Legislative History for Connecticut Act

HB 7853 (PA 592) 1979

Judiciary: 683, 763-764, 780, 799-800, 834, 1516-1517

Senate: 5216-5218, 5279

House: 8113-8122, 12,452-12,456

LAW/LEGISLATIVE REFERENCE
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JOINT STANDING COMMITTEE HEARINGS

JUDICIARY

PART 2

354-742

1979

MR. REYNOLDS (Continued): 7756, 59, 63, 64, 65, 66, 68, 69, 7770, 71, 72, 73, 7792, 7853. Senate Bills 1543 and 1546. We ask that you report them out of committee for favorable action by the General Assembly. You may be interested to know that our national associations in many states are urgin for enactment of a uniform probate code. We do not feel that way in Connecticut. We're very proud of our probate system. We feel that it's very responsive to the needs of people who have occasion to use the probate courts and, as a matter of fact, the fact that all of these bills have been introduced to refine our system, shows that our probate court administrator is responsive to those needs. Thank you.

REP. TULISANO: Thank you very much. Thank you for waiting. Mr. Roth, Mr. Zelle.

MR. ROTH: Gentlemen, I'd like to thank you for being here. My name is Robert Roth. I possibly should mention for the sake of clarity that I am registered as a lobbyist with the Low Income Planning Agency of Hartford, but I'm here as a volunteer on behalf of the Mental Health Association of Connecticut. That's why I'm not wearing my badge.

REP. TULISANO: But you're getting paid to have you here anytime.

MR. ROTH: But, I'm not being paid, that's the point.

REP. TULISANO: You're getting a day off, on vacation?

MR. ROTH: I'm taking personal.

REP. TULISANO: (inaudible)

MR. ROTH: No, I appreciate that, but I'm taking personal time and I thought it was worth mentioning. Because I'm speaking today on behalf of the Association, although you may see me in other contexts, speaking for other purposes. I think I've also, I doubt very much that I'll go beyond five minutes, but I had a handful of details that I wanted to mention on behalf of the Mental Health Association of Connecticut. With reference to Bill No. 7748, we're in substantial agreement with all the testimony you've heard about the good points of that bill. I would just like to emphasize our agreement with some of the folks who raised questions with Lines 165 to 168 and 403 to 404, which appear to make the entire hospital record automatically admissable. Just by way of summary, I wish you could see about a dozen randomly chosen

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JUDGE KNIERIM (Continued): penalty, but if it appears that no tax is owed, there is no penalty, we could go on for years. Our state policy has always been to address the expeditious settlement of estates. In those estates where it appears the amount is under the exemptions, they sometimes remain open for many years because there is no incentive to file a tax return. Also this prevents the Tax Commissioner - or the Commissioner of Revenue Services from having the necessary information to look at that estate. So this bill suggests to you that it's a good idea to have a financial penalty for late filing of these returns. Now, there will be hardship cases, and the bill also addresses that. If cause can be shown for the late filing, the Commissioner is authorized to waive the filing fee. We recognize that it places an additional burden on the Commissioner of Revenue Services' office, but we think the overall benefit and the expeditious settlement of estates outweighs that extra work.

SEN. DE PIANO: Will they be able to give the tax clearance that is necessary to close the estate in a much quicker manner than we're getting it now?

JUDGE KNIERIM: I would say so in those estates...

SEN. DE PIANO: How long does it take now, do you know?

JUDGE KNIERIM: Well, the Tax Commissioner's office is pretty effective if there is a special need as far as getting a tax waiver.

SEN. DE PIANO: Let's assume on the regular routine basis. How long would it take to get that tax notification?

JUDGE KNIERIM: Once the return is filed?

SEN. DE PIANO: Yes.

JUDGE KNIERIM: On the average of six weeks. Sometimes they take longer for larger estates then, of course, when the Federal Government is involved, it takes often a great deal longer.

SEN. DE PIANO: I don't think that's bad. Okay - thank you.

