House of Representatives

General Assembly

File No. 594

January Session, 2021

Substitute House Bill No. 6505

House of Representatives, April 26, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 1-56r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person eighteen years of age or older may execute a document that designates another person eighteen years of age or older to make certain decisions on behalf of the maker of such document and have certain rights and obligations with respect to the maker of such document under section 1-1k, subsection (b) of section 14-16, subsection (b) of section 17a-543, subsection (a) of section 19a-289h, section 19a-550, subsection (a) of section 19a-571, section 19a-580, subsection (b) of section 19a-578, **[**section 31-51jj, section 54-85d, section 54-91c, section 54-126a**]** sections 31-51jj, 46b-127, as amended by this act, 54-85d, 54-91c and 54-126a, or chapter 968.

(b) Such document shall be signed, dated and acknowledged by the maker before a notary public or other person authorized to take acknowledgments, and be witnessed by at least two persons. Such document may be revoked at any time by the maker, or by a person in

the maker's presence and at the maker's direction, burning, canceling, tearing or obliterating such document or by the execution of a subsequent document by the maker in accordance with subsection (a) of this section.

(c) Any person who is presented with a document executed in accordance with this section shall honor and give effect to such document for the purposes **[**therein**]** indicated in such document.

Sec. 2. Section 4b-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

As used in this section, section 4b-1 and sections 4b-56 to 4b-59, inclusive, unless the context clearly requires otherwise:

(1) "Commissioner" means the Commissioner of Administrative Services;

(2) "Consultant" means (A) any architect, professional engineer, landscape architect, land surveyor, accountant, interior designer, environmental professional or construction administrator, who is registered or licensed to practice such person's profession in accordance with the applicable provisions of the general statutes, or (B) any planner or financial specialist;

(3) "Consultant services" includes those professional services rendered by architects, professional engineers, landscape architects, land surveyors, accountants, interior designers, environmental professionals, construction administrators, planners or financial specialists, as well as incidental services that members of these professions and those in their employ are authorized to perform;

(4) "Firm" means any individual, partnership, corporation, joint venture, association or other legal entity (A) authorized by law to practice the profession of architecture, landscape architecture, engineering, land surveying, accounting, interior design, environmental or construction administration, or (B) practicing the profession of planning or financial specialization;

(5) "Priority higher education facility project" means any project which is part of a state program to repair, renovate, enlarge, equip, purchase or construct (A) instructional facilities, (B) academic core facilities, including library, research and laboratory facilities, (C) student residential or related student dining facilities, or (D) utility systems related to such projects, which are or will be operated under the jurisdiction of the board of trustees of any constituent unit of the state system of higher education, except The University of Connecticut provided the project is included in the comprehensive facilities master plan of the constituent unit in the most recent state facility plan of the Office of Policy and Management pursuant to section 4b-23;

(6) "Project" means any state program requiring consultant services if the cost of such services is estimated to exceed five hundred thousand dollars;

(7) "Selection panel" or "panel" means the State Construction Services Selection Panel established pursuant to subsection (a) of section 4b-56 or, in the case of a Connecticut Health and Education Facilities Authority project pursuant to section 10a-186a, means the Connecticut Health and Education Facilities Authority Construction Services Panel established pursuant to subsection (c) of section 4b-56;

(8) "User agency" means the state department or agency requesting the project or the agency for which such project is being undertaken pursuant to law;

(9) "Community court project" means (A) any project to renovate and improve a facility designated for the community court established pursuant to section 51-181c, and (B) the renovation and improvement of other state facilities required for the relocation of any state agency resulting from the placement of the community court;

(10) "Downtown Hartford higher education center project" means a project to develop a higher education center, as defined in subparagraph (B) of subdivision (2) of section 32-600, and as described in subsection (a) of section 32-612, for the regional community-technical college

system;

(11) "Correctional facility project" means any project (A) which is part of a state program to repair, renovate, enlarge or construct facilities which are or will be operated by the Department of Correction, and (B) for which there is an immediate need for completion in order to remedy prison and jail overcrowding; and

(12) "Juvenile **[**detention**]** residential center project" means any project (A) which is part of a state program to repair, renovate, enlarge or construct juvenile **[**detention**]** residential centers which are or will be operated by the Judicial Department, and (B) for which there is an immediate need for completion in order to remedy overcrowding.

Sec. 3. Subsection (a) of section 4b-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) (1) Except in the case of a project, a priority higher education facility project, a project, as defined in subdivision (16) of section 10a-109c, undertaken by The University of Connecticut, a community court project, a correctional facility project, a juvenile **[**detention**]** residential center project, and the downtown Hartford higher education center project, the commissioner shall negotiate a contract for consultant services with the firm most qualified, in the commissioner's judgment, at compensation which the commissioner determines is both fair and reasonable to the state. (2) In the case of a project, the commissioner shall negotiate a contract for such services with the most qualified firm from among the list of firms submitted by the panel at compensation which the commissioner determines in writing to be fair and reasonable to the state. If the commissioner is unable to conclude a contract with any of the firms recommended by the panel, the commissioner shall, after issuing written findings of fact documenting the reasons for such inability, negotiate with those firms which the commissioner determines to be most qualified, at fair and reasonable compensation, to render the particular consultant services under consideration. (3) Whenever consultant services are required for a priority higher education facility

project, a project involving the construction, repair or alteration of a building or premises under the supervision of the Office of the Chief Court Administrator or property where the Judicial Department is the primary occupant, a community court project, a correctional facility project, a juvenile **[**detention**]** residential center project, or the downtown Hartford higher education center project, the commissioner shall select and interview at least three consultants or firms and shall negotiate a contract for consultant services with the firm most qualified, in the commissioner's judgment, at compensation which the commissioner determines is both fair and reasonable to the state. Except for the downtown Hartford higher education center project, the commissioner shall notify the State Properties Review Board of the commissioner's action not later than five business days after such action for its approval or disapproval in accordance with subsection (i) of section 4b-23, except that if, not later than fifteen days after such notice, a decision has not been made, the board shall be deemed to have approved such contract.

Sec. 4. Subsection (a) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) (1) As used in this section, "prequalification classification" means the prequalification classifications established by the Commissioner of Administrative Services pursuant to section 4a-100, "public agency" has the same meaning as provided in section 1-200, "awarding authority" means the Department of Administrative Services, except "awarding authority" means (A) the Joint Committee on Legislative Management, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of the joint committee, (B) a constituent unit of the state system of higher education, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of such constituent unit, or (C) the Military Department, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of said department and "community court

project", "downtown Hartford higher education center project", "correctional facility project", "juvenile **[**detention**]** residential center project" and "priority higher education facility project" have the same meanings as provided in section 4b-55, as amended by this act.

(2) Except as provided in subdivision (3) of this subsection, every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state that is estimated to cost more than five hundred thousand dollars shall be awarded to the lowest responsible and qualified general bidder who is prequalified pursuant to section 4a-100 on the basis of competitive bids in accordance with the procedures set forth in this chapter, after the awarding authority has invited such bids by posting notice on the State Contracting Portal. The awarding authority shall indicate the prequalification classification required for the contract in such notice.

(3) The requirements set forth in subdivision (2) of this subsection shall not apply to (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) a contract awarded by the Commissioner of Administrative Services for (i) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost one million five hundred thousand dollars or less, (ii) a community court project, (iii) the downtown Hartford higher education center project, (iv) a correctional facility project, (v) a juvenile **[**detention**]** residential center project, or (vi) a student residential facility for the Connecticut State University System that is a priority higher education facility project.

(4) Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by a public agency that is paid for, in whole or in part, with state funds and that is estimated to cost more than five hundred thousand dollars shall be awarded to a bidder that is prequalified pursuant to section 4a-100 after the public agency has invited such bids

by posting notice on the State Contracting Portal, except for (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost one million five hundred thousand dollars or less. The awarding authority or public agency, as the case may be, shall indicate the prequalification classification required for the contract in such notice.

(5) (A) The Commissioner of Administrative Services may select contractors to be on lists established for the purpose of providing contractor services for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or other public works project administered by the Department of Administrative Services involving an expense to the state of one million five hundred thousand dollars or less. The commissioner shall use the prequalification classifications established pursuant to section 4a-100 to determine the specific categories of services that contractors may perform after being selected in accordance with this subparagraph and subparagraph (B) of this subdivision and awarded a contract in accordance with subparagraph (C) of this subdivision. The commissioner may establish a separate list for projects involving an expense to the state of less than five hundred thousand dollars for the purpose of selecting and utilizing the services of small contractors and minority business enterprises, as such terms are defined in section 4a-60g.

(B) The commissioner shall invite contractors to submit qualifications for each specific category of services sought by the department by posting notice of such invitation on the State Contracting Portal. The notice shall be in the form determined by the commissioner, and shall set forth the information that a contractor is required to submit to be considered for selection. Upon receipt of the submittal from the contractor, the commissioner shall select, for each specified category, those contractors who (i) are determined to be the most responsible and qualified, as such terms are defined in section 4b-92, to perform the

work required under the specified category, (ii) have demonstrated the skill, ability and integrity to fulfill contract obligations considering their past performance, financial responsibility and experience with projects of the size, scope and complexity required by the state under the specified category, and (iii) for projects with a cost exceeding five hundred thousand dollars, have the ability to obtain the requisite bonding. The commissioner shall establish the duration that each list remains in effect, which in no event may exceed three years.

(C) For any public building or public works project involving an expense to the state of one million five hundred thousand dollars or less, the commissioner shall invite bids from only those contractors selected pursuant to subparagraphs (A) and (B) of this subdivision for the specific category of services required for the particular project. The commissioner shall determine the form of bid invitation, the manner of, and time for, submission of bids, and the conditions and requirements of such bids. The contract shall be awarded to the lowest responsible and qualified bidder, subject to the provisions of sections 4b-92 and 4b-94. In the event that fewer than three bids are received in response to an invitation to bid under this subdivision, or that all the bids are in excess of the amount of available funds for the project, the commissioner may negotiate a contract with any of the contractors submitting a bid, or reject the bids received and rebid the project in accordance with this section.

Sec. 5. Subsection (g) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(g) Notwithstanding the provisions of this chapter regarding competitive bidding procedures, the commissioner may select and interview at least three responsible and qualified general contractors who are prequalified pursuant to section 4a-100 and submit the three selected contractors to the construction services award panels process described in section 4b-100a and any regulation adopted by the commissioner. The commissioner may negotiate with the successful

bidder a contract which is both fair and reasonable to the state for a community court project, the downtown Hartford higher education center project, a correctional facility project, a juvenile **[**detention**]** residential center project, or a student residential facility for the Connecticut State University System that is a priority higher education facility project. The Commissioner of Administrative Services, prior to entering any such contract or performing any work on such project, shall submit such contract to the State Properties Review Board for review and approval or disapproval by the board, pursuant to subsection (i) of this section. Any general contractor awarded a contract pursuant to this subsection shall be subject to the same requirements concerning the furnishing of bonds as a contractor awarded a contract pursuant to subsection (b) of this section.

Sec. 6. Section 10-220k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

In the case of a student confined pursuant to court order to a state-operated **[**detention**]** residential facility or community **[**detention**]** residential facility, the local or regional board of education of the town where the student attends school or the charter school that the student attends shall, upon request of the **[**detention**]** residential facility, disclose the student's educational records to personnel at such facility. Records disclosed pursuant to this section shall be used for the sole purpose of providing the student with educational services. Such disclosure shall be made pursuant to the provisions of 34 CFR 99.38 without the prior written consent of the student's parent or guardian. If the student's parent or guardian did not give prior written consent for the disclosure of such records, the local or regional board of education or the charter school shall send notification of such disclosure to the parent or guardian at the same time that it discloses the records. The student's educational records may not be further disclosed without a court order or the written consent of the student's parent or guardian.

Sec. 7. Subsection (l) of section 10-233d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January*

1, 2022):

(l) (1) Any student who commits an expellable offense and is subsequently placed in a juvenile **[**detention**]** residential center or any other residential placement for such offense may be expelled by a local or regional board of education in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile **[**detention**]** residential center or other residential placement.

(2) If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile **[**detention**]** residential center or any other residential placement and such student has not been expelled by the local or regional board of education for such offense under subdivision (1) of this subsection, the local or regional board of education for the school district to which the student is returning shall allow such student to return and may not expel the student for additional time for such offense.

Sec. 8. Subsection (b) of section 10-233k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(b) The Department of Children and Families and the Judicial Department or the local or regional board of education shall provide to the superintendent of schools any educational records within their custody of a child seeking to enter or return to a school district from a juvenile **[**detention**]** residential center or any other residential placement prior to the child's entry or return. The agencies shall also require any contracting entity that holds custody of such records to provide them to the superintendent of schools prior to the child's entry or return. Receipt of the educational records shall not delay a child from enrolling in school. The superintendent of schools shall provide such information to the principal at the school the child will be attending. The principal shall disclose such information to appropriate staff as is necessary to the education or care of the child.

Sec. 9. Subsection (g) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(g) (1) For purposes of this subsection, "juvenile **[**detention facility**]** residential center" means a juvenile **[**detention facility**]** residential center operated by, or under contract with, the Judicial Department.

(2) The local or regional board of education for the school district in which a juvenile **[**detention facility**]** residential center is located shall be responsible for the provision of general education and special education and related services to children detained in such **[**facility**]** center. The provision of general education and special education and related services shall be in accordance with all applicable state and federal laws concerning the provision of educational services. Such board may provide such educational services directly or may contract with public or private educational service providers for the provision of such services. Tuition may be charged to the local or regional board of education under whose jurisdiction the child would otherwise be attending school for the provision of general education and special education and related services. Responsibility for the provision of educational services to the child shall begin on the date of the child's placement in the juvenile **[**detention facility**]** residential center and financial responsibility for the provision of such services shall begin upon the receipt by the child of such services.

(3) The local or regional board of education under whose jurisdiction the child would otherwise be attending school or, if no such board can be identified, the local or regional board of education for the school district in which the juvenile **[**detention facility**]** residential center is located shall be financially responsible for the tuition charged for the provision of educational services to the child in such juvenile **[**detention facility**]** residential center. The State Board of Education shall pay, on a current basis, any costs in excess of such local or regional board of education's prior year's average per pupil costs. If the local or regional board of education under whose jurisdiction the child would otherwise

be attending school cannot be identified, the local or regional board of education for the school district in which the juvenile **[**detention facility**]** residential center is located shall be eligible to receive on a current basis from the State Board of Education any costs in excess of such local or regional board of education's prior year's average per pupil costs. Application for the grant to be paid by the state for costs in excess of the local or regional board of education's basic contribution shall be made in accordance with the provisions of subdivision (5) of subsection (e) of section 10-76d.

(4) The local or regional board of education under whose jurisdiction the child would otherwise be attending school shall be financially responsible for the provision of educational services to the child placed in a juvenile **[**detention facility**]** residential center as provided in subdivision (3) of this subsection notwithstanding that the child has been suspended from school pursuant to section 10-233c, has been expelled from school pursuant to section 10-233d, as amended by this act, or has withdrawn, dropped out or otherwise terminated enrollment from school. Upon notification of such board of education by the educational services provider for the juvenile **[**detention facility**]** residential center, the child shall be reenrolled in the school district where the child would otherwise be attending school or, if no such district can be identified, in the school district in which the juvenile **[**detention facility**]** residential center is located, and provided with educational services in accordance with the provisions of this subsection.

(5) The local or regional board of education under whose jurisdiction the child would otherwise be attending school or, if no such board can be identified, the local or regional board of education for the school district in which the juvenile **[**detention facility**]** residential center is located shall be notified in writing by the Judicial Branch of the child's placement at the juvenile **[**detention facility**]** residential center not later than one business day after the child's placement, notwithstanding any provision of the general statutes. The notification shall include the child's name and date of birth, the address of the child's parents or

guardian, placement location and contact information, and such other information as is necessary to provide educational services to the child.

(6) Notwithstanding any provision of the general statutes, a child who is enrolled in a school district at the time of placement in a juvenile **[**detention facility**]** residential center shall remain enrolled in that same school district for the duration of his or her detention, unless the child voluntarily terminates enrollment, and shall have the right to return to such school district immediately upon discharge from **[**detention**]** the juvenile residential center into the community.

(7) When a child is not enrolled in a school at the time of placement in a juvenile **[**detention facility**]** residential center:

(A) The child shall be enrolled in the school district where the child would otherwise be attending school not later than three business days after notification is given pursuant to subdivision (4) of this subsection.

(B) If no such district can be identified, the child shall be enrolled in the school district in which the juvenile **[**detention facility**]** residential center is located not later than three business days after the determination is made that no such district can be identified.

(8) Upon learning that a child is to be discharged from a juvenile **[**detention facility**]** residential center, the educational services provider for the juvenile **[**detention facility**]** residential center shall immediately notify the jurisdiction in which the child will continue his or her education after discharge from the juvenile residential center.

(9) Prior to the child's discharge from the juvenile **[**detention facility**]** residential center, the local or regional board of education responsible for the provision of educational services to children in the juvenile **[**detention facility**]** residential center shall conduct an assessment of the school work completed by the child to determine an assignment of academic credit for the work completed. Credit assigned shall be the credit of the local or regional board of education responsible for the provision of the educational services. Credit assigned for work

completed by the child shall be accepted in transfer by the local or regional board of education for the school district in which the child continues his or her education after discharge from the juvenile **[**detention facility**]** residential center.

