

Legislative History for Connecticut Act

SB 1545 (PA79-397) 1979

Judiciary: 927-928, 940, 948, 992-993,
1005

Senate: 2936-2937, 2989

House: 8688-8703

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
743-1145**

1979

State Capitol
Judiciary
April 5, 1979
10:00 A.M.

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PRESIDING CHAIRMAN: Representative Tulisano

COMMITTEE MEMBERS PRESENT:

SENATORS: Cunningham, Santaniello

REPRESENTATIVES: Anastasia, R. Berman, J. Berman,
Delpercio, Dyer, Mosley, Onorato,
A. Parker, C. Parker

REP. TULISANO: Ladies and Gentlemen, we are going to start the hearing now, Sen. DePiano had to attend a funeral this morning and I apologize for his not being here right now, but there are a number of other hearings going on, but in order to get some of the formal testimony in, we will begin it now. There were members of the committee available -- there were some conflicting meetings going on where there are some major pieces of legislation also being dealt with. First, we will hear from Sen. David Barry, who will present the -- yes, sir?

FROM THE AUDIENCE: Do you mind talking a little louder, I couldn't hear.

REP. TULISANO: Sir, I'm speaking into the microphone, I hope you, it is successful for you. Sen. Barry.

SEN. BARRY: Thank you, Mr. Chairman. My name is David Barry, I represent the 4th Senatorial District. I'm appearing here as Chairman of the State Juvenile Justice Commission. I am going to be brief, Mr. Chairman. I would request at the outset that at some point in the next few days, I would appreciate the opportunity to meet privately with the chair with a subcommittee of this committee, however the chair-people want to handle it, about what I regard is most important legislation. I am here specifically to ask the committee to favorably report Raised Committee Bill 1619. Committee Bill 1152, Committee Bill 1545 and Committee Bill 1227. The first of those is called an Act Concerning Families with Service Needs. This room is full of people who are far more qualified than I

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SEN. BARRY (Continued): to speak to this bill. In short, it decriminalizes status offenses, provides for diversion of young people to community based service agencies, removal of status offenders from security detention centers and long range school. A major change from the present law is the extension of the status offender jurisdiction from age 16 to age 18. I want to say that this extension does not enjoy the support of everyone in this room and it did not enjoy the support of the full Juvenile Justice Commission.

However, it did have a majority vote. I will leave it to others to address that and to discuss with the chair later. The act concerning the commitment of children alleged to have a mental disorder, Committee Bill 1152, is really the first effort by Connecticut to provide for due process for children who are the subject of commitment proceedings because of mental disorders.

I believe that this will close a glaring gap in our present laws pertaining to juvenile commitments. I think that the committee will find some diversion of views here among these people testifying as to some aspects, particularly those of jurisdiction. I think that this year, those conflicts ought to be worked out and we ought to have a bill. It failed two years ago because of problems between advocate groups and not coming to a compromise. I think I would urge the committee to at last give a bill that respects due process on the subject of mental commitments of juveniles.

The third bill, an Act Concerning Emancipation of Minors, 1545, is also totally new legislation to the State of Connecticut. It is felt by the Juvenile Justice Commission that there is a present need to establish such a procedure whereby parents could terminate the parent child relationship or children could, minors, could terminate such relationship by court decree, under specific circumstances, as spelled out in the bill. It should be noted that minors below the age of 16 are not affected by this act. And the final bill, An Act to Provide for the Responsible and Expeditious Handling of Juveniles and Young Adults Involved in the Commission of Serious Crimes, Committee Bill 1227, is the bill that originated and the product of -- originally of the Connecticut Justice Commission Task Force on Serious Juvenile Offenders. It defines what constitutes serious juvenile offenses, provides for discretionary transfers to adult court. Among other things, it also provides the disclosure of prior juvenile records when pending case is a felony. I am sure this will be spoken to at length by many of the people here. It is a significant piece of legislation and one that merits your close study and examination and I would

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DR. DAVIDSON (continued); Bill 1545, an act concerning the emancipation of minors. The Department of Children and Youth Services strongly supports passage of this bill, and is very pleased with it.

