights.

2740 Sec. 45. Subsection (d) of section 52-361b of the general statutes is
2741 repealed and the following is substituted in lieu thereof (*Effective from*
2742 *passage*):

2743 (d) Except as provided in section 52-367b, as amended by this act, a

2744 judgment debtor may claim an exemption as to property or earnings
2745 sought to be levied on, or may seek a modification of a wage execution,
2746 in a supplemental proceeding to the original action by return of a signed
2747 exemption claim form, indicating the property or earnings claimed to be
2748 exempt or the nature of the claim for modification being made, the class
2749 of any exemption claimed, and the name and address of any employer,
2750 or other person holding such property or earnings, to the Superior
2751 Court. Any claim with respect to a personal property execution under
2752 section 52-356a shall be returned within twenty days after levy on such
2753 property. On receipt of the claim, the clerk of the court shall promptly
2754 [set] schedule the matter for a [short calendar] hearing and give notice
2755 of the exemption or modification claimed and the hearing date to all
2756 parties and to any employer or other third person holding such property
2757 or earnings.

2758 Sec. 46. Subsection (d) of section 52-362 of the general statutes is
2759 repealed and the following is substituted in lieu thereof (*Effective from*
2760 *passage*):

2761 (d) An obligor may claim a defense based upon mistake of fact, may
2762 claim an exemption in accordance with subsection (e) of this section
2763 with respect to the withholding order, or may file by motion a
2764 modification or defense to the support order being enforced by the
2765 withholding, by delivering a signed claim form, or other written notice
2766 or motion, with the address of the obligor thereon, indicating the nature
2767 of the claim or grounds of the motion, to the clerk of the Superior Court
2768 or the assistant clerk of the Family Support Magistrate Division within
2769 fifteen days of receipt of notice. On receipt of the claim or motion, the
2770 clerk shall promptly enter the appearance of the obligor, [set] schedule
2771 the matter for a [short calendar] hearing, send a file-stamped copy of the
2772 claim or motion to the person or agency of the state to whom the support
2773 order is payable and notify all parties of the hearing date set. The court
2774 or family support magistrate shall promptly hear and determine the
2775 claim or motion and notify the obligor within forty-five days from the
2776 date of the notice required under subsection (c) of this section of its
2777 determination. Unless the obligor successfully shows cause why the

2778 withholding order should not continue in effect, the court or family
2779 support magistrate shall order that the outstanding withholding order
2780 continue in effect against the nonexempt income of the obligor to the
2781 extent provided under subsection (e) of this section. The order shall be
2782 a final judgment for purposes of appeal. The effect of the withholding
2783 order shall not be stayed on appeal except by order of the court or a
2784 family support magistrate.

2785 Sec. 47. Subsection (f) of section 52-367b of the general statutes is
2786 repealed and the following is substituted in lieu thereof (*Effective from*
2787 *passage*):

2788 (f) (1) Upon receipt of an exemption claim form or a secured party
2789 claim notice, the clerk of the court shall enter the appearance of the
2790 judgment debtor or such secured party with the address set forth in the
2791 exemption claim form or secured party claim notice. The clerk shall
2792 forthwith send file-stamped copies of the exemption claim form or
2793 secured party claim notice to the judgment creditor and judgment
2794 debtor with a notice stating that the disputed funds are being held for
2795 forty-five days from the date the exemption claim form or secured party
2796 claim notice was received by the financial institution or until a court
2797 order is entered regarding the disposition of the funds, whichever
2798 occurs earlier, and the clerk shall [automatically] promptly schedule the
2799 matter for a [short calendar] hearing. The claim of exemption filed by
2800 such judgment debtor shall be prima facie evidence at such hearing of
2801 the existence of the exemption.

2802 (2) Upon receipt of notice from the financial institution pursuant to
2803 subsection (c) of this section, a judgment creditor may, on an ex parte
2804 basis, present to a judge of the Superior Court an affidavit sworn under
2805 oath by a competent party demonstrating a reasonable belief that such
2806 judgment debtor's account contains funds which are not exempt from
2807 execution and the amount of such nonexempt funds. Such affidavit shall
2808 not be conclusory but is required to show the factual basis upon which
2809 the reasonable belief is based. If such judge finds that the judgment
2810 creditor has demonstrated a reasonable belief that such judgment

2811 debtor's account contains funds which are not exempt from execution,
2812 such judge shall authorize the judgment creditor to submit a written
2813 application to the clerk of the court for a hearing on the exempt status
2814 of funds left in the judgment debtor's account pursuant to subsection (c)
2815 of this section. The judgment creditor shall promptly send a copy of the
2816 application and the supporting affidavit to the judgment debtor and to
2817 any secured party shown on a secured party claim notice sent to the
2818 judgment creditor pursuant to subdivision (1) of this subsection. Upon
2819 receipt of such application, the clerk of the court shall [automatically]
2820 promptly schedule the matter for a [short calendar] hearing and shall
2821 give written notice to the judgment creditor, the judgment debtor and
2822 any secured party shown on a secured party claim notice received by
2823 the clerk of the court. The notice to the judgment creditor pursuant to
2824 subsection (c) of this section shall be prima facie evidence at such
2825 hearing that the funds in the account are exempt funds. The burden of
2826 proof shall be upon the judgment creditor to establish the amount of
2827 funds which are not exempt.

