

PA13-194

HB6387

House	2859-2881	23
Judiciary	1193, 1209, 1212-1214, 1308, 1310-1312, 1375- 1378	13
Senate	4929, 5043-5044	3
		39

H - 1158

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 9
2743 - 3085**

pat/gbr

117

HOUSE OF REPRESENTATIVES

May 8, 2013

the 91st District as well, so welcome. Hope you have a great day today.

We'll return to the business of the day. Will the Clerk please call Calendar 204.

THE CLERK:

Yes, Mr. Speaker. On Page 8, Calendar 204, HB6387 Favorable Report of the Joint Standing Committee on Judiciary, AN ACT CONCERNING COURT OPERATIONS.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

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

SPEAKER SHARKEY:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. You have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker. This is the annual court operations bill that we get from the Judicial Branch. It has a series of recommendations that the Branch has compiled in an effort to further enhance their operations.

This year's bill has some certain changes, also certain clarifications that would enable the courts to clearly do and take certain steps that they feel would be appropriate.

There was a public hearing before the Judiciary Committee and the Members had an opportunity to question the members of the Judicial Branch who came forward and with respect to this bill we have here today, some of the things that it does to is, it explicitly states that a family division of the Superior Court can have similar jurisdiction with dissolutions, legal separation, annulments of a civil union, as it does with respect to a marriage.

Also, this bill would permit ex parte restraining orders to remain effect when there is an emergency that would close a courthouse. The way it currently works now is that the ex parte restraining orders are in effect for a period of two weeks.

There's been a question, however, if there's some kind of a snow day or some kind of emergency that closes the courthouse, what happens with the restraining order, and what this would do is enable that to remain in effect until the next day the court is open.

pat/gbr

119

HOUSE OF REPRESENTATIVES

May 8, 2013

Also, there is a provision that allows for an emergency ex parte order of custody in a pending family matter and what this does is, it puts into statute what the courts are apparently doing anyway, but this will enable the courts to at least understand that this can be done. There is a procedure in place. It will also of course, requiring a hearing that is not later than 14 days of the date of the issuance of the order.

Also, this allows for the Commission on Civil Court ADRs to get rid of what's been an under-utilized provision that would allow for early intervention in personal injury cases. It's not being used very much so the parties are not taking that opportunity, so it's something that is being deleted.

Also, there were a couple of things that came up with respect to the public hearing that the Judicial Branch did propose an amendment, LCO Number 6162. I'd ask that that be called and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6162, which will be designated House Amendment "A".

THE CLERK:

pat/gbr
HOUSE OF REPRESENTATIVES

120
May 8, 2013

House Amendment "A", LCO 6162 introduced by
Representative Fox, et al.

SPEAKER SHARKEY:

The gentleman seeks leave of the Chamber to summarize the Amendment. Is there objection? Is there objection? Please proceed with summarization, sir.

REP. FOX (146th):

Thank you, Mr. Speaker. This bill deletes a section that is covered in another bill, but at the request of the State's Attorneys.

It also imposes a normal civil entry fee to applications for dissolution of liens. Right now there was not a clarify as to what the entry fee for that would be. It would be the same as the entry fee for a civil case.

It also allows support enforcement officers to serve papers in child support cases. This would just hopefully enhance the efficiency in that area, and I would move adoption of the Amendment.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill, on the Amendment? Representative Rebimbas.

REP. REBIMBAS (70th):

pat/gbr

121

HOUSE OF REPRESENTATIVES

May 8, 2013

Thank you, Mr. Speaker, and I rise in support of the Amendment that's here before us. And one question for clarification purposes, through you, Mr. Speaker.

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. To the proponent of the Amendment, just for clarification purposes, could the Representative describe the section that is eliminated as a result of the Amendment?

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and through you. It's the section that, it's Section 8 of the underlying bill that dealt with snow and ice removal. There was a provision in there with respect to an infraction and what this does is, it eliminates that. I think the House here already passed a bill dealing with that.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and I do support the Amendment as here before us.

pat/gbr
HOUSE OF REPRESENTATIVES

122
May 8, 2013

SPEAKER SHARKEY:

Thank you, madam. Do you care to remark further on the Amendment? Would you care to remark further on the Amendment?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, Nay? The Ayes have it. The Amendment is adopted.

Do you care to remark further on the bill as amended? Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. A few questions to the proponent of the bill, if I may?