Sec. 10. Subsection (a) of section 12-19a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Until the fiscal year commencing July 1, 2016, on or before January first, annually, the Secretary of the Office of Policy and Management shall determine the amount due, as a state grant in lieu of taxes, to each town in this state wherein state-owned real property, reservation land held in trust by the state for an Indian tribe, a municipally owned airport, or any airport owned by the Connecticut Airport Authority, other than Bradley International Airport, except that which was acquired and used for highways and bridges, but not excepting property acquired and used for highway administration or maintenance purposes, is located. The grant payable to any town under the provisions of this section in the state fiscal year commencing July 1, 1999, and each fiscal year thereafter, shall be equal to the total of (1) (A) one hundred per cent of the property taxes which would have been paid with respect to any facility designated by the Commissioner of Correction, on or before August first of each year, to be a correctional facility administered under the auspices of the Department of Correction or a juvenile **[**detention**]** residential center under direction of the Court Support Services Division of the Judicial Branch that was used for incarcerative purposes during the preceding fiscal year. If a list containing the name and location of such designated facilities and information concerning their use for purposes of incarceration during the preceding fiscal year is not available from the Secretary of the State on the first day of August of any year, said commissioner shall, on said first day of August, certify to the Secretary of the Office of Policy and Management a list containing such information, (B) one hundred per cent of the property taxes which would have been paid with respect to that portion of the John Dempsey Hospital located at The University of

Connecticut Health Center in Farmington that is used as a permanent medical ward for prisoners under the custody of the Department of Correction. Nothing in this section shall be construed as designating any portion of The University of Connecticut Health Center John Dempsey Hospital as a correctional facility, and (C) in the state fiscal year commencing July 1, 2001, and each fiscal year thereafter, one hundred per cent of the property taxes which would have been paid on any land designated within the 1983 Settlement boundary and taken into trust by the federal government for the Mashantucket Pequot Tribal Nation on or after June 8, 1999, (2) subject to the provisions of subsection (c) of this section, sixty-five per cent of the property taxes which would have been paid with respect to the buildings and grounds comprising Connecticut Valley Hospital and Whiting Forensic Hospital in Middletown. Such grant shall commence with the fiscal year beginning July 1, 2000, and continuing each year thereafter, (3) notwithstanding the provisions of subsections (b) and (c) of this section, with respect to any town in which more than fifty per cent of the property is state-owned real property, one hundred per cent of the property taxes which would have been paid with respect to such state-owned property. Such grant shall commence with the fiscal year beginning July 1, 1997, and continuing each year thereafter, (4) subject to the provisions of subsection (c) of this section, forty-five per cent of the property taxes which would have been paid with respect to all other state-owned real property, (5) forty-five per cent of the property taxes which would have been paid with respect to all municipally owned airports or any airport owned by the Connecticut Airport Authority, other than Bradley International Airport, except for the exemption applicable to such property, on the assessment list in such town for the assessment date two years prior to the commencement of the state fiscal year in which such grant is payable. The grant provided pursuant to this section for any municipally owned airport or any airport owned by the Connecticut Airport Authority, other than Bradley International Airport, shall be paid to any municipality in which the airport is located, except that the grant applicable to Sikorsky Airport shall be paid half to the town of Stratford and half to the city of Bridgeport, and (6) forty-five per cent of the property taxes which would

have been paid with respect to any land designated within the 1983 Settlement boundary and taken into trust by the federal government for the Mashantucket Pequot Tribal Nation prior to June 8, 1999, or taken into trust by the federal government for the Mohegan Tribe of Indians of Connecticut, provided (A) the real property subject to this subdivision shall be the land only, and shall not include the assessed value of any structures, buildings or other improvements on such land, and (B) said forty-five per cent grant shall be phased in as follows: (i) In the fiscal year commencing July 1, 2012, an amount equal to ten per cent of said forty-five per cent grant, (ii) in the fiscal year commencing July 1, 2013, thirty-five per cent of said forty-five per cent grant, (iii) in the fiscal year commencing July 1, 2014, sixty per cent of said forty-five per cent grant, (iv) in the fiscal year commencing July 1, 2015, eighty-five per cent of said forty-five per cent grant, and (v) in the fiscal year commencing July 1, 2016, one hundred per cent of said forty-five per cent grant.

Sec. 11. Subsections (a) and (b) of section 17b-745 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) The Superior Court or a family support magistrate may make and enforce orders for payment of support to the Commissioner of Administrative Services or, in IV-D support cases, to the state acting by and through the IV-D agency, directed to the husband or wife and, if the patient or person is under the age of eighteen years or as otherwise provided in this subsection, to any parent of any patient or person being supported by the state, wholly or in part, in a state humane institution, or under any welfare program administered by the Department of Social Services, as the court or family support magistrate finds, in accordance with the provisions of subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, to be reasonably commensurate with the financial ability of any such relative. If such person is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities, if such person is in need of support, until such person completes the twelfth grade or

attains the age of nineteen, whichever occurs first. Any court or family support magistrate called upon to make or enforce such an order, including an order based upon a determination consented to by the relative, shall ensure that such order is reasonable in light of the relative's ability to pay.

(2) (A) The court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child. Such provision may include an order for either parent or both parents to provide such coverage under any or all of clauses (i), (ii) or (iii) of this subparagraph.

(i) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent at a reasonable cost, as described in clause (iv) of this subparagraph. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88.

(ii) The provision for health care coverage may include an order for either parent to: (I) Apply for and maintain coverage on behalf of the child under HUSKY B; or (II) provide cash medical support, as described in clauses (v) and (vi) of this subparagraph. An order under this clause shall be made only if the cost to the parent obligated to maintain coverage under HUSKY B, or provide cash medical support is reasonable as described in clause (iv) of this subparagraph. An order under subclause (I) of this clause shall be made only if insurance coverage as described in clause (i) of this subparagraph is unavailable at reasonable cost to either parent, or inaccessible to the child.

(iii) An order for payment of the child's medical and dental expenses, other than those described in subclause (II) of clause (v) of this subparagraph, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(iv) Health care coverage shall be deemed reasonable in cost if: (I) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (II) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(v) Cash medical support means: (I) An amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including HUSKY A or B, except as provided in clause (vi) of this subparagraph, or by another parent through employment or otherwise, or (II) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified specifically on the record, or in an affidavit, made under oath, that also states that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Cash medical support, as described in subclauses (I) and (II) of this clause, may be ordered in lieu of an order under clause (i) of this subparagraph to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under clause (i) of this subparagraph, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in clause (iv) of this subparagraph. An order for cash medical support shall be payable to the state or the custodial

party, as their interests may appear, provided an order under subclause (I) of this clause shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order issued pursuant to subclause (II) of this clause are subject to an order for unreimbursed medical and dental expenses pursuant to clause (iii) of this subparagraph.

(vi) Cash medical support to offset the cost of any insurance payable under HUSKY A or B, shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under HUSKY A or B.

(B) Whenever an order of the Superior Court or family support magistrate is issued against a parent to cover the cost of such medical or dental insurance or benefit plan for a child who is eligible for Medicaid benefits, and such parent has received payment from a third party for the costs of such services but such parent has not used such payment to reimburse, as appropriate, either the other parent or guardian or the provider of such services, the Department of Social Services may request the court or family support magistrate to order the employer of such parent to withhold from the wages, salary or other employment income of such parent to the extent necessary to reimburse the Department of Social Services for expenditures for such costs under the Medicaid program, except that any claims for current or past-due child support shall take priority over any such claims for the costs of such services.

(3) Said court or family support magistrate shall also have authority to make and enforce orders directed to the conservator or guardian of any such patient or person, or the payee of Social Security or other benefits to which such patient or person is entitled, to the extent of the income or estate held or received by such fiduciary or payee in any such capacity.

(4) For purposes of this section, the term "father" shall include a person who has acknowledged in writing paternity of a child born out of wedlock, and the court or family support magistrate shall have

authority to determine, order and enforce payment of any accumulated sums due under a written agreement to support such child in accordance with the provisions of this section.

(5) (A) The court or family support magistrate may also make and enforce orders for the payment by any person named herein of past-due support for which any such person is liable in accordance with the provisions of section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129 or 46b-130 and, in IV-D cases, order such person, provided such person is not incapacitated, to participate in work activities that may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t. A parent's liability for past-due support of a child born out of wedlock shall be limited to the three years next preceding the filing of a petition pursuant to this section.

(B) In the determination of child support due based on neglect or refusal to furnish support prior to the action, the support due for periods of time prior to the action shall be based upon the obligor's ability to pay during such prior periods, as determined in accordance with the child support guidelines established pursuant to section 46b-215a. The state shall disclose to the court any information in its possession concerning current and past ability to pay. If no information is available to the court concerning past ability to pay, the court may determine the support due for periods of time prior to the action as if past ability to pay is equal to current ability to pay, if current ability is known. If current ability to pay is not known, the court shall determine the past ability to pay based on the obligor's work history if known, or if not known, on the state minimum wage that was in effect during such periods, provided only actual earnings shall be used to determine ability to pay for past periods during which the obligor was a full-time high school student or was incarcerated, institutionalized or incapacitated.

(C) Any finding of support due for periods of time prior to an action in which the obligor failed to appear shall be entered subject to

adjustment. Such adjustment may be made upon motion of any party, and the state in IV-D cases shall make such motion if it obtains information that would have substantially affected the court's determination of past ability to pay if such information had been available to the court. Motion for adjustment under this subparagraph may be made not later than twelve months from the date upon which the obligor receives notification of (i) the amount of such finding of support due for periods of time prior to the action, and (ii) the right not later than twelve months from the date of receipt of such notification to present evidence as to such obligor's past ability to pay support for such periods of time prior to the action. A copy of any support order entered, subject to adjustment, that is provided to each party under subsection (c) of this section shall state in plain language the basis for the court's determination of past support, the right to request an adjustment and to present information concerning the obligor's past ability to pay, and the consequences of a failure to request such adjustment.

(6) (A) All payments ordered by the court or family support magistrate under this section shall be made to the Commissioner of Administrative Services or, in IV-D cases, to the state acting by and through the IV-D agency, as the court or family support magistrate may determine, for the period during which the supported person is receiving assistance or care from the state, provided, in the case of beneficiaries of any program of public assistance, upon the discontinuance of such assistance, payments shall be distributed to the beneficiary, beginning with the effective date of discontinuance, and provided further that in IV-D support cases, all payments shall be distributed as required by Title IV-D of the Social Security Act. Any order of payment made under this section may, at any time after being made, be set aside or altered by the court or a family support magistrate.

(B) In IV-D support cases, the IV-D agency or a support enforcement agency under cooperative agreement with the IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may

appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice.

(7) (A) Proceedings to obtain orders of support under this section shall be commenced by the service on the liable person or persons of a verified petition of the Commissioner of Administrative Services, the Commissioner of Social Services or their designees. The verified petition shall be filed by any of said commissioners or their designees in the judicial district of the court or Family Support Magistrate Division in which the patient, applicant, beneficiary, recipient or the defendant resides. The judge or family support magistrate shall cause a summons, signed by such judge or magistrate, by the clerk of said court, or by a commissioner of the Superior Court to be issued, requiring such liable person or persons to appear before the court or a family support magistrate at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause, if any, why the request for relief in such petition should not be granted.

(B) Service of process issued under this section may be made by a state marshal, any proper officer or any investigator employed by the Department of Social Services or by the Commissioner of Administrative Services. The state marshal, proper officer or investigator shall make due return of process to the court not less than twenty-one days before the date assigned for hearing. Upon proof of the service of the summons to appear before the court or a family support magistrate, at the time and place named for hearing upon such petition, the failure of the defendant to appear shall not prohibit the court or family support magistrate from going forward with the hearing.

(8) Failure of any defendant to obey an order of the court or Family

Support Magistrate Division made under this section may be punished as contempt of court. If the summons and order is signed by a commissioner of the Superior Court, upon proof of service of the summons to appear in court or before a family support magistrate and upon the failure of the defendant to appear at the time and place named for hearing upon the petition, request may be made by the petitioner to the court or family support magistrate for an order that a capias mittimus be issued. Except as otherwise provided, upon proof of the service of the summons to appear in court or before a family support magistrate at the time and place named for a hearing upon the failure of the defendant to obey the court order as contempt of court, the court or the family support magistrate may order a capias mittimus to be issued and directed to a judicial marshal to the extent authorized pursuant to section 46b-225, or any other proper officer to arrest such defendant and bring such defendant before the Superior Court for the contempt hearing. The costs of commitment of any person imprisoned for contempt shall be paid by the state as in criminal cases. When any such defendant is so found in contempt, the court or family support magistrate may award to the petitioner a reasonable attorney's fee and the fees of the officer serving the contempt citation, such sums to be paid by the person found in contempt.

(9) In addition to or in lieu of contempt proceedings, the court or family support magistrate, upon a finding that any person has failed to obey any order made under this section, may issue an order directing that an income withholding order issue against such amount of any debt accruing by reason of personal services due and owing to such person in accordance with section 52-362, as amended by this act, or against such lesser amount of such excess as said court or family support magistrate deems equitable, for payment of accrued and unpaid amounts due under such order and all amounts which thereafter become due under such order. On presentation of such income withholding order by the officer to whom delivered for service to the person or persons or corporation from whom such debt accruing by reason of personal services is due and owing, or thereafter becomes due and owing, to the person against whom such support order was issued,

such income withholding order shall be a lien and a continuing levy upon such debt to the amount specified therein, which shall be accumulated by the debtor and paid directly to the Commissioner of Administrative Services or, in IV-D cases, to the state acting by and through the IV-D agency, in accordance with section 52-362, as amended by this act, until such income withholding order and expenses are fully satisfied and paid, or until such income withholding order is modified.

(10) No entry fee, judgment fee or any other court fee shall be charged by the court to either party in actions under this section.

(11) Written statements from employers as to property, insurance, wages, indebtedness and other information obtained by the Commissioner of Social Services, or the Commissioner of Administrative Services under authority of section 17b-137, shall be admissible in evidence in actions under this section.

(b) Except as provided in sections 46b-301 to 46b-425, inclusive, any court or family support magistrate, called upon to enforce a support order, shall insure that such order is reasonable in light of the obligor's ability to pay. Except as provided in sections 46b-301 to 46b-425, inclusive, any support order entered pursuant to this section, or any support order from another jurisdiction subject to enforcement by the state of Connecticut, may be modified by motion of the party seeking such modification, including Support Enforcement Services in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record at a hearing, or in a written judgment, order or memorandum of decision of the court, that the application of the guidelines would be inequitable or inappropriate, provided the court or family support magistrate finds that the obligor or the obligee and any other interested party have received actual notice of the pendency of such motion and of the time and place of the hearing on such motion. There shall be a

rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In any hearing to modify any support order from another jurisdiction the court or the family support magistrate shall conduct the proceedings in accordance with sections 46b-384 to 46b-393, inclusive. No such support orders may be subject to retroactive modification except that the court or family support magistrate may order modification with respect to any period during which there is a pending motion for a modification of an existing support order from the date of service of notice of such pending motion upon the opposing party pursuant to section 52-50.

Sec. 12. Section 20-14h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

As used in sections 20-14h to 20-14j, inclusive, as amended by this act:

(1) "Administration" means the direct application of a medication by means other than injection to the body of a person.

(2) "Day programs", "residential facilities" and "individual and family support" include only those programs, facilities and support services designated in the regulations adopted pursuant to section 20-14j, as amended by this act.

(3) "Juvenile **[**detention**]** residential centers" include only those centers operated under the jurisdiction of the Judicial Department.

(4) "Medication" means any medicinal preparation, and includes any controlled substances specifically designated in the regulations or policies adopted pursuant to section 20-14j, as amended by this act.

(5) "Trained person" means a person who has successfully completed training prescribed by the regulations or policies adopted pursuant to section 20-14j, as amended by this act.

Sec. 13. Section 20-14i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Any provisions to the contrary notwithstanding, chapter 378 shall not prohibit the administration of medication to persons (1) attending day programs, residing in residential facilities or receiving individual and family support, under the jurisdiction of the Departments of Children and Families, Correction, Developmental Services and Mental Health and Addiction Services, (2) being detained in juvenile **[**detention**]** residential centers or residing in residential facilities dually licensed by the Department of Children and Families and the Department of Public Health, or (3) residing in substance abuse treatment facilities licensed by the Department of Children and Families pursuant to section 17a-145 when such medication is administered by trained persons, pursuant to the written order of a physician licensed under this chapter, a dentist licensed under chapter 379, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, authorized to prescribe such medication. The provisions of this section shall not apply to institutions, facilities or programs licensed pursuant to chapter 368v.

Sec. 14. Subsection (b) of section 20-14j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(b) The Chief Court Administrator shall (1) establish ongoing training programs for personnel who are to administer medications to detainees in juvenile **[**detention**]** residential centers, and (2) adopt policies to carry out the provisions of sections 20-14h, as amended by this act, and 20-14i, as amended by this act, concerning the administration of medication to detainees in juvenile **[**detention**]** residential centers.

Sec. 15. Section 45a-78 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Probate Court Administrator shall, from time to time,

recommend to the judges of the Supreme Court, for adoption and promulgation, [pursuant to the provisions of section 51-14,] uniform rules of procedure in the Probate Courts. Any rules of procedure so adopted and promulgated shall be mandatory upon all Probate Courts. To assist the Probate Court Administrator in formulating such recommendations, the Probate Court Administrator shall meet with the Probate Assembly at least annually, and may meet with members of the bar of this state and with the general public. The Probate Court Administrator shall designate no fewer than three Probate Court judges who shall hold a public hearing after reasonable notice is given in the Connecticut Law Journal and otherwise as the Probate Court Administrator deems proper, on any proposed new rule or any change in an existing rule before it is presented to the judges of the Supreme Court for adoption and promulgation.

(b) The Probate Court Administrator shall, from time to time, publish the rules of procedure for the Probate Courts. The Probate Court Administrator may pay the expenses of publication from the fund established under section 45a-82 and shall sell the book of Probate Court rules of procedure, at a price determined by the Probate Court Administrator. The proceeds from the sales shall be added to and shall become a part of said fund.

Sec. 16. Section 46b-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving: (1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in section [46b-47] 46b-48; (2) legal separation; (3) annulment of marriage; (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment; (5) actions brought under section 46b-15, as amended by this act; (6) complaints for change of name; (7) civil support obligations; (8) habeas corpus and other proceedings to determine the custody and visitation of children; (9) habeas corpus brought by or on

behalf of any mentally ill person except a person charged with a criminal offense; (10) appointment of a commission to inquire whether a person is wrongfully confined as provided by section 17a-523; (11) juvenile matters as provided in section 46b-121; (12) all rights and remedies provided for in chapter 815j; (13) the establishing of paternity; (14) appeals from probate concerning: (A) Adoption or termination of parental rights; (B) appointment and removal of guardians; (C) custody of a minor child; (D) appointment and removal of conservators; (E) orders for custody of any child; and (F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute; (15) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; (16) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction; (17) custody proceedings brought under the provisions of chapter 815p; and (18) all such other matters within the jurisdiction of the Superior Court concerning children or family relations as may be determined by the judges of said court.

Sec. 17. Section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any family or household member, as defined in section 46b-38a, who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition. The application shall be accompanied

by [an affidavit made under oath which includes a brief] a statement of the conditions from which relief is sought made under penalty of false statement pursuant to section 53a-157b. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders ex parte, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch that may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any

animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, "violent crime" includes: (A) An incident resulting in physical harm, bodily injury or assault; (B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening; (C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and (D) cruelty to animals as set forth in section 53-247.

(c) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (h) of this section, upon request of the applicant, the court shall, based on the information contained in the original application, extend any ex parte order for an additional period not to exceed fourteen days from the originally scheduled hearing date. The clerk shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (h) of this section.

(d) Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.

(e) At the hearing on any application under this section, if the court grants relief pursuant to subsection (b) of this section and the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, any orders entered by the court may include, in addition to the orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C)

transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects; or (3) an order that the respondent: (A) Make rent or mortgage payments on the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (B) maintain utility services or other necessary services related to the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (C) maintain all existing health, automobile or homeowners insurance coverage without change in coverage or beneficiary designation, or (D) provide financial support for the benefit of any dependent child or children in common of the applicant and the respondent, provided the respondent has a legal duty to support such child or children and the ability to pay. The court shall not enter any order of financial support without sufficient evidence as to the ability to pay, including, but not limited to, financial affidavits. If at the hearing no order is entered under this subsection or subsection (d) of this section, no such order may be entered thereafter pursuant to this section. Any order entered pursuant to this subsection shall not be subject to modification and shall expire one hundred twenty days after the date of issuance or upon issuance of a superseding order, whichever occurs first. Any amounts not paid or collected under this subsection or subsection (d) of this section may be preserved and collectible in an action for dissolution of marriage, custody, paternity or support.