2828 Sec. 48. Subsection (b) of section 54-76l of the general statutes is
2829 repealed and the following is substituted in lieu thereof (*Effective from*
2830 *passage*):

2831 (b) The records of any such youth, or any part thereof, may be
2832 disclosed to and between individuals and agencies, and employees of
2833 such agencies, providing services directly to the youth, including law
2834 enforcement officials, state and federal prosecutorial officials, school
2835 officials in accordance with section 10-233h, court officials, the Division
2836 of Criminal Justice, the Court Support Services Division and a victim
2837 advocate under section 54-220 for a victim of a crime committed by the
2838 youth. Such records shall also be available to the attorney representing
2839 the youth, in any proceedings in which such records are relevant, to the
2840 parents or guardian of such youth, until such time as the youth reaches
2841 the age of majority or is emancipated, and to the youth upon his or her
2842 emancipation or attainment of the age of majority, provided proof of the
2843 identity of such youth is submitted in accordance with guidelines
2844 prescribed by the Chief Court Administrator. Such records shall also be

2845 available to members and employees of the Board of Pardons and
2846 Paroles and employees of the Department of Correction who, in the
2847 performance of their duties, require access to such records, provided the
2848 subject of the record has been adjudged a youthful offender and
2849 sentenced to a term of imprisonment or been convicted of a crime in the
2850 regular criminal docket of the Superior Court, and such records are
2851 relevant to the performance of a risk and needs assessment of such
2852 person while such person is incarcerated, the determination of such
2853 person's suitability for release from incarceration or for a pardon, or the
2854 determination of the supervision and treatment needs of such person
2855 while on parole or other supervised release. Such records shall also be
2856 available to law enforcement officials and prosecutorial officials
2857 conducting legitimate criminal investigations. Such records shall also be
2858 available to members and employees of the Judicial Review Council
2859 who, in the performance of their duties, require access to such records.
2860 Records disclosed pursuant to this subsection shall not be further
2861 disclosed.

2862 Sec. 49. Subsection (a) of section 54-108f of the general statutes is
2863 repealed and the following is substituted in lieu thereof (*Effective from*
2864 *passage*):

2865 (a) The Court Support Services Division of the Judicial Branch may
2866 issue a certificate of rehabilitation to an eligible offender who is under
2867 the supervision of the division while on probation or other supervised
2868 release, or may issue a new certificate of rehabilitation to enlarge the
2869 relief previously granted under such certificate of rehabilitation or
2870 revoke any such certificate of rehabilitation in accordance with the
2871 provisions of section 54-130e, as amended by this act, that are applicable
2872 to certificates of rehabilitation. If the division issues, enlarges the relief
2873 previously granted under a certificate of rehabilitation or revokes a
2874 certificate of rehabilitation under this section, the division shall
2875 immediately file written notice of such action with the Board of Pardons
2876 and Paroles. Nothing in section 54-130e, as amended by this act, shall
2877 require the division to continue monitoring the criminal activity of any
2878 person to whom the division has issued a certificate of rehabilitation but

2879 who is no longer under the supervision of the division.

2880 Sec. 50. Section 54-130e of the general statutes is repealed and the
2881 following is substituted in lieu thereof (*Effective from passage*):

2882 (a) For the purposes of this section and sections 31-51i, 46a-80, 54-
2883 108f, as amended by this act, 54-130a and 54-301:

2884 (1) "Barrier" means a denial of employment or a license based on an
2885 eligible offender's conviction of a crime without due consideration of
2886 whether the nature of the crime bears a direct relationship to such
2887 employment or license;

2888 (2) "Direct relationship" means that the nature of criminal conduct for
2889 which a person was convicted has a direct bearing on the person's fitness
2890 or ability to perform one or more of the duties or responsibilities
2891 necessarily related to the applicable employment or license;

2892 (3) "Certificate of rehabilitation" means a form of relief from barriers
2893 or forfeitures to employment or the issuance of licenses, other than a
2894 provisional pardon, that is granted to an eligible offender by (A) the
2895 Board of Pardons and Paroles pursuant to this section, or (B) the Court
2896 Support Services Division of the Judicial Branch pursuant to section 54-
2897 108f, as amended by this act;

2898 (4) "Eligible offender" means a person who has been convicted of a
2899 crime or crimes in this state or another jurisdiction and who is a resident
2900 of this state and (A) is applying for a provisional pardon or is under the
2901 jurisdiction of the Board of Pardons and Paroles, or (B) with respect to a
2902 certificate of rehabilitation under section 54-108f, as amended by this
2903 act, is under the supervision of the Court Support Services Division of
2904 the Judicial Branch;

2905 (5) "Employment" means any remunerative work, occupation or
2906 vocation or any form of vocational training, but does not include
2907 employment with a law enforcement agency;

2908 (6) "Forfeiture" means a disqualification or ineligibility for

2909 employment or a license by reason of law based on an eligible offender's
2910 conviction of a crime;

2911 (7) "License" means any license, permit, certificate or registration that
2912 is required to be issued by the state or any of its agencies to pursue,
2913 practice or engage in an occupation, trade, vocation, profession or
2914 business; and

2915 (8) "Provisional pardon" means a form of relief from barriers or
2916 forfeitures to employment or the issuance of licenses granted to an
2917 eligible offender by the Board of Pardons and Paroles pursuant to
2918 subsections (b) to (i), inclusive, of this section.

2919 (b) The Board of Pardons and Paroles may issue a provisional pardon
2920 or a certificate of rehabilitation to relieve an eligible offender of barriers
2921 or forfeitures by reason of such person's conviction of the crime or
2922 crimes specified in such provisional pardon or certificate of
2923 rehabilitation. Such provisional pardon or certificate of rehabilitation
2924 may be limited to one or more enumerated barriers or forfeitures or may
2925 relieve the eligible offender of all barriers and forfeitures. Such
2926 certificate of rehabilitation shall be labeled by the board as a "Certificate
2927 of Employability" or a "Certificate of Suitability for Licensure", or both,
2928 as deemed appropriate by the board. No provisional pardon or
2929 certificate of rehabilitation shall apply or be construed to apply to the
2930 right of such person to retain or be eligible for public office.

2931 (c) The Board of Pardons and Paroles may, in its discretion, issue a
2932 provisional pardon or a certificate of rehabilitation to an eligible
2933 offender upon verified application of such eligible offender. The board
2934 may issue a provisional pardon or a certificate of rehabilitation at any
2935 time after the sentencing of an eligible offender, including, but not
2936 limited to, any time prior to the eligible offender's date of release from
2937 the custody of the Commissioner of Correction, probation or parole.
2938 Such provisional pardon or certificate of rehabilitation may be issued by
2939 a pardon panel of the board or a parole release panel of the board.

