

HB 8152

PA 52

(FAX)

1973

Senate: P-1096-1097

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House: Consent (1269)

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Judiciary 213, 230

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H-133

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
1973

March 29, 1973

C.G.C.

motion.

THE CLERK:

Calendar No. 251. File No. 141. House Bill No. 8152. An act concerning small claims action with a favorable report of the Committee on Judiciary.

SENATOR GUIDERA:

Mr. President.

THE CHAIR:

Senator Guidera;

SENATOR GUIDERA:

I move acceptance and passage of the Committee's favorable report on the Consent Calendar.

THE CHAIR:

Hearing no objection, the motion is to put the item on the Consent Calendar. Will you proceed.

SENATOR GUIDERA:

Mr. President, this is truly a little man's bill, a little people's bill. It provides that where the plaintiff brings an action for small claims, it goes into the small claims court and he tries for a very simplified, simple procedure to recover his claim for money, whatever it may be, that when the defendant moves the matter to the regular docket and therefore causes the plaintiff to come up with a substitute writ, summons and complaint and causes the matter to be heard on the regular docket which may take lengthy delay, if the plaintiff prevails, he may get, in the discretion of the court, his attorney's fees

March 29, 1973

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C.G.C.

and other costs.

THE CHAIR:

Will you remark further. Hearing no objection, then, Calendar 246 is on the Consent Motion--excuse me--251.

THE CLERK:

Calendar No. 252. File No. 132. Substitute for House Bill 8157. An act concerning service of process on corporations. Favorable report of the Committee on Judiciary.

SENATOR GUIDERA:

Mr. President.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

Mr. President, I move transfer to the Consent Docket for passage and acceptance.

THE CHAIR:

Hearing no objection, Calendar 252 is moved to the Consent for passage and acceptance. Will you remark.

SENATOR ALFANO:

Mr. President.

SENATOR GUIDERA:

Yes, Mr. President, this simply adds the...

SENATOR ALFANO:

Mr. President. Point of order, Mr. President.

THE CHAIR:

Senator.

Wednesday, March 21, 1973

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regular Calendar to the Consent Calendar.

Is there objection to any one of the six items that the gentleman has moved? If not, it will be so ordered and the items in question will be transferred to the Consent Calendar.

Gentleman from the 87th.

REP. CRETELLA: (87th)

Mr. Speaker, now calling your attention to today's Consent Calendar, I would move that the following items on the Consent Calendar be adopted:

Cal. No. 82--Sub. for H.B. No. 8163--File No. 101

Cal. No. 83--Sub. for H.B. No. 8168--File No. 99

Cal. No. 87--H.B. No. 8545--File No. 110

Cal. No. 92--Sub. for H.B. No. 8174--File No. 98

Cal. No. 99--H.B. No. 8731--File No. 103

Cal. No. 106--Sub. for H.B. No. 8647--File No. 102

Cal. No. 124--S.B. No. 1672--File No. 26

Cal. No. 137--Sub. for H.B. No. 8157--File No. 132

Cal. No. 144--Sub. for H.B. No. 8691--File No. 100

And now, Mr. Speaker, I move adoption of those and I don't know if I have to read into the record the six previous ones that were also moved to Consent. I must read them in. Thank you Mr. Speaker.

Page 5--Cal. No. 109--Sub. for H.B. No. 8209--File No. 107

" Cal. No. 110--H.B. No. 8113--File No. 108

" Cal. No. 123--S.B. No. 1724--File No. 36

Page 6--Cal. No. 136--H.B. No. 8152--File No. 141

" Cal. No. 138--H.B. No. 8158--File No. 133

Page 7--Cal. No. 140--H.B. No. 8044--File No. 140

I would now move that all of those matters be passed on today's Consent Calendar.

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the designation of a single selectmen is dangerous and gives excessive power to one person. I have been unable to determine whether related adoptions include the grandparents if they are not already included we feel that they should be. If our suggestions can be adopted we feel HB 5735 should insure, should receive a joint favorable report. Thank you.

JAMES F. WATT: My name is James F. Watt. I direct the Hartford Office of Catholic Family Services and I am Assistant Executive Secretary for the Corporation, Catholic Family Services, Archdiocese of Hartford, which represents seven District Offices in Hartford, New Haven and Litchfield Counties. I am here today to speak on behalf of the Catholic Family Services of the Archdiocese.

I am here to speak on Bill # 5735, AN ACT CONCERNING ADOPTION. Our agency is a private, voluntary agency which places more children and finalizes more adoption in the state of Connecticut than any other private agency. Statistics as related to our work are available from the State of Connecticut, Welfare Department, their last complete report for the year ending June 30, 1973.

Catholic Family Services believes that Bill No. 5735, which proposes amendments to the act revising the laws with respect to adoption passed one year ago, has many decided improvements over last year's bill. We believe in the philosophy of insuring further protection for the rights of the child and adoptive parents. We feel this is a strong point in this bill where the legal process in terminating parental rights of the natural parent(s) secures this protection.