(f) Every order of the court made in accordance with this section shall contain the following language: (1) "This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars or both."; and (2) "In accordance with section 53a-223b

of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both.".

(g) No order of the court shall exceed one year, except that an order may be extended by the court upon motion of the applicant for such additional time as the court deems necessary. If the respondent has not appeared upon the initial application, service of a motion to extend an order may be made by first-class mail directed to the respondent at the respondent's last-known address.

(h) (1) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's **[**affidavit**]** statement of the specific facts that form the basis for relief made under penalty of false statement pursuant to section 53a-157b and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than three days before the hearing. The cost of such service shall be paid for by the Judicial Branch.

(2) When (A) an application indicates that a respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and (B) the court has issued an ex parte order pursuant to this section, the proper officer responsible for executing service shall, whenever possible, provide in-hand service and, prior to serving such order, shall (i) provide notice to the law enforcement agency for the town in which the respondent will be served concerning when and where the service will take place, and (ii) send, or cause to be sent by facsimile or other means, a copy of the

application, the applicant's [affidavit] statement of the specific facts that form the basis for relief made under penalty of false statement pursuant to section 53a-157b, the ex parte order and the notice of hearing to such law enforcement agency, and (iii) request that a police officer from the law enforcement agency for the town in which the respondent will be served be present when service is executed by the proper officer. Upon receiving a request from a proper officer under the provisions of this subdivision, the law enforcement agency for the town in which the respondent will be served may designate a police officer to be present when service is executed by the proper officer.

(3) Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (A) send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, and (B) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance

of such order. If the victim, or victim's minor child protected by such order, is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled and the special police force established pursuant to section 10a-156b, if any, at the institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

(i) A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.

(j) When a motion for contempt is filed for violation of a restraining order, there shall be an expedited hearing. Such hearing shall be held within five court days of service of the motion on the respondent, provided service on the respondent is made not less than twenty-four hours before the hearing. If the court finds the respondent in contempt for violation of an order, the court may impose such sanctions as the court deems appropriate.

(k) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.

(l) For purposes of this section, "police officer" means a state police officer or a sworn member of a municipal police department and "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

Sec. 18. Section 46b-16a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who has been the victim of sexual abuse, sexual assault or stalking may make an application to the Superior Court for relief under this section, provided such person has not obtained any other court order of protection arising out of such abuse, assault or stalking and does not qualify to seek relief under section 46b-15, as amended by this act. As used in this section, "stalking" means two or more wilful acts, performed in a threatening, predatory or disturbing manner of: Harassing, following, lying in wait for, surveilling, monitoring or sending unwanted gifts or messages to another person directly, indirectly or through a third person, by any method, device or other means, that causes such person to reasonably fear for his or her physical safety.

(b) The application shall be accompanied by **[**an affidavit made by the applicant under oath that includes**]** a statement of the specific facts that form the basis for relief made under penalty of false statement pursuant to section 53a-157b. If the applicant attests that disclosure of the applicant's location information would jeopardize the health, safety or liberty of the applicant or the applicant's children, the applicant may request, on a form prescribed by the Chief Court Administrator, that his or her location information not be disclosed. Upon receipt of the application, if the allegations set forth in the **[**affidavit**]** statement of the specific facts that form the basis for relief made under penalty of false statement pursuant to section 53a-157b meet the requirements of subsection (a) of this section, the court shall schedule a hearing not later than fourteen days from the date of the application. If a postponement of a hearing on the application is requested by either party, no ex parte order shall be continued except upon agreement of the parties or by order of the court for good cause shown. If the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any ex parte order that was issued shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the

application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. If the court finds that there are reasonable grounds to believe that the respondent has committed acts constituting grounds for issuance of an order under this section and will continue to commit such acts or acts designed to intimidate or retaliate against the applicant, the court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant. If the court finds that there are reasonable grounds to believe that an imminent danger exists to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include, but are not limited to, an order enjoining the respondent from: (1) Imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; and (3) entering the dwelling of the applicant.

(c) No order of the court shall exceed one year, except that an order may be extended by the court upon proper motion of the applicant, provided a copy of the motion has been served by a proper officer on the respondent, no other order of protection based on the same facts and circumstances is in place and the need for protection, consistent with subsection (a) of this section, still exists.

(d) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's **[**affidavit**]** statement of the specific facts that form the basis for relief made under penalty of false statement pursuant to section 53a-157b and of any ex parte order issued pursuant to subsection (b) of this section to be served by a proper officer on the respondent not less than five days before the hearing. The cost of such service shall be paid for

by the Judicial Branch. Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (1) send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, and (2) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, not later than forty-eight hours after the issuance of such order, and immediately to the Commissioner of Emergency Services and Public Protection. If the applicant is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the applicant, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the applicant is enrolled and the special police force established

pursuant to section 10a-142, if any, at the institution of higher education at which the applicant is enrolled, if the applicant provides the clerk with the name and address of such school or institution of higher education.

(e) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (d) of this section, upon request of the applicant, the court shall, based on the information contained in the original application, extend any ex parte order for an additional period not to exceed fourteen days from the originally scheduled hearing date. The clerk of the court shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (d) of this section.

[(e)**]** (f) An action under this section shall not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

Sec. 19. Section 46b-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In any action for dissolution of marriage or legal separation the court shall make a finding that a marriage breakdown has occurred where (1) the parties, and not their attorneys, execute a written stipulation that their marriage has broken down irretrievably, or (2) both parties are physically present in court and stipulate that their marriage has broken down irretrievably and have submitted an agreement concerning the custody, care, education, visitation, maintenance or support of their children, if any, and concerning alimony and the disposition of property. The testimony of either party in support of that conclusion, or an affidavit made under oath by either party, pursuant to subsection (b) of this section, shall be sufficient.

(b) Any finding required to be made by the court pursuant to subsection (a) of this section, may be made on the basis of an affidavit,

made under oath, by either party, provided that the party making the affidavit attests that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order, issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Nothing in this subsection shall preclude the court from requiring that the parties attend a hearing and that findings be made on the record.

[(b)**]** (c) In any case in which the court finds **[**, after hearing,**]** that a cause enumerated in subsection (c) of section 46b-40 exists, the court shall enter a decree dissolving the marriage or granting a legal separation. In entering the decree, the court may either set forth the cause of action on which the decree is based or dissolve the marriage or grant a legal separation on the basis of irretrievable breakdown. In no case shall the decree granted be in favor of either party.

Sec. 20. Section 46b-56c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section, an educational support order is an order entered by a court requiring a parent to provide support for a child or children to attend for up to a total of four full academic years an institution of higher education or a private occupational school for the purpose of attaining a bachelor's or other undergraduate degree, or other appropriate vocational instruction. An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age.

(b) (1) On motion or petition of a parent, the court may enter an educational support order at the time of entry of a decree of dissolution, legal separation or annulment, and no educational support order may be entered thereafter unless the decree explicitly provides that a motion or petition for an educational support order may be filed by either parent at a subsequent date. If no educational support order is entered at the time of entry of a decree of dissolution, legal separation or annulment, and the parents have a child who has not attained twenty-

three years of age, the court shall inform the parents that no educational support order may be entered thereafter. The court may accept a parent's waiver of the right to file a motion or petition for an educational support order upon a finding that the parent fully understands the consequences of such waiver.

(2) A waiver of the right to file a motion or petition for an educational support order may be made in writing by either parent and accepted by the court, provided the parent making the writing attests, under oath, that the parent fully understands the consequences of such waiver, and that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. The provisions of this subdivision shall not preclude the court from requiring that the parties attend a hearing and that findings be made on the record.

[(2)**]** (3) On motion or petition of a parent, the court may enter an educational support order at the time of entry of an order for support pendente lite pursuant to section 46b-83.

[(3)**]** (4) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order of support pursuant to section 46b-61 or 46b-171, as amended by this act, or similar section of the general statutes, or at any time thereafter.

[(4)**]** (5) On motion or petition of a parent, the court may enter an educational support order at the time of entering an order pursuant to any other provision of the general statutes authorizing the court to make an order of support for a child, subject to the provisions of sections 46b-301 to 46b-425, inclusive.

(c) The court may not enter an educational support order pursuant to this section unless the court finds as a matter of fact that it is more likely than not that the parents would have provided support to the child for higher education or private occupational school if the family were intact. After making such finding, the court, in determining whether to

enter an educational support order, shall consider all relevant circumstances, including: (1) The parents' income, assets and other obligations, including obligations to other dependents; (2) the child's need for support to attend an institution of higher education or private occupational school considering the child's assets and the child's ability to earn income; (3) the availability of financial aid from other sources, including grants and loans; (4) the reasonableness of the higher education to be funded considering the child's academic record and the financial resources available; (5) the child's preparation for, aptitude for and commitment to higher education; and (6) evidence, if any, of the institution of higher education or private occupational school the child would attend.

(d) Any finding required to be made by the court, pursuant to this section may be made on the basis of an affidavit, made under oath, by either party, provided that the party making the affidavit attests that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order, issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Nothing in this subsection shall preclude the court from requiring that the parties attend a hearing and that findings be made on the record.

[(d)**]** (e) At the appropriate time, both parents shall participate in, and agree upon, the decision as to which institution of higher education or private occupational school the child will attend. The court may make an order resolving the matter if the parents fail to reach an agreement.

[(e)**]** (f) To qualify for payments due under an educational support order, the child must (1) enroll in an accredited institution of higher education or private occupational school, as defined in section 10a-22a, (2) actively pursue a course of study commensurate with the child's vocational goals that constitutes at least one-half the course load determined by that institution or school to constitute full-time enrollment, (3) maintain good academic standing in accordance with the rules of the institution or school, and (4) make available all academic records to both parents during the term of the order. The order shall be

suspended after any academic period during which the child fails to comply with these conditions.

[(f)**]** (g) The educational support order may include support for any necessary educational expense, including room, board, dues, tuition, fees, registration and application costs, but such expenses shall not be more than the amount charged by The University of Connecticut for a full-time in-state student at the time the child for whom educational support is being ordered matriculates, except this limit may be exceeded by agreement of the parents. An educational support order may also include the cost of books and medical insurance for such child.

[(g)**]** (h) The court may direct that payments under an educational support order be made (1) to a parent to be forwarded to the institution of higher education or private occupational school, (2) directly to the institution or school, or (3) otherwise as the court determines to be appropriate.

[(h)**]** (i) On motion or petition of a parent, an educational support order may be modified or enforced in the same manner as is provided by law for any support order.

[(i)**]** (j) This section does not create a right of action by a child for parental support for higher education.

[(j)**]** (k) An educational support order under this section does not include support for graduate or postgraduate education beyond a bachelor's degree.

[(k)**]** (l) The provisions of this section shall apply only in cases when the initial order for parental support of the child is entered on or after October 1, 2002.

Sec. 21. Subsection (b) of section 46b-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If no declaration has been filed under subsection (a) of this section,

then at any time after the entry of a decree of legal separation, either party may petition the superior court for the judicial district in which the decree was entered for a decree dissolving the marriage. **[**and the court shall**]** The court may enter the decree in the presence of the party seeking the dissolution or, if a party attests that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court, the court may enter the decree without requiring the presence of either party.

Sec. 22. Section 46b-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in section 46b-44c, in any case under this chapter where the parties have submitted to the court a final agreement concerning the custody, care, education, visitation, maintenance or support of any of their children or concerning alimony or the disposition of property, the court shall inquire into the financial resources and actual needs of the **[**spouses**]** parties and their respective fitness to have physical custody of or rights of visitation with any minor child, in order to determine whether the agreement of the **[**spouses**]** parties is fair and equitable under all the circumstances.

(b) The inquiry required pursuant to subsections (a) and (e) of this section may take place on the record at a hearing, or if each party attests that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order, issued pursuant to section 46b-38c, between the parties is in effect or pending before the court, the court may accept an affidavit from each party, made under oath, stating facts satisfying the requirements of the inquiry in question, in order to determine whether the agreement of the parties is fair and equitable under all the circumstances and to make any other findings required by this section.

(c) If the court finds the agreement fair and equitable, it shall become part of the court file, and if the agreement is in writing, it shall be incorporated by reference into the order or decree of the court. If the

court finds the agreement is not fair and equitable, it shall make such orders as to finances and custody as the circumstances require. If the agreement is in writing and provides for the care, education, maintenance or support of a child beyond the age of eighteen, it may also be incorporated or otherwise made a part of any such order and shall be enforceable to the same extent as any other provision of such order or decree, notwithstanding the provisions of section 1-1d.

[(b)**]** (d) Agreements providing for the care, education, maintenance or support of a child beyond the age of eighteen entered into on or after July 1, 2001, shall be modifiable to the same extent as any other provision of any order or decree in accordance with section 46b-86, as amended by this act.

[(c)**]** (e) The provisions of chapter 909 shall be applicable to any agreement to arbitrate in an action for dissolution of marriage under this chapter, provided **[**(1)**]** an arbitration pursuant to such agreement may proceed only after the court has made a thorough inquiry and is satisfied that **[**(A)**]** (1) each party entered into such agreement voluntarily and without coercion, and **[**(B)**]** (2) such agreement is fair and equitable under the circumstances. **[**, and (2) such agreement and an arbitration pursuant to such agreement shall not include issues related to child support, visitation and custody.**]** An arbitration award in such action shall **[**be**]** not be enforceable until it has been confirmed, modified or vacated in accordance with the provisions of chapter 909 and incorporated into an order or decree of court in an action for dissolution of marriage between the parties. If the arbitration award concerns child support, the court may enter such order or decree if the court finds that the award complies with section 46b-215b, as amended by this act. An arbitration award relating to a dissolution of marriage that is incorporated into an order or decree of the court shall be enforceable and modifiable to the same extent as an agreement of the parties that is incorporated into an order or decree of the court pursuant to subsection (c) of this section.

Sec. 23. Subsection (f) of section 46b-84 of the general statutes is

repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) After the granting of a decree annulling or dissolving the marriage or ordering a legal separation, and upon complaint or motion with order and summons made to the Superior Court by either parent or by the Commissioner of Administrative Services in any case arising under subsection (a) or (b) of this section, the court shall inquire into the child's need of maintenance and the respective abilities of the parents to supply maintenance. The court shall make and enforce the decree for the maintenance of the child as it considers just, and may direct security to be given therefor, including an order to either party to contract with a third party for periodic payments or payments contingent on a life to the other party. The court may order that a party obtain life insurance as such security unless such party proves, by a preponderance of the evidence, that such insurance is not available to such party, such party is unable to pay the cost of such insurance or such party is uninsurable.

(2) The court shall include in each support order a provision for the health care coverage of the child who is subject to the provisions of subsection (a) or (b) of this section. Such provision may include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this subdivision.

(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent at a reasonable cost, as described in subparagraph (D) of this subdivision. If such order in a IV-D support case requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88.

(B) The provision for health care coverage may include an order for either parent to: (i) Apply for and maintain coverage on behalf of the child under HUSKY B; or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this

subparagraph shall be made only if the cost to the parent obligated to maintain the coverage under HUSKY B or provide cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E) of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(E) Cash medical support means: (i) An amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including HUSKY A or B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental

expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified (I) specifically on the record, or (II) in an affidavit, made under oath, that states no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Cash medical support, as described in clauses (i) and (ii) of this subparagraph may be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under subparagraph (A) of this subdivision, provided the combined cost of insurance and cash medical support is reasonable, as defined in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order issued pursuant to clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable under HUSKY A or B, shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under HUSKY A or B.

Sec. 24. Subsection (a) of section 46b-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Unless and to the extent that the decree precludes modification, any final order for the periodic payment of permanent alimony or support, an order for alimony or support pendente lite or an order requiring either party to maintain life insurance for the other party or a minor child of the parties may, at any time thereafter, be continued, set

aside, altered or modified by the court upon a showing of a substantial change in the circumstances of either party or upon a showing that the final order for child support substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record at a hearing, or in a written judgment, order or memorandum of decision of the court, that the application of the guidelines would be inequitable or inappropriate. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In determining whether to modify a child support order based on a substantial deviation from such child support guidelines the court shall consider the division of real and personal property between the parties set forth in the final decree and the benefits accruing to the child as the result of such division. After the date of judgment, modification of any child support order issued before, on or after July 1, 1990, may be made upon a showing of such substantial change of circumstances, whether or not such change of circumstances was contemplated at the time of dissolution. By written agreement, stipulation or decision of the court, those items or circumstances that were contemplated and are not to be changed may be specified in the written agreement, stipulation or decision of the court. This section shall not apply to assignments under section 46b-81 or to any assignment of the estate or a portion thereof of one party to the other party under prior law. No order for periodic payment of permanent alimony or support may be subject to retroactive modification, except that the court may order modification with respect to any period during which there is a pending motion for modification of an alimony or support order from the date of service of notice of such pending motion upon the opposing party pursuant to section 52-50. If a court **[**, after hearing,**]** finds that a substantial change in circumstances of either party has occurred, the court shall determine what modification of alimony, if any, is appropriate, considering the criteria set forth in section 46b-82.