2940 (d) The board shall not issue a provisional pardon or a certificate of

2941 rehabilitation unless the board is satisfied that:

2942 (1) The person to whom the provisional pardon or the certificate of
2943 rehabilitation is to be issued is an eligible offender;

2944 (2) The relief to be granted by the provisional pardon or the certificate
2945 of rehabilitation may promote the public policy of rehabilitation of ex-
2946 offenders through employment; and

2947 (3) The relief to be granted by the provisional pardon or the certificate
2948 of rehabilitation is consistent with the public interest in public safety,
2949 the safety of any victim of the offense and the protection of property.

2950 (e) In accordance with the provisions of subsection (d) of this section,
2951 the board may limit the applicability of the provisional pardon or the
2952 certificate of rehabilitation to specified types of employment or licensure
2953 for which the eligible offender is otherwise qualified.

2954 (f) The board may, for the purpose of determining whether such
2955 provisional pardon or certificate of rehabilitation should be issued,
2956 request its staff to conduct an investigation of the applicant and submit
2957 to the board a report of the investigation. Any written report submitted
2958 to the board pursuant to this subsection shall be confidential and shall
2959 not be disclosed except to the applicant and where required or
2960 permitted by any provision of the general statutes or upon specific
2961 authorization of the board.

2962 (g) If a provisional pardon or a certificate of rehabilitation is issued
2963 by the board pursuant to this section before an eligible offender has
2964 completed service of the offender's term of incarceration, probation, [or]
2965 parole or special parole, or any combination thereof, the provisional
2966 pardon or the certificate of rehabilitation shall be deemed to be
2967 temporary until the eligible offender completes such eligible offender's
2968 term of incarceration, probation, [or] parole or special parole. During
2969 the period that such provisional pardon or certificate of rehabilitation is
2970 temporary, the board may revoke such provisional pardon or certificate
2971 of rehabilitation for a violation of the conditions of such eligible

2972 offender's probation, [or] parole or special parole. After the eligible
2973 offender completes such eligible offender's term of incarceration,
2974 probation, [or] parole or special parole, the temporary provisional
2975 pardon or certificate of rehabilitation shall become permanent.

2976 (h) The board may at any time issue a new provisional pardon or
2977 certificate of rehabilitation to enlarge the relief previously granted, and
2978 the provisions of subsections (b) to (f), inclusive, of this section shall
2979 apply to the issuance of any new provisional pardon or certificate of
2980 rehabilitation.

2981 (i) The application for a provisional pardon or a certificate of
2982 rehabilitation, the report of an investigation conducted pursuant to
2983 subsection (f) of this section, the provisional pardon or the certificate of
2984 rehabilitation and the revocation of a provisional pardon or a certificate
2985 of rehabilitation shall be in such form and contain such information as
2986 the Board of Pardons and Paroles shall prescribe.

2987 (j) If a [temporary] provisional pardon or certificate of rehabilitation
2988 issued under this section or section 54-108f, as amended by this act, is
2989 revoked, the barriers and forfeitures thereby relieved shall be reinstated
2990 as of the date the person to whom the [temporary] provisional pardon
2991 or certificate of rehabilitation was issued receives written notice of the
2992 revocation. Any such person shall surrender the [temporary]
2993 provisional pardon or certificate of rehabilitation to the issuing board or
2994 division upon receipt of the notice.

2995 (k) The board [shall] may revoke a permanent provisional pardon or
2996 certificate of rehabilitation if the board is notified or becomes aware that
2997 the person to whom it was issued [is] was convicted of a crime, as
2998 defined in section 53a-24, after the issuance of the provisional pardon or
2999 certificate of rehabilitation. Nothing in this subsection shall require the
3000 board to continue monitoring the criminal activity of any person to
3001 whom the board has issued a provisional pardon or certificate of
3002 rehabilitation but who is no longer under parole or special parole
3003 supervision.

3004 (l) Not later than October 1, 2015, and annually thereafter, the board
3005 shall submit to the Office of Policy and Management and the
3006 Connecticut Sentencing Commission, in such form as the office may
3007 prescribe, data on the number of applications received for provisional
3008 pardons and certificates of rehabilitation, the number of applications
3009 denied, the number of applications granted and the number of
3010 provisional pardons and certificates of rehabilitation revoked.

3011 Sec. 51. Section 54-209 of the general statutes is repealed and the
3012 following is substituted in lieu thereof (*Effective from passage*):

3013 (a) The Office of Victim Services or, on review, a victim compensation
3014 commissioner, may order the payment of compensation in accordance
3015 with the provisions of sections 54-201 to 54-218, inclusive, for personal
3016 injury or death which resulted from: (1) An attempt to prevent the
3017 commission of crime or to apprehend a suspected criminal or in aiding
3018 or attempting to aid a police officer so to do, (2) the commission or
3019 attempt to commit by another of any crime as provided in section 53a-
3020 24, (3) any crime that occurred outside the territorial boundaries of the
3021 United States that would be considered a crime within this state,
3022 provided the victim of such crime is a resident of this state, or (4) any
3023 crime involving international terrorism as defined in Section 2331 of
3024 Title 18 of the United States Code.

3025 (b) The Office of Victim Services or, on review, a victim compensation
3026 commissioner, may also order the payment of compensation in
3027 accordance with the provisions of sections 54-201 to 54-218, inclusive,
3028 for personal injury or death that resulted from the operation of a motor
3029 vehicle, water vessel, snow mobile or all-terrain vehicle by another
3030 person who was subsequently convicted with respect to such operation
3031 for a violation of subsection (a) or subdivision (1) of subsection (b) of
3032 section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of
3033 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or
3034 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. In the absence of a
3035 conviction, the Office of Victim Services or, on review, a victim
3036 compensation commissioner, may order payment of compensation

3037 under this section if, upon consideration of all circumstances
3038 determined to be relevant, the office or commissioner, as the case may
3039 be, reasonably concludes that another person has operated a motor
3040 vehicle in violation of subsection (a) or subdivision (1) of subsection (b)
3041 of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of
3042 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or
3043 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d.

3044 (c) Except as provided in subsection (b) of this section, no act
3045 involving the operation of a motor vehicle which results in injury shall
3046 constitute a crime for the purposes of sections 54-201 to 54-218,
3047 inclusive, unless the injuries were intentionally inflicted through the use
3048 of the vehicle.