On the other hand, our agency is very concerned about the section in the bill pertaining to the rights of the putative father of the born child. At a recent meeting of the Board of Trustees of Catholic Family Services, Archdiocese of Hartford, this particular section of the bill was discussed and it was felt by lawyers and Judges represented on this Board of Trustees committee that this section is loosely worded and the interpretation of its meaning could be carried to many extremes and slow down the whole process of freeing for adoptive placement those children for whom adoption is being planned. The attorneys who have given Catholic Family Services counsel as pertaining to this section have indicated that it does not spell out any rights of the putative father and concurrently with this, no obligations or duties that he assumes while it is expected that he will be removed as parent of the child in the legal process. The agency is very concerned that the basis for the Connecticut law change in this regard is based on a court case in Illinois, namely Stanley vs Illinois, in which the putative father was found to have legal

rights to children that he had fathered and should be removed in the court process. This test case was a situation in which the father of the children had lived in a common-law relationship with a woman for over fifteen years and had been in fact a parent to the children prior to his common-law wife's death at which time there was an attempt on the part of the State of Illinois to place the children for adoption but the man contested this action and won in a test situation. This is entirely different in the general situations here in Connecticut where the father, in most cases, either has no continuing involvement with the mother after she has become pregnant and in very few instances any continued interest with mother and child after the child is born and when this child may be considered for adoptive purposes.

Catholic Family Services believes that in the attempt to be sure that all rights of the putative father are observed, that the legal process has so slowed down the freeing of children for adoptive placement that it can seriously effect the private agency's ability to remain in the child placement field. Before the law changed a year ago, children were able to be placed very early into adoption homes, many times from the hospital, and this was beneficial to both the child and to the adoptive parents from a psychological point of view. If this new bill is approved, it could mean that children will be in foster care for two, three and more months and which will seriously effect the agency's ability to financially support these children in foster care before placement.

Catholic Family Services would respectfully recommend that this particular section, that is related to the involvement of the putative father of the out-of-wedlock child, be re-looked at and be more specific in spelling out what particular steps have to be taken to insure the putative father's legal rights, just what these legal rights are and then concurrently, what are the duties and responsibilities that he assumes. Thank you very much.

CAROLINE MURRAY: My name is Caroline Murray, I represent the Open Door Society, of Connecticut, we are a group of families in Connecticut who have adopted hard-to-place children, and we are very concerned about adoption.

We were very pleased to be included in on Rep. Bard's discussions and we have many, many more things to say for this then against. We have a few suggestions we would like to make but in general, I would say that we very strongly support their fine work that Rep. Bard group has done on this, bill 5735.

First of all I would like to bring to your attention

JUDICIARY COMMITTEE

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TUESDAY

APRIL 2, 1974

MR. LEVENTHAL: (Cont'd.) the problem that has arisen in the wake of a Superior case -- a Superior Court case entitled Troj against Cheeseborough wherein the Superior Court decision would seem to eliminate the effectiveness of subordination agreements which do not describe with great particularity the proposed debt to which the lien is to be subordinated. This is in effect, caused great consternation amongst the developers, financiers and other people involved in numbers of real property transactions and these two Bills are presented to deal with that, particularly Section b of raised Committee Bill No. 448 and Section 2 of raised Committee Bill No. 5514.

Section 1 of raised Committee Bill No. 5514 deals with modification agreements with respect to which laws at present, uncertain and would make the real property transactions more certain and stable for the public.

Raised Committee Bill No. 449 would allow, under Section a, the adding to principal of charges incurred by the mortgagee for the maintenance and protection of unoccupied premises and any emergency repairs thereto. Although there is some common law to the effect that some of these may be done, there is always a serious question of how much can be done and to avoid the problems that arise and protect property in this State, the real property section has proposed that this Bill be adopted.

Raised Committee Bill No. 451 would add another exception to the usury statute. The recent increase in mortgage rates is resulted in effectively closing off many sources of funds to the State of Connecticut because of the usury limitations which apply to loans over twelve percent. The homeowner and the public would not be effected by this Bill because this only relates to loans over \$150,000.00 and does not apply to a dwelling house of three family units or less. At least one of which is occupied or intended to be occupied by the borrower. So that what we're talking about here is really commercial financing over \$150,000.00 and the State has effectively closed itself off to non-banking sources of these funds. Among others that cannot lend in this State in amounts over twelve percent and effectively rely upon guarantees for such loans are real estate investment trusts which are an important source of capital and there are lots of other sources of capital, finance companies and others who are in the mortgage lending field who will not lend on Connecticut real estate. Although there is an exception for mortgages over \$5,000.00, these lenders cannot enforce their guarantees and, therefore, do not chose on Connecticut real property. Thank you.

REPRESENTATIVE FREEDMAN: Is Senator Page in the room?

SENATOR PAGE: Thank you, Mr. Chairman. And realizing it's a public hearing, I'll be very brief and just simply state that I would like to go on record as for the Senate Bill 440, An Act Concerning the Suspension of Operator's