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you to Representative Fox, regarding the ex parte orders of child custody and dissolution of marriages, does this

pat/gbr

123

HOUSE OF REPRESENTATIVES

May 8, 2013

bill create any new type of action, or does it just clarify the process that was already taking place?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and good afternoon to you. A switch there.

It clarifies a process that's already taking place but what it hopefully is intended to do is make it uniform throughout the state because judges are doing this in emergency situations. However, this will just permit, clarify that they are, in fact, permitted to do so.

DEPUTY SPEAKER RYAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, this bill also requires that the original of certain paternity acknowledgments be sent to the Department of Public Health. I believe that this is a new procedure.

If the kind Representative could just highlight the purpose. Through you, Mr. Speaker.

pat/gbr
HOUSE OF REPRESENTATIVES

124
May 8, 2013

DEPUTY SPEAKER RYAN:

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. This would be referenced in Section 5. What it does is, it allows the clerk of the court to comply with the DPH request that an original paternity acknowledgment as opposed to a certified copy be filed with their paternity registry.

It's, I don't remember specifically the public testimony dealing with that, but it's something that the original, I assume would always be better than the certified copy and that's the reason that they were looking for this.

DEPUTY SPEAKER RYAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And thank Representative Fox for his response.

Also under this bill there is a creation of a new filing fee, and I believe, through you, Mr. Speaker, if Representative Fox can highlight the new fee and process for us. Thank you.

DEPUTY SPEAKER RYAN:

pat/gbr
HOUSE OF REPRESENTATIVES

125
May 8, 2013

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. That was part of the Amendment and what it references in a dissolution of lien proceeding, if a new action is being commenced, the fee that would be required would be the same as currently under another civil action.

DEPUTY SPEAKER RYAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And just to further clarify and follow up on that. So the new fee is only when there is an actual new action, so a new application.

If there is currently a pending action and there is a motion to dissolve, that would not require a fee to be filed. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

That's correct, Mr. Speaker. It's only dealing with new actions.

DEPUTY SPEAKER RYAN:

pat/gbr
HOUSE OF REPRESENTATIVES

126
May 8, 2013

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, through you, a question regarding, this bill also eliminates a voluntary alternative dispute resolution program. It's my understanding that there may have been, the program may have been under-utilized. I believe that was through the testimony. Is that the reason that we're eliminating the program here today? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and through you, yes, that's correct. It was a program that was under-utilized. I do believe, though, the testimony did reveal that if parties did want to seek early intervention, they could make such a request and almost all courts would recognize this request and allow for them to come in early.

DEPUTY SPEAKER RYAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

pat/gbr
HOUSE OF REPRESENTATIVES

127
May 8, 2013

Thank you, Mr. Speaker, and Mr. Speaker, through you, regarding small claims matters when it comes to this bill before us, my understanding is one of the streamlining changes that we have is to allow attorneys now to be able to sign documents and they can sign documents to computer, fax, or other technology.

It's my understanding from the testimony that this was more efficient and again, streamlining the process. Through you, Mr. Speaker, is this one of the changes that the bill has?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (70th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER RYAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And I'd like to thank the Chairman of the Judiciary Committee for his responses here today in highlighting what is before us in this bill.

It's certainly a bill that lots of work and time and dedication went into it and it's certainly one

pat/gbr

128

HOUSE OF REPRESENTATIVES

May 8, 2013

that I do stand in support of, and also I want to highlight the fact that there is no fiscal impact associated with this bill as well, so I do stand in support of the bill that's before us. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Carter of the 2nd District.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. A few questions, through you, to the proponent of the bill.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Looking at the section that requires the emergency ex parte custody order, my question is, or I should say first. I understand the bill will allow somebody who's seeking a dissolution of marriage to apply for emergency custody order of a child.

What happens right now during dissolution of marriages? Is there any way to get emergency custody of a child? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

pat/gbr
HOUSE OF REPRESENTATIVES

129
May 8, 2013

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, there are. The way it has been explained to me is that it is currently done, and that judges do make, do take steps to do it when they're confronted with a situation that is one that would put, or at least there's affidavit testimony that would put children in danger.

But what this would do is actually outline the process. It makes it clear that the order cannot extend for greater than 14 days, which is similar to our restraining order ex parte statutes, and what it does is, it attempts to make it clear to the parties what their responsibilities would be and what their rights are in such a situation.

