



**Act Number:** 09-139 Vetoed

**Bill Number:** 6700

**Senate Pages:** 4641-4657 **17**

**House Pages:** 3326-3383 **58**

**Committee:** Judiciary: 6217-6219, 6399-  
6400, 6607-6608, 6827-6829 **10**

**Page Total:** **85**

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The bill passes.

Mr. Clerk.

THE CLERK:

Calendar page 14, Calendar Number 640, File  
Number 784, Substitute for House Bill 6700, AN ACT  
CONCERNING THE APPOINTMENT OF FAMILY SUPPORT  
MAGISTRATES, favorable report of the Committee on  
Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I move  
acceptance of the Joint Committee's favorable report  
and passage of the bill.

THE CHAIR:

Acting on acceptance and approval of the bill  
will you remark further sir?

SENATOR MCDONALD:

Yes, Mr. President. Mr. President under this  
legislation, that's already been passed by the House,  
family support magistrates would be appointed by the  
Governor with the approval of the Legislature.  
Currently the Governor appoints family support  
magistrates for a term of three years, but under this

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legislation, beginning in January of 2010, the Governor would have the ability to nominate family support magistrates for a four-year term subject to the Legislature's approval.

Mr. President, family support magistrates whose terms have not expired by December 31st of 2009, would continue to serve until their terms expire or their successor is appointed, and the chief family --

THE CHAIR:

Excuse me, Senator McDonald.

The noise level is getting a little loud in here. I can't hear Senator McDonald so take your conversations outside. Thank you.

SENATOR MCDONALD:

Thank you, Mr. President. And the chief family support magistrate would serve under similar rules. Additionally, Mr. President, because the family support magistrates serve an important judicial function in our state, this legislation permits the Judicial Review Council to subject family support magistrates to disciplinary action just like judges of the Superior Court. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

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Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Through you some questions to the proponent.

THE CHAIR:

Senator McDonald.

Please proceed, sir.

SENATOR KISSEL:

Thank you very much. Is this the bill that currently the Governor has authority to just appoint family support magistrates, and this actually would now bring them into the fold and treat them similarly to judicial appointments and Workers' Compensation commissioners? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, and, you know, I have to say that I'm concerned about the Legislature trying to

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take authority away from the Governor that heretofore has been used without any great problems. It's my understanding that there was a little bit of an issue regarding one of the family support magistrates -- Jeepers it's got to be around three or four years ago -- but I haven't heard anything in the last couple of years to cause anybody to have any concern about family support magistrates.

So certainly I would never believe that there is anything but the highest minded motivations behind folks here, but I'm also, at the same time, noticing a pattern where there's certain rights that have been enjoyed by the executive branch that seem to be eking away by actions of -- of this Legislature.

Have there been any actions or activities of family support magistrates in the last year or so that has caused proponents of this bill to have concerns about those particular individuals? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Through you, nothing that I'm aware of, Senator Kissel. The fact is that

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family support magistrates are judges by a different name. They have many of the same responsibilities. They can throw people in jail and deprive them of their liberty. They are very important parts of our justice system. And, as you know, the Judiciary Committee is now also doing confirmation hearings for members of the Board of Pardons and Parole. That was a recent change that we had made -- I think it was last year -- as well, so that the Governor still has the unfettered authority to nominate somebody to these positions, but it is subject to confirmation because of the extraordinary importance that these positions hold.

And again I should say it's not unlike commissioners for different agencies because of the important roles that they play that the Legislature has traditionally held a responsibility to make sure that they are the very finest people who are being nominated and appointed to these important positions.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. And your voice is almost there Senator McDonald, but I'm still

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waiting for it to be completely there. I feel bad for you because we were here late last night.

How is this actually -- if this bill actually became law, how is this going to play out for the current family support magistrates? You know how many are there and do they have staggered terms? Is anybody going to be caught short? Are there any family support magistrates out there that may be on pins and needles because they've enjoyed this job and all of a sudden they're going to have to start jumping through some hoops that they may not otherwise have had to worry about? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, there are currently nine family support magistrates who are serving terms from the date that they were appointed, and they would continue in service, even if it was passed December 31st of 2009, until their term ended. So they would certainly not be -- they shouldn't be on pins and needles because their jobs are certainly secure until and when the Governor chooses to renominate them.

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THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. And again I'm unclear, are their terms all set to expire at the same time, or are their terms staggered at the current moment? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. They serve a term of three years, so it depends on when the Governor nominated them. I don't have the list of when the Governor chose to appoint all of the existing nine family support magistrates. I don't believe that they were all done simultaneously.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. So they're all in various stages of serving out a three-year term, but this legislation would have them all pull up at the end of 2009, and then have to go through this new process.

Through you, Mr. President.

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THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President. Well, it would -- their term doesn't end until their three years is up. So if somebody was appointed last year, in 2008, their term would continue on until 2011, and they would not be subject to a renewed nomination until 2011, and then it would come before the Legislature just like Workers' Comp commissioners, judges, members of the Board of Pardons and Parole.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Well, what if there was a family support magistrate whose term ended sometime this year, and Governor Rell goes ahead, says you're doing a great job, I'm going reappoint you, so let's say it's November, would they have until November of three years hence? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

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Thank you, Mr. President. Mr. President this legislation isn't effective until January 1st of 2010, so anybody who is reappointed prior to January 1st of 2010, would be appointed under existing law.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. So again I guess that -- so if their term ended in November of this year and the Governor reappointed them in the normal course of business, and then this was passed and it went into effect, it would sort of catch individuals as they crossed the line and have this apply to them at the conclusion of the natural end of their term. So I guess what I'm hearing, and correct me if I'm wrong, is that this new process would apply to that example November of 2012, that would be the end of that three year cycle, and then they would come up and go through the Judiciary Committee like a judge or a Workers' Comp commissioner, assuming that the Governor, at that time, reappointed the individual to serve as a family support magistrate. Through you, Mr. President.

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Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President. If I understood the question correctly, I believe that's correct.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

And the other reason or one of the motivations for the bill is that -- are family support magistrates excluded from any kind of disciplinary procedures now that are applicable to judges or Workers' Compensation commissioners or -- and I'm a little foggy on that in that I would guess that there's got to be some kind of supervisory actions that can be taken to discipline or reprimand or oversee family support magistrates at this time. Through you, Mr. President.

THE CHAIR.

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Through you, under existing law the Judicial Review Council has jurisdiction over judges and over magistrates. It wasn't entirely clear that that included family support magistrates, so this legislation would make

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clear what I believe was the intention of the original legislation.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. No more further questions to the proponent of the bill. You know if it's not broke don't fix it. I'm sensitive to the fact that the Governor may feel that the powers that are associated with the Governor's office are slowly being eroded. Certainly I can see the salutary aspects of this proposed legislation. As an individual who has constantly stood up in support of the judicial branch, and as an individual who, along with my colleagues on the Judiciary Committee, want nothing but the best and the brightest throughout our judiciary, whether it's Workers' Compensation commissioners, whether it's judges, whether it's appellate court judges, whether it's the supreme court judges, or whether it's family support magistrates, I'm not sure that I see the need for this at this time.

I hope it's not perceived as taking a sharp stick and poking it in the Governor's eye, but she's in the middle of delicate budget negotiations with the

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majority party. There's an awful lot of balls being juggled and are in the air as we speak. We went through the debate last night regarding the Governor's ability to appoint a United States Senator, and I think there were some really good arguments made by my colleagues, specifically Senators McKinney and Fasano and McLachlan regarding that, that I recall.