JUDGE KNIERIM: The next bill - House Bill 7853 is a...represents a substantial change in Connecticut law. It's an act concerning paternity claims. I'd like to first tell you a little bit about how this bill came about because it was the work product of many people whom I consider to be experts in this field. Among others, Attorney Angela Grant from the Connecticut Law Revision Commission, Mrs. Caroline Murray,

JUDGE KNIERIM (Continued): Judge Thomas Gill, Mrs. Dille from the Department of Children and Youth Services, Attorney Linda Dow from my office, Mr. Hal Burdo from the State Department of Health, met in committee for over a year to address the enormous problem of putative fathers' rights in Connecticut. I think the Committee knows very well that law in that area has been developing rapidly throughout the country and indeed in our state also. The most recent case, High vs. Delta, a very good statement of the status of law with regard to putative fathers, was handed down by our Supreme Court last summer. And if you read that case and the others that are around, you still find a substantial gap. We have gone far enough to say that certainly putative fathers, in certain categories, have to be addressed in court proceedings, involve their children - also, their custodial rights have to be addressed, but we have never given them the opportunity to become full parents of that child and this bill would provide a mechanism to give them that opportunity. It would require that they step up and take responsibility for the child and that they then have an opportunity to prove their paternity.

At the present time the mother can go to Superior Court and bring a paternity act against the father, but there is no remedy for the father who wants to take an active role in parenting his child. We've placed this responsibility with the probate courts for a number of reasons: first, we think we can do a good job; secondly, we can do it rapidly, and in dealing with children, I think the Committee knows very well that we don't want to provide any mechanism which would hold up the orderly process of adoption and of termination of parental rights. The probate courts can address these matters fast and really focus on the best interest of the child in each case.

I'll be glad to answer questions on this - as I say, I have more detailed testimony in writing. I think I should mention that we think there is a very large benefit to the child in this case because, right now, as the result of numerous cases, sometimes children are held in "legal limbo" because we don't know what the legal status of paternity is, and this would bring it to issue early in the situation so that, if the father has no rights, we can go on and place the child in adoption and address the child's life at an earlier stage.

Now, there's some bills that did not come through my office but which I would like to comment on briefly. The first is Senate Bill 1577 - an act concerning annulment of orders

EDWARD DALE (Continued): The other bill I'd like to address very briefly, and I have written comment, which goes to the language of 7853, An Act Concerning Paternity Claims. We strongly support that bill as providing a form by which fathers of children can seek an adjudication as to their parental rights. I think it's a very good bill from that basis. There are two issues which I think--well we don't have to start feelings on, but which we think the Committee should make note of.

The first of which is the requirement that any claim of paternity by the father must be filed within thirty days of the child's birth, and our thinking is that that may be somewhat of a short period of time. The woman, if--in this case, it would be essentially the man bringing an action against the woman to establish his rights as father. A woman under the paternity--existing paternity statute has three years in which to bring an action against the father to establish that he is--has the responsibilities of a father without the rights. We think that perhaps a longer period of time would be appropriate.

The second part is that there is an inconsistency which we see in Section 2g. In that that section provides that a father's rights to the--parental rights are extinguished unless one--there--one of three things happens. He either acknowledges it under existing law, has an adjudication under the provisions of this act, or is adjudged the father in a paternity action.

Another part of that section holds that the father is denied any parental rights unless there is an acknowledgement or an adjudication in the Probate Court and excludes situations where a father is adjudged to be the father in a paternity action so that this would preclude any defendant of attorney action from obtaining parental rights. We don't have strong feelings, but I think this is inconsistency which should be clarified before this is adopted.

SEN. DE PIANO: Thank you very much.

EDWARD DALE: Thank you.

REP. JULIANO: Before we go any further I want to read for the record. Lieutenant Ford of the State Police Department came to testify on the same bill, Bill #442, but in the essence of time he has left and submitted testimony to the Committee, which I will make available.

SEN. DE PIANO: Mr. Juliani.

