

Legislative History for Connecticut Act

HB 7034	P.A. 62	scanned	1993
Sen:	1477-1478, 1522-1523	(4)	
HOUSE:	2481-2485	(5)	
Judiciary	799-800, 925, 1001	(4)	
	Total -	Bp.	

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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WEDNESDAY
April 28, 1993

001477

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Government Administration and Elections.

THE CHAIR:

Is there any objection to referring Senate Calendar
No. 243, Substitute for Senate Bill No. 1040 to the
Committee on Government Administration and Elections?

Is there any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 244 is Pass Retained. Calendar
No. 245, Substitute for Senate Bill No. 1029, I'd move
this be referred to the Committee on Judiciary.

THE CHAIR:

Is there any objection to referring Senate Calendar
No. 245, Substitute for Senate Bill 1029 to the
Committee on Judiciary? Is there any objection?
Hearing none, so ordered.

SENATOR DIBELLA:

On Page 13, Calendar Item No. 248 is Pass Retained.
Calendar No. 249, House Bill No. 6904, I move this be
referred to the Consent Calendar.

THE CHAIR:

Is there any objection in placing Senate Calendar
No. 249, House Bill No. 6904 on Consent? Is there any
objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 250, House Bill No. 7034, I move

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this be placed on the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 250, House Bill No. 7034 on the Consent Calendar?

Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 251, House Bill No. 7199, I move
this be placed on the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 251, House Bill No. 7199 on the Consent Calendar?

Is there any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 252, House Bill No. 7195, I move
this be placed on the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 252, House Bill No. 7195 on the Consent Calendar?

Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Page 14, Calendar Item No. 253, House Bill No.
7068, I move this be placed on the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 253, House Bill No. 7068 on the Consent Calendar?

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Calendar Page 8, Calendar 209, Substitute for
Senate Bill 1057. Calendar 210, House Bill 6890.
Calendar 211, Substitute for House Bill 6894. Calendar
212, Substitute for House Bill 7024.

Calendar Page 9, Calendar 215, Substitute for House
Bill 6864. Calendar Page 9, Calendar 219, Substitute
for House Bill 6653.

Calendar Page 13, Calendar No. 249, House Bill
6904. Calendar 250, House Bill 7034. Calendar 251,
House Bill 7199. Calendar 252, House Bill 7195.

Calendar Page 14, Calendar 253, House Bill 7068.
Calendar 254, House Bill 7074. Calendar 255,
Substitute for House Bill 5013.

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Calendar 263, Substitute for Senate Bill 667.

Calendar Page 17, Calendar 272, Substitute for
House Bill 6834.

Calendar Page 18, Calendar 275, House Bill 7095.
Calendar 278, Substitute for Senate Bill 982.

Calendar Page 20, Calendar 288, House Bill 5642.

Calendar Page 21, Calendar 294, Substitute for
House Bill 5602.

Calendar Page 23, Calendar 303, Substitute for
Senate Bill 875. Calendar 304, Substitute for Senate
Bill 669. Calendar 305, Substitute for Senate Bill

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1051.

Calendar Page 27, Calendar No. 84, Substitute for
Senate Bill 294.

Madam President, that completes the first Consent
Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You've heard the
items that have been placed on the Consent Calendar.
The machine is on. You may record your vote.

Have all Senators voted and have your votes been
properly recorded? Have all Senators voted and have
your votes been properly recorded? The machine is
closed.

The result of the vote:

36	Yea
0	Nay
0	Absent

The Consent Calendar for today, No. 1, has been
adopted.

Mr. Clerk.

THE CLERK:

Calendar Page 11, Calendar No. 238, File No. 356,
Substitute for Senate Bill 699, AN ACT CONCERNING
BICYCLE HELMETS FOR CHILDREN.

Favorable Report of the Committee on

H-656

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1993

VOL. 36

PART 7

2285-2670

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House of Representatives

Friday, April 16, 1993

sure that your vote is properly recorded. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Bill 6881 in concurrence with the Senate.

Total number voting	144
Necessary for passage	73
Those voting yea	144
Those voting nay	0
Those absent and not voting	7

DEPUTY SPEAKER LYONS:

The bill is adopted.