As to whether we should have left that alone, we didn't do that. We had the debate yesterday regarding trying to pick a third party if there's disagreement regarding OPM and OFA, and certainly I feel that the Governor feels strongly about that measure, and so then to come in today and say that we're going to now change the Governor's inherent authority regarding family support magistrates without any kind of immediate need predicated on a chain of facts that would cause us to want to try to reform this area or intervene to protect the public trust, I think is on balance, on balance, probably not necessary. Not necessarily a bad idea, but I think the timing is a little off, and for that reason, Mr. President, I'll be opposing this particular bill. Thank you.

THE CHAIR:

Thank you, sir.

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Will you remark on House Bill 6700?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. The Senate Clerk should have in his possession LCO 8616. I ask that it be called and I be given leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 8616, which will be designated Senate Amendment Schedule A, is offered by Senator Witkos of the 8th District.

THE CHAIR:

The Senator has asked for summarization.

SENATOR WITKOS:

Thank you, Mr. President. I move adoption.

THE CHAIR:

There is a motion on the floor for adoption. Seeing no objection, please proceed, sir.

SENATOR WITKOS:

Thank you, Mr. President. A couple of nights ago Senator Guglielmo had some guests in the chamber visiting from a foreign country, and they were awestruck at how we conducted our business in this

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circle, and yesterday my wife texted me and said that some of our neighbors had just returned, and they were extremely excited because they became United States citizens and asked if there was something I could do up here for them, and I said I'm working on it.

And what an honor it is to be a member of this country. It really doesn't -- this country doesn't ask too much of us, but one of the things that they do ask is that we, upon call, report for jury duty. Not too long ago my mother got a summons to appear in court, and she lives in the town of Granby, but she was required to attend court in the town of Manchester. She wasn't really sure how to get there so my father had to drive her, and then she thought she couldn't remember the way so he said, okay, I'll bring you back on the day that you have to go. And I thought that was funny that they would be chosen from Granby to drive all the way to Manchester.

And then approximately a month and a half ago -- as you all know, I reside in the town of Canton -- I also received a summons to appear for jury duty, and mine was -- summons was to appear in the town of Manchester as well, bypassing the courts that I would thought I would normally have been assigned to being

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either New Britain or Hartford. So what this amendment does, as you all know there were some articles recently in the newspaper about the number of people that don't show up for jury, and I'm wondering if one of the reasons being is that they have to travel such a far distance.

We all know in a court of law we are tried by a jury of our peers. What better jury of peers to choose from than those that live within the area that would be assigned to that court. So what this amendment does it says, if you are required to appear for jury duty, you'll be assigned to the court in which you would normally have to go to for any type of action in your geographical area, and I move adoption.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A?

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I rise in opposition to the amendment, not because I disagree with the sentiments expressed in it, but because the underlying bill is before this Chamber for final

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action. Senator Witkos was kind enough to share with me this proposal a day or two ago. Since that time I have had some conversations with the judicial branch, and I think that there may be an appropriate time and an appropriate piece of legislation where we might be able to find this -- an amendment for -- a bill for this to be amended to, and I am committed to working with Senator Witkos to do that. But because the underlying bill is here before us for final action, I would oppose the amendment, and I ask that when the vote be taken it be taken by roll call.

THE CHAIR:

A roll call vote will be ordered.

Senator Witkos for the second time.

SENATOR WITKOS:

Thank you, Mr. President. Hearing the goodwill of Senator McDonald, I'm willing to withdraw the amendment at this time.

THE CHAIR:

Senator Witkos would like to withdraw his amendment. Without objection, so ordered.

Will you remark? Will you remark further on the bill, House Bill 6700?

If not, Mr. Clerk, please call for a roll call

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vote. The machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check the board. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of House Bill 6700 in concurrence with the action in the House:

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	25
Those voting Nay	10
Those absent and not voting	1

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

Calendar Number 644, File Number 556, House Bill

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THE CLERK:

122; 0; 29.

SPEAKER DONOVAN:

The Clerk will please announce the tally.

THE CLERK:

House Bill 5172 is amended by House A.

Total number voting 122

Necessary for passage 62

Those voting yea 122

Those voting nay 0

Those absent and not voting 29

SPEAKER DONOVAN:

Bill, as amended, is passed.

Will the Clerk please call Calendar 527?

THE CLERK:

On page 19, Calendar 527, Substitute for House Bill Number 6700, an Act Concerning the Appointment of Family Support Magistrates, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good morning, Representative.

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REP. FOX (146th):

I move the acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is -- is acceptance on the Joint Committee's favorable report and passage of the bill.

Remark?

REP. FOX (146th):

Thank you, Mr. Speaker. This bill addresses the appointment of family support magistrates. There are currently nine family support magistrates and three family support magistrate referees in our system. These are the positions that in our court system, who handle and establish modifying the court's child support orders, as well as handle paternity proceedings.

Presently, these individuals are appointed on -- for three-year terms. They are -- their names are submitted by the Governor and then they become the family support magistrates.

What this bill does, it increases the terms of the family support magistrates to four years. It also states that all sitting family support magistrates will be able to complete their current terms. Then it states that after January 1, 2010, all family support

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magistrates who are nominated by the Governor will then be referred to the Judiciary Committee and then to the General Assembly for a vote.

This procedure is consistent with how we appoint those individuals who are Workers' Compensation Commissioners, those individuals who serve on the Board of Pardon and Paroles, and of course, our Superior Court judges, our judge trial referees, our senior judges, our Appellate Court judges and our Supreme Court judges, and I urge passage of the bill.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further on the bill?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

If I may, a few questions, through you, to the proponent of the bill?

SPEAKER DONOVAN:

Please proceed, sir.

REP. O'NEILL (69th):

The origin of the -- if I could ask about the origins of the family support magistrate system here in the state of Connecticut. When did the family support magistrate first come into existence?

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Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

Through you, I do not have an exact date. But it's my understanding it was in the mid to late '80s.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Well, thank you, Mr. Speaker.

So then it would be at least 20 years ago since the creation of the family support magistrates; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

SPEAKER DONOVAN:

Through you, Mr. Speaker, that would be correct.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. And was the creation of the family support magistrate something that was solely a decision created by the State of Connecticut,

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a decision we made or was this the product of some sort of federal program?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it, there is a federal program. And I know there's a federal enabling statute that deals with child -- family support magistrates.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And is there any requirement in that federal program that family support magistrates have to be appointed by any particular entity?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I don't know.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Is there -- then I would assume that the proponent does not know if there's any prohibition on or requirement for legislative confirmation by a state legislature for the appointments of these individuals; is that correct? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I'm not aware of any prohibition.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Now during the time that we've had the family support magistrates, has there ever been an occasion where one of them was removed from office for misconduct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, well, I do not have personal knowledge. I would look to representatives here who have more experience on that and they --

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their answer is no.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Are family support magistrates subject to the jurisdiction of the Judicial Review Council for purposes of discipline and complaints about misconduct?

Through you, Mr. Speaker.

REP. FOX (146th):

Through you, Mr. Speaker, yes, they are.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Is the gentleman aware of any members of the family support magistrates group who have been subject to discipline by the Judicial Review Council, other than removal from office?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

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Through you, Mr. Speaker, no.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Have we had members of the group -- the family support magistrates that have come before the Judiciary Committee seeking to become judges of the Superior Court?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, if the question is have sitting family support magistrates sought -- subsequently been appointed to the Superior Court bench? The answer is yes.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And is the Representative aware of any of the nominees who've been brought to the Judiciary Committee who are -- were family support magistrates at the time of their nomination to become Superior

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Court judges who were found to be not qualified or --  
by the Judiciary Committee for purposes of appointment  
to the bench?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, no.