JACQUELYN COLEMAN (Continued): today on behalf of Dr. Howard , who's Chairman of our Legislative Committee. Dr. regrets that he's unable to appear personally for you today.

The Connecticut Psychiatric Society is opposed to House Bill 7854, an Act Concerning Access to Psychiatric Records, as it is currently written. I wish, however, to affirm our support for the proposed substitute to this bill language for which has already been submitted to you by Attorney Judith Lerner. As she noted, this language has the support of other parties concerned as well. Did you all get enough copies of that amendment. I have extras with me. Then I'll hand them out at the end of my testimony.

Briefly, we feel that, as currently written, House Bill 7854 is confusing and could be difficult to interpret. Furthermore, we find that its language is in conflict with the psychiatric confidentiality statute, 52146, notably in its criteria for nonconsentual disclosure. We would be happy to supply written details of the conflicts we foresee at your request.

The substitute language we feel is clearer and shorter. It accomplishes the purpose intended in the original bill without complication and without conflict with the psychiatric confidentiality statute. If you have any questions, I'll be happy to relay them to Dr. and he'll reply in the form of a letter.

All right. Then I'll just hand out those copies of the amendment. Thank you.

REP. TULISANO: Edward Conant. Warren Bette? Marie. I need my glasses.

MARIE BETTE: Chairman, Members of the Committee, my name is Marie Bette and I'm representing the Connecticut Council For Adoption on Bill 7853, in relation to paternity claims, the putative fathers. In essence, we agree with the concept of this bill. However, we do feel that there is some question about the timing. One person here who talked about the bill thought that we didn't give them enough time for a putative father to make up his mind whether he was take on the responsibility for a child or not. We would like the time shortened. If the father really wants to take the responsibility, as any other father would, he should do it from the beginning of the child's life, without waiting three or five years before he makes up his mind to take that kind of responsibility.
Belt But, too many are staying in foster care much too long over a
#11 long period of years, and we're trying to place them early

MARIE BETTE (Continued): enough so that -- I mean if their parents don't -- aren't able to take care of them -- then they have the benefit of that kind of life.

REP. TULISANO: Thank you. Raphael Podolsky.

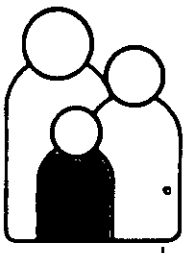
RAPHAEL PODOLSKY: My name is Raphael Podolsky. I'm a lawyer with the Legal Services Legislative Office. I'd like to speak on several bills before the committee. The first one is Senate Bill 1559, which is an act that deals with attorney's fee clauses in consumer contracts.

I hesitated some before on deciding what position we were going to be taking on this bill, but we support the bill as a small step in the right direction. And, I just want to say to you why I think it's rather a small, rather than a big step.

What the bill would do is it would provide that attorney's fee clauses in consumer contracts are reciprocal. That is to say if the consumer says, "I agree to pay the creditors attorney's fees if I default that it will be interpretted that if the default is to be the other way around and it's the creditor that defaults, the consumer would be entitled to claim attorney's fees. That is improvement over the status quo because those clauses are unfair. But, I think it's important that the Committee understand fully what the nature of the problem is because this does not -- it really addresses one small aspect of the problem.

The main nature of the problem is that attorney's fees awards under consumer contracts are often astronomical in size, and they are out of proportion to what is a reasonable entitlement, although they're called reasonable attorney's fees, they're often not reasonable because they involve, often, very small amounts of work, and I have seen attorney's fees award for $1,000, $1200, $1800 on default judgments and those members of the committee who are lawyers now, in order to obtain a judgment by default for failure to appear, there is no substantial amount of attorney work involved.

There have been two ways in which efforts have been made to limit those kind of attorney's fees awards. One is simply by prohibiting the clause on the grounds those clauses are what they call -- are clauses and contracts of adhesion. They are not really consented to. That is the recommendation of the Federal Trade Commission staff, is the recommendation of the Model Consumer Credit Act, of Alternative A of the Consumer Credit Code and it is the law of this state under the small loan act, where attorney's fees clauses are simply



Child & Family Services, Inc.