Sec. 25. Section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows:

(1) "Child" means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, "child" means any person who (i) is at least seven years of age at the time of the alleged commission of a delinquent act and who is (I) under eighteen years of age and has not been legally emancipated, or (II) eighteen years of age or older and committed a delinquent act prior to attaining eighteen years of age, or (ii) is subsequent to attaining eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person who is at least seven years of age and is under eighteen years of age;

(2) (A) A child may be adjudicated as "delinquent" who has, while under sixteen years of age, (i) violated any federal or state law, except section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, as amended by this act, or (iv) violated conditions of probation supervision or probation supervision with residential placement in a delinquency proceeding as ordered by the court;

(B) A child may be adjudicated as "delinquent" who has (i) while sixteen or seventeen years of age, violated any federal or state law, other

than (I) an infraction, except an infraction under subsection (d) of section 21a-267, (II) a violation, except a violation under subsection (a) of section 21a-279a, (III) a motor vehicle offense or violation under title 14, (IV) a violation of a municipal or local ordinance, or (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (ii) while sixteen years of age or older, wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) while sixteen years of age or older, violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, as amended by this act, or (iv) while sixteen years of age or older, violated conditions of probation supervision or probation supervision with residential placement in a delinquency proceeding as ordered by the court;

(3) "Family with service needs" means a family that includes a child who is at least seven years of age and is under eighteen years of age who, according to a petition lawfully filed on or before June 30, 2020, (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, or (D) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child;

(4) A child may be found "neglected" who, for reasons other than being impoverished, (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child;

(5) A child may be found "abused" who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited

to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

(6) A child may be found "uncared for" (A) who is homeless, (B) whose home cannot provide the specialized care that the physical, emotional or mental condition of the child requires, or (C) who has been identified as a victim of trafficking, as defined in section 46a-170. For the purposes of this section, the treatment of any child by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment;

(7) "Delinquent act" means (A) the violation by a child under the age of sixteen of any federal or state law, except the violation of section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the violation of a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a child sixteen or seventeen years of age of any federal or state law, other than (i) an infraction, except an infraction under subsection (d) of section 21a-267, (ii) a violation, except a violation under subsection (a) of section 21a-279a, (iii) a motor vehicle offense or violation under title 14, (iv) the violation of a municipal or local ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, (C) the wilful failure of a child, including a child who has attained the age of eighteen, to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child has notice, (D) the violation of any order of the Superior Court in a delinquency proceeding by a child, including a child who has attained the age of eighteen, except as provided in section 46b-148, as amended by this act, or (E) the violation of conditions of probation supervision or probation supervision with residential placement in a delinquency proceeding by a child, including a child who has attained the age of eighteen, as ordered by the court;

(8) "Serious juvenile offense" means (A) the violation of, including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,

29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) absconding, escaping or running away, without just cause, from any secure residential facility in which the child has been placed by the court as a delinquent child;

(9) "Serious juvenile offender" means any child adjudicated as delinquent for the commission of a serious juvenile offense;

(10) "Serious juvenile repeat offender" means any child charged with the commission of any felony if such child has previously been adjudicated as delinquent or otherwise adjudicated at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony;

(11) "Alcohol-dependent" means a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders";

(12) "Drug-dependent" means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as drug-dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence;

(13) "Pre-dispositional study" means a comprehensive written report prepared by a juvenile probation officer pursuant to section 46b-134 regarding the child's social, medical, mental health, educational, risks and needs, and family history, as well as the events surrounding the offense to present a supported recommendation to the court;

(14) "Probation supervision" means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time and upon such terms as the court determines;

(15) "Probation supervision with residential placement" means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time, upon such terms as the court determines, that include a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of supervision in the community;

(16) "Risk and needs assessment" means a standardized tool that (A) assists juvenile probation officers in collecting and synthesizing information about a child to estimate the child's risk of recidivating and identify other factors that, if treated and changed, can reduce the child's likelihood of reoffending, and (B) provides a guide for intervention planning;

(17) "Secure-residential facility" means a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements and physical barriers that allow for close supervision and controlled movement in a treatment setting; **[**and**]**

(18) "Staff-secure residential facility" means a residential facility that provides residential treatment for children in a structured setting where the children are monitored by staff; and

(19) "Juvenile residential center" means a hardware-secured residential facility operated by the Court Support Services Division of

the Judicial Branch that includes direct staff supervision, surveillance enhancements and physical barriers that allow for close supervision and controlled movement in a treatment setting for preadjudicated juveniles and juveniles adjudicated as delinquent.

Sec. 26. Subsection (b) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) All records of cases of juvenile matters, as provided in section 46b-121, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, except that: (1) Such records shall be available to (A) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (B) the parents or guardian of the child until such time as the child reaches the age of majority or becomes emancipated, (C) an adult adopted person in accordance with the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the Division of Criminal Justice who, in the performance of their duties, require access to such records, (E) employees of the Judicial Branch who, in the performance of their duties, require access to such records, (F) another court under the provisions of subsection (d) of section 46b-115j, (G) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority or has been emancipated, (H) the Department of Children and Families, (I) the employees of the Division of Public Defender Services who, in the performance of their duties related to Division of Public Defender Services assigned counsel, require access to such records, **[**and**]** (J) judges and employees of the Probate Court who, in the performance of their duties, require access to such records, and (K) members and

employees of the Judicial Review Council who, in the performance of their duties related to said council, require access to such records; and (2) all or part of the records concerning a youth in crisis with respect to whom a court order was issued prior to January 1, 2010, may be made available to the Department of Motor Vehicles, provided such records are relevant to such order. Any records of cases of juvenile matters, or any part thereof, provided to any persons, governmental or private agencies, or institutions pursuant to this section shall not be disclosed, directly or indirectly, to any third party not specified in subsection (d) of this section, except as provided by court order, in the report required under section 54-76d or 54-91a or as otherwise provided by law.

Sec. 27. Subsection (d) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) Judicial Branch employees who, in the performance of their duties, require access to such records, (2) judges and employees of the Probate Court who, in the performance of their duties, require access to such records, and (3) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child, or (C) the delivery of court diversionary programs. Such employees and authorized agents include, but are not limited to, law enforcement officials, community-based youth service bureau officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters and officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, if the child is committed pursuant to section 46b-129, provided such disclosure shall be limited to (i) information that identifies the child as the subject of the delinquency petition, or (ii) the records of the delinquency proceedings, when the juvenile court orders the department to provide services to said child, the Court Support Services Division and agencies under contract with

the Judicial Branch. Such records shall also be available to (I) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (II) the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (III) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (IV) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations, (V) a state or federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be limited to that information necessary for the collection of and application for such moneys, **[**and**]** (VI) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release, and (VII) members and employees of the Judicial Review Council who, in the performance of their duties related to said council, require access to such records. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information, or as otherwise provided by law.

Sec. 28. Subsection (g) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(g) Information concerning a child who has absconded, escaped or

run away from, or failed to return from an authorized leave to, a **[**detention**]** juvenile residential center or a residential treatment facility in which the child has been placed by a court order in a delinquency case, or for whom an arrest warrant has been issued with respect to the commission of a felony may be disclosed by law enforcement officials.

Sec. 29. Subsection (c) of section 46b-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) (A) Any proceeding of any case transferred to the regular criminal docket pursuant to this section shall be (i) private, except that any victim and the victim's next of kin shall not be excluded from such proceeding, and **[**shall be**]** (ii) conducted in such parts of the courthouse or the building in which the court is located that are separate and apart from the other parts of the court which are then being used for proceedings pertaining to adults charged with crimes. Any records of such proceedings shall be confidential in the same manner as records of cases of juvenile matters are confidential in accordance with the provisions of section 46b-124, as amended by this act, except as provided in subparagraph (B) of this subdivision, unless and until the court or jury renders a verdict or a guilty plea is entered in such case on the regular criminal docket. For the purposes of this subparagraph, (I) "victim" means the victim of the crime, a parent or guardian of such person, the legal representative of such person, or a victim advocate for such person under section 54-220, or a person designated by a victim in accordance with section 1-56r, as amended by this act, and (II) "next of kin" means a spouse, an adult child, a parent, an adult sibling, an aunt, an uncle or a grandparent.

(B) Records of any child whose case is transferred to the regular criminal docket under this section, or any part of such records, shall be available to the victim of the crime committed by the child to the same extent as the records of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall

designate an official from whom the victim may request such records. Records disclosed pursuant to this subparagraph shall not be further disclosed.

(2) If a case is transferred to the regular criminal docket pursuant to subdivision (3) of subsection (a) of this section or subsection (b) of this section, or if a case is transferred to the regular criminal docket pursuant to subdivision (1) of subsection (a) of this section and the charge in such case is subsequently reduced to that of the commission of an offense for which a case may be transferred pursuant to subdivision (2) or (3) of subsection (a) of this section or subsection (b) of this section, the court sitting for the regular criminal docket may return the case to the docket for juvenile matters at any time prior to the court or jury rendering a verdict or the entry of a guilty plea for good cause shown for proceedings in accordance with the provisions of this chapter.

Sec. 30. Section 46b-132a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

When deemed in the best interests of a child placed in a juvenile **[**detention**]** residential center, the administrator of such **[**detention**]** residential center may authorize, under policies promulgated by the Chief Court Administrator, such medical assessment and treatment and dentistry as is necessary to ensure the continued good health or life of the child. The administrator of the **[**detention**]** residential center shall make reasonable efforts to inform the child's parents or guardian prior to taking such action, and in all cases shall send notice to the parents or guardian by letter to their last-known address informing them of the actions taken and of the outcome, provided failure to notify shall not affect the validity of the authorization.

Sec. 31. Section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Nothing in this part shall be construed as preventing the arrest of a child, with or without a warrant, as may be provided by law, or as preventing the issuance of warrants by judges in the manner provided

by section 54-2a, except that no child shall be taken into custody on such process except on apprehension in the act, or on speedy information, or in other cases when the use of such process appears imperative. Whenever a child is arrested and charged with a delinquent act, such child may be required to submit to the taking of his photograph, physical description and fingerprints. Notwithstanding the provisions of section 46b-124, as amended by this act, the name, photograph and custody status of any child arrested for the commission of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or class A felony may be disclosed to the public.

(b) Whenever a child is brought before a judge of the Superior Court, which court shall be the court that has jurisdiction over juvenile matters where the child resides if the residence of such child can be determined, such judge shall immediately have the case proceeded upon as a juvenile matter. Such judge may admit the child to bail or release the child in the custody of the child's parent or parents, the child's guardian or some other suitable person to appear before the Superior Court when ordered. If detention becomes necessary, such detention shall be in the manner prescribed by this chapter, provided the child shall be placed in the least restrictive environment possible in a manner consistent with public safety.

(c) Upon the arrest of any child by an officer, such officer may (1) release the child to the custody of the child's parent or parents, guardian or some other suitable person or agency, (2) at the discretion of the officer, release the child to the child's own custody, or (3) seek a court order to detain the child in a juvenile **[**detention**]** residential center. No child may be placed in **[**detention**]** a juvenile residential center unless a judge of the Superior Court determines, based on the available facts, that (A) there is probable cause to believe that the child has committed the acts alleged, (B) there is no appropriate less restrictive alternative available, and (C) there is (i) probable cause to believe that the level of risk that the child poses to public safety if released to the community prior to the court hearing or disposition cannot be managed in a less restrictive setting, (ii) a need to hold the child in order to ensure the

child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process, or (iii) a need to hold the child for another jurisdiction. No child shall be held in any **[**detention**]** juvenile residential center unless an order to detain is issued by a judge of the Superior Court.

(d) When a child is arrested for the commission of a delinquent act and the child is not placed in **[**detention**]** a juvenile residential center or referred to a diversionary program, an officer shall serve a written complaint and summons on the child and the child's parent, guardian or some other suitable person or agency. If such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the child's arrest or a capias to assure the appearance in court of such parent, guardian or other person. If a child wilfully fails to appear in response to such a summons, the court may order such child taken into custody and such child may be charged with the delinquent act of wilful failure to appear under section 46b-120, as amended by this act. The court may punish for contempt, as provided in section 46b-121, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

(e) When a child is arrested for the commission of a delinquent act and is placed in **[**detention**]** a juvenile residential center pursuant to subsection (c) of this section, such child may be detained pending a hearing which shall be held on the business day next following the child's arrest. No child may be detained after such hearing unless the court determines, based on the available facts, that (1) there is probable cause to believe that the child has committed the acts alleged, (2) there is no less restrictive alternative available, and (3) through the use of the detention risk screening instrument developed pursuant to section 46b-133g, that there is (A) probable cause to believe that the level of risk the child poses to public safety if released to the community prior to the

court hearing or disposition cannot be managed in a less restrictive setting; (B) a need to hold the child in order to ensure the child's appearance before the court or compliance with court process, as demonstrated by the child's previous failure to respond to the court process, or (C) a need to hold the child for another jurisdiction. Such probable cause may be shown by sworn affidavit in lieu of testimony. No child shall be released from **[**detention**]** a juvenile residential center who is alleged to have committed a serious juvenile offense except by order of a judge of the Superior Court. The court may, in its discretion, consider as an alternative to detention a suspended detention order with graduated sanctions to be imposed based on the detention risk screening for such child, using the instrument developed pursuant to section 46b-133g. Any child confined in a community correctional center or lockup shall be held in an area separate and apart from any adult detainee, except in the case of a nursing infant, and no child shall at any time be held in solitary confinement or held for a period that exceeds six hours. When a female child is held in custody, she shall, as far as possible, be in the charge of a woman attendant.

(f) The police officer who brings a child into detention shall have first notified, or made a reasonable effort to notify, the parents or guardian of the child in question of the intended action and shall file at the **[**detention**]** juvenile residential center a signed statement setting forth the alleged delinquent conduct of the child and the order to detain such child. Upon admission, the child shall be administered the detention risk screening instrument developed pursuant to section 46b-133g, and unless the child was arrested for a serious juvenile offense or unless an order not to release is noted on the take into custody order, arrest warrant or order to detain, the child may be released to the custody of the child's parent or parents, guardian or some other suitable person or agency in accordance with policies adopted by the Court Support Services Division of the Judicial Department pursuant to section 46b-133h.

(g) In conjunction with any order of release from detention, the court may, when it has reason to believe a child is alcohol-dependent or drug-

dependent as defined in section 46b-120, as amended by this act, and where necessary, reasonable and appropriate, order the child to participate in a program of periodic alcohol or drug testing and treatment as a condition of such release. The results of any such alcohol or drug test shall be admissible only for the purposes of enforcing the conditions of release from detention.

(h) The detention supervisor of a juvenile **[**detention**]** residential center in charge of intake shall admit only a child who: (1) Is the subject of an order to detain or an outstanding court order to take such child into custody, (2) is ordered by a court to be held in detention, or (3) is being transferred to such center to await a court appearance.

(i) Whenever a child is subject to a court order to take such child into custody, or other process issued pursuant to this section or section 46b-140a, as amended by this act, the Judicial Branch may cause the order or process to be entered into a central computer system in accordance with policies and procedures established by the Chief Court Administrator. The existence of the order or process in the computer system shall constitute prima facie evidence of the issuance of the order or process. Any child named in the order or process may be arrested or taken into custody based on the existence of the order or process in the computer system and, if the order or process directs that such child be detained, the child shall be held in a juvenile **[**detention**]** residential center.

(j) In the case of any child held in detention, the order to detain such child shall be for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter, unless, following a detention review hearing, such order is renewed for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter.

(k) For purposes of subsections (c) and (e) of this section, a child may be determined to pose a risk to public safety if such child has previously been adjudicated as delinquent for or convicted of or pled guilty or nolo contendere to two or more felony offenses, has had two or more prior dispositions of probation and is charged with commission of a larceny

under subdivision (3) of subsection (a) of section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or subdivision (1) of subsection (a) of section 53a-124.

Sec. 32. Subsections (c) and (d) of section 46b-140a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(c) At any time during the period of probation supervision or probation supervision with residential placement, the court may issue an order to take into custody or a warrant for the arrest of a child for violation of any of the conditions of probation supervision or probation supervision with residential placement, or may issue a notice to appear to answer to a charge of such violation, which notice shall be personally served upon the child. Any such order or warrant shall authorize all officers named therein to return the child to the custody of the court or to any suitable juvenile **[**detention facility**]** residential center designated by the court in accordance with subsection (e) of section 46b-133, as amended by this act.

(d) At any time during the period of probation supervision or probation supervision with residential placement, notwithstanding the provisions of subsection (c) of section 46b-133, as amended by this act, the court, upon a finding of probable cause, may issue an order to detain any child who has absconded, escaped or run away from a residential facility in which such child has been placed by court order. Any such order to detain shall authorize all officers named in such order to return the child to any suitable juvenile **[**detention facility**]** residential center designated by the court. Such child shall be detained pending a hearing to be held on the next business day, which shall be held in accordance with the provisions of subsection (e) of section 46b-133, as amended by this act.

Sec. 33. Section 46b-141d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Any child who is arrested and held in a **[**detention**]** juvenile

residential center, an alternative [detention] residential center or a police station or courthouse lockup prior to the disposition of a juvenile matter shall, if subsequently adjudicated as delinquent by the Superior Court and sentenced to a period of probation supervision or probation supervision with residential placement, earn a reduction of such child's period of probation supervision or probation supervision with residential placement, including any extensions thereof, equal to the number of days that such child spent in such [detention] residential center or lockup.

Sec. 34. Subsection (a) of section 46b-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Notwithstanding any provision of this chapter: (1) No child who has been adjudicated as a child from a family with service needs in accordance with section 46b-149 may be processed or held in a juvenile [detention] residential center as a delinquent child, or be convicted as delinquent, solely for the violation of a valid order which regulates future conduct of the child that was issued by the court following such an adjudication; and (2) no such child who is found to be in violation of any such order may be punished for such violation by placement in any juvenile [detention] residential center.

Sec. 35. Subsection (a) of section 46b-171 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) (A) If the defendant is found to be the father of the child, the court or family support magistrate shall order the defendant to stand charged with the support and maintenance of such child, with the assistance of the mother if such mother is financially able, as the court or family support magistrate finds, in accordance with the provisions of subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223, 17b-745, as amended by this act, 46b-129, 46b-130 or 46b-215, as amended by this act, to be reasonably commensurate with the financial ability of the defendant, and to pay a certain sum periodically until the child attains

the age of eighteen years or as otherwise provided in this subsection. If such child is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

(B) The court or family support magistrate shall order the defendant to pay such sum to the complainant, or, if a town or the state has paid such expense, to the town or the state, as the case may be, and shall grant execution for the same and costs of suit taxed as in other civil actions, together with a reasonable attorney's fee, and may require the defendant to become bound with sufficient surety to perform such orders for support and maintenance. In IV-D support cases, the IV-D agency or a support enforcement agency under cooperative agreement with the IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice. All payments made shall be distributed as required by Title IV-D of the Social Security Act.

(2) In addition, the court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child. Such provision may include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this subdivision.

(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such

parent at a reasonable cost as described in subparagraph (D) of this subdivision. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88.

(B) The provision for health care coverage may include an order for either parent to: (i) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this subparagraph shall be made only if the cost to the parent obligated to maintain coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E) of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of

coverage for such parent and such child.

(E) Cash medical support means (i) an amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including the HUSKY Plan, Part A or Part B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified (I) specifically on the record, or (II) in an affidavit, made under oath, that also states that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Cash medical support, as described in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under subparagraph (A) of this subdivision, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order pursuant to clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B, shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the HUSKY Plan, Part A or

Part B.

(3) The court or family support magistrate may also make and enforce orders for the payment by any person named herein of past-due support for which the defendant is liable in accordance with the provisions of section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129 or 46b-130 and, in IV-D cases, order such person, provided such person is not incapacitated, to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t. The defendant's liability for past-due support under this subdivision shall be limited to the three years next preceding the filing of the petition.

(4) If the defendant fails to comply with any order made under this section, the court or family support magistrate may commit the defendant to a community correctional center, there to remain until the defendant complies therewith; but, if it appears that the mother does not apply the periodic allowance paid by the defendant toward the support of such child, and that such child is chargeable, or likely to become chargeable, to the town where it belongs, the court, on application, may discontinue such allowance to the mother, and may direct it to be paid to the selectmen of such town, for such support, and may issue execution in their favor for the same. The provisions of section 17b-743 shall apply to this section. The clerk of the court which has rendered judgment for the payment of money for the maintenance of any child under the provisions of this section shall, within twenty-four hours after such judgment has been rendered, notify the selectmen of the town where the child belongs.