REP. O'NEILL (69th):

And -- to the Representative's knowledge, have  
any of the nominees that have been put forth that were  
sitting family support magistrates then withdrawn by  
the Governor as a result of -- that is, ones who were  
put forward as nominees for the Superior Court, been  
withdrawn as candidates for the Superior Court prior  
to a hearing being held by the Judiciary Committee  
because information developed that indicated that they  
would be unsuccessful?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, not to my knowledge.

SPEAKER DONOVAN:

Representative O'Neill.

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REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And, as far as, we -- have we had complaints coming to the Judiciary Committee about any problems in terms of the operations of the family support magistrates system, in terms of the -- particularly the performance of the family support magistrates?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, not to my knowledge.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And has -- have any of the people who have been appointed as Superior Court judges, who formerly were family support magistrates prior to their becoming judges, have any of those individuals been the focus of misconduct or questions about their qualifications for office?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

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REP. FOX (146th):

Through you, Mr. Speaker, I am aware of several -- at least two family support magistrates, who are now Superior Court judges, and with respect to those I am not aware of any problems that arose, nor am I aware of any other family support magistrates where problems arose with respect to their appointment to the Superior Court bench, or during their time serving the -- on the Superior Court.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I thank the gentleman for his answers to those questions.

I -- in looking at this bill, which essentially would change the way we appoint and the way we process the appointments, to turn them into, basically, something along the lines of a judicial nomination. It -- on the face of it, it certainly seems like, well, why not? But, on the other hand, I can say that the -- and the answers we've had is that we've got no clear problems with the appointment system that we've been using for a period of 20 years.

Governors -- the incumbent Governor has made

nominations. Her predecessor made nominations; his predecessor made nominations; Governor -- former Governor O'Neill made nominations. And in all the 20 years -- or more that we have had these family support magistrates appointed by the governors and they just pick people and went through a vetting process and put those people into that office -- in all these many years, so far as can be determined, no one has any recollection of any of these family support magistrates being the target of investigations, misconduct, allegations coming forward. We certainly have not had any occasion to need to replace them, remove them from office, impeach them, anything along those lines, conduct investigations of their conduct or misconduct.

So far as we know, the Judicial Review Council has never had to discipline any of the sitting family support magistrates that have been before us. And I know that there have been some who have -- at least I know of one who had a problem, but it's not an uncommon problem. It had to do with a DUI event. And that individual was not reappointed. That was the -- they were arrested for driving while under the influence and that was the end of their career as a family support magistrate.

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The then-sitting Governor made that decision right then and there when that person's term came up for renewal that they were not continued to office. And so we have a system that seems to be working, a system in which the family support magistrates seem to be appointed who don't have questions about their performance in office. The system seems to be working well. We have not had complaints that the family support magistrate System is not working properly. And so I would urge rejection of this bill. I don't think we need to, at this point in time, make this change. It seems like we're trying to fix a system that simply is not broken. And of -- of all the systems that we have, that I'm aware of, the family support magistrate system is the one that you hear the least about. It is definitely not a squeaky wheel. It seems to me that it is not something that is in need of repair or replacement or massive renovation.

We do have systems in our government, I think, we're hearing reports about them all the time where there are problems and where we need to make changes and those changes are going to be very, very difficult, but it seems to me that this is one area of our government where everything seems to be working pretty well where we're not hearing any complaints.

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And, certainly, not on the Judiciary Committee, about the performance of the family support magistrates or the whole system that they operate. Seems to be working.

I don't get complaints from people saying, Well, the family support magistrate heard my case and did a terrible job or the family support magistrates are not showing up for work or the family support magistrates are not following the law. That kind of thing. We hear that about judges, and I sometimes hear that about other people who are involved in the judicial and quasi-judicial system, as inevitable that you will hear those kinds of complaints. I'm sure there are some people who complain about the performance of their state legislators, but that's something that we hear much about, if I hear anything about when it comes to family support magistrates.

I'm not sure how much of a benefit passing through the Judiciary Committee will be. The investigation that's conducted -- and, perhaps, I should go back asking a few questions of the proponent of the bill, Mr. Speaker, just to elicit this -- the questions and answers regarding the process that we actually will now be putting the family support magistrate through.

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So if I may, through you, Mr. Speaker, a couple of more questions to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

The bill calls for there to be an investigation of the candidate to be appointed as a family support magistrate, and, if I could ask, what does that investigation typically consist of currently when we're investigating people as Superior Court judge nominees?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it the background checks that we perform for Superior Court judges include such things as a DMV check, a check for unpaid income taxes, a criminal background check, also any complaints, that sort of thing.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And would that type of check be the same type of check that would be applied to family support magistrates?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I would insist it be so, yes.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And, typically, how lengthy are the reports that come back that -- as a result of this investigation. Is it one pages, two pages, ten pages?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it, if it's -- if there's no issue with respect to the check, it's generally a two-page report.

Through you.

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SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And, with respect to the -- the nominee's background or processing to get them to the Judiciary Committee, would these nominees go through the -- any prior review in terms of the -- by the Judicial Selection Commission?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, no, that is not part of this bill.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

But, then -- so that what we're going to have is a system in which the only review -- truly the only review of these individuals is going to be by the members of the Judiciary Committee; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, well, we would first have the current process which is the nomination by the Governor, which I would presume would -- that would be their own process thorough background check. There would then be the Judiciary Committee, who would do a review and then vote on the nominee, and then the full General Assembly would also vote.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox -- O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I have a sense of how much time I spend on the nominees, is it customary for the Judiciary Committee members to individually interview candidates for the Superior Court?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it and during my experience as being a member of the Judiciary Committee, it is an option that is available

to the members. Oftentimes what will happen when there is a nominee or reappointment, the individual judge will send a letter out to the various committee members suggesting -- saying that if they would like to meet with that judge, they could then do so. I don't know that it would be mandatory in this case or in any other case.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I get those letters -- and I thank the gentleman for his answer. I get those letters as well and, on occasion, especially if I think it's -- when it's somebody who's new or something like that I interview them, but on many occasions I simply do not have the time because we're rushing in January to process all these nominees for the Superior Court that come to us every year.

It seems to me that unless the gentleman is going to have a somewhat different perspective on this, that we're not really going to add that much to the process. There will be a public hearing, I suppose, where people can come and raise issues, but that these

-- there's not going to be the kind of thorough review that Superior Court judges get currently through the Judicial Review Council.

If I might add one more question.

Do we know how many people are rejected, as a percentage, by the Judicial Review Council? That is, how many applicants -- what percentage of the applicants become judges -- are filtered out by the Judicial Review Council?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

I believe the distinguished ranking member is referring to Judicial Selection.

REP. O'NEILL (69th):

I'm sorry. I stand corrected. Thank you. And I would -- I would -- same question, how many people are elected by the Judicial Selection Commission?

REP. FOX (146th):

Through you, Mr. Speaker, it is a -- the judicial selection process is a closed process. I do not know the statistics with respect to how many individuals are rejected with respect to that process.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Yeah, I thought I had seen a statistic to the effect that something like one-third of the nominees don't make it through the process. But that could have been something else that I was looking at. But I certainly have the impression that the Judicial Selection Commission does filter out, does screen out a lot of people that apply for that position that don't make it. As far as the list to be picked from -- by the Governor to then be presented to the Legislature.