3049 (d) In instances where a violation of section 53a-70b of the general
3050 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
3051 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82 or 53a-
3052 192a, or family violence, as defined in section 46b-38a, has been alleged,
3053 the Office of Victim Services or, on review, a victim compensation
3054 commissioner, may order compensation be paid if (1) the personal
3055 injury has been disclosed to: (A) A physician or surgeon licensed under
3056 chapter 370; (B) a resident physician or intern in any hospital in this
3057 state, whether or not licensed; (C) a physician assistant licensed under
3058 chapter 370; (D) an advanced practice registered nurse, registered nurse
3059 or practical nurse licensed under chapter 378; (E) a psychologist licensed
3060 under chapter 383; (F) a police officer; (G) a mental health professional;
3061 (H) an emergency medical services provider licensed or certified under
3062 chapter 368d; (I) an alcohol and drug counselor licensed or certified
3063 under chapter 376b; (J) a marital and family therapist licensed under
3064 chapter 383a; (K) a domestic violence counselor or a sexual assault
3065 counselor, as defined in section 52-146k; (L) a professional counselor
3066 licensed under chapter 383c; (M) a clinical social worker licensed under
3067 chapter 383b; (N) an employee of the Department of Children and
3068 Families; (O) an employee of a child advocacy center, established
3069 pursuant to section 17a-106a; or [(O)] (P) a school principal, a school
3070 teacher, a school guidance counselor or a school counselor, [and] or (2)

3071 the personal injury is reported in an application for a restraining order
3072 under section 46b-15 or an application for a civil protection order under
3073 section 46b-16a, as amended by this act, or on the record to the court,
3074 provided such restraining order or civil protection order was granted in
3075 the Superior Court following a hearing, and (3) the office or
3076 commissioner, as the case may be, reasonably concludes that a violation
3077 of any of said sections has occurred.

3078 [(e) In instances where a violation of section 53a-70b of the general
3079 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,
3080 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-
3081 192a or family violence, as defined in section 46b-38a, has been alleged,
3082 the Office of Victim Services or, on review, a victim compensation
3083 commissioner, may also order the payment of compensation under
3084 sections 54-201 to 54-218, inclusive, for personal injury suffered by a
3085 victim (1) as reported in an application for a restraining order under
3086 section 46b-15 or an application for a civil protection order under section
3087 46b-16a, an affidavit supporting an application under section 46b-15 or
3088 section 46b-16a, or on the record to the court, provided such restraining
3089 order or civil protection order was granted in the Superior Court
3090 following a hearing; or (2) as disclosed to a domestic violence counselor
3091 or a sexual assault counselor, as such terms are defined in section 52-
3092 146k.]

3093 [(f)] (e) Evidence of an order for the payment of compensation by the
3094 Office of Victim Services or a victim compensation commissioner in
3095 accordance with the provisions of sections 54-201 to 54-218, inclusive,
3096 shall not be admissible in any civil proceeding to prove the liability of
3097 any person for such personal injury or death or in any criminal
3098 proceeding to prove the guilt or innocence of any person for any crime.

3099 Sec. 52. Section 54-228 of the general statutes is repealed and the
3100 following is substituted in lieu thereof (*Effective July 1, 2021*):

3101 (a) Any victim of a crime, any member of the immediate family of
3102 such victim or any member of an inmate's immediate family who desires

3103 to be notified whenever an inmate makes an application to the Board of
3104 Pardons and Paroles, Department of Correction, sentencing court or
3105 judge or review division as provided in section 54-227, or whenever an
3106 inmate is scheduled to be released from a correctional institution other
3107 than on a furlough, may complete and file a request for notification with
3108 the Office of Victim Services or the Victim Services Unit within the
3109 Department of Correction.

3110 (b) Any victim of a criminal offense against a victim who is a minor,
3111 a nonviolent sexual offense or a sexually violent offense, as those terms
3112 are defined in section 54-250, or a felony found by the sentencing court
3113 to have been committed for a sexual purpose, as provided in section 54-
3114 254, or any member of the immediate family of such victim, who desires
3115 to be notified whenever the person who was convicted or found not
3116 guilty by reason of mental disease or defect of such offense files an
3117 application with the court to be exempted from the registration
3118 requirements of section 54-251 pursuant to subsection (b) or (c) of said
3119 section or files a petition with the court pursuant to section 54-255 for an
3120 order restricting the dissemination of the registration information, or
3121 removing such restriction, may complete and file a request for
3122 notification with the Office of Victim Services or the Victim Services
3123 Unit within the Department of Correction.

3124 (c) A request for notification filed pursuant to this section shall be in
3125 such form and content as the Office of the Chief Court Administrator
3126 may prescribe. Such request for notification shall be confidential and
3127 shall remain confidential while in the custody of the Office of Victim
3128 Services and the Department of Correction and shall not be disclosed. It
3129 shall be the responsibility of the victim, or any member of the immediate
3130 family of such victim, to notify the Office of Victim Services and the
3131 Victim Services Unit within the Department of Correction of his or her
3132 current mailing address and telephone number, which shall be kept
3133 confidential and shall not be disclosed by the Office of Victim Services
3134 and the Department of Correction. Nothing in this section shall be
3135 construed to prohibit the Office of Victim Services, the Board of Pardons
3136 and Paroles and the Victim Services Unit within the Department of

3137 Correction from communicating with each other for the purpose of
3138 facilitating notification to a victim and disclosing to each other the name,
3139 mailing address and telephone number of the victim, provided such
3140 information shall not be further disclosed.