I do believe also, that one of the judges actually indicated that this may even lessen the number of these types of applications going forward, but that was just tangential testimony.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Through you, currently then, then somebody can apply under an affidavit to

pat/gbr

130

HOUSE OF REPRESENTATIVES

May 8, 2013

get custody of a child in an emergency situation for danger to the child. My question is then, does this open up to other reasons that they could go after the custody, because in the, as I'm reading this, it could be an order that is in the best interest of a child made purely on an affidavit, or excuse me, an affidavit under oath by the applicant.

So is this expanding the reasons that somebody can take emergency custody? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. No, I don't believe so. Section 4 at Lines 88, 89 says that the person needs to believe in an immediate and present risk of physical danger or psychological harm to the child exists. I don't believe we're expanding this.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. The last question is, when they were talking about prohibiting the respondent of the order, one of the things listed is that the respondent of the order cannot take other

pat/gbr

131

HOUSE OF REPRESENTATIVES

May 8, 2013

specific actions if they are in the interest of the child.

Does that mean that the, I'd say the respondent parent has no jurisdiction whatsoever over that child during this ex parte order? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I think I got the question. It got a little noisy for a second. But it would depend on the extent of the order. The order can allow for, can prohibit removing the child from the state, interfering with the applicant's custody, interfering with a child's educational program, but the word is may, so it does not have to include all of those things.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Carter.

REP. CARTER (2nd):

Through you, Mr. Speaker. I want to make sure I understand that, then. The order will be very specific as to what the respondent can or can't do. It's just not a blanket order.

pat/gbr

132

HOUSE OF REPRESENTATIVES

May 8, 2013

The way I read this, I thought it would say that a respondent has nothing to do with that child, basically, can do nothing that is considered in the best interest of that child while they're under that order.

I just wanted to make sure that the order is going to be specific and it's going to be what takes precedent over anything else. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (70th):

Through you, Mr. Speaker, that is correct. The order would be specific. It would give the court certain discretion, but it's pretty clear as to what that discretion would be as it's laid out in the Lines 107 to approximately 111 of the bill.

So I think the order needs to be clear and the order is what would be what the courts would look at.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

pat/gbr
HOUSE OF REPRESENTATIVES

133
May 8, 2013

Thank you very much, Mr. Speaker, and I appreciate the comments and the answers from across the aisle.

So far, I think this is probably a really good bill. I think any time we're dealing with custody of our children, especially these kinds of battles, that we want to make sure we're leaving no stone unturned, so to speak.

So thank you very much for your time, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you. Representative. If we could ask people to take their conversations outside so that Representative Fox can hear the questions that are being asked. Representative Smith of the 108th District.

REP. SMITH (108th):

Thank you, Mr. Speaker. A few questions to the proponent of the bill.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. SMITH (108th):

Thank you, sir. I'm interested in the removal of the ADR program and if you could just describe to me

pat/gbr

134

HOUSE OF REPRESENTATIVES

May 8, 2013

what the program is and how it's, what it did in the past and why it's being eliminated? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, the program that is being eliminated is one that allowed for early intervention in personal injury cases, and the way it has been explained is that that program was underutilized, if ever utilized. The parties in early intervention-type cases are just not in a position to take advantage of that program.

The testimony was, though, you know, if parties did feel that they were ready to do so, they could certainly make a request of the court and do so, and the court would certainly allow the parties to come in if they sought court involvement and a possible resolution.

The, I mean, over the years the Judicial Branch, through the help of the bar associations and others, has implemented a number of alternative dispute resolution type programs and many of those have been well received and provided outcomes to litigants that

pat/gbr

135

HOUSE OF REPRESENTATIVES

May 8, 2013

were, I don't want to say favorable, but I can say at least, ones that everybody was able to agree on.

And if this program had been one that was heavily utilized, I'm certain that they would have wanted to continue it. But the fact that just nobody was really taking advantage of it, they felt that it didn't need to continue.

Through you.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and thank the good Chairman for his answers.

So this program, as I understand it, just to be sure, only applied to the personal injury type claims?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I believe it was personal injury, motor vehicle type cases.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

pat/gbr
HOUSE OF REPRESENTATIVES

136
May 8, 2013

Thank you, Mr. Speaker. And then, I don't recall the program per se. I don't recall ever having used the program, so I'm trying to wrap my mind around what's being eliminated here.

So in the event, is this a program that the two sides would pick out a state trial referee to either try the case or remediate the case, or am I thinking of a different type program? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I understand the Representative not knowing, being very familiar with it. I'm not familiar with it, either and it's a program that, as I said, was under-utilized, if utilized at all.