And the purpose of my going through all of this is to show that what we're really doing is adding a, I guess, a public dimension to this, but we're not doing the thing that we 20-some-odd years ago decided was necessary for judges to ensure that we get the right people and that is to have a -- an organization, in this case, the Judicial Selection commission make the -- do the hard work of reviewing credentials and interviewing people in depth and in detail and gathering information and really conducting a very thorough investigation.

And I don't mean to damage the reputation of the Judiciary Committee or the members of this Assembly,

but we simply do not have very much time to sit down and go through with each individual judicial nominee, their background, their history to, sort of, plumb the depths of their knowledge of the subject areas.

Part of my problem would be as -- if I were to try to perform this function -- as ranking member is, that I'm not that familiar with how this -- what they call the four D system, even works and what the requirements of it are. I probably would not be qualified, myself, to be appointed to be one of these magistrates because I do so little work in this area, and it's been years since I did any.

So I think that we, on the Judiciary Committee, would have a very difficult time making a decision about what is really a very technical field and whether the folks that are involved in that field are really truly qualified, and we would have a public hearing and we would try to think of things to ask that might get somewhere in terms of understanding, but they would be mixed in with judges, Superior Court judges, Workers' Compensation commissioners. We'd be taking up bills, that sort of thing. So I'm not really sure how much the Judiciary Committee would really be able to add.

Would it possibly catch something that was missed

by the Governor's office in their review of this individual? Perhaps, but I think as a problem that I see that we have with our current system of judicial nominees and to some extent is, I'm not sure who really takes full responsibility.

It seems as if, at times, the Governor's office relies on the Judiciary Committee. And the Judiciary Committee relies on the Governor's office, and we both rely on the Judicial Selection Commission to, perhaps, more carefully review people, and it's one of those things -- and we've seen it happen in baseball, where two players are rushing towards where the ball is going to drop, each one of them is saying, I've got it, I've got it, and it drops right between the two of them.

And I think, sometimes, when we've had some embarrassments in front of the Judiciary Committee, it's because nobody took full responsibility for the careful review of the nominees. And so I think that by adding the Judiciary Committee to it we may actually reduce the amount of review that the magistrates get in the future to compared to what they get currently.

So, Mr. Speaker, I would urge a no vote on this bill. I think that it's unnecessary. I think it will

probably somewhat delay the process of these nominees being put forward into their positions. And while I think it's -- you know, it certainly makes for a more balanced system in terms of everybody goes to the Judiciary Committee that looks like they do judicial-type work. It seems to me that we've got a good system working well that doesn't really need to be changed.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Rowe.

REP. ROWE (123rd):

Thanks. Good morning, Mr. Speaker.

It seems to me that we do legislation on this floor for maybe three reasons. The first would be, you know, when we're at our best, we're addressing problems and solving real issues of concern, and we do do that from time to time. The second category is probably legislation that falls into the feel-good category. It's a bill; it's innocuous. It's got a nice title and we pass it, usually unanimously. And then we feel good about ourselves. Didn't do much, but those are okay.

And then there's the third category into which I

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think this bill falls, which is, you know, the proverbial solution is in search of a problem. The reasons for -- you know, the reasons for this legislation, you know, I guess, there's a couple of them but none of them are compelling in the least bit. It's -- it's not going to solve a problem. It's not going to address a need, as far as I can see. There will be a slight -- probably a slight cost to the state, negligible, but slight.

And, you know, we're here with -- with 27 days or so before June 3rd, and a little over a month and a half before June 30th. And, you know, we're not working, at least publicly, on the \$1.3 billion budget deficit that we're faced with closing June 30th, and, you know, the \$8-plus billion we're faced with in the coming biennium. So we're going to vote on this, you know. It's going to pass. I'm sure but big picture. This, unfortunately doesn't even fall into the feel-good category. This is the solution in search of a problem. So I'm going to join and associate myself with similar remarks of the Ranking Member Representative O'Neill and oppose this bill. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

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Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, a few questions through you to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, to Representative Fox  
Representative Fox, forgive me if this has been asked and answered but, is there a problem, an incident, something that caused this bill to come to the forefront this particular year?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, not that I'm aware of.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

It's my understanding that in answer to Representative O'Neill's inquiry, the family

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magistrate system was one that was established in the late '80s; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

And, through you, Mr. Speaker, is it correct to assume that when this family magistrate system was formed in the wisdom of the Legislature, it was felt at that time that it was proper, sufficient and reasonable to have the governor appoint the family magistrates without legislative involvement; is that correct?

Through you, Mr. Speaker

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, not having participated in that General Assembly or being part of that debate, I can only presume that, yes, it was. Representative Cafero is correct.

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SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

And, through you, Mr. Speaker, well, I thank the gentleman for his answer.

Ladies and gentlemen of the chamber, somewhat to piggyback on Representative Rowe's comments, why are we doing this and why are we doing it now? We have a bill and a system before us that was established by our predecessors in the late '80s. And let's be frank and honest, let's talk some politics.

During the late '80s, the majority of this chamber were members of the Democratic party, the Governor of the state of Connecticut was a Democrat. It was the wisdom of that Legislature that a Democratic Governor -- the Governor should have full and unfettered appointment powers of a family magistrate. That system has last for over 20 years. And, yet, without incident according to Representative Fox, without incident, or reason we find it necessary to change that system. To take away, if you will, that appointment power from the Governor and put it in the hands of the Legislature. My question is why and why now?

Ladies and gentlemen, this has to also be seen in

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the context of what we, as a Legislature, are grappling with, very serious budget negotiations. We're a split government, if you will. A Republican/Democrat -- excuse me, a Republican Governor and a Democratic majority of a Legislature along with a minority of Republicans are sitting around a table trying to get out of the largest fiscal crisis in the history of the state. And I would submit to you that a bill such as this, that without reason, without cause, changes the will of the Legislature from 1988, strips that power, that authority from the Governor, is -- does not bode well. Does not bode well as we go forward in an attempt to reach bipartisan solutions to our enormous problems.

For that reason, ladies and gentlemen, I would encourage you to vote no on this bill. Let's discuss it next year or maybe the year after. This is not the time nor the place and with no reason to bring forth this bill.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Question, through you, to Representative Fox.

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SPEAKER DONOVAN:

Please proceed.

REP. SAWYER (55th):

Representative Fox, would you tell me what the makeup is, please, of the Judiciary Committee at the present time, the numbers of Republicans and Democrats?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

If you could hold on one -- through you, Mr. Speaker, if you could wait one moment. I'm just trying to get the information.

Mr. Speaker, while the information is being gathered, if I could -- I can say it's a majority of Democrats. I don't know the exact number, but we can figure that out fairly quickly.

Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

We're trying to get that information. I can represent as the majority are Democrats, I believe there's 44 members total on the Judiciary Committee. We'll gather that information, but if the

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Representative has other questions while we're trying to gather that I'd be willing to proceed.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. Not to take the chamber's time, I will continue then.

Through you to Representative Fox, do you have a -- an idea of how many bills that the Judiciary Committee had to grapple with, say, on the last day of the JF deadline? Which for these people listening is the last day of their particular time that they're allowed to pass bills?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, first, I can say that there's 32 Democrats and 12 Republicans on the Judiciary Committee.