1680 Albany Avenue, Hartford, Connecticut 06105 • Phone 236-4511

Robert I. Beers
Executive Director

Donald D. Illig
President

Re: Judiciary Bill #7853: An Act Concerning Paternity Claims

With all due respect to those who put together this bill, and understanding the need to provide for due process for a father of a child, I would suggest to the Judiciary committee that the time frames in this bill be looked at with respect to the child. They are much too long! The most important years' of a child's life, as you well know, are the first years of life and every day and month makes a difference. Although the time constraints may seem reasonable to us as adults and understanding the judicial process, I still urge you to shorten the time limits considerably. A Child's future should not be in limbo for 1 to 3 years as this Bill would allow. Decisions concerning young children should be made a priority in the courts and should be acted on as quickly as possible.

→ See Section 2g. Lines 134-139.

Why should it take up to a year or up to 3 years to determine the status of a father? To be in the best interests of the child, and in the best interests of a father should he desire to parent the child, that determination needs to be made as soon as possible.

I would recommend that all decisions concerning a father's status and rights be determined within 6 months of the birth of the child and that these cases be given a priority in the courts so that this determination can be made.

Section 2g - Lines 134-139

Robin E. Cebrian
Social Worker
Child & Family Services, Inc.

Rhoda Abel, ACSW
Social Worker
Child & Family Services, Inc.

JOINT STANDING COMMITTEE HEARINGS

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ANGELA GRANT: I beg your pardon?

REP. TULISANO: (Inaudible comment)

ANGELA GRANT: In order to discourage the same kind of malicious brought to have a conservator appointed for an incapable person when the person is really not incapable at all.

SEN. DE PIANO: Are there any records of any prosecution under that Statute for conservators that you're aware of?

ANGELA GRANT: I'll just say, frankly, Senator De Piano, I am not aware of them; but I believe this is designed to forestall that sort of thing before it happens.

The reason Section 6 was added was to sort of counter-balance the effect of enlarging the category of petitioners who can bring action for removal of parent or guardians. Previously it was extremely limited and left the Probate Court in the situation of having noone to bring these actions when it was required. So the category has now been expanded to include relatives, support on its own motion and attorney for the child. And in order to forestall malicious action by any of those parties, which we certainly do not expect, we added...

REP. TULISANO: Can we get more emphasis on the most important things, at least for the record. The word legitimate is removed before the word "child"...

ANGELA GRANT: Yes, I was just coming to...

REP. TULISANO: You have minor as a substitute. That means that in fact--first of all, we won't have such word as illegitimate, obviously, and that means that we are giving to the same status to a child born out of wedlock exactly the same status as if, in fact, it were born in wedlock.

ANGELA GRANT: That is one of the intents of the revision and as you will note in section 1 on the first page there is a reference to another bill, Raised Committee Bill No. 7853, which was proposed by the Probate Court Administrator, which connects closely with ours at this point, and which Judge Kneirim will speak on if you have questions in a few moments.

SB 1661

The connection between that bill and this is that if Raised Committee Bill No. 7853 passes, it will expand the category of fathers as defined under our revision to include men who have adjudicated under the paternity registry which

ANGELA GRANT (Continued): 7853 would establish. This bill does--our bill that is, 1661, does stand entirely on its own. However, there is that close connection and we feel that it's a very important adjunct to 1661, and the Commission would like to urge the Committee to act favorably on both.

REP. TULISANO: On that last one, what special status is given to anybody who is born wedlock?

ANGELA GRANT: To the child you mean?

REP. TULISANO: What special status is given to the child who is born within the range of legitimacy in society's standards?

ANGELA GRANT: Well, my own personal view is that a child born in wedlock is always going to have a different status?

REP. TULISANO: Will not have...

ANGELA GRANT: Always will. Not perhaps for legal reasons, but as far as...

REP. TULISANO: After that, what's concern to us here? After the legal reason, what are we concerned about?