(5) Any support order made under this section may at any time thereafter be set aside, altered or modified by any court issuing such order upon a showing of a substantial change in the circumstances of the defendant or the mother of such child or upon a showing that such order substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific

finding on the record at a hearing, or in a written judgment, order or memorandum of decision of the court, that the application of the guidelines would be inequitable or inappropriate. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. No such support orders may be subject to retroactive modification, except that the court may order modification with respect to any period during which there is a pending motion for a modification of an existing support order from the date of service of the notice of such pending motion upon the opposing party pursuant to section 52-50.

(6) Failure of the defendant to obey any order for support made under this section may be punished as for contempt of court and the costs of commitment of any person imprisoned therefor shall be paid by the state as in criminal cases.

Sec. 36. Section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) The Superior Court or a family support magistrate may make and enforce orders for payment of support against any person who neglects or refuses to furnish necessary support to such person's spouse or a child under the age of eighteen or as otherwise provided in this subsection, according to such person's ability to furnish such support, notwithstanding the provisions of section 46b-37. If such child is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

(2) Any such support order in a IV-D support case shall include a provision for the health care coverage of the child. Such provision may include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this

subdivision.

(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent at a reasonable cost, as defined in subparagraph (D) of this subdivision. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88.

(B) The provision for health care coverage may include an order for either parent to: (i) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this subparagraph shall be made only if the cost to the parent obligated to maintain coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable, as defined in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E) of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support

guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(E) Cash medical support means (i) an amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including the HUSKY Plan, Part A or Part B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified (I) specifically on the record, or (II) in an affidavit, made under oath, that also states that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. Cash medical support, as described in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under subparagraph (A) of this subdivision, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order issued pursuant to clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable

under the HUSKY Plan, Part A or Part B, shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the HUSKY Plan, Part A or Part B.

(3) Proceedings to obtain orders of support under this section shall be commenced by the service on the liable person or persons of a verified petition, with summons and order, of the husband or wife, child or any relative or the conservator, guardian or support enforcement officer, town or state, or any selectmen or the public official charged with the administration of public assistance of the town, or in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, the Commissioner of Social Services. The verified petition, summons and order shall be filed in the judicial district in which the petitioner or respondent resides or does business, or if filed in the Family Support Magistrate Division, in the judicial district in which the petitioner or respondent resides or does business.

(4) For purposes of this section, the term "child" shall include one born out of wedlock whose father has acknowledged in writing paternity of such child or has been adjudged the father by a court of competent jurisdiction, or a child who was born before marriage whose parents afterwards intermarry.

(5) Said court or family support magistrate shall also have authority to make and enforce orders directed to the conservator or guardian of any person, or payee of Social Security or other benefits to which such person is entitled, to the extent of the income or estate held by such fiduciary or payee in any such capacity.

(6) Said court or family support magistrate shall also have authority to determine, order and enforce payment of any sums due under a written agreement to support against the person liable for such support under such agreement.

(7) (A) The court or family support magistrate may also determine,

order and enforce payment of any support due because of neglect or refusal to furnish support for periods prior to the action. In the case of a child born out of wedlock whose parents have not intermarried, a parent's liability for such support shall be limited to the three years next preceding the filing of a petition or written agreement to support pursuant to this section.

(B) In the determination of support due based on neglect or refusal to furnish support prior to the action, the support due for periods of time prior to the action shall be based upon the obligor's ability to pay during such prior periods, as determined in accordance with the child support guidelines established pursuant to section 46b-215a. The state shall disclose to the court any information in its possession concerning current and past ability to pay. If no information is available to the court concerning past ability to pay, the court may determine the support due for periods of time prior to the action as if past ability to pay is equal to current ability to pay, if current ability is known. If current ability to pay is not known, the court shall determine the past ability to pay based on the obligor's work history, if known, or if not known, on the state minimum wage that was in effect during such periods, provided only actual earnings shall be used to determine ability to pay for past periods during which the obligor was a full-time high school student or was incarcerated, institutionalized or incapacitated.

(C) Any finding of support due for periods of time prior to an action in which the obligor failed to appear shall be entered subject to adjustment. Such adjustment may be made upon motion of any party, and the state in IV-D cases shall make such motion if it obtains information that would have substantially affected the court's determination of past ability to pay if such information had been available to the court. Motion for adjustment under this subparagraph may be made not later than twelve months from the date upon which the obligor receives notification of (i) the amount of such finding of support due for periods of time prior to the action, and (ii) the right not later than twelve months from the date of receipt of such notification to present evidence as to such obligor's past ability to pay support for such

periods of time prior to the action. A copy of any support order entered, subject to adjustment, shall state in plain language the basis for the court's determination of past support, the right to request an adjustment and to present information concerning the obligor's past ability to pay, and the consequences of a failure to request such adjustment.

(8) (A) The judge or family support magistrate shall cause a summons, signed by such judge or magistrate, by the clerk of said court or Family Support Magistrate Division, or by a commissioner of the Superior Court to be issued requiring such liable person or persons to appear in court or before a family support magistrate, at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons. Service may be made by a state marshal, any proper officer or any investigator employed by the Department of Social Services or by the Commissioner of Administrative Services. The state marshal, proper officer or investigator shall make due return of process to the court not less than twenty-one days before the date assigned for hearing. Upon proof of the service of the summons to appear in court or before a family support magistrate at the time and place named for hearing upon such petition, the failure of the defendant or defendants to appear shall not prohibit the court or family support magistrate from going forward with the hearing. If the summons and order is signed by a commissioner of the Superior Court, upon proof of service of the summons to appear in court or before a family support magistrate and upon the failure of the defendant to appear at the time and place named for hearing upon the petition, request may be made by the petitioner to the court or family support magistrate for an order that a capias mittimus be issued.

(B) In the case of a person supported wholly or in part by a town, the welfare authority of the town shall notify the responsible relatives of such person of the amount of assistance given, the beginning date thereof and the amount of support expected from each of them, if any, and if any such relative does not contribute in such expected amount, the superior court for the judicial district in which such town is located or a family support magistrate sitting in the judicial district in which

such town is located may order such relative or relatives to contribute to such support, from the time of the beginning date of expense shown on the notice, such sum as said court or family support magistrate deems reasonably within each such relative's ability to support such person.

(C) The court, or any judge thereof, or family support magistrate when said court or family support magistrate is not sitting, may require the defendant or defendants to become bound, with sufficient surety, to the state, town or person bringing the complaint, to abide such judgment as may be rendered on such complaint. Failure of the defendant or defendants to obey any order made under this section may be punished as contempt of court and the costs of commitment of any person imprisoned for contempt shall be paid by the state as in criminal cases. Except as otherwise provided, upon proof of the service of the summons to appear in court or before a family support magistrate at the time and place named for a hearing upon the failure of the defendant or defendants to obey such court order or order of the family support magistrate, the court or family support magistrate may order a capias mittimus be issued and directed to a judicial marshal to the extent authorized pursuant to section 46b-225, or any other proper officer to arrest such defendant or defendants and bring such defendant or defendants before the Superior Court for the contempt hearing. When any person is found in contempt under this section, the court or family support magistrate may award to the petitioner a reasonable attorney's fee and the fees of the officer serving the contempt citation, such sums to be paid by the person found in contempt.

(9) In addition to or in lieu of such contempt proceedings, the court or family support magistrate, upon a finding that any person has failed to obey any order made under this section, may: (A) Order a plan for payment of any past-due support owing under such order, or, in IV-D cases, if such obligor is not incapacitated, order such obligor to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor

Commissioner pursuant to section 31-3t; (B) suspend any professional, occupational, recreational, commercial driver's or motor vehicle operator's license as provided in subsections (b) to (e), inclusive, of section 46b-220, provided such failure was without good cause; (C) issue an income withholding order against such amount of any debt accruing by reason of personal services as provided by sections 52-362, as amended by this act, 52-362b and 52-362c; and (D) order executions against any real, personal, or other property of such person which cannot be categorized solely as either, for payment of accrued and unpaid amounts due under such order.

(10) No entry fee, judgment fee or any other court fee shall be charged by the court or the family support magistrate to either party in proceedings under this section.

(11) Any written agreement to support which is filed with the court or the Family Support Magistrate Division shall have the effect of an order of the court or a family support magistrate.

(b) The Attorney General of the state of Connecticut and the attorney representing a town shall become a party for the interest of the state of Connecticut and such town in any proceedings for support which concerns any person who is receiving or has received public assistance or care from the state or any town. The Attorney General shall represent the IV-D agency in non-TFA IV-D support cases if the IV-D agency determines that such representation is required pursuant to guidelines issued by the Commissioner of Social Services.

(c) The court or a family support magistrate shall direct all payments on orders of support in IV-D cases to be made to the state acting by and through the IV-D agency. In IV-D support cases, the IV-D agency or a support enforcement agency under cooperative agreement with the IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date

of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice. All payments made shall be distributed as required by Title IV-D of the Social Security Act.

(d) No order for support made by the court or a family support magistrate shall be stayed by an appeal but such order shall continue in effect until a determination is made thereon upon such appeal; if however as a result of such appeal or further hearing, the amount of such order is reduced or vacated, such defendant shall be credited or reimbursed accordingly.

(e) Except as provided in sections 46b-301 to 46b-425, inclusive, any court or family support magistrate, called upon to enforce a support order, shall insure that such order is reasonable in light of the obligor's ability to pay. Except as provided in sections 46b-301 to 46b-425, inclusive, any support order entered pursuant to this section, or any support order from another jurisdiction subject to enforcement by the state of Connecticut, may be modified by motion of the party seeking such modification upon a showing of a substantial change in the circumstances of either party or upon a showing that such support order substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record <u>at a hearing, or in a written judgment, order or memorandum of decision of the court,</u> that the application of the guidelines would be inequitable or inappropriate, provided the court or family support magistrate finds that the obligor or the obligee and any other interested party have received actual notice of the pendency of such motion and of the time and place of the hearing on such motion. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to

whether the order was issued before, on or after May 9, 1991. No such support orders may be subject to retroactive modification, except that the court or family support magistrate may order modification with respect to any period during which there is a pending motion for a modification of an existing support order from the date of service of the notice of such pending motion upon the opposing party pursuant to section 52-50. In any hearing to modify any support order from another jurisdiction the court or the family support magistrate shall conduct the proceedings in accordance with sections 46b-384 to 46b-387, inclusive.

(f) In IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, a copy of any support order established or modified pursuant to this section or, in the case of a motion for modification of an existing support order, a notice of determination that there should be no change in the amount of the support order, shall be provided to each party and the state case registry within fourteen days after issuance of such order or determination.

Sec. 37. Subsection (a) of section 46b-215b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The child support and arrearage guidelines issued pursuant to section 46b-215a, adopted as regulations pursuant to section 46b-215c, and in effect on the date of the support determination shall be considered in all determinations of child support award amounts, including any current support, health care coverage, child care contribution and past-due support amounts, and payment on arrearages and past-due support within the state. In all such determinations, there shall be a rebuttable presumption that the amount of such awards which resulted from the application of such guidelines is the amount to be ordered. A specific finding on the record <u>at a hearing, or in a written judgment, order or memorandum of decision of the court,</u> that the application of the guidelines would be inequitable or inappropriate in a particular case, as determined under the deviation criteria established by the Commission for Child Support Guidelines

under section 46b-215a, shall be required in order to rebut the presumption in such case.

Sec. 38. Subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) The Chief Family Support Magistrate and the family support magistrates shall have the powers and duties enumerated in this subsection.

(1) A family support magistrate in IV-D support cases may compel the attendance of witnesses or the obligor under a summons issued pursuant to section 17b-745, as amended by this act, 46b-172 or 46b-215, as amended by this act, a subpoena issued pursuant to section 52-143, or a citation for failure to obey an order of a family support magistrate or a judge of the Superior Court. If a person is served with any such summons, subpoena or citation issued by a family support magistrate or the assistant clerk of the Family Support Magistrate Division and fails to appear, a family support magistrate may issue a capias mittimus directed to a judicial marshal to the extent authorized pursuant to section 46b-225, or any other proper officer to arrest the obligor or the witness and bring the obligor or witness before a family support magistrate. Whenever such a capias mittimus is ordered, the family support magistrate shall establish a recognizance to the state of Connecticut in the form of a bond of such character and amount as to assure the appearance of the obligor at the next regular session of the Family Support Magistrate Division in the judicial district in which the matter is pending. If the obligor posts such a bond, and thereafter fails to appear before the family support magistrate at the time and place the obligor is ordered to appear, the family support magistrate may order the bond forfeited, and the proceeds thereof distributed as required by Title IV-D of the Social Security Act.

(2) (A) Family support magistrates shall hear and determine matters involving child and spousal support in IV-D support cases including petitions for support brought pursuant to sections 17b-81, 17b-179, 17b-

745, as amended by this act, and 46b-215, as amended by this act, applications for show cause orders in IV-D support cases brought pursuant to subsection (b) of section 46b-172, and actions for interstate enforcement of child and spousal support and paternity under sections 46b-301 to 46b-425, inclusive, and shall hear and determine all motions for modifications of child and spousal support in such cases.

(B) In all IV-D support cases, family support magistrates shall have the authority to order any obligor who is subject to a plan for reimbursement of past-due support and is not incapacitated to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t.

(C) A family support magistrate shall not modify an order for periodic payment on an arrearage due the state for state assistance which has been discontinued to increase such payments, unless the family support magistrate first determines that the state has made a reasonable effort to notify the current recipient of child support, at the most current address available to the IV-D agency, of the pendency of the motion to increase such periodic arrearage payments and of the time and place of the hearing on such motion. If such recipient appears, either personally or through a representative, at such hearing, the family support magistrate shall determine whether the order in effect for child support is reasonable in relation to the current financial circumstances of the parties, prior to modifying an order increasing such periodic arrearage payments.

(3) Family support magistrates shall review and approve or disapprove all agreements for support in IV-D support cases filed with the Family Support Magistrate Division in accordance with sections 17b-179, 17b-745, as amended by this act, 46b-172, 46b-215, as amended by this act, and subsection (c) of section 53-304.

(4) Motions for modification of existing child and spousal support orders entered by the Superior Court in IV-D support cases, including

motions to modify existing child and spousal support orders entered in actions brought pursuant to chapter 815j, shall be brought in the Family Support Magistrate Division and decided by a family support magistrate. Family support magistrates, in deciding if a spousal or child support order should be modified, shall make such determination based upon the criteria set forth in sections 46b-84, as amended by this act, and 46b-215b, as amended by this act. A person who is aggrieved by a decision of a family support magistrate modifying a Superior Court order is entitled to appeal such decision in accordance with the provisions of subsection (n) of this section.

(5) Proceedings to establish paternity in IV-D support cases shall be filed in the family support magistrate division for the judicial district where the mother or putative father resides. The matter shall be heard and determined by a family support magistrate in accordance with the provisions of chapter 815y.

(6) Agreements for support obtained in IV-D support cases shall be filed with the assistant clerk of the family support magistrate division for the judicial district where the mother or the father of the child resides, pursuant to subsection (b) of section 46b-172, and shall become effective as an order upon filing with the clerk. Such support agreements shall be reviewed by a family support magistrate who shall approve or disapprove the agreement. If the support agreement filed with the clerk is disapproved by a family support magistrate, the reason for disapproval shall be stated in the record and such disapproval shall have a retroactive effect. Upon such disapproval, the clerk shall schedule a hearing for the purpose of determining appropriate support amounts and shall notify all appearing parties of the hearing date.

(7) Family support magistrates shall enforce orders for child and spousal support entered by such family support magistrate and by the Superior Court in IV-D support cases by citing an obligor for contempt. Family support magistrates, in IV-D support cases, may order any obligor who is subject to a plan for reimbursement of past-due support and is not incapacitated, to participate in work activities which may

include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t. Family support magistrates shall also enforce income withholding orders entered pursuant to section 52-362, as amended by this act, including any additional amounts to be applied toward liquidation of any arrearage, as required under subsection (e) of said section. Family support magistrates may require the obligor to furnish recognizance to the state of Connecticut in the form of a cash deposit or bond of such character and in such amount as the Family Support Magistrate Division deems proper to assure appearance at the next regular session of the Family Support Magistrate Division in the judicial district in which the matter is pending. Upon failure of the obligor to post such bond, the family support magistrate may refer the obligor to a community correctional center until he has complied with such order, provided the obligor shall be heard at the next regular session of the Family Support Magistrate Division in the court to which he was summoned. If no regular session is held within seven days of such referral, the family support magistrate shall either cause a special session of the Family Support Magistrate Division to be convened, or the obligor shall be heard by a Superior Court judge in the judicial district in which the matter is pending. If the obligor fails to appear before the family support magistrate at the time and place he is ordered to appear, the family support magistrate may order the bond, if any, forfeited, and the proceeds thereof distributed as required by Title IV-D of the Social Security Act, and the family support magistrate may issue a capias mittimus for the arrest of the obligor, ordering him to appear before the family support magistrate. A family support magistrate may determine whether or not an obligor is in contempt of the order of the Superior Court or of a family support magistrate and may make such orders as are provided by law to enforce a support obligation, except that if the family support magistrate determines that incarceration of an obligor for failure to obey a support order may be indicated, the family support magistrate shall inform the obligor of his right to be represented by an attorney and his right to a court-appointed attorney to represent him if he is indigent. If the obligor

claims he is indigent and desires an attorney to represent him, the family support magistrate shall conduct a hearing to determine if the obligor is indigent. If, after such hearing, the family support magistrate finds that the obligor is indigent, the family support magistrate shall appoint an attorney to represent the obligor.

(8) Agreements between parties as to custody and visitation of minor children in IV-D support cases may be filed with the assistant clerk of the Family Support Magistrate Division. Such agreements shall be reviewed by a family support magistrate, who shall approve the agreement unless he finds such agreement is not in the best interests of the child. Agreements between parties as to custody and visitation in IV-D support cases shall be enforced in the same manner as agreements for support are enforced, pursuant to subdivision (7) of this subsection.

(9) Agreements between the parties as to the modification or enforcement of support orders in IV-D support cases may be filed with the assistant clerk of the Family Support Magistrate Division for the judicial district where the mother or father of the child resides and where the parties have submitted to a motion for modification or an application for contempt of an existing child or spousal support order. Such agreements may be approved by the family support magistrate after an inquiry into the financial needs, resources and the respective abilities of the parties. The inquiry required pursuant to this subdivision may take place on the record at a hearing, or may be made on the basis of an affidavit from each party, made under oath, stating that (A) each party has the financial resources and other facts satisfying any requirement of the inquiry in question, and (B) that no restraining order issued pursuant to section 46b-15, as amended by this act, or protective order issued pursuant to section 46b-38c, between the parties is in effect or pending before the court. If each party so attests, a family support magistrate may (i) determine whether the agreement between the parties as to modification or enforcement of a support order is fair and equitable under all the circumstances, and (ii) make any other findings required by this section.