With respect to the number of bills, I know the agenda, I believe, was close to 100 bills for the JF deadline. As far as how many bills got through, it may have been 60, but I don't know for certain.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. And I thank the gentleman for his answer and the time that he took to figure out those numbers that it more than two-to-one numbers of Democrats to Republicans on that particular committee.

So, yes, if there is a change with this bill it is a significant difference in where the decision-making occurs. Secondly, what we know from a report that was done, that the Judiciary Committee is one of the most active committees, has the most number of bills than any other committee in the Legislature. What we also know is that the Legislature meets not 12 months a year, not 12 months a year. They meet from January until June, the first year, and then only three months -- three months in the second year, in which to make these types of decisions on the appointments of the family support magistrates.

Why is that important? In the case where someone is going to be replaced because of a resignation, because of a problem, because of an illness, because of a retirement, the Governor's office has the ability to appoint 12 months a year. The Governor's office has the staff to be able to review this after it has

gone through the very lengthy process. And the Governor's office is not a committee that is consumed with more bills than any other committee. A hundred bills as it approached the JF deadline? Sixty-eight, I believe is what is the number on the -- the last day? And they were not all voted on?

Ladies and gentlemen, this is a very important position in our state government, family support magistrates. And I would say that, yes, it is a major change. Not only is it a major political change, as to who gets to appoint, major political change, but it is being assumed by a committee that is, I would say, sometimes almost overwhelmed. And, this year, we could talk about that being overwhelmed because of certain issues that were brought forward that consumed the committee. That consumed, actually, the Legislature's time. Important measures that were being considered that had, I would say, incredible, incredible controversy associated with them.

The Committee takes on very controversial issues, as they should, and this is adding to that workload. This is adding to that workload of a Committee that does not meet 12 months a year. So this time, Mr. Speaker, I would be recommending that people vote no on this measure. Thank you.

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SPEAKER DONOVAN:

Thank you, Representative.

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, to the proponent of the bill?

SPEAKER DONOVAN:

Representative Fox.

REP. REBIMBAS (70th):

Thank you.

Testimony was provided earlier regarding that there is nothing specifically broken with the current system that led to this bill. There was no specific incidence so my question to the proponent of the bill is, why are we here with this bill today?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as the previous Representative stated, these are very important state positions -- positions in state government. These positions deal with child support orders. They deal with modification of child support orders and enforcement of child support orders. They also --

family support magistrates also have the ability to incarcerate individuals who fail to meet their obligations pursuant to these child support orders. In addition, the family support magistrates deal with paternity petitions and determining who is responsible for paying these child support orders so these are very important positions in our state government.

Now, if we go back over the past several years, there has been a growing pattern, an acceptance in our Judicial branch that we want to provide transparency and openness in how we go through our traditional -- not only hearing but also our nominees. And what I believe that this bill will do, is will give both the Legislators, whose constituents deal with these many important issues that I just mentioned, but also the general public and their -- and all of the state of Connecticut would have the opportunity to listen as these individuals are questioned as they go through the Judiciary Committee.

I can also point out that, with respect to Superior Court judges and -- and new nominees to the Superior Court, we almost always approve the judges that come before us, or the nominees. Now I anticipate that that will happen here as well, but what -- what it does do is gives an openness to the

process, and it allows the Legislature to understand who these individuals are and the important work that they do. So, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, through you to the proponent, those task that you, Representative, are -- the magistrate judges have, aren't these also similar tasks that the Superior judges have and the probate court judges have? Why are we not changing the system for them?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, actually what we're doing is making family support magistrates -- or the system with appointment of family support magistrates consistent with the way we handle Superior Court judges. So we're actually making this consistent in the Legislative oversight process and the Judiciary Committee oversight process.

With respect to the Probate Courts, those are elected positions so we do deal with those

differently. But I could point out that two years ago when we passed the probate -- the general probate bill that we had through the Legislature that one of the conditions that was part of that bill was that when the Probate Court would promulgate regulations or rules, it would also require Judiciary Committee approval. So there is consistency with the other judicial branches and judicial areas and Judiciary Committee oversight.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Through you, Mr. Speaker, to the proponent of the bill, if, in fact, we are not in session at a time that a magistrate judge needs to be replaced, appointed, et cetera, we have to call a special meeting; is that correct? But with the Judiciary Committee; is that correct?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, that's correct.

SPEAKER DONOVAN:

Representative Rebimbas.

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REP. REBIMBAS (70th):

Through you, Mr. Speaker, so each and every time that that may occur while we're out of session, we need to call a special meeting of the Judiciary Committee which is made up of 44 members, 32 Democrats and 12 Republicans. How much is that going to cost the taxpayers each time we have to call that special meeting?

Through you, Mr. Speaker

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I'm not sure the exact cost, but I would say it's consistent with the same cost that we use when we're not in session, when we appoint Workers' Compensation commissioner -- commissioners, Superior Court judges, any referees or Appellate Court or Supreme Court judges. So it's the same process that we currently follow.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Through you, Mr. Speaker, will the proponent of the bill concede to the fact that this -- by doing

this change with this new bill that that would be an increased cost if that was the case?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, in looking at the OFA report, the potential cost is -- it says a potential minimal cost. So if -- the only purpose of having the meeting was a family support magistrate then there could be a potential cost of, as I understand it, a few hundred dollars.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

I would ask that all the members of the chamber seriously consider opposing this bill. We have a current system that is not broken. We are proposing a bill that drastically changes things for no apparent good reason. In addition, to the situation that we're currently in in this budget, to be passing bills that simply going to increased costs, it simply does not make sense.

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Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

I just wanted to clarify. There was an implication by a comment made by the Minority Leader earlier on about the genesis of the work -- the family support magistrate system. In essence -- I think the Minority Leader's implied that when the family support magistrate system was created there was a Democratic majority in the Legislature and a Democratic governor, therefore, the Legislature was comfortable investing all of the authority in the governor.

As it turns out, the family magistrate system was essentially created in 1986, and, at the time, the Republican party controlled both the House and the Senate by a sizeable majority so just so the record is correct. At the time the system was created, there was split government just as there is today. Now a Republican governor, Democratically-controlled Legislature.

The other thing I just want to point out for -- and really emphasize this point, this is very

consistent with a trend in recent years to provide more oversight to these important positions. For example, just last year, we established a very similar process for the appointment of members of Board of Pardons and Parole. Whether their full-time or part-time, whether it's during their regular session or the interim, the members still go through this identical process. It's identical to the process we use for Workers' Compensation commissioners.

I think that the concept is that, while the vast majority of those nominated by the Governor will be successful, from time to time, there are issues that will come to light. People contact the Legislature after the nomination has been announced and, from time to time, people are denied appointment by the Legislature or, in the interim, by the Judiciary Committee due to concerns about temperament, suitability for the job, et cetera. So I think this is just an added level of screening. And we found in the recent past that sometimes people who really have no business being in one of these positions are denied appointment.

We do the same thing for commissioners nominated by the Governor. I think it is very consistent. Family support magistrates were an anomaly. I think

in light of the fact that they've been vested with more and more and more authority over the years that this is just an appropriate check and balance which is being written into our laws.

It's no different than anything else. It's consistent with our recent pattern, and I urge the passage of the bill.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, I have a few questions of the proponent of the bill.

SPEAKER DONOVAN:

You may proceed.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

At present time with our Superior Court, Appellate Court and the Supreme Court judges, what is the process exactly, just so people understand of how we -- once they're nominated and the investigation process and how they get to us, basically?