ANGELA GRANT: You mean as far as whether there would be any difference in the status of the child?

REP. TULISANO: Yah.

ANGELA GRANT: Well, from a legal point of view it's much simpler to know who the parents are as far as all the issues that arise between parent and child but the trend in the case law, in the state and in the nation is towards dispelling all differences between the rights of children who are born in and out of wedlock and their parents, at least where the parents wish to assert parental rights and to shoulder responsibilities for these children. The Commision supports that trend and hopes that the Committee will act favorably on these bills.

REP. TULISANO: You'll have to get out and read it again to find out what the law is.

ANGELA GRANT: There's a memo--our revision package includes a section by section revision with explanatory comments and a memo detailing the trends towards the equalization

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It would also concern situations where information was stolen or any other illegal means. I ask for acceptance.

THE PRESIDENT:

The motion is for adoption of the amendment. Will you remark further. All those in favor of the amendment signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED. Senator Casey.

SENATOR CASEY:

I move acceptance of the bill as amended and if there are no objections, Mr. President, I ask that it be placed on the Consent Calendar.

THE PRESIDENT:

Hearing no objections, so ordered.

The Clerk:

Turning to page six of the Calendar, top item on the page. Cal. 1135, Files 834 and 1157. Favorable report of the joing standing Committee on Judiciary. Substitute for House Bill 7853. AN ACT CONCERNING PATERNITY CLAIMS, as amended by House Amendment Schedules A and B.

THE PRESIDENT:

Senator Santaniello.

SENATOR SANTANIELLO: (25th)

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill as amended by House A and B. I believe there is an amendment.

THE CLERK:

Yes. The Clerk has Senate Amendment Schedule A, File 1157, Substitute House Bill 7853 offered by Senator Johnson. It's LCO 9148.

SENATOR JOHNSON: (6th)

Thank you, Mr. President. This amendment is directed at clarifying that a man who wishes to establish paternity rights after the initial period of eligibility may do so but he must also demonstrate a reasonable degree of interest, concern or responsibility for the child's welfare. I move the acceptance of the amendment.

THE PRESIDENT:

The motion is for the adoption of the amendment. Senator DePiano.

SENATOR DEPIANO: (23rd)

Mr. President, I join in with Senator Johnson with regard to this amendment. I think it's a good amendment.

THE PRESIDENT:

All those in favor of the amendment signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED. Senator Santaniello.

SENATOR SANTANIELLO:

Briefly, Mr. President, on the bill as amended, the bill would define natural father, it would allow the natural father of the child to claim paternity and it would further establish the proceedings of paternity claims. And if there

is no objection, I would move the bill as amended to the Consent Calendar.

THE PRESIDENT:

Hearing no objection, so ordered.

THE CLERK:

Cal. 1167, Files 1016 and 1178. Favorable report of the joint standing Committee on Appropriations. Substitute for House Bill 7541. AN ACT CONCERNING DISABILITY RETIREMENT UNDER THE TEACHERS' RETIREMENT SYSTEM as amended by House Amendment Schedule A.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE PRESIDENT:

Senator O'Leary, you wish to be recognized?

SENATOR O'LEARY: (7th)

Mr. President, I wish to absent myself under Rule 15 and I believe Senator Knous does also. He is not in the room right now but I will locate him.

THE PRESIDENT:

Senator O'Leary and Senator Knous have disqualified themselves from this issue and will absent themselves from the chamber and the record will so note. Senator Schneller, proceed.

THE CLERK:

The Clerk is ready to proceed with the Consent Calendar. Page five - Ca. 1113, Cal 1122, Cal. 1125 and 1131. Page six - Cal. 1135, 1170. Page seven - Cal. 1174, 1177, 1178. Page twelve - Cal. 285. Page thirteen - Cal. 697. Page fourteen - 796 and 807. Page seventeen - Cal. 496 and 557.

That is the Consent Calendar for today.

THE PRESIDENT:

Thank you, Madame Clerk. The machine is open. Announce an immediate roll call again.