I do think, if the Representative is referring to the court annexed mediation program, that's one that I am familiar with and it's one that has either judges or state trial referees who will reserve a full day for mediation or sometimes longer, of a case, which many times the parties feel settlement is impossible and many times they end up with a resolution.

pat/gbr.

137

HOUSE OF REPRESENTATIVES

May 8, 2013

So if that's the program that is being referred to, that is not the one that's being eliminated, but that is one that takes place further along in the process after discovery and pleadings are closed and all of the other court procedures are followed.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you, sir. And I'm happy to hear that answer. That was actually one of my concerns and it's great to hear that the program that has been utilized quite frequently remains in effect. I know many litigants have taken advantage of that, and as the good Chairman has indicated, brought about a resolution of a claim that otherwise would have had to go to a full trial.

My last question is, if the good Representative knows, is there any cost savings to the state as a result of the elimination of this program? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

pat/gbr
HOUSE OF REPRESENTATIVES

138
May 8, 2013

Through you, Mr. Speaker, given that it was so rarely utilized, I don't believe there's really any savings, either.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you. Thank you, sir.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you care to remark further on the bill as amended? Would you care to remark further on the bill as amended?

If not, staff and guests please come to the Well of the House. Will the Members please take your seats. The machine will be opened.

THE CLERK:

The House is voting by Roll. The House is voting by Roll. Will Members please return to the Chamber immediately.

DEPUTY SPEAKER RYAN:

Have all Members voted? Have all Members voted? Will the Members please check the board to determine if your vote is properly cast.

pat/gbr

139

HOUSE OF REPRESENTATIVES

May 8, 2013

If all Members have voted, the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

Bill Number 6387 as amended by House "A".

Total Number Voting 144

Necessary for Passage 73

Those voting Yea 144

Those voting Nay 0

Those absent and not voting 6

DEPUTY SPEAKER RYAN:

The bill as amended is passed.

Are there any announcements or introductions?

Representative Boukus.

REP. BOUKUS (22nd):

Thank you, Mr. Speaker. Mr. Speaker, for an announcement to my colleagues, please.

DEPUTY SPEAKER RYAN:

Please proceed, ma'am.

REP. BOUKUS (22nd):

Mr. Speaker, I am a proud Representative from 22nd District in the Town of Plainville and New Britain. My predecessor, Representative Gene Millerick has passed away. I would like you all to

S - 667

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 16
4803 - 5160**

rgd/gbr
SENATE

127
June 4, 2013

machine is closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

House Bill 6538.

Total Number Voting	34
Necessary for Adoption	18
Those voting Yea	22
Those voting Nay	12
Those absent and not voting	2

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, at this point I have a few items to move to the consent calendar.

THE CHAIR:

Please proceed sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, beginning calendar page 8, Calendar 567, House Bill 6387, move to place that item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you Madam President.

rgd/gbr
SENATE

241
June 4, 2013

Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

rgd/gbr
SENATE

242
June 4, 2013

The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 4
1040 - 1378**

2013

8
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March 4, 2013
10:00 A.M.

NEIL JOHNSON: Thank you.

REP. GERALD FOX: Next is Kevin Kane.

CHIEF STATE'S ATTORNEY KEVIN T. KANE: Good morning, Senator Coleman, Representative Fox, Senator Kissel and Representative Rebimbas, and members of the committee. Thanks for inviting me here.

This submitted written testimony concerning three bills today: 871, 995, and 6387. I'm here to testify though in support of one, although I'll try to answer any questions about any of the bills that are up. Eight seventy-one is a fairly lengthy bill and it looks complicated on the surface, but I think most of the things in it are either technical or procedural, although there are some substantive -- substantive issues that need to be thought of. But primarily they're technical or procedural, and many of them are -- are designed to correct some issues that have come up that I don't believe are controversial.

The first change in the statute deals with our general criminal forfeiture statute. We have several statutes in -- in the general statutes that enable us to -- enable the state to forfeit either instrumentality of the crimes or proceeds of criminal behavior. The general in rem statute is 54-33g, and that applies to all statutes, and at present allows the state to ask the court to order forfeited the instrumentalities of criminal activity.

The changes we're asking be made in that section are -- are threefold. The first is, in that section right now we have a ten-day -- ten-day period from the seizure within which the state must give notice to do it.

CHIEF STATE'S ATTORNEY KEVIN T. KANE: Thank you.

REP. GERALD FOX: Next is Chief Court Administrator, Barbara Quinn.