SPEAKER DONOVAN:

Representative Fox.

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REP. FOX (146th):

Through you, Mr. Speaker, well, the first step that individuals do whether they're being reappointed or nominated for the first time is they go to Judicial Selection, and there was some discussion about that process earlier.

Once approved by Judicial Selection, they would go onto a list. And, from that list, the Governor, when an opening -- when a vacancy develops, would select names from that list. Once those names are selected, they then come to the Judiciary Committee for a public hearing before the members of the committee at which time the committee members would take a vote and at that -- from that vote, they would then proceed on to both houses of the General Assembly.

I should also point out that with respect to Supreme and Appellate Court justices, they also go through the same process. For example, if a sitting Superior Court judge would like to become an Appellate or a Supreme Court judge, they would also go to Judicial Selection and, then, once again, submit their name before the Governor and, once again, come before Judiciary Committee.

Through you, Mr. Speaker.

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SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

Through you, Mr. Speaker, so would -- would the bill that's before us now, would that put the family support magistrates in that -- in that same process? Would the same process go on with the family support magistrates?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, partially. I would compare it more to Workers' Compensation commissioners because family support magistrates do not have to go through the Judicial Selection process, so it would be more of an appointment from the Governor, then a referral to Judiciary Committee, and then to both houses of the General Assembly.

SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

Through you, Mr. Speaker, so -- so we're comparing the -- this -- the family support magistrate proposal with how Workers' Compensation commissioners are done now. Is there an investigatory process in

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place now for Workers' Compensation commissioners?

Through you?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

And, through you, is every workers' compensation commissioner investigated, I mean is that -- is that a process that is -- is in place no matter what? Every workers' compensation commissioner is investigated?

Through you?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, and I should also add the Parole Board is similar to this process as well.

SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Through you, upon reading the bill, it mentions

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that the Judiciary Committee cochairmen can hire someone to investigate the nominee's suitability -- suitability -- excuse me -- to hold office. That would seem different from the workers' compensation commissioners, if the workers' compensation commissioners as the Representative mentioned are all investigated. That seems a little vague to me, if I could just have some clarification?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it, the -- the policy at least is to investigate all of the nominees so what it -- the language it should -- I still think the practice, at least, would be that everyone gets investigated.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

That was a concern to me, to begin with, because I -- and the way the bill reads, if it -- if it's willy-nilly or at the whim of the chairs at the time who should be investigated. I mean, it's my

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understanding that this -- the reason why family support magistrates presumably are being put into a process that is similar to Superior Court judges, similar to workers' compensation commissioners, is so there's more, A, continuity; B, control over the whole process. I would assume that they would all have to be investigated in the same manner. And if, in fact, that's the case, if this bill -- if in the fiscal note, that is considered when the fiscal note was written.

Through you.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, and, yes, I should also point out that I believe there's one family support magistrate eligible to be reappointed this year so this bill would not fall under that individual. And I believe the next appointments are -- six family support magistrates are scheduled for the year 2011, and there's no other appointments until that time unless a vacancy would occur.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Klarides.

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REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Through you, to the Representative, but my concern is still, if in -- in deciding what the fiscal note would be on this bill going forward, I think it's important to note that -- if it's within the discretion of the chairs or not within the discretion of the chairs is a very important distinction as to whether they will be investigated or not.

And I think, A, we need clarification for that.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it, the practice is to investigate all nominees, not -- but then again the language does say should, so I would assume that in future years that could be at the discretion of the chairs, but the current practice, as I understand, it is to investigate all nominees.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Well, the language in the bill actually says "should," and it doesn't say "shall." That is a distinction in the drafting of the bill and that would be a problem because that doesn't mean that -- when things are changing in this bill as to the way we operate with family support magistrates and as the Representative just mentioned, he thinks it may be at the discretion of the cochairs at the time and if they decide they -- they don't want to, going forward, then that may be the case. And we all will not, fortunately or unfortunately, be here ten years from now or 20 years from now, when this operates. So I think for legislative intent and for the purposes of the bill, we need to know if they must be investigated.

Through you.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you -- through you, Mr. Speaker, as I understand it, the law currently, with respect to Superior Court judges or any judges does not require the investigation be done; however, the practice is that they are all investigated before they come before the Judiciary Committee.

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So for purposes of the legislation's intent, I can say that the practice is that everyone is investigating and I would presume that that's the same -- that will take place with family support magistrates, but the language does say "should," and I recognize that and I -- the language -- the word "should" does involve some discretion, so, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And I'd like to thank the gentleman for his answers.

Unfortunately, I must associate my comments with most of my colleagues that have spoken so far in that I don't really understand why we're fixing something that's not broken to begin with. But, secondly, in the year that we have so many overriding, complex and very important issues to the people of this state, why we're spending time debating an issue like this. For those reasons I do urge my colleagues to seriously consider this and vote against this bill.

And just to follow-up on the Chairman of the Judiciary Committee's comment in reference to the

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majority party at the time this bill started. It -- I do take him at his word that it was Republican controlled at the time, however, unfortunately, for this side of the aisle since then that has rarely been the case and if this had been such a major concern in the past 20 years, I would assume that the majority party, which has been Democrat for a very long time, would have changed that.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

If I may, several questions to the proponent through you?

SPEAKER DONOVAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, how many family support magistrates are -- are there? I'm sorry. I just don't know that number.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

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REP. FOX (146th):

Through you -- through you, Mr. Speaker, there are currently nine family support magistrates and three family support magistrate referees.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, what is the difference between a family support magistrate and a family support magistrate referee?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, similar to the way we handle Superior Court judges, it's -- the only difference would be the age, and 70 years of age is a referee.

Through you, Mr. Speaker, 70 years or older.

REP. HETHERINGTON (125th):

Thank you.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, would it be

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contemplated that referees would go through the same confirmation process as described in this bill?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you for that background.

Through you, Mr. Speaker, would you clarify this provision as to the time in which consideration by the Judiciary Committee and the General Assembly must take place? It seems to say 45 days but then in another place under certain circumstances it's seven days. Would you clarify that please?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, it is -- the process would be the same as Superior Court judges. It -- the 45 days is -- the Judiciary Committee would meet within 45 days of the receipt of the name of the

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nominee unless the session is scheduled to end in which case the time frame is sped up, and that's where that seven-day provision comes in.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

So, as alluded to before, it's anticipated that we might be called into special session to consider the appointment of a family court magistrate; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, actually, well, what would happen is the Judiciary Committee would meet and there would be an interim appointment, and we would wait until the next session begins before we would vote that individual to a full term. It's similar to the way we handle Superior Court judges, workers' compensation commissioners, et cetera.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, I believe

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there was a response earlier that the cost of that Judiciary Committee meeting would be \$300; do I recall that correctly?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as I understand it, it's several hundred dollars. I don't know exactly how much.

REP. HETHERINGTON (125th):

I --

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, and I would assume that doesn't include mileage for bringing people into those meetings.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, it may, actually, in fact, include mileage because the real expense would be the mileage and the transcripts of the proceedings

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and that's about it, I think.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

I see. And has there been -- this was touched upon earlier, forgive me if I'm covering some of the same ground. Has there been an egregious incident that has raised this now to the level of requiring this action by the General Assembly?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, not that I'm aware of.

REP. HETHERINGTON (125th):

I see.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, very much, Mr. Speaker.