THE CLERK:

A roll call on today's Consent Calendar is in process. All senators please return to the chamber. A roll call on Today's Consent Calendar. Would all senators take their seats.

THE PRESIDENT:

Have all senators voted. The machine is closed. The Clerk will take a tally. The vote is 33Yea - 0 Nay. THE CONSENT CALENDAR IS ADOPTED.

SENATOR LIEBERMAN:

Mr. President, I move for suspension of the rules to allow for immediate transmittal to the House of all bills that should go to the House.

THE PRESIDENT:

The question is on suspension of all items that need further House action to be transmitted. Is there objection.

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PART 23
7787-8160

CLERK:

House Bill No. 7014 with House Amendment "A".

Total number voting	132
Necessary for passage	67
Those voting yea	132
Those voting nay	0
Those absent and not voting	19

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 991, File No. 834, Substitute for House Bill No. 7853, AN ACT CONCERNING PATERNITY CLAIMS. Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker. 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:

The questionis on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment LCO No. 8642 and I seek leave to summarize.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 8642, designated House Amendment Schedule "A". Would the Clerk please simply call the amendment?

CLERK:

LCO No. 8642, offered by Rep. Tulisano of the 29th District.

SPEAKER ABATE:

The gentleman has requested leave of the chamber to summarize this amendment in lieu of Clerk's reading. Is there objection? Is there objection to the gentleman summarizing the amendment? Hearing none, you may proceed, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, what this amendment does is take out some what we considered unnecessary provisions in the file copy, and make some technical language changes, make some language consistent with other statutory language of already existing laws, and makes it clear in one other section that nothing in the act will preclude the establishment of paternity of parental rights to any other laws available to the State of Connecticut. That is to make sure that this is not thought to be the sole way that an individual can claim paternity in the State of Connecticut. I move adoption of the amendment.

SPEAKER ABATE:

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

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed, nay.

REPRESENTATIVES:

No.

SPEAKER ABATE:

The ayes have it. The amendment is adopted and ruled technical.

******

House Amendment Schedule "A".

In line 28, after "ACKNOWLEDGED" delete "UNDER OATH". Delete lines 37 to 43, inclusive, in their entirety. In line 44, delete "RIGHTS" and the period which follows it. In line 57, delete "shall" and the comma following it and substitute "may at any time but" in lieu thereof. Delete line 58 in its entirety. In line 59, delete "child, or" and after "than" delete "thirty" and substitute "sixty" in lieu thereof.

In line 61, delete "notice of intent to" and insert "for" after "claim". In line 64, delete "notice" and substitute "claim" in lieu thereof. In line 68, delete "notice to". In line 69, after "claim" insert "for". In line 70, delete "notice" and substitute "claim". In line 75, delete "notice of intent". In line 76, delete "to" and insert "for" after "claim". In line 80, delete "acknowledged" and substitute "acknowledges" in lieu thereof.

In line 85, delete "notice of intent to" and insert "for" after "claim". In line 86, delete "within thirty days after the birth of". Delete lines 87 and 88 in their entirety. In line 89, delete "section 1 of this act" and the comma. In line 90, place a comma after "wedlock" and delete "entitled to notice under". Delete lines 91 to 97 in their entirety.

Delete line 98 in its entirety and substitute "the court of" in lieu thereof. In line 99, delete "then" and substitute the following in lieu thereof "schedule a hearing on such claim". In line 100, delete "The". Delete lines 101 to 110, inclusive, in their entirety. In line 119, delete "putative" and substitute "claimant" in lieu thereof.

In line 129, delete "application" and substitute "claim" in lieu thereof. In line 132, delete "application" and substitute "claim" in lieu thereof. In line 155, delete everything after "(g)". Delete lines 156 to 164, inclusive, in their entirety. Delete line 173, in its entirety and substitute the following in lieu thereof ", visitation or support shall be transferred to the superior court".

