

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-514		5658	3	2	3
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary 632</i> • <i>Judiciary 663-664</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> • 3884- 3885 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2818- 2820

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 9
3878-4343**

REPRESENTATIVE SARASIN:

I move adoption of the Joint Committee's favorable report and passage of the two starred items on the consent calendar, which are as follows:

Calendar 1098, Substitute for House Bill 9075 - An Act Concerning the Publication of Superior, Common Pleas, Circuit and Juvenile Court Decisions, file 1228.

Calendar 1100, Substitute for House Bill 6575 - An Act Concerning the Discharge of Mortgages, File 1231.

Calendar 1101, Substitute for House Bill 5658 - An Act Concerning Adoption of Children by Blood Relatives, File 1233.

Page 2, Calendar 1102, House Bill 7261 - An Act Concerning the Prohibition of Alcoholic Liquor Sales on Independence Day and Labor Day, File 1234.

Calendar 1116, Substitute for House Bill 8459 - An Act Concerning and Regulating Real Property Securities Dealers, file 1226.

Calendar 1117, Substitute for House Bill 8672 - An Act Repealing Provisions Made Unnecessary by State Building Code, File 1225.

Calendar 1120, Substitute for House Bill 9196 - An Act Concerning the Definition of Pet Shop and Animals, File 1232.

Page 3, Calendar 1138, Senate Bill 0309 - An Act Concerning The Paying of Traffic Violation Fines by Mail, file 810.

Calendar 1139, Senate Bill 0931- An Act Exempting Personal PProperty Incorporated into Motor Vehicles for the Purpose of

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Reducing Air Pollution From the Sales Tax, file 1087.

Calendar 1140, Substitute for Senate Bill 1094 - An Act Concerning Qualifications of Justices of the Peace, file 1051.

Calendar 1144, Substitute for Senate Bill 1562 - An Act Concerning the Annual Report of the State Comptroller to the Governor, file 1092.

I move adoption of these items.

MR. SPEAKER:

Is there further objection. Hearing none, the question is on acceptance of the joint committee's favorable reports and passage of the bills. All those in favor indicate by saying Aye. Opposed. The bills are passed.

REPRESENTATIVE SARASIN:

Referring to page 2, Calendar 1114, an item I did not read, I would ask that that be removed from the consent calendar.

MR. SPEAKER:

Your objection is noted and so ordered.

REPRESENTATIVE SARASIN:

Pursuant to Rule 48, I move the adoption of the following resolution on page 4, Calendar 1229, House Resolution No. 91 - Congratulating Trooper Kirscher and His Wife on the Birth of Their Daughter. I move adoption of that resolution.

MR. SPEAKER:

Is there objection to suspension of the rules. Hearing none, the rules are suspended. The question is on adoption of the resolution. All those in favor indicate by saying Aye.

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CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
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2436-2873**

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finding of voluntary arbitration as is presently accorded to agreements, negotiated through regular procedures. Section 7, requires in the case of housing authority, federal approval before agreement is binding. Section 8, clarifies the position in the existing law by making clear that the only union which can have payroll deductions of union dues, is one which has been established as the exclusive representative of the employees of the bargaining unit.

This bill is amended so as to be acceptable to the Conference of Mayors and the Town and City Managers Associations and the employee organizations. I move for passage of the bill.

THE CHAIR:

Question is on passage of the bill, as amended. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

SENATOR SMITH:

Mr. President, I move for suspension of the rules for immediate transmittal to the House.

THE CHAIR:

There being no objection, it is so ordered.

SENATOR CALDWELL:

Mr. President, at this time, might I interrupt and go to the consent matters, to see if we can't move them out of the way, so that the Clerk's office may have an opportunity to do its work.

Starting on Page 11, I move for the acceptance of the committee's favorable reports in the following bills and their adoption: Cal. No. 1031, File 1233; Sub. House Bill 5658. CAL. No. 1034, File 1231; Sub. House Bill 6575;

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HOUSE BILL: 8441. File No. 1221; Substitute House Bill 9075. File No. 1228' Substitute House Bill 5027. File No. 1235; Substitute House Bill 5559; File No. 1527; House Bill 5991, File No. 1296. ;

SENATOR HOULEY:

Mr. President, with the consent of the Senate Majority Leader may we pass and retain Cal. 1044, File 1540?

SENATOR CALDWELL:

In agreement. I withdraw the motion to that effect.

THE CHAIR:

So ordered. It is understood.