I'm going to oppose this bill. I don't see the need has been demonstrated for it, and it seems simply an added procedure that has some cost to it with no offsetting necessity.

Thank you, Mr. Speaker.

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SPEAKER DONOVAN:

Thank you, Representative.

Remark further on the bill, remark further on the bill? If not, staff and guests come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call, members to the chamber. The House of Representatives is voting by roll call, members to the chamber, please.

SPEAKER DONOVAN:

Have all members voted? Have all the members voted? Please check the board and make sure your votes were properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

House Bill Number 6700

Total number voted 144

Necessary for passage 73

Those voting yea 108

Those voting nay 36

Those absent and not voting 7

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SPEAKER DONOVAN:

Bill passed.

Will the Clerk please called Calendar Number 534?

THE CLERK:

On page 19, Calendar 534, Senate Bill Number 251,  
an Act Concerning Housing Development and Enterprise  
Zones, favorable report of the Committee on Planning  
and Development

SPEAKER DONOVAN:

Representative Kenneth Green.

REP. GREEN (1st):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the Joint  
Committee's favorable report in concurrence with the  
Senate.

SPEAKER DONOVAN:

Question is acceptance of the Joint Committee's  
favorable report and passage the bill in concurrence  
with the Senate.

You may -- you have the floor, sir.

REP. GREEN (1st):

Thank you, Mr. Speaker.

Mr. Speaker, what this bill would do, it would  
change one area that's allowed an enterprise zone  
concerning housing. Currently, if you're -- if

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PART 19  
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microphone toward you?

RICHARD ADAMS: Yes.

SENATOR McDONALD: Thank you.

RICHARD ADAMS: Is that better? I am a family support magistrate, and I'm here this morning at the request of my colleagues on Family Support Magistrate court to comment on House Bill 6700 and Senate Bill No. 858.

We -- I hope it isn't a surprise to the committee for me to tell you that the nine family support magistrates all do support the concept of legislative review or appointment. These two bills would -- either of these bills would institute legislative review and approval of magistrates nominated by the Governor.

We recognize this would be good for our court to serve with legislative approval. Our objection is only to the provision of Senate Bill 858 which would terminate all of our terms as of June 30th of this year. We request the opportunity to complete our terms before the new process would be applied.

Already the public discussion that these issues have created has focused attention on the significance and importance of our court, and we appreciate that. We have dockets that we serve in every judicial district across the state, and often these cases have multiple proceedings.

I've listed the types of cases -- I'm somewhat briefly listed some of the types of cases in my written testimony. I won't review that.

But the entire process in addition to the magistrates is administered by specially

trained court clerks, child protection and support enforcement staff, and Special Assistants Attorney General.

The nine of us in 2008 have presided over more than 63,000 such proceedings in Connecticut. And obviously most of those hearings have to be short. And yet, despite the volume of the work, our court is essentially invisible to the public. We don't get famous people or high-powered lawyers very often. And the press does not cover our court.

So legislative review, we believe, is consistent with our status, and would be consistent with our status as judicial officers. Although we're not Superior Court judges, we are judicial officers. We're governed by the same practice book as the Superior Court, the same code -- judicial code of ethics and the same Judicial Review Council as a disciplinary institution.

The main difference -- well, not the main difference but one of the important differences between us and the nomination of Superior Court judges is the method of appointment. And that's -- that would be addressed by your legislation.

We also appreciate the proposal in House Bill 6700 for a five-year term. The other bill calls for I believe a four-year term. We appreciate recognizing that this new process would call for longer terms.

Our single serious concern about Senate Bill 858, as I said, is the plan to terminate our terms in June, require the Governor to report -- reappoint all of us, except for cause, and then review all of us, I gather, later this year, presumably as interim

appointments. I'm not 100 percent sure how that would work. And then if that's so, we would have to be subjected to a hearing a second time.

We'd like to see the new process applied as our terms expire. Before --

SENATOR McDONALD: Thank you. You made that point. The bell has already gone off. Let me just see if there are any questions from the Judicial Committee? If not, thank you very much.

RICHARD ADAMS: All right. Thank you.

SENATOR McDONALD: Next is Tom Merrill. Followed by Jim Donnelley and Hugh Macgill.

Good morning, sir.

THOMAS MERRILL: Thank you, Senator McDonald, members of the committee. My name's Tom Merrill, I'm a professor at Yale Law School. I've been asked by St. Francis Hospital to testify about Raised Bill 6532 and some serious concerns that that bill raises under the general policies reflected in the statute of limitations.

As I'm sure the committee knows, Raised Bill 6532 is a proposed amendment to the existing statute of limitations that applies to civil actions involving abuse of minors. The current statute of limitations, which is in the general statutes, 52-577d, provides a lengthy statute of limitations for these civil cases,

Essentially a plaintiff has until the age of 48 to file an action seeking damages for abuse that they suffered or allegedly suffered when they were a minor.

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Is Werner Oyanadel here? Then Judge Quinn.  
Good afternoon, your Honor.

JUDGE QUINN: Good afternoon, members of the  
committee. I'm Barbara Quinn, and I'm the  
chief coordinate court administrator.

There are many bills on your agenda today that  
concern the courts. We have submitted written  
testimony about many of these bills, and I'm  
here to testify about four of them. I know  
you've heard from Justice Zarella about the  
constitutional amendment and the process by  
which the procedural rules for the court are  
adopted, and I know you've also heard from  
Wesley Horton on this topic, so I will not be  
covering that.

SB 1157  
HB 6710  
HB 6252

Later on, you will also here a little bit from  
our legislative liaisons, Attorneys Deborah  
Fuller and Stephen Ment on a few of what others  
have liability the more technical bills that  
may be of interest to you.

Let me turn now to the bills that I'm going to  
testify about. The first two concern the  
family support magistrates, Senate Bill 858 and  
House Bill 6700.

By way of background, there are nine family  
support magistrates and three family support  
magistrate referees who were appointed by the  
Governor for terms of three years. This  
process has been in place since 1986 when the  
General Assembly created the Family Support  
Magistrate division to establish and enforce  
child support and spousal support payments and  
to recover funds paid out for state assistance.

There has been a significant change in the  
program since that time. It is no longer a

program to benefit the state only. Last year, 82 percent of the money collected by the Family Support Magistrate division was distributed to Connecticut families, and I'm told that in fiscal year 2008 the sum of money distributed to Connecticut families was \$311 million. So the magistrates and the others working there are doing a very good job.

Although the terms of the family support magistrates are different because they are based on their individual dates of appointment, Senate Bill 858 retroactively changes the terms of their appointment, ending their appointments on June 3, 2009. We believe this to be an unfair process, because they were appointed on a -- based on a statute that's been in effect for 23 years.

And while we recognize it's within your purview to change that process, we believe that it should be perspective in nature. And for that reason, we do support Bill 6700, which implements a reappointment process for them prospectively only.

So as their individual terms expire, the new process would go into effect for their next reappointment.

Another difference between the two bills is that Raised Bill 6700 treats the family support magistrates similarly to workers' compensation commissioners in terms of the length of their term and their salaries. And we support those positions -- provisions, and I know you've heard from one of the magistrates for the magistrate association.

So thank you for the opportunity to talk about that.