Good morning, Judge Quinn.

JUDGE BARBARA QUINN: Good morning.

Good morning Senator Coleman, Representative Fox, Senator Kissel, and Representative Rehimbas.

My name is Barbara Quinn and I'm the Chief Court Administrator and I'm here today to testify in favor of three bills that make up the judicial branch's legislative package. But before I launch into that, let me just say briefly with respect to the matters about which Kevin Kane just appeared before you, we do support all of those changes if you had that question but I can make that clear.

SB 995
HB 6387

Let me turn now to the first of the three bills that the branch has this year, which is Senate Bill 870, AN ACT CONCERNING VICTIM COMPENSATION. And the purpose of this bill is to close gaps and coverage for crime victims so that the Office of Victim Services can better serve the victim's needs.

The tragic events that occurred in Newtown this past December have made us acutely aware of these gaps in coverage and our Office of Victim Services has been actively engaged with the Newtown community, and as a result, is very aware of the needs of many people who have been impacted by the shooting there.

This bill would go a long way to addressing the gaps in coverage and expanding the scope of

first amendment is a phrase -- is that phrase "or as otherwise provided by law." And the second amendment is to add another section to amend Connecticut General Statutes, Section 54-63b in order to add "consideration of the safety of others" to the uniform weighted release criteria utilized by the SSD. And as I say, it's attached to the testimony for your detailed review when you consider this legislation.

House Bill 6387, is AN ACT CONCERNING COURT OPERATIONS, and it makes a variety of technical changes intended to enhance the operations of the judicial branch. I'll just go through each section in summary so you can understand generally what it covers.

Sections 1 and 3 would explicitly state the family division of the superior court has jurisdiction over the dissolution, legal separation, or annulment of civil unions entered into in foreign jurisdictions and that all procedures, requirements, and substantive law currently in place to address family matters, applies equally to these civil unions. It's an oversight in the legislation that we've had and would really be beneficial to us to include in our family statute.

Section 2 would permit ex parte restraining orders to remain in effect when the court is closed due to inclement weather or other unforeseen circumstances on the day on which the order is scheduled for hearing, and also that the hearing would be scheduled on the next business day available.

Section 4 gives explicit authority to the court to issue an emergency ex parte order of custody in a pending family court matter where an immediate and present risk of physical danger

or psychological harm to a child is demonstrated. And again, it would follow the existing hearing process of 14 days from its issuance.

Section 5 would enable the clerk of the court to comply with a Department of Public Health request for an original paternity acknowledgement as opposed to a certified copy. This has become a technical problem of late, to be filed with the paternity registry.

Section 6 would allow a person to file a motion as opposed to a petition in instances where there's a request to reinstate guardianship so that service of process is not required when the parties are known to each other.

Sections 7 and 13 repeal on the recommendation of the Commission on Civil Court Alternative Dispute Resolution, an unutilized early intervention and evaluation program for personal injury cases involving a motor vehicle. We've had this procedure in place by statute for quite some time and it's not used at all. So the idea would be to clean that up.

Section 8 would add violations for failure to remove snow or ice on the list of matters that are payable by mail to the Centralized Infractions Bureau. That would improve processing obviously.

Sections 9 and 11, replace the antiquated term of "lodge the file" to simply "file."

Section 10 would correct an oversight. It would allow small claims commissioners, attorneys who volunteer to hear small claims matters, to sign decisions electronically, just as judges and small claims magistrates now do.

Section 12 basically would expand the authority of the Office of Victim Services to include all those things I talked about in the earlier bill, and -- in addition to serious -- cases with serious physical injury and when a person is cited to evasion of responsibility. And this same language is also included in the earlier bill I talked about. So it can either be a both bills or deleted from this bill should the committee wish.

Again, we have two amendments -- one amendment to suggest and it is attached to my testimony in written form, and I'd be happy to answer any questions you have.

REP. GERALD FOX: Thank you, Judge Quinn.

If I may, I have two questions on the first bill.

SB 870

JUDGE BARBARA QUINN: Yes.

REP. GERALD FOX: With respect to the Office of Victim Services, and that's not -- that's not the ultimate victim compensation bill. Are you aware of any other states that have done this type of change that we're requesting?

JUDGE BARBARA QUINN: Yes. In fact, it would bring us in conformity to what is happening around the country. But let me ask up here to answer your question in detail. Linda Sumino, who's our director of the Office of Victim Services.

LINDA SUMINO: Good morning, Representative Fox.