Place a comma at the end of line 174 and after the comma insert the following : "except that the probate court may enter a temporary order for custody, visitation or support until an order is entered by the superior court". Delete lines 175 to 192, inclusive, in their entirety.

In line 206, delete "SUBSECTION (2) OF THIS SECTION 45-61d, AS AMENDED". In line 207, before "SECTION" delete "BY" and after "SECTION" delete "1" and substitute"2" in lieu thereof. After line 289, insert the following:

"Sec. 4. (NEW) Nothing in this act shall preclude the establishment of paternity or parental rights through other means available under the laws of this state."

******

SPEAKER ABATE:

Will you remark further on this bill as amended by House Amendment Schedule "A"?

REP. TULISANO: (19th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the copy of the file as amended establishes a new procedure by which individuals can assert paternity claims in instances where one is not married and in fact one is an unwed father, formerly called a putative father. Under existing law in Connecticut basically rights are insured by the, in an unwed parent situation, by the mother. This law was changed. We recognized there are certain rights of the unwed father with regards to the child, the child's best interest. It establishes a procedure by which it indicates that parental rights of the father are not necessarily -- first of all, that a parent, a father would have to receive notice at any time during the minority of a child of an attempt to extinguish those parental rights, that the father could seek under this legislation to be declared the father of a child and after asserting such claim, and after a hearing in the probate court to be so determined, as a result thereof could raise issues with regard to the best interest of the child with regard to custody, support, etc.

It is really an equalizing of the parental responsibilities in the presence of the old common law of Connecticut making interests of the parent solely in the mother. Last year we passed legislation which gave children born out of wedlock rights of

inheritance. There is a movement in the law generally in the United States and in the Supreme Court, recognizing more and more the interests of a child that was born out of wedlock. This would give additional interest to that child and protection to him as well as protection to the rights of the father who may want to exert that concern which is beginning to be shown in our modern-day society. There have been a number of cases in Connecticut raised by habeus corpus in which those rights are being exerted. That should not be necessary. There should be a procedure available to everybody with the best interests of the child always in view.

Mr. Speaker, I move passage of the bill, but I believe I must yield to Rep. Osiecki.

SPEAKER ABATE:

Rep. Osiecki, will you accept the yield, madam?

REP. OSIECKI: (108th)

Yes I will, Mr. Speaker.

SPEAKER ABATE:

Proceed, please.

REP. OSIECKI: (108th)

Mr. Speaker, the Clerk has an amendment, LCO No. 8426. I ask that he call and I ask permission to summarize.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No.

8426, designated House Amendment Schedule "B". The Clerk please simply call the amendment.

CLERK:

LCO No. 8426, offered by Rep. Osiecki of the 108th District.

SPEAKER ABATE:

Is there objection to summarization in lieu of Clerk's reading? Is there objection? Hearing none, you may proceed to summarize the amendment, Rep. Osiecki.

REP. OSIECKI: (108th)

Mr. Speaker, this amendment applies beginning on line 44 with the line any and goes to line 49 ending with the word person, and it will eliminate the waiver of notice provision which is current law today. I move its adoption.

SPEAKER ABATE:

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

REP. OSIECKI: (108th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Osiecki.

REP. OSIECKI: (108th)

This amendment will complement the amended file and make it must more consistent with the goals of the bill, which deals

with paternity claims in that all people would at least receive notice. They will be able to ignore the notice if they like, or they may pursue it, but it will prevent anyone from insisting that they sign a waiver of such notice in advance.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further on its adoption? Rep. Tulisano.

REP. TULISANO: (29th)

I would support the amendment. I think in this kind of situation when there are either paternity or maternal rights being exerted, the waiver of notice can be used as an intimidating factor by those in positions of authority and I think it is proper that those rights be fully protected and that we abolish the waiver of notice and I support the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House "B"? 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. The ayes have it. The amendment is adopted and it is ruled technical.

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House Amendment Schedule "B".

In line 44, after the period and before "Any", insert an opening bracket. In line 49, after the period and before "If", insert a closing bracket.