Committee Bill 1619, an act concerning families with service needs. The Department of Children and Youth Services strongly favors your support for Bill 1619, an act concerning families with service needs. This bill is a product, as you know, of much comprehensive and deliberate debate. It draws its premises from the broad legitimacy of three years of service demonstration and planning activities on behalf of status offenders. DCYS favors, supports and would like one, to decriminalize status offenses; two, remove status offenses -- offenders from secure detention centers and from Long Lane School; three, insure Connecticut's full compliance with the Juvenile Justice and Delinquency Prevention Act; and four, assure continued provision of needed services to families with troubled youths.

The fundamental problem is that the child or the child and his family require service. Therefore, this bill proposes a new jurisdictional category within the Superior Court's domain families with services needs. It provides for a no-fault recognition of the needs for such children and their families, and attempts to address a comprehensive mechanism to bring services to bear.

REP. TULISANO: Doctor, do you believe the facilities in the community are available to handle this situation if we were to enact this legislation?

DR. DAVIDSON: I think that we have a beginning of a network of doing it.

REP. TULISANO: Doctor, do we have it if we were to make it law, six months from now, could we really enact this law as an effective piece of legislation?

DR. DAVIDSON: I think you'll overwhelm the State of Connecticut.

REP. TULISANO: Thank you.

DR. DAVIDSON: We would, for that kind of reason, like to ask consideration of the effective dates of this bill be July 1st, 1980.

REP. TULISANO: Do you think by 1980 we'll be able to have the

MR. SACE (continued); Bill number 1460, commitment to Long Lane provides that the Court would have another, juvenile matters court would have another alternative disposition available to them, and that would be to provide that a child be sent to Long Lane School for a period of time not to exceed 15 days. And the most immediate difference that exists is with 16 and 17 year olds, that as a matter of law, -- The genesis for this bill comes from those judges who are presently sitting on juvenile matters. They think that it is a viable alternative to deal with those children who should, in fact, not be committed to the Commissioner for a period up to two years, but should have a short term to see what their future holds for them, and if they continue in their particular behavior, that brought them to the attention of the courts to start with, and we strongly support that bill on behalf of the judges.

Bills number 826 and 1333, which deal with access to juvenile records; on bill number 826, it provides that there should be access to bonafide researches upon permission of the Court, and we support that bill.

Bill number 1333, which provides for records of delinquency adjudications for presentence investigations in the adult court and for determination of youthful offender status and felonies, we support the bill in principle, which provides that only that information pertaining to juvenile adjudication should be made available and not juvenile referrals being akin to the adult system, whereby an arrest is not held against an adult, and we favor both of the bills in its present form.

Bill number 1227, 156 and 5207, which deal with mandatory or discretionary transfers. The Judicial Department strongly supports bill number 1227, which is the bill proposed by the serious offender task force. I think there has been a great deal of detail given concerning that bill given by Mr. Carbone, by Mayor Roke, and we will be pleased to answer any questions for the sake of time.

Bill number 1545, and 1619; 1545 deals with the emancipation of minors issues, and 1619 deals with family with service needs. I packaged these two together because we have a particular problem with 1619, family with service needs, which provides that the jurisdictional age, and that as it's presently proposed, includes 16 and 17 year olds. Very frankly, we are not equipped to prepare at this time to deal with that population. If we were -- if the bill were to pass, and if

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REP. TULISANO: It's a two-line piece of legislation. It might be very effective.

MR. GOLD: But it would be a lot cheaper than this, in the production of this, yes.