REP. GERALD FOX: Good morning.

LINDA SUMINO: Linda Sumino, judicial branch office -- Office of Victim Services.



STATE OF CONNECTICUT
JUDICIAL BRANCH

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PAGE 5
LINE 19

EXTERNAL AFFAIRS DIVISION

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Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator
Judiciary Committee Public Hearing
March 4, 2013

S.B. 870, An Act Concerning Victim Compensation

S.B. 995, An Act Concerning the Court Support Services Division of
the Judicial Branch

H.B. 6387, An Act Concerning Court Operations

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, my name is Barbara Quinn and I am the Chief Court Administrator. I am here today to testify in favor of three bills that make up the Judicial Branch's legislative package for this year: Senate Bill 870, An Act Concerning Victim Compensation, Senate Bill 995, An Act Concerning the Court Support Services Division of the Judicial Branch, and House Bill 6387, An Act Concerning Court Operations.

S.B. 870, An Act Concerning Victim Compensation

The purpose of this bill is to close gaps in coverage for crime victims, so that our Office of Victim Services can better serve their needs. The tragic events that occurred in Newtown this past December have made us acutely aware of these gaps. The Office of Victim Services has been actively engaged with the Newtown community and, as a result, is very aware of the needs of the many people who have been impacted by the shooting at Sandy Hook School. This bill would go a long way in addressing those needs by expanding the scope of coverage, so that appropriate services and compensation can be provided to those impacted by incidents of domestic terrorism and mass casualties. We are hopeful that the bill can be approved quickly in order to allow the expanded coverage to be implemented as soon as possible.

venue is made. This is a companion piece to legislation passed in 2012 to allow DCF to disclose information to Probate Court judges and employees.

Section 3 would amend the language enacted at our request in 2012 to make Alternative Sentencing Plans confidential, to allow the Division of Criminal Justice (State's Attorneys) and Department of Correction access to the alternative sentencing plans and community release plans. Precluding access to those entities was an oversight; they need access to this information.

Section 4 would specifically authorize the Judicial Branch to access the Connecticut On-Line Enforcement Communication Teleprocessing (COLLECT) system in order to evaluate the suitability of applicants for certain sensitive Judicial Branch and contractor positions, such as those with access to secure Judicial Branch information systems. Because of the nature of the access that they will have, the Judicial Branch needs to be able to screen certain categories of potential employees, and contractors' potential employees, for pending and non-disclosable cases.

I would like to respectfully request that two amendments to the bill. As often happens, upon a second, or third, review of the language we realize that it could be made even better. The first amendment that I would like to request is that the phrase "or as otherwise provided by law" be added at the end of line 234. The second amendment is to add one more section of the bill to amend C.G.S. section 54-63b in order to add "consideration of the safety of others" to the uniform weighted release criteria utilized by the Court Support Services Division. This proposed amendment is attached to my testimony.

H.B. 6387, An Act Concerning Court Operations

This bill makes a variety of changes that are intended to enhance the operations of the Judicial Branch. Since it covers a variety of topics, I will provide you with a section by section summary of the bill:

Sections 1 and 3 state explicitly that the family division of the Superior Court has jurisdiction over the dissolution, legal separation, or annulment of a civil union entered into in a foreign jurisdiction and that all procedures, requirements, and substantive law currently in place to address family matters applies equally to these civil unions.

Section 2 would permit ex parte restraining orders to remain in effect when the court is unexpectedly closed due to inclement weather or other unforeseen circumstances on the day of

the scheduled hearing. In these instances, the hearing will be held on the next day the court is open.

Section 4 would provide explicit authority for a court to issue an emergency *ex parte* order of custody in a pending family court matter when an immediate and present risk of physical danger or psychological harm to the child is demonstrated. If granted, a hearing on the application would be held not later than fourteen days from its issuance.

Section 5 would enable the clerk of the court to comply with a Department of Public Health (DPH) request that an original paternity acknowledgement, as opposed to a certified copy, be filed with their paternity registry.

Section 6 would allow a party to file a motion, as opposed to a petition, in instances where a request to reinstate guardianship is sought, obviating the need for service of process.

Sections 7 and 13 repeal, on the recommendation of the Commission on Civil Court Alternative Dispute Resolution, an under-utilized early intervention and evaluation program for personal injury cases involving a motor vehicle. Upon agreement of the parties, a request for early intervention could still be accommodated.

Section 8 would add violations for the failure to remove snow or ice to the list of matters that are payable by mail to the Centralized Infractions Bureau.