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SPEAKER ABATE:

Will you remark further on this bill as amended by House Amendment Schedules "A" and "B"? Will you remark further on the bill as amended?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I believe that I did speak on the bill at length before the adoption of the last amendment. I think with that amendment we have a file that is perfected and can be sent to the Senate and become law. I move its passage immediately.

SPEAKER ABATE:

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

will be opened.

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

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

The Clerk please announce the tally.

CLERK:

House Bill No. 7853, with House Amendments "A" and "B".

Total number voting	134
Necessary for passage	68
Those voting yea	134
Those voting nay	0
Those absent and not voting	17

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 936, File No. 753, Substitute for House Bill No. 7806, AN ACT CONCERNING THE ELECTION OF MEMBERS TO LOCAL

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HOUSE

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SPEAKER ABATE:

The bill passes.

CLERK:

Calendar page 13, Calendar No. 991, Potential Disagreeing Action, File No. 834 and 1159, Substitute for House Bill No. 7853, AN ACT CONCERNING PATERNITY CLAIMS (as amended by House Amendment Schedule "A" and "B", Senate Amendment Schedule "A"). Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker. Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

I move for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER ABATE:

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

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO No. 9148.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 9148,

previously designated Senate Amendment Schedule "A". Would the Clerk please call the amendment.

REP. TULISANO: (29th)

9148.

CLERK:

LCO No. 9148, offered by Senator Johnson of the 6th.

SPEAKER ABATE:

Is the gentleman seeking leave of this Chamber to summarize this amendment in lieu of Clerk's reading?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker --

SPEAKER ABATE:

Is there objection? Is there objection to summarization? Hearing none, you may proceed to summarize the amendment.

REP. TULISANO: (29th)

Mr. Speaker, what this amendment does is clarify a provision of a bill we passed a couple of weeks ago. In fact, although Senator Johnston introduced it, I helped write it along with Judge Canaro, which would make sure that an alleged father could not come back five or six years, without any connection after leaving the household, a putative father, that is, and make some claim, claim some claim as to paternity. This would require there be some connectionand some attempt to exercise that paternity during that period that they're separated and also cleans up the bill by

eliminating the last section of the bill, which was somewhat superfluous and not needed. I move adoption of the amendment.

SPEAKER ABATE:

The questionis on adoption of Senate Amendment Schedule "A". Will you remark on its adoption? Will you remark on the adoption of Senate "A"? Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker, just one question to Rep. Tulisano.

SPEAKER ABATE:

State your question, please.

REP. VAN NORSTRAND: (141st)

The second part of the amendment, Rep. Tulisano, those rights being eliminated, I don't know how real or what they are, and I wonder if you could advise us what in fact is being lost if anything.

REP. TULISANO: (29th)

Mr. Speaker, through you, Mr. Speaker, exactly that was the reason why it was deleted. We started to try to find out what we were talking about and since we could not, we thought we should have a law that was somewhat all inclusive, without leaving something open-ended which we really weren't sure we were doing.

REP. VAN NORSTRAND: (141st)

I commend the Senate's decisiveness.

SPEAKER ABATE:

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

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay. The ayes have it. The amendment is adopted.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Now we've adopted Senate "A", I move passage of the bill as already amended by House Amendment Schedules "A" and "B", which this House adopted I think a week and a half ago.

SPEAKER ABATE:

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

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

The Journal will so note that Rep. Hanzalek has cast her vote in the affirmative.

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. Clerk please announce the tally.

CLERK:

House Bill 7853 as amended by House Amendment Schedules "A" and "B" and Senate Amendment Schedule "B".

Total Number Voting	136
Necessary for Passage	69
Those voting Yea	136
Those voting Nay	0
Those absent and not Voting	15

SPEAKER ABATE:

Bill as amended passes.

CLERK:

Calendar Page 14. Calendar 1137, Files 938 and 1153. Substitute for House Bill No. 7687. AN ACT CONCERNING THE FREEDOM OF INFORMATION COMMISSION as amended by House Amendment Schedules