SENATOR CALDWELL:

CAL. NO. 1045. File 1537; Sub. Senate Bill 1317; page 14, Cal No. 1060 File 1530; Substitute Senate Bill 480; page 17, Cal. 1084, File No. 1235. Substitute House Bill 5027; page 18, Cal. 1086, File No. 1257; Substitute House Bill 5559; Cal. No. 1087. File No. 1296; House Bill 5991; Cal. No. 1088; File No. 1298, House Bill 5993; Cal. No. 1089, File No. 1291; House Bill 6097.; Cal. No. 1090, File No. 1322; Substitute House Bill 6321 Cal. No. 1091, File No. 1304, House Bill 6432; page 19, Cal. No. 1092, File No. 1287; Substitute House Bill 6433; Cal. No. 1093, File No. 1317, Substitute House Bill 6436; Cal. No. 1094, File No. 1286, House Bill 6437; Cal. No. 1095; File No. 1318, House Bill 6438; Cal. No. 1096, File No. 1285, Substitute House Bill 6439; Cal. No. 1097. File No. 1324, House Bill 6441; Cal. No. 1098, File No. 1239, Substitute House Bill 6443; page 20, Cal. No. 1103; File No. 1283; Substitute House Bill 8286; page 21, Cal. No. 1108; File No. 1549, Substitute Senate Bill 1067; page 29, Cal. No. 111 Senate Bill 383; page 30, Cal. 179, Senate Bill 384; page 34, Cal. 605. File 868 House Bill 8764

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I believe that's it. I move for suspension of the rules for all those matters which are one starred or no starred.

THE CHAIR:

Is there any objection to the passage of these bills?

SENATOR CRAFTS:

Mr. President, I do not object but I rise to ask the Majority Leader, if he passed, unintentionally, a bill on page 32, Cal. No. 459?

SENATOR CALDWELL:

That's correct. There is an amendment to that bill. So we wouldn't put in on the Consent arrangement.

THE CHAIR:

Is there any objection to the passage of these bills? If not, the bills are declared passed.

THE CLERK:

Clerk would note for the record, that Calendar 111, which has no file number and Calendar 179, which again has no file number, have been reproduced and are on the desks of the Senators.

SENATOR DOWD:

Mr. President, I was a member of the prevailing side, on Calendar 850, File 1051, I would move at this time, to reconsider it and hope it be defeated.

THE CHAIR:

Calendar 850, File 1015, second from the bottom on page 4. The motion is for reconsideration. Will you remark? If not, all those in favor of reconsideration signify by saying, "aye". Opposed, "nay". The nays have it. The matter will not be reconsidered.

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 2
393-688**

1971

Sen. Jackson: Are there any other members of the General Assembly. I would remind everyone that there are Speaker's Lists at the rear, the left rear table. There are also Lists for non-Speakers. If you wish to indicate your approval or disapproval of a Bill, I would ask you to please sign the non-Speaker's List. However, if you do wish to speak, then be sure you do sign the Speaker's List - otherwise you will not be called. Mitchell Labuda to be followed by Marjorie Siskey. Did I pronounce it right? L-A-B-U-D-A or L-A-B-U-B-A - Mitchell LaBuda. Marjorie Siskey.

Ms. Siskey: I am Marjorie Siskey, Chief Child Welfare Services - State Welfare Department and I am speaking for the Department. Mr. Chairman, Members of the Committee, I would like to speak to three Bills - H.B. #5658.

H.B. #5658 - AN ACT CONCERNING ADOPTION PROCEDURES.

We urge rejection of H.B. #5658 giving the Judge of Probate discretion in ordering an investigation and report prior to hearing an application and agreement to adoption.

The present Statute was written with a great deal of thought in order to protect the welfare of all adopted children. The proposed change is obviously written with the purpose of circumventing the present law and restoring the possibility of black market or gray market adoptions, which as you probably know, has been outlawed for the last 11 years in Connecticut.

A number of cases are forwarded to the Commissioner each year for study which do not fulfill the requirement of relationship or placement by an approved agency. If the Judge were allowed discretion in the matter of investigation and report, it would create a loophole through which some unrelated adoptions, would be probated. Some attorneys have been very aggressive in trying to put through adoptions which do not meet present legal requirements, and this opens the door for them.

My next statement is on H.B. #6016.

H.B. #6016 - AN ACT CONCERNING THE ELIMINATION OF ADOPTION FEES.

The proposed changes in this Statute seem, to us, unnecessary. In the present form the Probate Judge may charge a fee for the report made by an agency. The report to the Court gives the Judge a factual financial picture on which basis he can make an assessment of need in special cases. Since the law was passed in 1949, only 2 or 3 Courts have charged an investigation fee and in all instances, it has been a modest sum - never over \$50.00.

I might say in the approximately 10,000 to 15,000 studies that the State Welfare Department has made, I don't think we have received more than \$3,000 in fees. We believe this legislation is purposeless.

H.B. #6656 - AN ACT RELATING TO ADOPTION OF A CHILD BY A PERSON ACKNOWLEDGING PATERNITY OR ADJUDICATED TO BE THE FATHER.