[(9)**]** (10) Whenever an obligor is before a family support magistrate in proceedings to establish, modify or enforce a support order in a IV-D support case and such order is not secured by an income withholding order, the family support magistrate may require the obligor to execute a bond or post other security sufficient to perform such order for support, provided the family support magistrate finds that such a bond is available for purchase within the financial means of the obligor. Upon failure of such obligor to comply with such support order, the family support magistrate may order the bond or the security forfeited and the proceeds thereof distributed as required by Title IV-D of the Social Security Act.

[(10)**]** (11) In any proceeding in the Family Support Magistrate Division, if the family support magistrate finds that a party is indigent and unable to pay a fee or fees payable to the court or to pay the cost of service of process, the family support magistrate shall waive such fee or fees and the cost of service of process shall be paid by the state.

[(11)**]** (12) A family support magistrate may dismiss any action or proceeding which the family support magistrate may hear and determine.

[(12)**]** (13) A family support magistrate may order parties to participate in the parenting education program in accordance with the provisions of section 46b-69b.

[(13)**]** (14) Family support magistrates may issue writs of habeas corpus ad testificandum in IV-D support cases for persons in the custody of the Commissioner of Correction.

(15) A family support magistrate may, upon the filing of a motion to modify an existing support order based on the fact that the Social Security Administration, or a state agency authorized to award disability benefits has determined that the obligor qualifies for disability benefits under the federal Supplemental Security Income Program and the filing of an affidavit by a support enforcement officer: (A) Modify the existing support order to zero dollars without a hearing; (B)

schedule the motion for a hearing; or (C) deny the motion without a hearing. The support enforcement officer's affidavit shall state: (i) The date that the child support obligor qualified for benefits under the federal Supplemental Security Income Program; (ii) that the support enforcement officer confirmed such benefits with the federal Social Security Administration or another federal agency with access to Social Security Administration applicant and benefit information; (iii) that a diligent search failed to identify any other income or assets that could be used to satisfy the child support order; (iv) that support enforcement services provided notice to the custodial party in accordance with section 52-57 or by certified mail, return receipt requested, of the proposed modification, that the custodial party had the right to object to the proposed modification, and that support enforcement services must receive any objection to the proposed modification not later than fifteen calendar days after the date that the custodial party received such notice; and (v) that support enforcement services did not receive an objection from the custodial party. Any support order modified pursuant to this subdivision may be later modified upon a finding of a substantial change in circumstances. Nothing in this subdivision shall preclude a family support magistrate from modifying an existing support order under any other section of the general statutes.

Sec. 39. Section 51-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The judges of the Supreme Court, the judges of the Appellate Court, and the judges of the Superior Court shall adopt and promulgate and may from time to time modify or repeal rules and forms regulating pleading, practice and procedure in judicial proceedings in courts in which they have the constitutional authority to make rules, for the purpose of simplifying proceedings in the courts and of promoting the speedy and efficient determination of litigation upon its merits. The rules of the Appellate Court shall be as consistent as feasible with the rules of the Supreme Court to promote uniformity in the procedure for the taking of appeals and may dispense, so far as justice to the parties will permit while affording a fair review, with the necessity of printing

of records and briefs. Such rules shall not abridge, enlarge or modify any substantive right or the jurisdiction of any of the courts. [Subject to the provisions of subsection (b) of this section, such] Such rules shall become effective on such date as the judges specify but not in any event until sixty days after such promulgation, except that such rules may become effective prior to the expiration of the sixty-day time period if the judges deem that circumstances require that a new rule or a change to an existing rule be adopted expeditiously.

(b) All statutes relating to pleading, practice and procedure in existence on July 1, 1957, shall be deemed to be rules of court and shall remain in effect as such only until modified, superseded or suspended by rules adopted and promulgated by the judges of the Supreme Court or the Superior Court pursuant to the provisions of this section. The Chief Justice shall report any such rules to the General Assembly for study at the beginning of each regular session. Such rules shall be referred by the speaker of the House or by the president of the Senate to the judiciary committee for its consideration and such committee shall schedule hearings thereon. Any rule or any part thereof disapproved by the General Assembly by resolution shall be void and of no effect and a copy of such resolution shall thereafter be published once in the Connecticut Law Journal.

(c) The judges or a committee of their number shall hold public hearings, of which reasonable notice shall be given in the Connecticut Law Journal and otherwise as they deem proper, upon any proposed new rule or any change in an existing rule that is to come before said judges for action, and each such proposed new rule or change in an existing rule shall be published in the Connecticut Law Journal as a part of such notice. A public hearing shall be held at least once a year, of which reasonable notice shall likewise be given, at which any member of the bar or layman may bring to the attention of the judges any new rule or change in an existing rule that he deems desirable.

(d) Upon the taking effect of such rules adopted and promulgated by the judges of the Supreme Court pursuant to the provisions of this

section, all provisions of rules theretofore promulgated by the judges of the Superior Court shall be deemed to be repealed.

Sec. 40. Subsection (a) of section 51-51*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (d) of this section, the Judicial Review Council shall investigate every written complaint brought before it alleging conduct under section 51-51i, and may initiate an investigation of any judge, compensation commissioner or family support magistrate if (1) the council has reason to believe conduct under section 51-51i has occurred or (2) previous complaints indicate a pattern of behavior which would lead to a reasonable belief that conduct under section 51-51i has occurred. The council shall, not later than five days after such initiation of an investigation or receipt of such complaint, notify by registered or certified mail any judge, compensation commissioner or family support magistrate under investigation or against whom such complaint is filed. A copy of any such complaint shall accompany such notice. The council shall also notify the complainant of its receipt of such complaint not later than five days thereafter. Any investigation to determine whether or not there is probable cause that conduct under section 51-51i has occurred shall be confidential and any individual called by the council for the purpose of providing information shall not disclose his knowledge of such investigation to a third party prior to the decision of the council on whether probable cause exists, unless the respondent requests that such investigation and disclosure be open, provided information known or obtained independently of any such investigation shall not be confidential. The judge, compensation commissioner or family support magistrate shall have the right to appear and be heard and to offer any information which may tend to clear him of probable cause to believe he is guilty of conduct under section 51-51i. The judge, compensation commissioner or family support magistrate shall also have the right to be represented by legal counsel and examine and cross-examine witnesses. In conducting its investigation under this subsection, the

council may request that a court furnish to the council a record or transcript of court proceedings, including records and transcripts of juvenile matters pursuant to section 46b-124, as amended by this act, and records and transcripts of cases involving youthful offenders pursuant to section 54-76*l*, as amended by this act, made or prepared by a court reporter, assistant court reporter or monitor and the court shall, upon such request, furnish such record or transcript.

Sec. 41. Subsection (a) of section 51-51o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any person may be compelled, by subpoena signed by competent authority, to appear before the Supreme Court or Judicial Review Council to testify in relation to any complaint brought to or by the court or council against a judge, compensation commissioner or family support magistrate for conduct alleged in section 51-51i, **[**or**]** in relation to any matter referred to the council by the Chief Court Administrator pursuant to section 51-45b, or in relation to any matter before the council pursuant to section 51-49, and may be compelled, by subpoena signed by competent authority, to produce before the court or council, for examination, any books or papers which in the judgment of the court or council or any judges, compensation commissioners or family support magistrates under investigation are relevant to the inquiry or investigation. The court or council, while engaged in the discharge of its duties, shall have the same authority over witnesses as is provided in section 51-35 and may commit for contempt for a period no longer than thirty days.

Sec. 42. Section 51-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) As used in this chapter:

(1) "State's attorney" means a state's attorney, assistant state's attorney, deputy assistant state's attorney and special deputy assistant state's attorney;

(2) "Public defender" means a public defender, assistant public defender, deputy assistant public defender and Division of Public Defender Services assigned counsel;

(3) "Public official" means any official of (A) the state, (B) any state agency, board or commission, or (C) a municipality of the state acting in an official capacity;

(4) "Transcript" means the official written record of a proceeding, or any part thereof, including, but not limited to, testimony and arguments of counsel, produced in the Superior, Appellate or Supreme Court, by an official court reporter, [or] a court recording monitor or any other entity designated by the Chief Court Administrator; and

(5) "Transcript page" means a page consisting of twenty-seven double-spaced lines on paper eight and one-half by eleven inches in size, with sixty spaces available per line.

(b) The judges of the Superior Court shall appoint official court reporters for the court as the judges or an authorized committee thereof determines the business of the court requires.

(c) The Chief Court Administrator shall adopt policies and procedures necessary to implement the provisions of this chapter, including, but not limited to, the establishment and administration of a system of fees for production of expedited transcripts.

Sec. 43. Subdivision (2) of subsection (a) of section 51-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(2) In addition to a salary, an official court reporter and a court recording monitor shall be entitled to charge any public official, other than a judicial officer or employee of the Judicial Branch, two dollars for each transcript page which is ordered and transcribed from the official record as provided by law, provided such rate may only be charged once. The charge to any public official shall be seventy-five cents for each transcript page previously produced, except (A) there shall be no

charge to the state's attorney for a transcript provided pursuant to subsection (d) of section 51-61, and (B) there shall be no charge to the court for a transcript provided pursuant to subsection (f) of section 51-61.

Sec. 44. Subsection (a) of section 52-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any judgment rendered or decree passed upon a default or nonsuit in the Superior Court may be set aside, within four months following the date on which **[**it was rendered or passed**]** the notice of judgment or decree was sent, and the case reinstated on the docket, on such terms in respect to costs as the court deems reasonable, upon the complaint or written motion of any party or person prejudiced thereby, showing reasonable cause, or that a good cause of action or defense in whole or in part existed at the time of the rendition of the judgment or the passage of the decree, and that the plaintiff or defendant was prevented by mistake, accident or other reasonable cause from prosecuting the action or making the defense.

Sec. 45. Section 52-212a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Unless otherwise provided by law and except in such cases in which the court has continuing jurisdiction, a civil judgment or decree rendered in the Superior Court may not be opened or set aside unless a motion to open or set aside is filed within four months following the date on which **[**it was rendered or passed**]** the notice of judgment or decree was sent. The continuing jurisdiction conferred on the court in preadoptive proceedings pursuant to subsection (o) of section 17a-112 does not confer continuing jurisdiction on the court for purposes of reopening a judgment terminating parental rights. The parties may waive the provisions of this section or otherwise submit to the jurisdiction of the court, provided the filing of an amended petition for termination of parental rights does not constitute a waiver of the provisions of this section or a submission to the jurisdiction of the court

to reopen a judgment terminating parental rights.

Sec. 46. Subsection (d) of section 52-361b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Except as provided in section 52-367b, as amended by this act, a judgment debtor may claim an exemption as to property or earnings sought to be levied on, or may seek a modification of a wage execution, in a supplemental proceeding to the original action by return of a signed exemption claim form, indicating the property or earnings claimed to be exempt or the nature of the claim for modification being made, the class of any exemption claimed, and the name and address of any employer, or other person holding such property or earnings, to the Superior Court. Any claim with respect to a personal property execution under section 52-356a shall be returned within twenty days after levy on such property. On receipt of the claim, the clerk of the court shall promptly **[**set**]** schedule the matter for a **[**short calendar**]** hearing and give notice of the exemption or modification claimed and the hearing date to all parties and to any employer or other third person holding such property or earnings.

Sec. 47. Subsection (d) of section 52-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) An obligor may claim a defense based upon mistake of fact, may claim an exemption in accordance with subsection (e) of this section with respect to the withholding order, or may file by motion a modification or defense to the support order being enforced by the withholding, by delivering a signed claim form, or other written notice or motion, with the address of the obligor thereon, indicating the nature of the claim or grounds of the motion, to the clerk of the Superior Court or the assistant clerk of the Family Support Magistrate Division within fifteen days of receipt of notice. On receipt of the claim or motion, the clerk shall promptly enter the appearance of the obligor, **[**set**]** schedule the matter for a **[**short calendar**]** hearing, send a file-stamped copy of the

claim or motion to the person or agency of the state to whom the support order is payable and notify all parties of the hearing date set. The court or family support magistrate shall promptly hear and determine the claim or motion and notify the obligor within forty-five days from the date of the notice required under subsection (c) of this section of its determination. Unless the obligor successfully shows cause why the withholding order should not continue in effect, the court or family support magistrate shall order that the outstanding withholding order continue in effect against the nonexempt income of the obligor to the extent provided under subsection (e) of this section. The order shall be a final judgment for purposes of appeal. The effect of the withholding order shall not be stayed on appeal except by order of the court or a family support magistrate.

Sec. 48. Subsection (f) of section 52-367b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) Upon receipt of an exemption claim form or a secured party claim notice, the clerk of the court shall enter the appearance of the judgment debtor or such secured party with the address set forth in the exemption claim form or secured party claim notice. The clerk shall forthwith send file-stamped copies of the exemption claim form or secured party claim notice to the judgment creditor and judgment debtor with a notice stating that the disputed funds are being held for forty-five days from the date the exemption claim form or secured party claim notice was received by the financial institution or until a court order is entered regarding the disposition of the funds, whichever occurs earlier, and the clerk shall **[**automatically**]** promptly schedule the matter for a **[**short calendar**]** hearing. The claim of exemption filed by such judgment debtor shall be prima facie evidence at such hearing of the existence of the exemption.

(2) Upon receipt of notice from the financial institution pursuant to subsection (c) of this section, a judgment creditor may, on an ex parte basis, present to a judge of the Superior Court an affidavit sworn under

oath by a competent party demonstrating a reasonable belief that such judgment debtor's account contains funds which are not exempt from execution and the amount of such nonexempt funds. Such affidavit shall not be conclusory but is required to show the factual basis upon which the reasonable belief is based. If such judge finds that the judgment creditor has demonstrated a reasonable belief that such judgment debtor's account contains funds which are not exempt from execution, such judge shall authorize the judgment creditor to submit a written application to the clerk of the court for a hearing on the exempt status of funds left in the judgment debtor's account pursuant to subsection (c) of this section. The judgment creditor shall promptly send a copy of the application and the supporting affidavit to the judgment debtor and to any secured party shown on a secured party claim notice sent to the judgment creditor pursuant to subdivision (1) of this subsection. Upon receipt of such application, the clerk of the court shall **[**automatically**]** promptly schedule the matter for a **[**short calendar**]** hearing and shall give written notice to the judgment creditor, the judgment debtor and any secured party shown on a secured party claim notice received by the clerk of the court. The notice to the judgment creditor pursuant to subsection (c) of this section shall be prima facie evidence at such hearing that the funds in the account are exempt funds. The burden of proof shall be upon the judgment creditor to establish the amount of funds which are not exempt.

Sec. 49. Subsection (b) of section 54-76*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The records of any such youth, or any part thereof, may be disclosed to and between individuals and agencies, and employees of such agencies, providing services directly to the youth, including law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials, the Division of Criminal Justice, the Court Support Services Division and a victim advocate under section 54-220 for a victim of a crime committed by the youth. Such records shall also be available to the attorney representing

the youth, in any proceedings in which such records are relevant, to the parents or guardian of such youth, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon his or her emancipation or attainment of the age of majority, provided proof of the identity of such youth is submitted in accordance with guidelines prescribed by the Chief Court Administrator. Such records shall also be available to members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been adjudged a youthful offender and sentenced to a term of imprisonment or been convicted of a crime in the regular criminal docket of the Superior Court, and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Such records shall also be available to law enforcement officials and prosecutorial officials conducting legitimate criminal investigations. Such records shall also be available to members and employees of the Judicial Review Council who, in the performance of their duties, require access to such records. Records disclosed pursuant to this subsection shall not be further disclosed.

Sec. 50. Subsection (a) of section 54-108f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Court Support Services Division of the Judicial Branch may issue a certificate of rehabilitation to an eligible offender who is under the supervision of the division while on probation or other supervised release, or may issue a new certificate of rehabilitation to enlarge the relief previously granted under such certificate of rehabilitation or revoke any such certificate of rehabilitation in accordance with the provisions of section 54-130e, as amended by this act, that are applicable to certificates of rehabilitation. If the division issues, enlarges the relief

previously granted under a certificate of rehabilitation or revokes a certificate of rehabilitation under this section, the division shall immediately file written notice of such action with the Board of Pardons and Paroles. Nothing in section 54-130e, as amended by this act, shall require the division to continue monitoring the criminal activity of any person to whom the division has issued a certificate of rehabilitation but who is no longer under the supervision of the division.

Sec. 51. Section 54-130e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section and sections 31-51i, 46a-80, 54-108f, as amended by this act, 54-130a and 54-301:

(1) "Barrier" means a denial of employment or a license based on an eligible offender's conviction of a crime without due consideration of whether the nature of the crime bears a direct relationship to such employment or license;

(2) "Direct relationship" means that the nature of criminal conduct for which a person was convicted has a direct bearing on the person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the applicable employment or license;

(3) "Certificate of rehabilitation" means a form of relief from barriers or forfeitures to employment or the issuance of licenses, other than a provisional pardon, that is granted to an eligible offender by (A) the Board of Pardons and Paroles pursuant to this section, or (B) the Court Support Services Division of the Judicial Branch pursuant to section 54-108f, as amended by this act;

(4) "Eligible offender" means a person who has been convicted of a crime or crimes in this state or another jurisdiction and who is a resident of this state and (A) is applying for a provisional pardon or is under the jurisdiction of the Board of Pardons and Paroles, or (B) with respect to a certificate of rehabilitation under section 54-108f, as amended by this act, is under the supervision of the Court Support Services Division of

the Judicial Branch;

(5) "Employment" means any remunerative work, occupation or vocation or any form of vocational training, but does not include employment with a law enforcement agency;

(6) "Forfeiture" means a disqualification or ineligibility for employment or a license by reason of law based on an eligible offender's conviction of a crime;

(7) "License" means any license, permit, certificate or registration that is required to be issued by the state or any of its agencies to pursue, practice or engage in an occupation, trade, vocation, profession or business; and

(8) "Provisional pardon" means a form of relief from barriers or forfeitures to employment or the issuance of licenses granted to an eligible offender by the Board of Pardons and Paroles pursuant to subsections (b) to (i), inclusive, of this section.

(b) The Board of Pardons and Paroles may issue a provisional pardon or a certificate of rehabilitation to relieve an eligible offender of barriers or forfeitures by reason of such person's conviction of the crime or crimes specified in such provisional pardon or certificate of rehabilitation. Such provisional pardon or certificate of rehabilitation may be limited to one or more enumerated barriers or forfeitures or may relieve the eligible offender of all barriers and forfeitures. Such certificate of rehabilitation shall be labeled by the board as a "Certificate of Employability" or a "Certificate of Suitability for Licensure", or both, as deemed appropriate by the board. No provisional pardon or certificate of rehabilitation shall apply or be construed to apply to the right of such person to retain or be eligible for public office.