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PART 21  
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**2009**



STATE OF CONNECTICUT  
JUDICIAL BRANCH

CHAMBERS OF  
BARBARA M QUINN, JUDGE  
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE  
HARTFORD, CT 06106

Testimony of  
Judge Barbara M. Quinn, Chief Court Administrator  
Judiciary Committee Public Hearing  
March 26, 2009

**Senate Bill 858, An Act Concerning Family Support Magistrates**  
**House Bill 6700, An Act Concerning the Appointment and**  
**Compensation of Family Support Magistrates**

Good morning. My name is Barbara Quinn and I am the Chief Court Administrator. I am here today on behalf of the Judicial Branch to oppose **Senate Bill 858, An Act Concerning Family Support Magistrates** and to support **House Bill 6700, An Act Concerning the Appointment and Compensation of Family Support Magistrates.**

By way of background, there are 9 family support magistrates and 3 family support magistrate referees who were appointed by the Governor for terms of three years. This process has been in effect since 1986, when the General Assembly created the Family Support Magistrate Division to establish and enforce child and spousal support payments and to recover funds paid out in state assistance. There has been a significant change in the program since then. It is no longer a program to benefit the state only. Last year, 82% of the money collected was distributed to Connecticut families.

Although the terms of the family support magistrates are different because they are based upon the individual date of appointment of each magistrate, **Senate Bill 858** retroactively changes the terms of all of the magistrates by ending their appointment on June 30, 2009. This is unfair. The

magistrates were appointed based upon a statute that has been in effect for about 23 years. It is certainly within your purview to change the appointment process; however, I believe that any change should be prospective.

The magistrates, in good faith, accepted their appointments with the expectation that their term would end early only if they were removed from their position by the Governor for cause. They played by the rules and made life decisions affecting their families and their profession based upon the current statute. In contrast, Raised Bill 6700, implements a reappointment process for family support magistrates prospectively, which we support. So, as the individual magistrates' terms expire, the new process would go into effect for their next reappointment.

Another difference between the two bills is that House Bill 6700 treats the family support magistrates similar to workers compensation commissioners in terms of their salary and the length of their term. We support these provisions.

I would like to reiterate that it is certainly within your discretion to alter the appointment process for the family support magistrates. However, I strongly believe that any change should be prospective and therefore, recommend that you reject Senate Bill 858.

Thank you for the opportunity to testify. I would be happy to answer any questions that you may have.

**TO: MEMBERS OF THE JUDICIARY COMMITTEE**

**FROM: RICHARD G. ADAMS, Family Support Magistrate (FSM)**

**DATE: MARCH 26, 2009**

**HOUSE BILL 6700: AN ACT CONCERNING THE APPOINTMENT AND COMPENSATION OF FAMILY SUPPORT MAGISTRATES (Please Support)**

**SENATE BILL 858: AN ACT CONCERNING FAMILY SUPPORT MAGISTRATES (Please Oppose)**

I have been asked by the Connecticut Family Support Magistrates (not the Judicial Branch nor its FSM Division, but the magistrates themselves) to appear before you to transmit comments and concerns regarding the two proposals before your committee today, **House Bill 6700** and **Senate Bill 858**. Both of these bills would institute legislative review and approval of magistrates nominated by the Governor.

I would hope it would not come as a surprise to you, but just to be sure you know – all nine of the family support magistrates support the idea of legislative review of our appointments. I wouldn't want to say that everyone is exactly looking forward to it, but we all recognize that it would be good for our court and the important and demanding functions we perform to serve with legislative approval. The family support magistrates fully support the proposals contained in **House Bill 6700**. However, we object to the provision in **Senate Bill 858** that would have all of our current terms end on June 30, 2009. We are hoping that the Legislature, in fairness, will allow the family support magistrates to serve out our existing terms before new rules for our appointment and re-appointment take effect. **House Bill 6700**, in the first section, appropriately allows the current family support magistrates to complete our current three-year terms.

The public discussion surrounding these proposals has focused attention on the significance of the child support and paternity cases that we adjudicate daily. The nine family support magistrates now serving sit on dockets throughout the state in every judicial district. Any case pending in our court can, of course, generate multiple proceedings. We hear petitions to establish paternity and to set child support orders, including provision for health insurance, uninsured medical expenses, and day care costs. We decide motions to increase, decrease or terminate the orders. And we conduct hearings to decide whether parties are in contempt of court for failure to comply with the orders and, if so, what should be done about it. And we conduct a special docket of all such matters for the interstate cases. All these proceedings are governed by the Connecticut Child Support and Arrearage Guidelines, which establish complex but logical and consistent standards for child support orders. The entire process is also administered by specially trained court clerks, child protection and support enforcement staff and specially assigned assistant attorneys general.

In 2008, the nine of us, together with our three Magistrate Trial Referees, presided over more than 63,000 such proceedings. Obviously, most of the hearings must be short. Nevertheless, they are of enormous importance to the parties involved and the program as a whole is, I believe, important to our civic community and our economy. In seemingly limitless numbers, parents come before us expressing the full range of emotions when confronting the reality of being personally responsible to contribute to the support of their children and the obligation to diligently seek employment, even when jobs are scarce. Yet our court is nearly invisible to the public. Reporters do not cover our hearings, famous people do not appear before us and high powered lawyers are infrequent visitors.

Although we are not judges of the superior court, nevertheless, like them, my colleagues and I are judicial officers. We are governed by the same practice book and code of judicial ethics and are subject to the discipline of the same judicial review council (of which I am an alternate member). A very important distinction which remains between us in the nomination process is our method of appointment, which currently does not include legislative review or approval. And so we welcome the change you propose and also welcome the related proposal for longer terms. Of the two proposals before you, we prefer that contained within House Bill 6700, which calls for five-year terms following legislative approval.

Our single serious concern about Senate Bill 858 is the plan to terminate all sitting magistrates' terms simultaneously at the end of June, direct the governor to reappoint us all, except for cause, and then conduct reviews of everyone this year, presumably as interim appointments, which would have to be heard a second time next session. We would like to see the new process applied, instead, to each FSM as he or she is nominated or re-nominated, for example, as proposed in House Bill 6700.

Four of the nine FSM's are still serving within or just beyond the first year of their first term. I think we all expected that our first three years would provide an opportunity to demonstrate a pattern of competent performance, with a reasonable hope of reappointment upon their successful completion. It would be understandably unsettling to them and their families to be told that they will be terminated in three months and face hearings and a vote of the legislature after only the first year of their first term of service, or in one case even less. Simultaneous proceedings on nine of us at once would also offer a logistical challenge – not insuperable, but a challenge nevertheless – and would be a serious distraction from the work of the court. Imagine how the operations of the superior court could be affected if all 180 plus judges faced review at the same time.

The Family Support Magistrates are thankful and supportive of the provisions contained within Section 2 of House Bill 6700 which provide for a salary schedule that links our compensation much more closely to that of Superior Court Judges. The proposed mechanism is similar to the one in use for Worker's Compensation Commissioners. We very much appreciate the new proposal and ask you to adopt it.

Our court provides a fine and special service to Connecticut and is staffed and supported by able, committed, hard working people. I look forward to seeing it strengthened and recognized for its value. Your interest in our court has already helped to move us in that direction and I look forward to working with you with that purpose in mind. Our hearings are, of course, open to the public. We would be honored to be observed by members of the committee, at any time. No advance notice required.

Thank you very much for your consideration of our position on these two bills; we respectfully ask the Judiciary Committee to act favorably on House Bill 6700.

Please contact me (cellphone: 860-638-8580) or our representative, Attorney Robert Shea (cellphone: 860-989-5567), if you should have any follow-up questions or comments.