3141 Sec. 53. Section 52-408 of the general statutes is repealed and the
3142 following is substituted in lieu thereof (*Effective October 1, 2021*):

3143 An agreement in any written contract, or in a separate writing
3144 executed by the parties to any written contract, to settle by arbitration
3145 any controversy thereafter arising out of such contract, or out of the
3146 failure or refusal to perform the whole or any part thereof, or a written
3147 provision in the articles of association or bylaws of an association or
3148 corporation of which both parties are members to arbitrate any
3149 controversy which may arise between them in the future, or an
3150 agreement in writing between two or more persons to submit to
3151 arbitration any controversy existing between them at the time of the
3152 agreement to submit, or an agreement in writing between the parties to
3153 a marriage to submit to arbitration any controversy between them with
3154 respect to the dissolution of their marriage [, except issues related to
3155 child support, visitation and custody,] shall be valid, irrevocable and
3156 enforceable, except when there exists sufficient cause at law or in equity
3157 for the avoidance of written contracts generally, subject to the
3158 requirements of subsection (e) of section 46b-66, as amended by this act,
3159 in the case of an award with respect to a dissolution of marriage.

3160 Sec. 54. (NEW) (*Effective from passage*) (a) Notwithstanding the
3161 provisions of section 46b-124 of the general statutes, as amended by this
3162 act, the Judicial Branch, subject to policies and procedures approved by
3163 the Chief Court Administrator, may permit the following individuals to
3164 enter, physically or virtually, a juvenile residential center and interact
3165 with staff and juveniles in that facility without a court order, provided
3166 such entry and interaction is required for the performance of that
3167 individual's duties:

3168 (1) An employee or official of the Judicial Branch;

3169 (2) An employee or authorized agent of the organization or agency
3170 responsible for providing educational services in the center;

3171 (3) An employee of the Division of Public Defender Services;

3172 (4) An attorney representing a juvenile;

3173 (5) An employee or official of the Department of Children and
3174 Families;

3175 (6) An employee or authorized agent of an organization or agency
3176 contracted with the Judicial Branch to provide direct services to
3177 juveniles;

3178 (7) An individual who has been authorized by the Judicial Branch to
3179 provide training, enrichment, recreational or religious services to the
3180 juveniles; and

3181 (8) An individual who has been authorized by the Judicial Branch to
3182 repair or maintain the center.

3183 (b) A judge of the Superior Court may, upon finding that an
3184 individual not authorized under subsection (a) of this section has a
3185 legitimate interest in entering a juvenile residential center, order that
3186 such individual be allowed to enter that juvenile residential center.

3187 (c) An individual permitted to enter into a juvenile residential center
3188 pursuant to this section shall not disclose, directly or indirectly, by any
3189 means, any information obtained by such individual that specifically
3190 identifies a juvenile, unless authorized by court order or otherwise
3191 provided by law.

3192 (d) Any person who violates subsection (c) of this section shall be
3193 deemed guilty of a class B misdemeanor with a fine not to exceed one
3194 hundred dollars or imprisonment not greater than six months.

3195 Sec. 55. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
3196 abuse of an oath document, executed subsequent to an oath taken by a

3197 judicial officer pursuant to section 1-25 of the general statutes, when he
3198 or she disseminates said oath document to a person by telegraph or
3199 mail, by electronically transmitting a facsimile through connection with
3200 a telephone network, by computer network, as defined in section 53a-
3201 250 of the general statutes, or by any other form of written
3202 communication, with the intent to defraud, deceive, intimidate, injure
3203 or harass a judicial officer.

3204 (b) Abuse of an oath document is a class D felony.

3205 Sec. 56. (NEW) (*Effective from passage*) A Judicial Department official
3206 authorized to administer oaths pursuant to section 1-24 of the general
3207 statutes may administer an oath or affirmation by means of an
3208 interactive audio visual device or other remote technology to any party,
3209 counsel, witness, or other participant in a court proceeding or appearing
3210 before such official for a purpose related to a court process.

3211 Sec. 57. Section 22-4c of the general statutes is repealed and the
3212 following is substituted in lieu thereof (*Effective October 1, 2021*):

3213 (a) The Commissioner of Agriculture may: (1) Adopt, amend or
3214 repeal, in accordance with the provisions of chapter 54, such standards,
3215 criteria and regulations, and such procedural regulations as are
3216 necessary and proper to carry out the commissioner's functions, powers
3217 and duties; (2) enter into contracts with any person, firm, corporation or
3218 association to do all things necessary or convenient to carry out the
3219 functions, powers and duties of the department; (3) initiate and receive
3220 complaints as to any actual or suspected violation of any statute,
3221 regulation, permit or order administered, adopted or issued by the
3222 commissioner. The commissioner may hold hearings, administer oaths,
3223 take testimony and subpoena witnesses and evidence, enter orders and
3224 institute legal proceedings including, but not limited to, suits for
3225 injunctions and for the enforcement of any statute, regulation, order or
3226 permit administered, adopted or issued by the commissioner. The
3227 commissioner, or the commissioner's agent, may issue a citation in
3228 accordance with section 51-164n, as amended by this act, for any

3229 infraction or violation established in any provision of the general
3230 statutes that is under the commissioner's authority; (4) provide an
3231 advisory opinion, upon request of any municipality, state agency, tax
3232 assessor or any landowner as to what constitutes agriculture or farming
3233 pursuant to subsection (q) of section 1-1, or regarding classification of
3234 land as farm land or open space land pursuant to sections 12-107b to 12-
3235 107f, inclusive; (5) in accordance with constitutional limitations, enter at
3236 all reasonable times, without liability, upon any public or private
3237 property, except a private residence, for the purpose of inspection and
3238 investigation to ascertain possible violations of any statute, regulation,
3239 order or permit administered, adopted or issued by the commissioner
3240 and the owner, managing agent or occupant of any such property shall
3241 permit such entry, and no action for trespass shall lie against the
3242 commissioner for such entry, or the commissioner may apply to any
3243 court having criminal jurisdiction for a warrant to inspect such premises
3244 to determine compliance with any statute, regulation, order or permit
3245 or methods of manufacture or production ascertained by the
3246 commissioner during, or as a result of, any inspection, investigation or
3247 hearing; (6) undertake any studies, inquiries, surveys or analyses the
3248 commissioner may deem relevant, through the personnel of the
3249 department or in cooperation with any public or private agency, to
3250 accomplish the functions, powers and duties of the commissioner; (7)
3251 require the posting of sufficient performance bond or other security to
3252 assure compliance with any permit or order; (8) provide by notice
3253 printed on any form that any false statement made thereon or pursuant
3254 thereto is punishable as a criminal offense under section 53a-157b; (9) by
3255 regulations adopted in accordance with the provisions of chapter 54,
3256 require the payment of a fee sufficient to cover the reasonable cost of
3257 acting upon an application for and monitoring compliance with the
3258 terms and conditions of any state or federal permit, license, registration,
3259 order, certificate or approval. Such costs may include, but are not
3260 limited to, the costs of (A) public notice, (B) reviews, inspections and
3261 testing incidental to the issuance of and monitoring of compliance with
3262 such permits, licenses, orders, certificates and approvals, and (C)
3263 surveying and staking boundary lines. The applicant shall pay the fee

3264 established in accordance with the provisions of this section prior to the
3265 final decision of the commissioner on the application. The commissioner
3266 may postpone review of an application until receipt of the payment.