(c) The Board of Pardons and Paroles may, in its discretion, issue a provisional pardon or a certificate of rehabilitation to an eligible offender upon verified application of such eligible offender. The board may issue a provisional pardon or a certificate of rehabilitation at any

time after the sentencing of an eligible offender, including, but not limited to, any time prior to the eligible offender's date of release from the custody of the Commissioner of Correction, probation or parole. Such provisional pardon or certificate of rehabilitation may be issued by a pardon panel of the board or a parole release panel of the board.

(d) The board shall not issue a provisional pardon or a certificate of rehabilitation unless the board is satisfied that:

(1) The person to whom the provisional pardon or the certificate of rehabilitation is to be issued is an eligible offender;

(2) The relief to be granted by the provisional pardon or the certificate of rehabilitation may promote the public policy of rehabilitation of ex-offenders through employment; and

(3) The relief to be granted by the provisional pardon or the certificate of rehabilitation is consistent with the public interest in public safety, the safety of any victim of the offense and the protection of property.

(e) In accordance with the provisions of subsection (d) of this section, the board may limit the applicability of the provisional pardon or the certificate of rehabilitation to specified types of employment or licensure for which the eligible offender is otherwise qualified.

(f) The board may, for the purpose of determining whether such provisional pardon or certificate of rehabilitation should be issued, request its staff to conduct an investigation of the applicant and submit to the board a report of the investigation. Any written report submitted to the board pursuant to this subsection shall be confidential and shall not be disclosed except to the applicant and where required or permitted by any provision of the general statutes or upon specific authorization of the board.

(g) If a provisional pardon or a certificate of rehabilitation is issued by the board pursuant to this section before an eligible offender has completed service of the offender's term of incarceration, probation, **[**or**]** parole or special parole, or any combination thereof, the provisional

pardon or the certificate of rehabilitation shall be deemed to be temporary until the eligible offender completes such eligible offender's term of incarceration, probation, [or] parole or special parole. During the period that such provisional pardon or certificate of rehabilitation is temporary, the board may revoke such provisional pardon or certificate of rehabilitation for a violation of the conditions of such eligible offender's probation, [or] parole or special parole. After the eligible offender completes such eligible offender's term of incarceration, probation, [or] parole or special parole, the temporary provisional pardon or certificate of rehabilitation shall become permanent.

(h) The board may at any time issue a new provisional pardon or certificate of rehabilitation to enlarge the relief previously granted, and the provisions of subsections (b) to (f), inclusive, of this section shall apply to the issuance of any new provisional pardon or certificate of rehabilitation.

(i) The application for a provisional pardon or a certificate of rehabilitation, the report of an investigation conducted pursuant to subsection (f) of this section, the provisional pardon or the certificate of rehabilitation and the revocation of a provisional pardon or a certificate of rehabilitation shall be in such form and contain such information as the Board of Pardons and Paroles shall prescribe.

(j) If a [temporary] provisional pardon or certificate of rehabilitation issued under this section or section 54-108f, as amended by this act, is revoked, the barriers and forfeitures thereby relieved shall be reinstated as of the date the person to whom the [temporary] provisional pardon or certificate of rehabilitation was issued receives written notice of the revocation. Any such person shall surrender the [temporary] provisional pardon or certificate of rehabilitation to the issuing board or division upon receipt of the notice.

(k) The board [shall] may revoke a permanent provisional pardon or certificate of rehabilitation if the board is notified or becomes aware that the person to whom it was issued [is] was convicted of a crime, as defined in section 53a-24, after the issuance of the provisional pardon or

certificate of rehabilitation. Nothing in this subsection shall require the board to continue monitoring the criminal activity of any person to whom the board has issued a provisional pardon or certificate of rehabilitation but who is no longer under parole or special parole supervision.

(l) Not later than October 1, 2015, and annually thereafter, the board shall submit to the Office of Policy and Management and the Connecticut Sentencing Commission, in such form as the office may prescribe, data on the number of applications received for provisional pardons and certificates of rehabilitation, the number of applications denied, the number of applications granted and the number of provisional pardons and certificates of rehabilitation revoked.

Sec. 52. Section 54-209 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Office of Victim Services or, on review, a victim compensation commissioner, may order the payment of compensation in accordance with the provisions of sections 54-201 to 54-218, inclusive, for personal injury or death which resulted from: (1) An attempt to prevent the commission of crime or to apprehend a suspected criminal or in aiding or attempting to aid a police officer so to do, (2) the commission or attempt to commit by another of any crime as provided in section 53a-24, (3) any crime that occurred outside the territorial boundaries of the United States that would be considered a crime within this state, provided the victim of such crime is a resident of this state, or (4) any crime involving international terrorism as defined in Section 2331 of Title 18 of the United States Code.

(b) The Office of Victim Services or, on review, a victim compensation commissioner, may also order the payment of compensation in accordance with the provisions of sections 54-201 to 54-218, inclusive, for personal injury or death that resulted from the operation of a motor vehicle, water vessel, snow mobile or all-terrain vehicle by another person who was subsequently convicted with respect to such operation for a violation of subsection (a) or subdivision (1) of subsection (b) of

section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (3) of section 14-386a or section 15-132a, 15-140*l*, 15-140n, 53a-56b or 53a-60d. In the absence of a conviction, the Office of Victim Services or, on review, a victim compensation commissioner, may order payment of compensation under this section if, upon consideration of all circumstances determined to be relevant, the office or commissioner, as the case may be, reasonably concludes that another person has operated a motor vehicle in violation of subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (3) of section 14-386a or section 15-132a, 15-140*l*, 15-140n, 53a-56b or 53a-60d.

(c) Except as provided in subsection (b) of this section, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of sections 54-201 to 54-218, inclusive, unless the injuries were intentionally inflicted through the use of the vehicle.

(d) In instances where a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53-21, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82 or 53a-192a, or family violence, as defined in section 46b-38a, has been alleged, the Office of Victim Services or, on review, a victim compensation commissioner, may order compensation be paid if (1) the personal injury has been disclosed to: (A) A physician or surgeon licensed under chapter 370; (B) a resident physician or intern in any hospital in this state, whether or not licensed; (C) a physician assistant licensed under chapter 370; (D) an advanced practice registered nurse, registered nurse or practical nurse licensed under chapter 378; (E) a psychologist licensed under chapter 383; (F) a police officer; (G) a mental health professional; (H) an emergency medical services provider licensed or certified under chapter 368d; (I) an alcohol and drug counselor licensed or certified under chapter 376b; (J) a marital and family therapist licensed under chapter 383a; (K) a domestic violence counselor or a sexual assault counselor, as defined in section 52-146k; (L) a professional counselor

licensed under chapter 383c; (M) a clinical social worker licensed under chapter 383b; (N) an employee of the Department of Children and Families; (O) an employee of a child advocacy center, established pursuant to section 17a-106a; or **[**(O)**]** (P) a school principal, a school teacher, a school guidance counselor or a school counselor, **[**and**]** or (2) the personal injury is reported in an application for a restraining order under section 46b-15, as amended by this act, or an application for a civil protection order under section 46b-16a, as amended by this act, or on the record to the court, provided such restraining order or civil protection order was granted in the Superior Court following a hearing, and (3) the office or commissioner, as the case may be, reasonably concludes that a violation of any of said sections has occurred.

[(e) In instances where a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53-21, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-192a or family violence, as defined in section 46b-38a, has been alleged, the Office of Victim Services or, on review, a victim compensation commissioner, may also order the payment of compensation under sections 54-201 to 54-218, inclusive, for personal injury suffered by a victim (1) as reported in an application for a restraining order under section 46b-15 or an application for a civil protection order under section 46b-16a, an affidavit supporting an application under section 46b-15 or section 46b-16a, or on the record to the court, provided such restraining order or civil protection order was granted in the Superior Court following a hearing; or (2) as disclosed to a domestic violence counselor or a sexual assault counselor, as such terms are defined in section 52-146k.**]**

[(f)**]** (e) Evidence of an order for the payment of compensation by the Office of Victim Services or a victim compensation commissioner in accordance with the provisions of sections 54-201 to 54-218, inclusive, shall not be admissible in any civil proceeding to prove the liability of any person for such personal injury or death or in any criminal proceeding to prove the guilt or innocence of any person for any crime.

Sec. 53. Section 54-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Any victim of a crime, any member of the immediate family of such victim or any member of an inmate's immediate family who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, or whenever an inmate is scheduled to be released from a correctional institution other than on a furlough, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

(b) Any victim of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony found by the sentencing court to have been committed for a sexual purpose, as provided in section 54-254, or any member of the immediate family of such victim, who desires to be notified whenever the person who was convicted or found not guilty by reason of mental disease or defect of such offense files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsection (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

(c) A request for notification filed pursuant to this section shall be in such form and content as the Office of the Chief Court Administrator may prescribe. Such request for notification shall be confidential and shall remain confidential while in the custody of the Office of Victim Services and the Department of Correction and shall not be disclosed. It shall be the responsibility of the victim, or any member of the immediate family of such victim, to notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of his or her

current mailing address and telephone number, which shall be kept confidential and shall not be disclosed by the Office of Victim Services and the Department of Correction. Nothing in this section shall be construed to prohibit the Office of Victim Services, the Board of Pardons and Paroles and the Victim Services Unit within the Department of Correction from communicating with each other for the purpose of facilitating notification to a victim and disclosing to each other the name, mailing address and telephone number of the victim, provided such information shall not be further disclosed.

Sec. 54. Section 52-408 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

An agreement in any written contract, or in a separate writing executed by the parties to any written contract, to settle by arbitration any controversy thereafter arising out of such contract, or out of the failure or refusal to perform the whole or any part thereof, or a written provision in the articles of association or bylaws of an association or corporation of which both parties are members to arbitrate any controversy which may arise between them in the future, or an agreement in writing between two or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, or an agreement in writing between the parties to a marriage to submit to arbitration any controversy between them with respect to the dissolution of their marriage **[**, except issues related to child support, visitation and custody,**]** shall be valid, irrevocable and enforceable, except when there exists sufficient cause at law or in equity for the avoidance of written contracts generally, subject to the requirements of subsection (e) of section 46b-66, as amended by this act, in the case of an award with respect to a dissolution of marriage.

Sec. 55. (NEW) (*Effective from passage*) (a) Notwithstanding the provisions of section 46b-124 of the general statutes, as amended by this act, the Judicial Branch, subject to policies and procedures approved by the Chief Court Administrator, may permit the following individuals to enter, physically or virtually, a juvenile residential center and interact

with staff and juveniles in that facility without a court order, provided such entry and interaction is required for the performance of that individual's duties:

(1) An employee or official of the Judicial Branch;

(2) An employee or authorized agent of the organization or agency responsible for providing educational services in the center;

(3) An employee of the Division of Public Defender Services;

(4) An attorney representing a juvenile;

(5) An employee or official of the Department of Children and Families;

(6) An employee or authorized agent of an organization or agency contracted with the Judicial Branch to provide direct services to juveniles;

(7) An individual who has been authorized by the Judicial Branch to provide training, enrichment, recreational or religious services to the juveniles; and

(8) An individual who has been authorized by the Judicial Branch to repair or maintain the center.

(b) A judge of the Superior Court may, upon finding that an individual not authorized under subsection (a) of this section has a legitimate interest in entering a juvenile residential center, order that such individual be allowed to enter that juvenile residential center.

(c) An individual permitted to enter into a juvenile residential center pursuant to this section shall not disclose, directly or indirectly, by any means, any information obtained by such individual that specifically identifies a juvenile, unless authorized by court order or otherwise provided by law.

(d) Any person who violates subsection (c) of this section shall be

deemed guilty of a class B misdemeanor with a fine not to exceed one hundred dollars or imprisonment not greater than six months.

Sec. 56. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of abuse of an oath document, executed subsequent to an oath taken by a judicial officer pursuant to section 1-25 of the general statutes, when he or she disseminates said oath document to a person by telegraph or mail, by electronically transmitting a facsimile through connection with a telephone network, by computer network, as defined in section 53a-250 of the general statutes, or by any other form of written communication, with the intent to defraud, deceive, intimidate, injure or harass a judicial officer.

(b) Abuse of an oath document is a class D felony.

Sec. 57. (NEW) (*Effective from passage*) A Judicial Department official authorized to administer oaths pursuant to section 1-24 of the general statutes may administer an oath or affirmation by means of an interactive audio visual device or other remote technology to any party, counsel, witness, or other participant in a court proceeding or appearing before such official for a purpose related to a court process.

Sec. 58. Section 22-4c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The Commissioner of Agriculture may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the commissioner's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the commissioner. The commissioner may hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for

injunctions and for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the commissioner. The commissioner, or the commissioner's agent, may issue a citation in accordance with section 51-164n, as amended by this act, for any infraction or violation established in any provision of the general statutes that is under the commissioner's authority; (4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive; (5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by the commissioner and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or the commissioner may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation or hearing; (6) undertake any studies, inquiries, surveys or analyses the commissioner may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b; (9) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval. Such costs may include, but are not

limited to, the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment.

(b) In any hearing held on or after October 1, 1995, on an application for any license issued by the commissioner, (1) the applicant shall pay all costs of recording and transcribing the hearing if a transcript is required by law, and (2) any applicant who requests a copy of a transcript of a hearing for which a transcript is not required by law shall pay to the department any expenses incurred by the department in having such transcript prepared. In any proceeding held on or after October 1, 1995, on a department order to enforce any statute, regulation, permit or order administered or issued by the commissioner, the respondent or other person taking an appeal from a final decision of the commissioner shall pay all costs of recording and transcribing the hearing if a transcript is required by law. Upon a showing of indigency by such respondent or person, the court may require the commissioner to pay such costs.

Sec. 59. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292,

13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-341*l*, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, **[**22-39a, 22-39b, 22-39c, 22-39d, 22-39e,**]** 22-39f, 22-49, **[**or**]** 22-54, 22-61j, as amended by this act, subdivision (1) of subsection (n) of section 22-61*l*, subdivision (1) of subsection (f) of section 22-61m, subsection (d) of section 22-84, section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o, 22-167, subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a,

22-320h, 22-324a, 22-326, [or 22-342, subsection (b), (e) or (f) of section 22-344, section] subsection (b), subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344, subdivision (2) of subsection (b) of section 22-344b, subsection (d) of section 22-344c, subsection (d) of section 22-344d, section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health

code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 60. Section 22-61j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

Any person who violates the provisions of sections 22-61c to 22-61f, inclusive, **[**shall be guilty of a class D misdemeanor and**]** shall be fined one hundred dollars for the first offense and two hundred dollars for each subsequent offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	1-56r
Sec. 2	*January 1, 2022*	4b-55
Sec. 3	*January 1, 2022*	4b-58(a)
Sec. 4	*January 1, 2022*	4b-91(a)
Sec. 5	*January 1, 2022*	4b-91(g)
Sec. 6	*January 1, 2022*	10-220k
Sec. 7	*January 1, 2022*	10-233d(l)
Sec. 8	*January 1, 2022*	10-233k(b)
Sec. 9	*January 1, 2022*	10-253(g)
Sec. 10	*January 1, 2022*	12-19a(a)
Sec. 11	*from passage*	17b-745(a) and (b)
Sec. 12	*January 1, 2022*	20-14h
Sec. 13	*January 1, 2022*	20-14i
Sec. 14	*January 1, 2022*	20-14j(b)
Sec. 15	*from passage*	45a-78
Sec. 16	*from passage*	46b-1
Sec. 17	*from passage*	46b-15
Sec. 18	*from passage*	46b-16a
Sec. 19	*from passage*	46b-51
Sec. 20	*from passage*	46b-56c
Sec. 21	*from passage*	46b-65(b)
Sec. 22	*from passage*	46b-66
Sec. 23	*from passage*	46b-84(f)

Sec. 24	*from passage*	46b-86(a)
Sec. 25	*January 1, 2022*	46b-120
Sec. 26	*from passage*	46b-124(b)
Sec. 27	*from passage*	46b-124(d)
Sec. 28	*January 1, 2022*	46b-124(g)
Sec. 29	*from passage*	46b-127(c)
Sec. 30	*January 1, 2022*	46b-132a
Sec. 31	*January 1, 2022*	46b-133
Sec. 32	*January 1, 2022*	46b-140a(c) and (d)
Sec. 33	*January 1, 2022*	46b-141d
Sec. 34	*January 1, 2022*	46b-148(a)
Sec. 35	*from passage*	46b-171(a)
Sec. 36	*from passage*	46b-215
Sec. 37	*from passage*	46b-215b(a)
Sec. 38	*from passage*	46b-231(m)
Sec. 39	*from passage*	51-14
Sec. 40	*from passage*	51-51l(a)
Sec. 41	*October 1, 2021*	51-51o(a)
Sec. 42	*July 1, 2021*	51-60
Sec. 43	*July 1, 2021*	51-63(a)(2)
Sec. 44	*from passage*	52-212(a)
Sec. 45	*from passage*	52-212a
Sec. 46	*from passage*	52-361b(d)
Sec. 47	*from passage*	52-362(d)
Sec. 48	*from passage*	52-367b(f)
Sec. 49	*from passage*	54-76l(b)
Sec. 50	*from passage*	54-108f(a)
Sec. 51	*from passage*	54-130e
Sec. 52	*from passage*	54-209
Sec. 53	*July 1, 2021*	54-228
Sec. 54	*October 1, 2021*	52-408
Sec. 55	*from passage*	New section
Sec. 56	*October 1, 2021*	New section
Sec. 57	*from passage*	New section
Sec. 58	*October 1, 2021*	22-4c
Sec. 59	*October 1, 2021*	51-164n(b)
Sec. 60	*October 1, 2021*	22-61j

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various technical, procedural, and clarifying changes to statutes governing to the Judicial Branch and does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6505

AN ACT CONCERNING COURT OPERATIONS.