A couple of other bills to speak on quickly. No. 1545, an Act Concerning Emancipation of Minors. I think that the State is clearly in need of an emancipation bill. We've been long in need of that. Presently under our law and I'm assuming under State Law, the Status Offense Bill if it went through with 16 and 17-year-olds in would temporarily

One, there should not be a cut off point. I think that it would be any age. As a practical matter, the new young kids are not going to be in their court doing. Okay. Then, on line 49 and 50, where it says "with the consent of the living separate and apart from his parents or guardian with the consent or acquiescence of the parent or guardian with the consent, with or without the consent, as opposed to acquiescence"

In the laundry list contained in Section 45-101, the rights are affected by such a device. I think that the real things at least to my quick reading, have been left out that ought to be addressed. First of all, a minor can lawfully sell real property, but there's no indication that a boy and sell personal property. I think that should be included. Another question is along on line 65, that parents shall be relieved of all obligation to support the minor. My question is, and I have not been able to research this, there might be a potential conflict with federal law if the child is getting some sort of public benefit. Would you would be misleading a parent who thinks that they are being relieved of their responsibility, but that they could be quite responsible under the federal law.

Finally, I think there should be a provision that should be a provision in this bill, including the same as in addition to the common law in Connecticut, as opposed to in derogation of the common law. For example, a reason that this would be what happens if there has not been an emancipation proceeding? Okay, so there is no degree and in effect, the kid is emancipated and the kid goes out and damages a, say he breaks every window in his high school and the parents are sued under the Parental Responsibility Statute, 52-572. I believe that this was in derogation of the common law, the parents could not raise the defense, the special defense of emancipation, so I think there should be a provision.

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MR. GOLD (Continued): I'm talking about and that is because under present jurisdiction of the court, when you turn 16 you can't be brought in as a runaway. A kid can live out on his or her own. However, they are not adults and you have this legal no-persons land of 16 year olds and 17 year olds and we need some definition both for the protection of the child, the protection of the parents and the protection of third parties who deal with the children.

I would support 1545, there is also another bill I believe that this committee heard several weeks ago, 5859, which is very similar in provision. A couple of amendments that I think should be made to 1545. First of all, in Section One, there should not be a cut off point of 16. I think that it would be any age. As a practical matter, the real young kids are not going to be in there petitioning. Okay. Then, on Line 49 and 50, where it talks about a child living separate and apart from his parents or guardian with the consent or acquiescence, I would change it to with the consent, with or without the consent, as opposed to acquiescence.

In the laundry list contained in Section 5 on what rights are effected by such a decree, I think that several things at least to my quick reading, have been left out that ought to be addressed. First of all, a minor can buy and sell real property, but there's no indication that he can buy and sell personal property. I think that should be included. Another question is along on Line 85, that parents shall be relieved of all obligation to support the minor. My question is, and I have not been able to research this, there might be a potential conflict with federal law if the child is getting some sort of public benefit that you would be misleading a parent who thinks that they are being relieved of their responsibility, but then they could be held responsible under the federal law.

Finally, I think there should be a provision, there should be a provision in this bill, indicating that this is in addition to the common law in Connecticut, as opposed to in derogation to the common law. For example, a reason for this would be what happens if there has not been an emancipation proceeding? Okay, so there is no decree and in effect, the kid is emancipated and the kid goes out and damages a, say he breaks every window in his high school and the parents are sued under the Parental Responsibility Statute 52572. I believe that this was in derogation of the common law, the parents could not raise the defense, the special defense of emancipation, so I think there should be a provision

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MR. FREIDENBERG: No, what I'm saying is quite the opposite.
Belt 15 I'm saying as it exists now, if UIS is mandate to provide
funding for community planning and community coordination,
first before the direct services.

REP. TULISANO: That would be for the direct service.

MR. FREIDENBERG: This is a -- that's an impartial

REP. TULISANO: You would get more money right now by hiring
administrators.

MR. FREIDENBERG: By providing. By doing the planning. That's
correct. As it exists right now.