Sections 9 and 11 would replace the antiquated term of “lodge the file” to “file” to reflect the clerk’s current procedure of creating a file and assigning a docket number in these instances.

Section 10 would allow small claims commissioners – attorneys who hear small claims cases on a voluntary basis – to sign decisions electronically, just as judges and small claim magistrates are currently permitted to do.

Section 12 would expand the authority of the Office of Victim Services (OVS) to allow it to provide compensation in instances of physical injury – in addition to instances of serious physical injury – when an injury occurs and a party is cited for evasion of responsibility. This same language is also included in S.B. 870, AAC Victim Compensation, so it can be deleted from this bill should the Committee wish to do so.

And finally, I would also like to request the following amendment to address the scenario where a hearing on a restraining order has been scheduled for a day that court is unexpectedly closed:

HB 6387

In line 61, after "If", insert "a hearing on the application is scheduled or if".

In conclusion, I urge the Committee to act favorably on these proposals. Thank you again for the opportunity to testify. I would be happy to answer any questions you may have.



*Division of Public Defender Services
State of Connecticut*

ATTORNEY CHRISTINE PERRA RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE & CHILD PROTECTION

TESTIMONY OF CHRISTINE RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE AND CHILD PROTECTION
DIVISION OF PUBLIC DEFENDER SERVICES

COMMITTEE ON THE JUDICIARY
MARCH 4, 2013

RAISED BILL 6387, AN ACT CONCERNING COURT OPERATIONS

The Office of Chief Public Defender has concerns about how Section 4 of Raised Bill 6387, *An Act Concerning Court Operations* will impact the rights of parents in child custody cases and the budget of the Division of Public Defender Services. If it is determined, either by statute or through litigation, that parents in these ex parte cases are entitled to counsel, there would be potentially severe budget implications for our Agency. The Division of Public Defender Services is responsible for administering counsel for indigent children in family court and for all children and indigent parents in child welfare court. These cases would require additional appropriations in order for us to adequately ensure appropriate counsel. The Office of Chief Public Defender urges this committee not to adopt the proposal in Section 4 of Raised Bill 6387.

Section 4 creates an emergency ex parte order of custody in family court custody cases. The proposal would allow any person seeking custody of a child to seek and emergency ex parte order of custody if they believe that an immediate and present risk of physical danger or psychological harm to the child exists. The bill allows an emergency order and provides for a hearing within 14 days. This process is very similar to the Orders of Temporary Custody in child welfare cases authorized by C.G.S. Sec. 46b-129. That statute (C.G.S.46b-129) allows for ex parte orders of temporary custody to the Department of Children and Families if there is cause to believe that "the child or youth is suffering from serious physical illness or serious physical injury or is in immediate physical danger from the child's or youth's surroundings, and (2) that as a result of said conditions, the child's or youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's or youth's safety."



*Division of Public Defender Services
State of Connecticut*

ATTORNEY CHRISTINE PERRA RAPILO
DIRECTOR OF DELINQUENCY DEFENSE & CHILD PROTECTION

The Office of Chief Public Defender is concerned that allowing a litigant in a family matters case to obtain such an order *ex parte* could be subject to abuse by litigants and could subject children to more trauma and upheaval than necessary. Family Matters are known to be highly charged and emotional. Parties in custody cases are often angry and the perception that a situation is harmful or dangerous could be influenced by their feelings towards to other party. Children absolutely need to be protected from harmful situations and the Department of Children and Families should continue to be the conduit through which emergency cases make their way to the court. It makes sense to give the Department of Children and Families (DCF) the authority to petition the court *ex parte* when a child is thought to be endangered. DCF is a government agency, often with no history or bias towards the parents and no emotional stake in the outcome.

The Office of Chief Public Defender is concerned that the *ex parte* process to remove children from a parent's custody violates the custodial parent's right to due process of law if there is no right to appointed counsel for the hearings in these cases. In the child welfare cases addressed by C.G.S. 46b-129, the child's parent is entitled to have a lawyer represent them and is appointed counsel paid for by the State of Connecticut if they are found to be indigent. This entitlement is both statutory in C.G.S. 46b-129 and is rooted in the principle that the right to parent a child as one sees fit is an inalienable right that cannot be infringed without due process of law. Although parents are not constitutionally entitled to counsel in all cases where parenting rights are infringed, Connecticut has given the statutory right to counsel to parents in the DCF temporary custody orders.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