3267 (b) In any hearing held on or after October 1, 1995, on an application
3268 for any license issued by the commissioner, (1) the applicant shall pay
3269 all costs of recording and transcribing the hearing if a transcript is
3270 required by law, and (2) any applicant who requests a copy of a
3271 transcript of a hearing for which a transcript is not required by law shall
3272 pay to the department any expenses incurred by the department in
3273 having such transcript prepared. In any proceeding held on or after
3274 October 1, 1995, on a department order to enforce any statute,
3275 regulation, permit or order administered or issued by the commissioner,
3276 the respondent or other person taking an appeal from a final decision of
3277 the commissioner shall pay all costs of recording and transcribing the
3278 hearing if a transcript is required by law. Upon a showing of indigency
3279 by such respondent or person, the court may require the commissioner
3280 to pay such costs.

3281 Sec. 58. Subsection (b) of section 51-164n of the general statutes is
3282 repealed and the following is substituted in lieu thereof (*Effective October*
3283 *1, 2021*):

3284 (b) Notwithstanding any provision of the general statutes, any person
3285 who is alleged to have committed (1) a violation under the provisions of
3286 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-
3287 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-
3288 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)
3289 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-
3290 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,
3291 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-
3292 253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292,
3293 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection
3294 (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
3295 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a,
3296 subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,

3297 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
3298 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
3299 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
3300 violation as specified in subsection (f) of section 14-164i, section 14-219
3301 as specified in subsection (e) of said section, subdivision (1) of section
3302 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-
3303 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
3304 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-
3305 296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or
3306 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-
3307 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
3308 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
3309 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-
3310 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
3311 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-
3312 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
3313 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-
3314 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-
3315 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48,
3316 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section
3317 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-
3318 25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
3319 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-
3320 85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
3321 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-
3322 16, 22-26g, 22-29, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, [22-39a, 22-39b,
3323 22-39c, 22-39d, 22-39e,] 22-39f, 22-49_z, [or] 22-54, 22-61j, as amended by
3324 this act, subdivision (1) of subsection (n) of section 22-61l, subdivision
3325 (1) of subsection (f) of section 22-61m, subsection (d) of section 22-84,
3326 section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o, 22-167,
3327 subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a,
3328 22-320h, 22-324a, 22-326_z, [or 22-342, subsection (b), (e) or (f) of section
3329 22-344, section] subsection (b), subdivision (1) or (2) of subsection (e) or
3330 subsection (g) of section 22-344, subdivision (2) of subsection (b) of
3331 section 22-344b, subsection (d) of section 22-344c, subsection (d) of

3332 section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391,
3333 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
3334 250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d,
3335 subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-
3336 38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of
3337 section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43,
3338 section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-
3339 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)
3340 of section 26-61, section 26-64, subdivision (1) of section 26-76, section
3341 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
3342 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section
3343 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
3344 section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-
3345 276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o,
3346 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q,
3347 section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-
3348 210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316,
3349 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-
3350 15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-
3351 47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
3352 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection
3353 (i) of section 31-273, section 31-288, subdivision (1) of section 35-20,
3354 section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision
3355 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
3356 34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264,
3357 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-
3358 344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation
3359 under the provisions of chapter 268, or (3) a violation of any regulation
3360 adopted in accordance with the provisions of section 12-484, 12-487 or
3361 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
3362 town, city or borough, except violations of building codes and the health
3363 code, for which the penalty exceeds ninety dollars but does not exceed
3364 two hundred fifty dollars, unless such town, city or borough has
3365 established a payment and hearing procedure for such violation
3366 pursuant to section 7-152c, shall follow the procedures set forth in this

3367 section.

3368 Sec. 59. Section 22-61j of the general statutes is repealed and the
3369 following is substituted in lieu thereof (*Effective October 1, 2021*):

3370 Any person who violates the provisions of sections 22-61c to 22-61f,
3371 inclusive, [shall be guilty of a class D misdemeanor and] shall be fined
3372 one hundred dollars for the first offense and two hundred dollars for
3373 each subsequent offense.

3374 Sec. 60. (NEW) (*Effective July 1, 2021, and applicable to any cause of action*
3375 *arising from a criminal proceeding terminating prior to, on or after said date*)
3376 Notwithstanding the provisions of section 52-577 of the general statutes,
3377 no action to recover damages for malicious prosecution may be brought
3378 later than three years from the date of the termination of the criminal
3379 proceeding that is the subject of such action.

3380 Sec. 61. (NEW) (*Effective October 1, 2021*) (a) Any law enforcement
3381 officer who sought a court order to detain a child pursuant to
3382 subdivision (3) of subsection (c) of section 46b-133 of the general
3383 statutes, as amended by this act, shall attach, along with the summons,
3384 a copy of the completed form to detain that is prescribed by Office of the
3385 Chief Court Administrator.

3386 (b) The Judicial Branch shall compile data concerning requests by a
3387 law enforcement officer to detain a child pursuant to subdivision (3) of
3388 subsection (c) of section 46b-133 of the general statutes, as amended by
3389 this act. The Judicial Branch shall sort such data by judicial district and
3390 categorize such data based on (1) how many such requests were made,
3391 and (2) how many such requests were denied. Not later than January 15,
3392 2023, and annually thereafter, the Judicial Branch shall, in accordance
3393 with the provisions of section 11-4a of the general statutes, report such
3394 data from the previous calendar year to the joint standing committee of
3395 the General Assembly having cognizance of matters relating to the
3396 judiciary.