REP. TULISANO:

MR. FREIDENBERG: Well I think, I think there's a partnership
here within the approach. This -- this bill, okay, of the
institutionalization was not at all taken into, into
account when we were talking about the other legislations.
I think you really have to separate the two.

REP. TULISANO: Thank you. We'll go back now to the list, unless
there's somebody else who is not being paid to be here.
Like some special interest group or other.

MR. FREIDENBERG: Thank you.

REP. TULISANO: Mr. Podosky. The first of five from the same --
no the second of five from the same set. You'd think all
the money we give you you could be defending a lot of
poor people the longer we hang
around here.

MR. PODOSKY: My name is Raphael Podosky. I'm a lawyer at the
Legal Services Legislative Office. I will try not to go
overground what others have gone. On Bill 1475 I would just
say that I think it not a good bill. It's counter-productive
in terms of its impact on counseling. And I will say nothing
else.

On 1545 that is a record short statement from me on the
bill. On 1545 Emancipation of Minors the Committee had
a previous hearing on Bill 5859. It turns out that the
two bills are practically identical. The written testimony
I've given you if you go through it actually turns out
if you compared it with my written testimony on the other
bill and you made the changes I recommended in both written

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into purchase service agreements with State Departments and officials that do not have judicial or law enforcement authority. There would be no cost to the State for passing this Bill since federal funding is available for such agreements. If there is no objection, I would - this has been requested by the Department of Administrative Services and if there is no objection, I would move this to the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Continuing on page 18 of the Calendar, bottom item on the page, Calendar 811, File 819, Favorable Report of the - it's misprinted here, but it's Favorable Report of the Joint Standing Committee on Judiciary, Substitute for Senate Bill 1264, AN ACT CONCERNING THE DISCLOSURE OF CRIMINAL HISTORY RECORDS.

SENATOR DE PIANO:

I'm going to ask that that be passed retained, Mr. President.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Turning to page 19, top item on the page, Calendar 812, File 849, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for Senate Bill 1545, AN ACT CONCERNING THE EMANCIPATION OF MINORS.

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SENATOR DE PIANO:

Mr. President, I move for acceptance of the Committee's Joint Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR DE PIANO:

Yes. Very briefly, this Bill would authorize any resident who is 16 or 17 years of age or any parent or guardian of such minor to petition Superior Court for a determination if the minor is emancipated. The court would be required to enter an order declaring that the minor is emancipated if, after the hearing it finds any of the following which is that the minor entered into a valid marriage, whether or not that marriage had been terminated and that the minor is actively on duty in the armed forces or that the minor willingly separates and is apart from his parents or guardian with or without their consent and that the minor is managing his own financial affairs or other facts which demonstrate that the parent-child relationship has irretrievably broken down. If there is no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered. The Chair notices in the Chamber, the presence of the former Mayor of Bristol, Mayor Longo and I ask the Senators to please rise and accord him our usual welcome.

THE CLERK:

Continuing on page 19, CALENDAR 816, File 844, Favorable Report of

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THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please return to the Chamber. Roll Call in the Senate, before today's Consent Calendar. Would all Senators please return to the Chamber.

THE CHAIR:

Senator DePiano.

SENATOR DE PIANO:

Mr. President, may I take this opportunity to announce that the Judiciary Committee will have an Executive Meeting on next Tuesday at 11:00 A.M. to deal with the nomination of judges.

THE CHAIR:

Thank you Senator. Any other announcements at this time? Will all Senators please take their seats. We are voting, the first vote is on page 12, Calendar 733, an item that had been placed on the Consent Calendar but ~~because of a conflict of interest of one of the Members, it has been removed.~~ ^{HB 5079} Calendar 733, page 12. The machine is open.