CLERK:

Please turn to Page 3, Calendar 147, House Bill 7034, AN ACT CONCERNING VISITATION RIGHTS OF A PERSON REMOVED AS GUARDIAN. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER LYONS:

Representative Graziani.

REP. GRAZIANI: (57th)

Thank you, Madam Chairwoman. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER LYONS:

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The question before us is on acceptance and passage. Will you remark?

REP. GRAZIANI: (57th)

Okay, thank you. Madam Chairman, the Clerk has an amendment, LCO5412. May that be called and may I be allowed to summarize.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO5412 which will be designated House "A". Will the Clerk please call and read.

CLERK:

LCO5412, House "A" offered by Representative Lyons
et al.

DEPUTY SPEAKER LYONS:

What is your pleasure, Sir?

REP. GRAZIANI: (57th)

Thank you, Madam Speaker. I move adoption of the amendment. The amendment is pretty much technical in nature to accomplish what the bill is designed to do, and that is to expand the rights of visitation to any parent, person removed as a guardian or relative of a minor child or children and it really is something that is intent was the underlying purpose of the bill.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark? Will you remark

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further on the amendment that is before us? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

All those opposed, nay. The amendment is adopted and ruled technical. Will you remark further on the bill that is before us. Representative Graziani.

REP. GRAZIANI: (57th)

Thank you, Madam Speaker. What the bill attempts to do is to preserve the continuation of relationships when there has been a temporary custody situation and it expands it to include people who have been removed as guardians or relatives of minor child or children so that in the event that there has been a removal of guardianship that the children are not left hanging with no relationships that they may have formed.

It's making it more consistent with the other statutes dealing with the superior court. I move passage of the bill.

DEPUTY SPEAKER LYONS:

Thank you, Sir. Will you remark? Will you remark further on the bill that is before us? If not, will staff and guests please come to the well. Members take

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your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber please. The House of Representatives is voting by roll. Members to the Chamber please.

DEPUTY SPEAKER LYONS:

Have all the members voted? Will the members please check the board to make sure that your vote is properly recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

Representative Samowitz.

REP. SAMOWITZ: (129th)

Madam Speaker, in the affirmative.

DEPUTY SPEAKER LYONS:

Representative Samowitz in the affirmative.
The Clerk will announce the tally.

CLERK:

House Bill 7034 as amended by House "A".

Total number voting	141
Necessary for passage	71
Those voting yea	141
Those voting nay	0
Those absent and not voting	10

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House of Representatives

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DEPUTY SPEAKER LYONS:

The bill is passed. The Clerk will return to the
Call of the Calendar.

CLERK:

Page 17, Calendar 160, House Bill 7068, AN ACT
CONCERNING INSTRUCTION RELATIVE TO THE NEW LEGAL
DEVELOPMENTS WHICH CONCERN POLICE POLICIES AND
PRACTICES. Favorable Report of the Committee on
Planning and Development.

DEPUTY SPEAKER LYONS:

Representative Amann.

REP. AMANN: (118th)

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

DEPUTY SPEAKER LYONS:

The question before us is on acceptance and
passage. Will you remark?

REP. AMANN: (118th)

Thank you, Madam Speaker, if I could summarize.

DEPUTY SPEAKER LYONS:

Please proceed, Sir.

REP. AMANN: (118th)

Madam Speaker, the bill makes certain changes in
the law regarding instruction in current legal trends
in police practice and procedures by municipal police

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 3
678-1015

1993

Under our present law, a guardian may only make emergency decisions concerning medical, psychiatric or surgical treatment:

In many cases judges indicate that this poses grave problems. The child may not be in need of emergency treatment but may certainly need psychiatric intervention as a result of parental abuse or neglect.

The child may not require emergency medical treatment but may in fact be long over due for routine dental or medical treatment.

Under our present law, these temporary caregivers; these temporary custodians are not permitted to authorize this type of treatment. We're asking these guardians to take these children into their homes and care for them and yet when it comes to routine medical care, we are tying their hands.

This bill would permit guardians to authorize a unimical care and we would urge your support of this bill.

The second bill I would like to testify in favor would be HB7034 AN ACT WHICH CONCERNS VISITATION RIGHTS FROM THE PERSON WHO WAS REMOVED AS A GUARDIAN.

Probate courts, under general statutes again, may remove parents as guardians. At some later time, these parents may be reinstated or restored as guardians. Our statutes provide the courts with a mechanism to grant visitation to any parent who has been removed as guardian or any parent who as been denied temporary custody.