H.B. NO. 6387: AN ACT CONCERNING COURT OPERATIONS

JOINT COMMITTEE ON JUDICIARY
March 4, 2013

The Division of Criminal Justice supports the concept of Section 8 of H.B. No. 6387, An Act Concerning Court Operations. The Division would note that this same issue is addressed through slightly different language in H.B. No. 6253, An Act Concerning the Penalty for Failure to Remove Snow or Ice from a Motor Vehicle, which is before the Transportation Committee. Following is the testimony the Division submitted in support of H.B. No. 6253 to the Transportation Committee on February 4, 2013:

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. NO. 6253: AN ACT CONCERNING THE PENALTY FOR FAILURE TO REMOVE ICE OR SNOW FROM A MOTOR VEHICLE

JOINT COMMITTEE ON TRANSPORTATION
FEBRUARY 4, 2013

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report for H.B. No. 6253, An Act Concerning the Penalty for Failure to Remove Ice or Snow from a Motor Vehicle. The purpose of this bill is to allow motorists who receive a traffic ticket pursuant to subsections (a) or (c) of Section 14-252a of the General Statutes to pay the \$75 fine provided for in that section to pay the fine online or by mail.

Section 14-252a is the codification of Public Act 10-182 as amended by section 19 of Public Act 11-256. These acts provide that as of October 1, 2011, the operator of any noncommercial motor vehicle must remove accumulated snow and ice from the vehicle so that the snow or ice does not pose a threat to persons or property. Failure to do so is punishable by a \$75 fine. The same provisions will be extended to commercial motor vehicles effective at the end of this year, December 31, 2013.

In most other cases fines such as this \$75 penalty are already payable through the Centralized Infractions Bureau (CIB) in the Judicial Branch. Motorists can either mail in their payment or pay online through the Judicial Branch website. It would appear to be an oversight that the same option is not available for a ticket issued pursuant to Section 14-252a (a) or 14-25a (c). The maximum fine is still \$75 – less than that for many other

Infractions that can be paid by mail or online – but the violator in these cases must go to court. This is not fair to the motorist or an efficient use of state resources.

The Division of Criminal Justice recommends amending Section 51-164n of the General Statutes, Procedure upon summons for infraction or certain violation, to add Section 14-252a (a) and Section 14-252a (c) to the list of infractions payable through the Centralized Infractions Bureau. The Division has been in contact with the Judicial Branch and it is our understanding that the Branch is in support of this amendment. Adding subsections (a) and (c) to section 51-164n would allow those who choose to do so to pay the fine by mail or online without going to court while permitting those who wish to contest the ticket to plead not guilty online or through the mail and then proceed on to court.

We must stress that our recommendation applies solely to subsections (a) and (c) of Section 14-252a, which involve accumulated snow or ice that does not dislodge and result in personal injury or property damage. Subsections (b) and (d) of Section 14-252a provide for greater penalties for violations involving personal injury or property damage. A motorist who receives a ticket under such circumstances would still be required to appear in court, which the Division believes is appropriate given the more severe nature of the incidents involved.

In conclusion, the Division of Criminal Justice wishes to express its appreciation to the Committee for allowing us to provide input on this matter. The Division would be happy to provide any additional information or to answer any questions the Committee might have.



Connecticut Podiatric Medical Association | 342 North Main Street, West Hartford, CT 06117 2507 | 860 586 7512 | Fax 860 586 7550 | www.CPMA.org

Connecticut Podiatric Medical Association
House Bill 6445
Judiciary Committee
March 4, 2013

The Connecticut Podiatric Medical Association urges your support for House Bill 6445, An Act Concerning Services That May Be Provided By Professional Corporations.

This legislation will permit a licensed Podiatrist to form an LLC or professional services corporation with a licensed physician.

The current statute delineates the professions who may do this. They include:

- Ophthalmologists and Optometrists;
- Physicians and Physician Assistants or Advanced Practice Registered Nurses or both; and,
- Physicians and Chiropractors.

House Bill 6445 will add Physicians and Podiatrists to this list. They will be able to co-own a medical practice through a professional corporation or LLC.

Podiatrists practice within multi-specialty and orthopedic groups around the country as co-owners of an LLC. A number of our members, licensed Doctors of Podiatric Medicine, practice jointly with a licensed physician but are not permitted to enter into an LLC arrangement with them. Doing so will provide both professionals with another option for organizing the practice.

Thank you.

~~DR TREADWELL~~
DAVID BOOMER