THE CLERK:

Roll Call is in process in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? The machine is closed. The Clerk will take a tally. The vote is:

33 YEA0 NAYThe Bill is passed.

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CLERK:

Calendar No. 1186, File 849, Substitute for Senate Bill No. 1545, AN ACT CONCERNING EMANCIPATION OF MINORS. Favorable report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER ABATE:

Question is on acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence. Will you remark, sir?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, this particular legislation is designed to establish a procedure by which young people between the ages of 16 to 18 may be judicated emancipated. That is that the child between 16 years and 18 years of age has married, is living separately, maintaing their own home, main- taining their own financial status, then parents or the child may go into the probate court, have a judiciation of emancipation, and therefore give that individual, one, the right to contract

for themselves, obtain medical services, and to engage in litigation, and buy and sell property.

On the other hand it also waives the parents of responsibilities with regard to the parental liability law that we recently raised to \$3,000. Again, of course, they would no longer be responsible for any of that child's debts. Nor would they be responsible for the care of that child.

This bill in many ways is a companion, is a companion to the legislation which was passed here earlier in the session, which did raise the parental responsibility law. You may recall at that time I was asked on the floor whether or not such legislation would be coming forward before us. And I responded in the affirmative. And here it is before us.

I want to correct -- probate court. I was so used to bringing up matters that deal with the probate court with juveniles. This is not -- this would be in the juvenile section of the superior court where these petitions would be held, not in the probate court.

Another provision of this act would make it clear that this is not the only way in which a child may be emancipated. That if there are any other ways which have been determined by case law in the State of Connecticut then those methods of emancipation still would be viable in the State of Connecticut, with adoption of the bill, passage of the bill.

SPEAKER ABATE:

Will you remark further on the bill? If not --

REP. KEMLER: (18th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Joan Kemler.

REP. KEMLER: (18th)

Thank you, Mr. Speaker. Through you, if I may a question to the proponent of the bill.

SPEAKER ABATE:

State your question please, madam.

REP. KEMLER: (18th)

Rep. Tulisano, just for my own edification. Is it possible for a child who is committed to the Department of Public Children and Youth Services to be emancipated?

SPEAKER ABATE:

Rep. Tulisano, will you respond, sir?

REP. TULISANO: (29th)

Through you, Mr. Speaker. If there is any minor who has reached his sixteenth birthday, and residing in the state, may seek emancipation.

REP. KEMLER: (18th)

Thank you.

SPEAKER ABATE:

Will you remark further on the bill? Would all the members please be seated. Would all staff and guests --

REP. ZAJAC: (83rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Zajac of the 83rd.

REP. ZAJAC: (83rd)

Mr. Speaker, a question through you to Rep. Tulisano.

SPEAKER ABATE:

State your question, sir.

REP. ZAJAC: (83rd)

Through you, Mr. Speaker. The OLR research report on item 2 on the first page says that a person would be emancipated if, and it will make several things were to happen, if the minor in this case in on active duty in the armed forces. It says here the person would be able to be petitioned and declared emancipated.

Number one, the question is how would a 16 or 17 year old be on active duty in the armed forces, and I assume that lying on their age. But if that happened and the person was admitted in the armed services, and armed forces, why would the parents wish to declare the child emancipated?

SPEAKER ABATE:

Rep. Tulisano will you respond?

REP. TULISANO: (29th)

Through you, Mr. Speaker. It is more than one question. Let me say that one, the people have been in the armed services under age 18, say they may have been agreed to by their parents at 16 say, or 17 if the service wanted to take them and they did accept that. Then after that should the child, or at that point the child is on their own really, that it may be proper to be emancipated.

And if I'm not sure, if I'm not incorrect, that has been I think determined to be the common law of emancipation in any event. That young people who are in the armed services are no longer under the parental control and are emancipated in any event. But this is in some ways a codification in many areas of existing law.

I hope that answers the question. I may have missed the point.

SPEAKER ABATE:

Rep. Zajac, you still have the floor, sir.

REP. ZAJAC: (83rd)

Yes, Mr. Speaker. Well it may have answered the question, but I can't agree with that, in that if a person is serving the, legally or whatever you call it, in the armed service, lying on their age, being and serving, I don't think this still constitutes the fact that they should be declared emancipated.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER ABATE:

REP. JAJ Rep. Tulisano.