3397 Sec. 62. Subsection (d) of section 54-95c, as amended by section 7 of

3398 house bill 6657 of the current session, as amended by House
 3399 Amendment Schedules "A" and "B", is repealed and the following is
 3400 substituted in lieu thereof (*Effective October 1, 2021*):

3401 (d) If the defendant proves that he or she was a victim of trafficking
 3402 in persons pursuant to section 53a-192a, as amended by [this act] house
 3403 bill 6657 of the current session, or a victim of a criminal violation of 18
 3404 USC Chapter [433] 77, as amended from time to time, at the time of any
 3405 offense described in subsection (a) of this section for which the
 3406 defendant has applied for vacatur, (1) the court shall vacate any
 3407 judgment of conviction entered for a violation of section 53a-82 and
 3408 dismiss the charge related to such conviction, and (2) the court may, in
 3409 its discretion, vacate any judgment of conviction entered for any other
 3410 misdemeanor offense or a class C, D or E felony or any unclassified
 3411 felony offense carrying a term of imprisonment of not more than ten
 3412 years for which the defendant has applied for vacatur pursuant to this
 3413 section and shall dismiss the charge related to any such conviction.

3414 Sec. 63. (*Effective from passage*) Section 28 of substitute house bill 6594
 3415 of the current session, as amended by House Amendment Schedule "A",
 3416 shall take effect October 1, 2021.

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-16a
Sec. 18	<i>from passage</i>	46b-51
Sec. 19	<i>from passage</i>	46b-56c
Sec. 20	<i>from passage</i>	46b-65(b)
Sec. 21	<i>from passage</i>	46b-66
Sec. 22	<i>from passage</i>	46b-84(f)
Sec. 23	<i>from passage</i>	46b-86(a)
Sec. 24	<i>January 1, 2022</i>	46b-120
Sec. 25	<i>from passage</i>	46b-124(b)
Sec. 26	<i>from passage</i>	46b-124(d)
Sec. 27	<i>January 1, 2022</i>	46b-124(g)
Sec. 28	<i>from passage</i>	46b-127(c)
Sec. 29	<i>January 1, 2022</i>	46b-132a
Sec. 30	<i>January 1, 2022</i>	46b-133
Sec. 31	<i>January 1, 2022</i>	46b-140a(c) and (d)
Sec. 32	<i>January 1, 2022</i>	46b-141d
Sec. 33	<i>January 1, 2022</i>	46b-148(a)
Sec. 34	<i>from passage</i>	46b-171(a)
Sec. 35	<i>from passage</i>	46b-215
Sec. 36	<i>from passage</i>	46b-215b(a)
Sec. 37	<i>from passage</i>	46b-231(m)
Sec. 38	<i>from passage</i>	51-14
Sec. 39	<i>from passage</i>	51-511(a)
Sec. 40	<i>October 1, 2021</i>	51-51o(a)
Sec. 41	<i>July 1, 2021</i>	51-60
Sec. 42	<i>July 1, 2021</i>	51-63(a)(2)
Sec. 43	<i>from passage</i>	52-212(a)
Sec. 44	<i>from passage</i>	52-212a
Sec. 45	<i>from passage</i>	52-361b(d)
Sec. 46	<i>from passage</i>	52-362(d)
Sec. 47	<i>from passage</i>	52-367b(f)
Sec. 48	<i>from passage</i>	54-761(b)
Sec. 49	<i>from passage</i>	54-108f(a)
Sec. 50	<i>from passage</i>	54-130e
Sec. 51	<i>from passage</i>	54-209
Sec. 52	<i>July 1, 2021</i>	54-228
Sec. 53	<i>October 1, 2021</i>	52-408

Sec. 54	<i>from passage</i>	New section
Sec. 55	<i>October 1, 2021</i>	New section
Sec. 56	<i>from passage</i>	New section
Sec. 57	<i>October 1, 2021</i>	22-4c
Sec. 58	<i>October 1, 2021</i>	51-164n(b)
Sec. 59	<i>October 1, 2021</i>	22-61j
Sec. 60	<i>July 1, 2021, and applicable to any cause of action arising from a criminal proceeding terminating prior to, on or after said date</i>	New section
Sec. 61	<i>October 1, 2021</i>	New section
Sec. 62	<i>October 1, 2021</i>	HB 6657 (current session), Sec. 54-95c, as amended by Sec. 7(d)
Sec. 63	<i>from passage</i>	New section

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.

House "A" extends the statute of limitation for damages against malicious prosecution, adds a reporting requirement to the Judicial Department regarding court orders to detain a child, and changes the effective date for a previously passed bill. These changes do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6505 (as amended by House "A")******AN ACT CONCERNING COURT OPERATIONS.*****SUMMARY**

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

1. replaces references to "juvenile detention center" with a new term "juvenile residential center" in statutes on juvenile matters (§§ 2-10, 12-14, 24, 27 & 29-33);
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 (§ 54);
3. gives the Judicial Review Council's members and employees access to juvenile records when required, including for investigations (§§ 25, 26, 39, 40 & 48);
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 (§ 38);
5. allows other court-designated entities to produce court transcripts (§§ 41 & 42);
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 (§§ 43 & 44);

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 (§§ 45-47);
8. requires the court to extend, upon the applicant's request, certain civil protection orders issued ex parte (i.e., without a hearing) up to another 14 days from the originally scheduled hearing date to allow more time for service of process (§ 17);
9. 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, 18-22, 34 & 35);
10. 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, 23 & 34-36);
11. 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 (§§ 21 & 53);
12. addresses the child support guidelines and family support magistrates' powers and duties (§§ 36 & 37);
13. gives victims, and their next of kin, access to the private proceedings of juveniles being tried on the adult criminal docket (§§ 1 & 28);
14. makes any member of a crime victim's immediate family eligible to receive certain victim notifications and expands victim compensation eligibility (§§ 51 & 52);
15. 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 (§§ 49 & 50);
16. creates the crime of abuse of an oath document as a class D felony (§§ 55 & 56) and addresses agriculture-related violations (§§ 57-59);
 17. extends the statute of limitations for malicious prosecution actions by counting the three years from the date the criminal proceeding that is the subject of the action ends (§ 60);
 18. requires (a) the judicial branch to compile and annually report to the Judiciary Committee, starting by January 15, 2023, on arresting officers' requests for a court order to detain an arrested child and (b) arresting officers to attach to the summons a form the chief court administrator prescribes (§ 61);
 19. specifies that the court's discretionary vacatur relief available to certain human trafficking victims under sHB 6657 applies to misdemeanor offenses other than prostitution (§ 62); and
 20. changes the effective date of sHB 6594 (§ 28), as amended by House Amendment "A," from upon passage to October 1, 2021, which expands eligibility for sentence modification.