This proposal would give some latitude to a court by permitting it to order visitation not only to the parent being removed or denied custody but also to other relatives that may be in the picture that may have had an ongoing relationship with the child.

Many times parents are removed for a period of six months to one year to six years. Once the parents been rehabilitated and/or reinstated, the child has been returned to the parent.

During this period of time, that child may have formed strong bonds with the temporary guardian and we would ask that our courts; the probate court be given the latitude to permit visitation to any person removed by the court or any relative that they have a strong interest in the child.

HB7035 is AN ACT CONCERNING CONSERVATORS.

The probate court judges of this state had requested this proposal which would prohibit non-relative conservator from inheriting from his/her ward if the ward executed the will after the conservator was appointed.

In recent years, we have had some cases where an elderly ward assumes that a lawyer/conservator was being paid \$150.00 as conservator to look after her interests is doing so more for business reasons ... doing so for more than business reasons, i.e., she comes to believe or he comes to believe that the attorney/conservator is doing this out of the affection.

Earlier this year, the Hartford, or earlier in 1992, the Hartford Courant reported a case of abuse. This problem cannot be minimized. Over the years, there have been repeated examples of non-relative conservators who have inherited vast sums of money from their ward. While we recognize the problem and we've submitted this bill, we also have been asked to take into consideration the Connecticut Bar Association's position and comments which you will probably be hearing later this afternoon from Suzanne Walsh of Cope and Beral.

If it's acceptable to this committee, we have agreed to withdrawal the proposal before you today to work on it with the Bar Association and come back with a less draconian method next year if that's agreeable to this committee.

LINDA DOW: HB7036.

REP. TULISANO: Withdrawn?

LINDA DOW: It's withdrawn sir. If it's agreeable.

ProbateHB 6441 AN ACT CONCERNING COUNSEL FOR CHILDREN IN CONTESTED
TERMINATION OF PARENTAL RIGHTS CASES

The Department supports the bill as drafted.

The bill allows for additional protection of childrens' rights which we, of course, support.

HB 7031 AN ACT CONCERNING TEMPORARY CUSTODY OF A MINOR

The Department opposes this bill as drafted.

Granting the open-ended authority to make medical, psychiatric or surgical treatment to any person having an order of temporary custody (OTC) is much to broad.

The Department does not believe there exists in Section 45a-607 C.G.S. adequate safeguards to insure that a person having an OTC will necessarily make decisions that are in the best interests of a child.

The Department would support this bill were it amended to allow for such authority, for medical, psychiatric or surgical treatment, to be given at the time an OTC is granted as long as the authority is not automatically granted. We believe the court should be allowed to determine whether it wishes to grant such authority at the same time its grants an OTC or whether it wishes to issue an OTC with limited authority regarding such treatments.

HB 7034 AN ACT CONCERNING VISITATION RIGHTS OF A PERSON REMOVED AS
GUARDIAN

The Department supports the bill as drafted.

The Department believes this legislation will help to promote familia ties and provide continuity of relationships to children.

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TO: JUDICIARY COMMITTEE

**FROM: LINDA A. DOW, CHIEF COUNSEL, PROBATE COURT
ADMINISTRATION**

**RE: H.B. 7034 - AAC VISITATION RIGHTS OF A PERSON REMOVED
AS GUARDIAN**

Probate courts, under our general statutes, may remove parents as guardians. These same persons may, at a later time, be reinstated pursuant to C.G.S. §45a-611.

Our statutes (C.G.S. §45a-612) provide the courts with a mechanism to grant visitation privileges to any parent who has been removed as guardian or any parent who has been denied temporary custody pending the removal proceeding.

This proposal would grant some latitude to the court by permitting it to order visitation not only to a parent being removed or denied custody but also to relatives of the minor child.

Many times, removal of a parent results in a relative being given custody of the child for anywhere from six months to six years or longer. Once the parent has been rehabilitated and is reinstated, the child is returned to the parent. During the period of removal, however, the child has formed strong bonds with a relative or other custodian. This proposal permits the court to grant visitation to any person removed by the court or any relative of the minor child.

We feel that this is in the best interest of the child and urge your favorable support of this bill.

February 26, 1993