Rep. Zajac you still have the floor.

REP. ZAJAC: (83rd)

That's all, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill?

REP. OSIECKI: (108th)

Mr. Speaker.

SPEAKER ABATE:

REP. JAJ Rep. Osiecki.

REP. OSIECKI: (108th)

I would just like to speak in support of the bill because it was a bill that was written within the Juvenile Justice Commission and accepted by the Committee on Judiciary. It should be understood that the petition for emancipation could either be presented by the youth or by the parent.

There is a number of criteria in section 3 that must be considered by a judge. It is not going to be an easy thing for any parent to emancipate a minor, or for a minor to become emancipated. They certainly will have to be many conditions.

I think it's a good bill and it's a bill that's needed in our state today.

SPEAKER ABATE:

Will you remark further on this bill? Would all the members please be seated. Would all staff and guests --

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. One quick question through you to the proponent of the bill, please.

SPEAKER ABATE:

State your question, sir.

REP. JAEKLE: (122nd)

Rep. Tulisano, on line 46 and 47 I see the words, it says somebody aggrieved by the order of the court may appeal the decision. I am wondering about that word aggrieved. I'm not used to seeing it in the statutes. What exactly that means.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker. I presume it means a person who is not happy, and my understanding in this context means

a person who is not happy with the decision of the juvenile session of the superior court, then may make an appeal to the supreme court provided herein appeal would be necessary in order to meet constitutional basis. Otherwise, we might have an appeal to the United States Supreme Court if no other provision was provided.

REP. JAEKLE: (122nd)

Thank you. And I guess one more question.

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Would the person seeking to bring an appeal have to actually show that he was aggrieved in order to have standing to bring the appeal? Through you, Mr. Speaker.

SPEAKER ABATE:

Will you respond to that inquiry, sir?

REP. TULISANO: (29th)

Through you, Mr. Speaker. I think they would have to lay out facts to indicate their standing, one that they're a parent or a child who had a interest in the case. And two, that their interest was, as far as they were concerned, not properly addressed by the lower court. And I think then they would have the ability to bring the appeal.

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Yes, Mr. Speaker. That's somewhat my understanding, also. And I find that a little cumbersome. I feel that any person named in the petition should have the right to bring an appeal and should not have to prove that they were "aggrieved by the decision". I think anybody named in the petition should have standing to bring the appeal, and accordingly the clerk has an amendment, LCO No. 7976. Would the Clerk please call and read the amendment?

SPEAKER ABATE: The Clerk has an amendment, LCO No. 7976 designated House Amendment Schedule "A". Would the Clerk please call and read the amendment?

CLERK: LCO No. 7976, offered by Rep. Jaekle of the 122nd district. In line 46, strike the words "who is".

In line 47, strike the words "aggrieved by the order of the court".

SPEAKER ABATE: The amendment is in your possession, sir. What is your pleasure.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I move adoption of the amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A". Will you remark on its adoption?

REP. JAEKLE: (122nd)

Yes, Mr. Speaker. Briefly, this would remove the requirement that someone named in the petition must actually be aggrieved by the order of the court in order to appeal the decision, to the supreme court. Merely being named in the petition as an interested party would be sufficient to bring an appeal if they were dissatisfied without having to go through possibly a cumbersome procedure of showing aggrievement. I find the language extremely difficult in a case where if the parents are unhappy with the result, they are also being relieved of financial liability for their minors, obligation to support, liability for court actions against the minor, it could be possible that they would indeed have received the benefits and not have been aggrieved by the decision of the court.

And therefore might not be able to show that they have standing to bring the appeal, even if they were merely unhappy with the decision.

I therefore think this cleans up the bill, and offer the amendment in that spirit. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment

Schedule "A"? Will you remark further on its adoption?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I have a few questions of the proponent of the amendment.