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

*House Amendment "A" (1) eliminates the provision in the underlying bill that would have required civil protection order applicants to provide a statement made under penalty of false statement rather than an affidavit under oath, as required under existing law, and (2) adds the provisions on malicious prosecution (§ 60), detainer filings and reporting (§ 61), vacatur relief for human trafficking victims (§ 62), and sentence modifications (§ 63).

EFFECTIVE DATE: Upon passage, except for the provisions on (1)

the “juvenile residential center” references (§§ 2-10, 12-14, 24, 27 & 29-33), which are effective January 1, 2022; (2) court transcripts and victim disclosure (§§ 41-42 & 52), which are effective July 1, 2021; (3) Judicial Review Council testimony, settlements by arbitration, abuse of an oath document, agriculture-related violations, detainer filings and reporting, and vacatur relief for human trafficking victims (§§ 40, 53, 55, 57-59 & 61-62), which are effective October 1, 2021; and (4) the malicious prosecution section is effective July 1, 2021, and applicable to any cause of action arising from a criminal proceeding terminating prior to, on, or after that date (§ 60).

§§ 2-10, 12-14, 24, 27 & 29-33 — 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.

§ 54 — 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.

§ 38 — 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.

§§ 41 & 42 — 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.

§ 40 — 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— CIVIL PROTECTION ORDERS

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 a civil restraining order (CGS § 46b-16a).

The bill adds a provision requiring the court, under specific circumstances, 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, 18-22, 34 & 35 — 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 (§ 18);
3. waiver of the right to educational support (affidavit must state that the party fully understands the consequences of the waiver) (§ 19);
4. divorce decree after a decree of legal separation (§ 20);
5. financial resources in custody and visitation of a minor child (§ 21);
6. identifying medical and dental expenses, including cases where paternity is determined in non-marital cases (§§ 22 & 34); and
7. enforcement orders to support a spouse or minor child (§ 35).

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 & 34-35).

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 (§§ 18 & 19).

§ 21 — 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.

§§ 23 & 36 — 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 (§ 23).

§ 37 — 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 & 28 — 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.

§ 51 — 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.

§ 52 — 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.

§§ 49 & 50 — 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) (§ 49)

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 (§ 50)

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.

§§ 55 & 56 — ADMINISTERING OATHS

Abuse of an Oath Document (§ 55)

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 (§ 56)

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.

§§ 57-59 — 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 (§ 57).

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 (§ 59).

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 (§ 58). 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 (§ 58).

§ 60 — CIVIL ACTION FOR MALICIOUS PROSECUTION

The bill extends the statute of limitations for malicious prosecution actions. By law, these tort actions must be brought within three years from the date of the act or omission complained of (CGS § 52-577).

Regardless of the existing law, the bill instead begins the three-year statute of limitations from the date the criminal proceeding that is the subject of the malicious prosecution action ends. In doing so, the bill provides additional time for an aggrieved criminal defendant to bring a civil action against the person who falsely prosecuted him or her. Under the bill, this is applicable to any cause of action arising from a criminal proceeding terminating prior to, on, or after July 1, 2021.

A person commits "malicious prosecution" when he or she falsely prosecutes another person for a criminal charge, without probable cause and with malicious intent unjustly to vex and trouble the other person. Offenders must be fined up to \$100 or imprisoned up to one year (CGS § 53-39).

§ 61 — FILINGS AND REPORTING ON REQUESTS TO DETAIN CHILDREN

The bill requires a law enforcement officer who requests a court order to detain an arrested child in a juvenile detention center to attach, along with the summons, a copy of the completed form to detain prescribed by the Office of the Chief Court Operator.

Under the bill, the judicial branch must (1) compile data concerning officers' requests for a court order to detain an arrested child in a juvenile detention center, (2) sort the data by judicial district, and (3) categorize the data based on how many requests were made and denied. Starting by January 15, 2023, the judicial branch must annually report this data from the previous calendar year to the Judiciary Committee.

§ 62 — VACATUR RELIEF FOR CERTAIN HUMAN TRAFFICKING VICTIMS

Existing law and the bill require the court to vacate a conviction for prostitution (a class A misdemeanor) and dismiss the charge if the defendant proves that his or her participation in the offense was a result of having been a victim of another person's conduct that constitutes a violation of trafficking in persons crimes under state and federal laws.

The bill also allows the court, at its discretion, to vacate any judgment of conviction for any other misdemeanor offense; class C, D, or E felony; or unclassified felony offense carrying up to a 10-year prison term applied for by a human trafficking victim. As under existing law, the court must dismiss any charges related to an offense it vacates.

§ 63 — SENTENCE MODIFICATION

sHB 6594 (§ 28), as amended by House Amendment "A", upon its passage, expands eligibility for sentence modification (i.e., sentence reduction, defendant discharge, or placement of the defendant on probation or conditional discharge) by generally allowing the court, without an agreement between the defendant and the state, to modify plea agreements, including those with an agreed upon sentence range, that include seven years or less of actual incarceration.

This bill changes the effective date to October 1, 2021.

BACKGROUND

Related Bills

sHB 6385 (§ 5), favorably reported by the Environment Committee, makes the same change as § 59 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 § 58 of this bill.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 29 Nay 7 (04/09/2021)