This Bill paid little attention to the transition from one Judge of Probate to another. As a newly elected Judge of Probate in Fairfield, I am particularly concerned. The Bill provides, as I am sure you are aware, that the Judge of Probate each year in January shall estimate the net income of his Court and thereby estimate the amount to be paid to the State of Connecticut from the proceeds of the Court and in any sizable Court, to make monthly payments to the State of Connecticut on account of the estimate he makes in January that will be due to the State from the proceeds of this court for the year.

Now, when the new Judge of Probate takes office, the bulk of the fees that come induring perhaps the first six months of his term, belong to his predecessor because the matters were started before the predecessor and a great part of the actions to be taken were done by the predecessor and the fees therefore, do not belong to the Judge in office, they belong to his predecessor and are turned over to him. With the result that during the first six months, the Judge finances his office out of his own funds and has nothing to show for it as far as any profit is concerned. By the end of the year, I am sure, this situation alleviates itself and the Judge is in a position where he has enough income so that he owes the State some money.

The provisions of the Bill are very, very strict. They require assessment be made in January of each year, which means January of your first year in office as well as any other, and they require that payments be made monthly starting in that January in twelve equal payments to the State. The Bill also is very strict in its provisions of penalty it provides for 10% penalty of the amount not properly paid, 9% interest - but even more importantly, it provides for the payments that have not been paid on time that the Judge shall not be eligible for renomination or re-election, which is a relatively serious penalty.

So all that we propose in the Bill #6753 is that during the first year of the term of the Judge of Probate, the Probate Court Administrator shall have the authority to promulgate such rules and regulations as he may deemed equitable for any new Judge of Probate regarding filing his estimate of the payments on the estimate so long as he makes full payment for his first years operation by March of the succeeding year which is the time when the payments have to be completed under the Bill as it is now. So we just ask you for relief during the first year so that the Administrator can look into it and make such equitable regulations as he sees fit which seems to be a very fair and equitable arrangement.

One other thing, I would urge you - if you find support of this Bill in the Committee, that the Bill be passed as soon as possible because we are making these payments and in some Courts they are payments of four figures per month to the State out of money that hasn't come to the Judge yet and payments were made in January and made in February and we would hope that the Bill would be passed before the March payment is due at the end of March. Thank you very much.

Rep. Carrozzella: Thank you, Judge.

Mr. Brennan: This Bill #5658 does what I was looking for except for one recommendation that I would have to make to you.

H.B. #5658 - AN ACT CONCERNING ADOPTION PROCEDURES.

And that is you also put the notice to the Commissioner, Welfare Commissioner on matter for the discretion of the Probate Court.

The privacy in some of these things is a very important thing when you are talking about blood relatives adopting and when you are talking about a father who is now acknowledging his paternity adopting and it seems to me that there is no useful purpose served in requiring the notice to the Welfare Commissioner.

There is one other comment and of course this is said with a great deal of misgiving because I read it quickly, but up at the top, it appears that the Court may enter a final decree approving the adoption very quickly. It then goes on and specifies a minimum time on an interlocutory decree. I am afraid that a Court might get some very difficult interpretations as to if you have a power to make it at any time, why you should have a minimum on the interlocutory part.

Sen. Rome: By way of helping this Committee in giving you some more time, could you provide a substitute Bill for this particular Bill so that we could consider it at the same time we consider that Bill, please.

Mr. Brennan: I would be delighted. Thank you.

Rep. Carrozzella: Judge Dworkin.

Mr. Dworkin: Thank you, Mr. Chairman. I am Sidney Dworkin, Judge of Probate in the District of Bridgeport. In regard to Bill #6753, Judge Steiber set forth our joint position on it and I would urge your favorable consideration.

H.B. #6753 - AN ACT CONCERNING PAYMENTS BY JUDGES OF PROBATE TO THE STATE TREASURER.

I would also like to speak in regard to Bill #546.

S.B. #546 - AN ACT CONCERNING PROCTICE IN PROBATE COURT BY PARTNER OR ASSOCIATE.

I support this Bill and I urge its passage. I specially note Section 2 which prohibits or reads as follows: 'No Judge of Probate shall appear as attorney in any contested matter in any court of Probate.' And I urge particularly the adoption of that section. I have had experience and I found it quite un-nerving. I appreciate your listening to me.

Rep. Nevas: Representative Nevas, 144th District. Judge Dworkin, actually don't the cannons of judicial ethics now - I don't remember the cannon number but I have had occasion to look at them on this question. Don't the cannons now prevent a Judge or a member of his firm from practicing in the Probate Court?

Mr. Dworkin: The Cannon that you are referring to Formal.....Number 2, applies to Section 1 and 3 of the Bill and not, I believe Section #2 is an addition.