SPEAKER ABATE:

State your first question, please.

REP. TULISANO: (29th)

Mr. Jaekle, am I understanding correctly that you would just like the ability for anybody who is named in the petition or notified to have the right to appeal whether or not they were a party in interest?

SPEAKER ABATE:

Rep. Jaekle, will you respond to the question?

REP. JAEKLE: (122nd)

Not completely. The language would read that only a person names in the petition could bring the appeal not merely somebody that was notified of the petition.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I think I, I really don't, un-

house of representatives

fortunately, I did not have a copy of the Amendment until just now and I'm trying to mesh it into the rest of the Bill and I apologize if I take a little time - I have it now, thank you. I'm not so sure in the petition that, through you, Mr. Speaker, who the individuals that you, that the proponent of the Amendment thinks this will be limited to who could bring an appeal to the Supreme Court, just the named individual and their parents or does he think that other people may bring an appeal to the Supreme Court as a result of an adverse ruling?

REP. JAEKLE: (122nd)

The file copy would read, and I will quote on lines 45 and read it as if the amendment is adopted, that any person named in a petition filed pursuant to Section 2 of this Act, may appeal to the Supreme Court. It would clearly indicate that an individual would have to be named in the petition in order to have standing to bring the appeal. It would remove the requirement that they would have to show that they were aggrieved by the decision.

SPEAKER ABATE:

Will you remark further?

REP. TULISANO: (29th)

Yes, Mr. Speaker, there is no question, just speaking on the amendment, Mr. Speaker.

SPEAKER ABATE:

Proceed please, sir.

REP. TULISANO: (29th)

Mr. Speaker I've just read the amendment and tried to relate it to section 1 of the bill - it seems not to do any damage to the bill - I'm trying to. Well just for clarification Mr. Speaker, one more question to the proponent.

SPEAKER ABATE:

State your question please, sir.

REP. TULISANO: (29th)

Do you understand the only, through you Mr. Speaker, Mr. Jaekle, do you understand the only persons named in the petition would be whom? What is your understanding?

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Through you, my understanding would be that the minor himself if named in the petition. His parents or guardian would be named in the petition as I read section 1 of the bill.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker only one more question.

Then it is your understanding, and I think it is mine, that there are only two people named in the petition - the child and the parent, and either party in effect may appeal the adverse law through the use of this amendment without any further showing, if they just didn't like the results. Is that correct?

REP. JAEKLE: (122nd)

Amendment Mr. Speaker, through you, not entirely. Section 1 refers to the minor as one party or as the second party, it could be the parent or guardian which was not in your question and it is in the context of the guardian that I had the most trouble with the language agreement.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Thank you, through you, just one more question to make it clear. I understand either parent or guardian or the individual but is it your understanding through this amendment that by virtue of this amendment, either the parent or guardian or the child may by virtue of just getting adverse ruling have the right to appeal?

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Mr. Speaker, through you, the answer to the question is - yes.

REP. TULISANO: (29th)

Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further on its adoption? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The nays have it. The amendment fails.

Will you remark further on this bill? Will you remark further on this bill? If not, would all the members please be seated. Would the members please be seated. Would all staff and guests please come to the well of the House.

The machine will be opened.

The House is voting by roll at this time. Would the

members please return to the chamber immediately. The House of Representatives is voting by roll at this time. Would the members please return to the chamber immediately.

Have all the members voted? Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally. Will the Clerk please announce the tally.

CLERK:

Senate Bill 1545.

REJ	Total Number Voting	138
	Necessary for Passage	70
SP	Those voting Yea	136
	Those voting Nay	2
SP	Those absent and not Voting	13

SPEAKER ABATE:

The bill passes.

CLERK:

Calendar 1187. File 844. Substitute for Senate

Bill 1662 AN ACT CONCERNING UNIFORM FEDERAL LIEN REGISTRATION ACT.

Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.