SUMMARY

This bill makes various unrelated changes in laws related to court procedures and operations. Generally, it:

1. replaces references to "juvenile detention center" with a new term "juvenile residential center" in statutes on juvenile matters (§§ 2-10, 12-14, 25, 28 & 30-34);

2. allows certain education and service providers to visit juvenile residential centers and interact with residents and staff, prohibits disclosure of confidential information, and imposes a penalty for violations (§ 55);

3. gives the Judicial Review Council's members and employees access to juvenile records when required, including for investigations (§§ 26, 27, 40, 41 & 49);

4. expressly requires the probate court to hold hearings on new regulations (§ 15) and provides for the expeditious adoption of the state Supreme, Appellate, and Superior courts' rules (§ 39);

5. allows other court-designated entities to produce court transcripts (§§ 42 & 43);

6. allows a Superior Court judgment that is based on default or nonsuit, or a civil judgement, to be opened or set aside within four months after the date the decision was sent instead of when it was rendered, as under current law (§§ 44 & 45);

7. requires the court clerk to promptly schedule a hearing instead

of setting the matter down for a short calendar hearing in matters related to a (a) personal property execution claim, (b) child support withhold where the obligor claims mistake of fact, and (c) judgment debtor exemption claim (§§ 46-48);

8. allows the court, instead of holding a hearing in certain family relations matters, to accept an affidavit, made under oath, stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court (§§ 11, 17-23, 35 & 36);

9. allows certain family court findings to be made without a hearing as required under current law, but instead through a written judgment, order, or memorandum of decision of the court (§§ 11, 24 & 35-37);

10. allows parties to settle, by arbitration, issues related to child support, visitation, and custody, which is prohibited under current law with regard to divorce matters (§§ 22 & 54);

11. addresses the child support guidelines and family support magistrates' powers and duties (§§ 37 & 38);

12. gives victims, and their next of kin, access to the private proceedings of juveniles being tried on the adult criminal docket (§§ 1 & 29);

13. makes any member of a crime victim's immediate family eligible to receive certain victim notifications and expands victim compensation eligibility (§§ 52 & 53);

14. clarifies the scope of the Court Support Services Division's and the Board of Pardons and Paroles' monitoring of offenders on provisional pardons or certifications of rehabilitation (§§ 50 & 51); and

15. creates the crime of abuse of an oath document as a class D felony (§§ 56 & 57) and addresses agriculture-related violations (§§ 58-

60).

Lastly, the bill corrects an internal statutory cross reference (§ 16) and makes other technical and conforming changes.

EFFECTIVE DATE: Upon passage, except for the provisions on (1) the "juvenile residential center" references (§§ 2-10, 12-14, 25, 28 & 30-34), which are effective January 1, 2022; (2) court transcripts and victim disclosure (§§ 42-43 & 53), which are effective July 1, 2021; and (3) Judicial Review Council testimony, settlements by arbitration, abuse of an oath document, and agriculture-related violations (§§ 41, 54, 56 & 58-60), which are effective October 1, 2021.

§§ 2-10, 12-14, 25, 28 & 30-34 — JUVENILE RESIDENTIAL CENTER

The bill creates a general definition for the term "juvenile residential center" to replace current references to the term "juvenile detention center" throughout the statutes on juvenile matters.

Under the bill, a "juvenile residential center" is a hardware-secured residential facility operated by the judicial branch's Court Support Services Division that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting for pre-adjudicated juveniles and juveniles adjudicated as delinquent.

§ 55 — JUVENILE RESIDENTIAL CENTER VISITS AND INTERACTIONS

Individuals Allowed to Visit and Enter Centers. Under the bill, the judicial branch, subject to policies and procedures approved by the chief court administrator, may allow the following individuals to enter, physically or virtually, a juvenile residential center and interact with the staff and juveniles without a court order, if the entry and interaction are required by the individual to perform his or her duties:

1. a judicial branch employee or official;

2. an employee or authorized agent of the organization or agency providing educational services in the center;

3. a Division of Public Defender Services employee;

4. an attorney representing a juvenile;

5. a Department of Children and Families (DCF) employee or official;

6. an employee or authorized agent of an organization or agency contracted with the judicial branch to provide direct services to juveniles;

7. an individual who the Judicial Branch authorized to provide training, enrichment, recreational, or religious services to the juveniles; and

8. an individual the judicial branch authorized to repair or maintain the center.

Court's Authorization. The bill allows a Superior Court judge, upon finding that an individual is not authorized to enter but has a legitimate interest in entering a juvenile residential center, to order they be allowed to enter.

Confidentiality. The bill prohibits an individual who is allowed to enter a juvenile residential center from disclosing any information that specifically identifies a juvenile, unless authorized by court order or otherwise provided by law.

Penalty for Violations. Under the bill, individuals who violate the confidentiality provision are guilty of a class B misdemeanor, punishable by a fine up to $100 and up to six months in prison. (By law, a class B misdemeanor is punishable by up to $1,000 fine, up to six months in prison, or both.)

§ 15 — PROBATE COURT RULES OF PROCEDURE

The law generally requires the probate court administrator to recommend uniform rules of procedure for the probate courts that the state Supreme Court may adopt and promulgate. The bill clarifies that

it is the probate court, not the state Supreme Court, that must hold the public hearing on the rules.

The bill specifically requires the probate court administrator to designate at least three probate court judges who must hold a public hearing on any proposed new rule or any change in an existing rule before it is presented to the state Supreme Court judges for adoption and promulgation pursuant to CGS § 51-14. Under the bill, reasonable notice of the hearing must be given in the Connecticut Law Journal and otherwise as the probate court administrator deems proper, which are the same hearing requirements current law requires of the state Supreme Court.

§ 39 — COURT RULES AND FORMS

By law, the state's Supreme Court, Appellate Court, and Superior Court judges must adopt and promulgate, and may occasionally modify or repeal, rules and forms regulating pleading, practice, and procedure in judicial proceedings.

Under current law, the rules become effective on the date the judges specify but not before 60 days after they were promulgated. The bill allows the court to waive this 60-day requirement if a rule must be adopted expeditiously.

§§ 42 & 43 — COURT TRANSCRIPTS

The bill allows the chief court administrator to designate any other entity, in addition to an official court reporter or a court recording monitor, to produce transcripts. It does so by expanding the definition of the term "transcript" to also mean the official written record of a proceeding by any other entity designated by the chief court administrator, instead of only one made by an official court reporter or court recording monitor as under existing law.

The bill also eliminates the $2.00 per page rate paid to official court reporters and court reporting monitors when they type transcripts for a judicial officer or judicial branch employee. Under current law, in addition to a salary, court reporters and court recording monitors are

entitled to charge a public official $2.00 per page ordered and transcribed from the official record.

§ 41 — SUBPOENA TO TESTIFY BEFORE THE JUDICIAL REVIEW BOARD

By law, anyone can be compelled, by subpoena, to testify before the state Supreme Court or the Judicial Review Council in relation to a complaint against a judge, compensation commissioner, or family support magistrate.

Under existing law, this pertains to conduct that could be grounds for removal or censure (e.g., mental infirmity or willful and persistent failure to perform the duty of a judge). The bill also applies this to matters before the council that pertain to a judge becoming so permanently incapacitated that he or she is unable to adequately fulfill the duties of the office and may be retired by the Judicial Review Council.

§§ 17 & 18 — CIVIL ORDERS OF PROTECTION

Civil Restraining Order (§ 17)

By law, a family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

Statement Under Penalty of False Statement. Under current law, to obtain a restraining order, the victim must file an application and an affidavit made under oath that includes a brief statement of the condition from which relief is sought. Instead of an affidavit under oath, the bill requires the application be accompanied only by the statement made under penalty of false statement.

A person is guilty of false statement, a class A misdemeanor, when he or she (1) intentionally makes a false written statement that he or she does not believe to be true with the intent to mislead a public servant in the performance the public servant's official function and (2) makes the statement under oath or pursuant to a form providing notice, authorized by law, to the effect that false statements are punishable. A

class A misdemeanor is punishable by a fine up to $2,000, up to one year in prison, or both (CGS § 53a-157b).

Service of Process. By law, the court must hold a hearing on the application for a restraining order within 14 days after receiving it. The court must give the alleged offender at least three days' notice before the hearing, although it may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., ex parte order). If the court issues an ex parte order because the applicant indicates that the respondent (i.e., accused) holds a permit to carry a pistol or revolver or possesses firearms or ammunition, the court must hold a hearing within seven days after issuing the order.

Under current law, the respondent must be served with a copy of the application, the applicant's affidavit, and a copy of any ex parte order. The bill makes a conforming change and requires that the respondent and the law enforcement agency, as applicable, be served with a copy of the application along with the statement of the specific facts that form the basis for the relief made under penalty of false statement instead of an affidavit as required by current law.

Civil Protection Order (§ 18)

By law, a victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

The bill makes the identical changes described above for obtaining a civil restraining order to the provisions on obtaining a civil protection order. Specifically, it removes the requirement that an affidavit made under oath stating conditions from which relief is sought accompany an application for a civil protection order and instead requires that a statement of the conditions from which relief is sought made under penalty of false statement accompany an application. It also makes the corresponding conforming changes regarding the documents that must accompany the application when process is being served to give the respondent notice of a hearing on the application.

Additionally, the bill adds a provision allowing the court to extend an ex parte order up to another 14 days from the originally scheduled hearing date, to allow more time for service of process. Under the bill, the court must do so upon the request of the applicant and based on the information in the original application. In such a case, the court clerk must prepare a new order with the new hearing date, which must be served on the respondent in the same manner associated with the original application. (Under existing law, this same provision already applies to civil restraining orders.)

§§ 11, 19-23, 35 & 36 — FAMILY MATTERS WITHOUT PHYSICAL COURT APPEARANCE

The bill allows the court, as an alternative to an in-person court hearing, to accept an affidavit made under oath, stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court. The bill generally provides this additional option when the court is determining the following family relations matters:

1. cash medical support for children who are public assistance recipients (IV-D support cases) (§ 11);

2. divorce after a marriage has broken down irretrievably (§ 19);

3. waiver of the right to educational support (affidavit must state that the party fully understands the consequences of the waiver) (§ 20);

4. divorce decree after a decree of legal separation (§ 21);

5. financial resources in custody and visitation of a minor child (§ 22);

6. identifying medical and dental expenses, including cases where paternity is determined in non-marital cases (§§ 23 & 35); and

7. enforcement orders to support a spouse or minor child (§ 36).

In matters related to cash and medical support in IV-D cases and cases involving paternity determination, and support enforcement orders, the bill also generally allows the court to make its findings from a written judgment, order, or memorandum of decision of the court in addition to from a hearing on the record, as allowed under existing law (§§ 11 & 35-36).

The bill also expressly states that it does not preclude the court from requiring that the parties attend a hearing and that findings be made on the record in certain matters involving divorce and educational support waiver (§§ 19 & 20).

§ 22 — FINANCIAL AGREEMENT IN DIVORCE CASES

By law, in a divorce case where the parties have submitted a final agreement concerning any of the children or regarding alimony or property disposition, in order to determine whether the agreement is fair and equitable under the circumstances, the court must inquire about the parties' financial resources and needs, and their respective fitness to have physical custody of or visitation rights to any minor children.

Under existing law, an arbitration pursuant to an agreement may proceed only after the court has made certain inquiries and is satisfied with its findings, such as that the agreement was voluntary and without coercion. The bill specifies that an arbitration award in such an action is not enforceable until it has been confirmed, modified, or vacated in accordance with laws on arbitration proceedings and incorporated into a court divorce order or decree.

Under current law, the agreement must not include issues related to child support, visitation, and custody. However, the bill allows the court to enter an arbitration award that concerns child support, if the court finds that the award complies with the child support guidelines. Under the bill, an arbitration award related to a divorce that is incorporated into a divorce order or decree must be enforceable and modifiable to the same extent as an agreement of the parties that is incorporated into an order or decree of the court as described above.

§§ 24 & 37 — CHILD SUPPORT GUIDELINES AND MODIFICATIONS

By law, there is a rebuttable presumption that the child support amount that resulted from applying the guidelines is the amount to be ordered. To rebut the presumption there must be a specific finding on the record (in a hearing) that the application of the guidelines would be inequitable or inappropriate in a particular case, as determined under the deviation criteria established by the guidelines. Under the bill this finding can also be made in a written judgment, order, or memorandum of decision of the court.

Additionally, the bill allows the court to make its findings in a written judgment, order, or memorandum of decision of the court, and in a hearing on the record as allowed under existing law. This provision also applies in cases involving alimony and support modifications (§ 24).

§ 38 — FAMILY SUPPORT MAGISTRATES' POWERS AND DUTIES

The bill expands the powers and duties of family support magistrates regarding the enforcement and modification of certain support orders as described below. It also states that it does not preclude a family support magistrate from modifying an existing support order under any other section of the statutes.

Modification in IV-D Support Cases

Under the bill, agreements between parties to modify or enforce support orders in IV-D support cases may be filed with the assistant clerk of the Family Support Magistrate Division for the judicial district where the child's mother or father lives and where the parties have submitted a motion for modification or an application for contempt of an existing support order. The agreements may be approved by the family support magistrate after an inquiry into the financial needs, resources, and the respective abilities of the parties.

The bill allows the inquiry to take place on the record at a hearing or be based on an affidavit from each party, made under oath, stating that (1) each party has the financial resources and other facts satisfying any requirement of the inquiry in question and (2) no civil restraining order

or family violence protective order between the parties is in effect or pending before the court. If each party attests to this, a family support magistrate may:

1. determine whether the agreement is fair and equitable under all the circumstances and

2. make any other findings required by this provision.

Obligor Qualified for Disability

The bill allows a family support magistrate to reduce a support order to zero dollars or make other changes if the obligor (i.e., person from whom support is due) qualifies for federal Supplemental Security Income (SSI) Program disability benefits.

Under the bill, if a support enforcement officer files an affidavit that the Social Security Administration (SSA) or a state agency that awards disability benefits has determined the obligor qualifies for SSI disability benefits, a family support magistrate may (1) modify the existing support order to zero dollars without a hearing, (2) schedule the motion for a hearing, or (3) deny the motion without a hearing.

The bill requires the support enforcement officer's affidavit to state:

1. the date the child support obligor qualified for SSI disability benefits;

2. that the officer confirmed this with SSA (or another appropriate federal agency);

3. that a diligent search failed to identify any other income or assets that could be used to satisfy the child support order;

4. that support enforcement services provided notice to the custodial party, consistent with service of process in a civil action, or by certified mail, return receipt requested, about the proposed modification and that the custodial party had the right to object to the proposed modification, generally within 15 days after

receiving it; and

5. that support enforcement services did not receive an objection from the custodial party.

The bill allows any support order modified based on this provision to be later modified upon a finding of a substantial change in circumstances.

§§ 1 & 29 — VICTIM ACCESS TO JUVENILE PROCEEDINGS

The bill allows victims and their next of kin to access the private proceedings of juveniles being tried on the adult criminal docket. It does so by prohibiting the court from excluding them from the proceedings.

Under the bill (1) a "victim" is the victim of the crime; his or her parent, guardian, or legal representative; a victim advocate; or a person designated by a victim for decision making and (2) "next of kin" is a spouse, adult child, parent, adult sibling, aunt, uncle, or grandparent.

§ 52 — FAMILY VIOLENCE VICTIM COMPENSATION

The bill expands eligibility for victim compensation by expanding the types of professionals that victims of eligible crimes may report to, or by allowing them to report it in applications for restraining or protection orders.

Family Violence Victims

Under existing law, the Office of Victim Services or, on review, a victim compensation commissioner, may order compensation to be paid to certain victims if the (1) personal injury has been disclosed to certain professionals, such as a doctor, police officer, or licensed marriage or family therapist, and (2) office or commissioner reasonably concludes that the violation occurred. However, to be eligible for compensation, current law requires that the victims of family violence disclosed their alleged personal injury to a domestic violence or sexual assault counselor. The bill instead allows family violence victims to report to the same list of professionals existing law allows for reporting personal injury from other crimes.

Eligible Crime Victims

For all victims of eligible crimes, the bill adds child advocacy center employee to the list of professionals to whom a victim, including a family violence victim, may disclose the alleged personal injury.

Restraining or Protection Orders

Under current law, victims of family violence, but not victims of other crimes, may be eligible for compensation if they report the alleged personal injury in an application for a restraining or protection order. The bill allows all eligible victims to report personal injury in this way.

§ 53 — CRIME VICTIM NOTIFICATION

The bill allows a member of a crime victim's immediate family to request that the Judicial Branch's Office of Victim Services (OVS) or the Department of Correction's (DOC) Victim Services Unit (VSU) notify them about certain events, such as when:

1. an inmate applies to the Board of Pardons and Paroles, DOC, the sentencing court or judge, or review division for a review of sentence;

2. an inmate is scheduled to be released from a correctional institution other than on furlough; or

3. certain felony or sexual offenders or offenders against minor victims file to be exempt from registration on the sex offender registry.

Existing law allows crime victims to request these same notifications. And as is the case for crime victims under existing law, the bill makes the family member responsible for notifying OVS and VSU of his or her current mailing address and telephone number, which is kept confidential.

§§ 50 & 51 — CERTIFICATE OF REHABILITATION

By law, a "certificate of rehabilitation" is a form of relief, other than a provisional pardon, from barriers or forfeitures to employment or the

issuance of licenses, that is granted to an eligible offender by the (1) Board of Pardons and Paroles (BPP) or (2) judicial branch's Court Support Services Division (CSSD) (CGS § 54-130e).

Court Support Services Division (CSSD) (§ 50)

By law, CSSD may (1) issue a certificate of rehabilitation to an eligible offender who is under the division's supervision while on probation or other supervised release, (2) issue a new certificate to enlarge the relief previously granted, or (3) revoke a certificate as allowed under the law.

Existing law requires the division to immediately notify BPP in writing if it either enlarges or revokes relief under a certificate of rehabilitation. The bill specifies that the division is not required to continue monitoring the criminal activity of anyone to whom the division issued a certificate of rehabilitation but who is no longer under its supervision.

Board or Pardons and Paroles (§ 51)

By law, BPP may issue a provisional pardon or certificate of rehabilitation before an eligible offender has completed his or her term of incarceration, probation, or parole. The bill applies these provisions to offenders who are on special parole and makes the corresponding conforming changes. Under the law, these provisional pardons are temporary and may be revoked.

Like the clarification provided regarding the scope of CSSD's monitoring responsibility (see above), the bill also specifies that BPP is not required to continue monitoring the criminal activity of anyone to whom it has issued a provisional pardon or certificate of rehabilitation but who is no longer under parole or special parole supervision.

§§ 56 & 57 — ADMINISTERING OATHS

Abuse of an Oath Document (§ 56)

The bill creates the crime of abuse of an oath document, executed subsequent to an oath taken by a judicial officer, and makes a person guilty of the crime when he or she disseminates the oath document by

telegraph, mail, computer network, electronically transmitting a fax through connection with a telephone network, or any other form of written communication, with the intent to defraud, deceive, intimidate, injure, or harass a judicial officer.

Under the bill, abuse of an oath document is a class D felony, punishable by a fine up to $5,000, up to five years in prison, or both.

Means of Administering Oaths (§ 57)

The bill allows a Judicial Department official authorized to administer oaths to do so using an interactive audiovisual device or other remote technology to any party, counsel, witness, or other participant in a court proceeding or appearing before the official for a purpose related to a court process.

§§ 58-60 — AGRICULTURE-RELATED VIOLATIONS

The bill expands the agriculture commissioner's authority by expressly allowing him, or his agent, to issue citations for infractions or violations of statutes that are under the commissioner's authority (§ 58).

The bill reduces certain seed-related violations (e.g., proper labeling) from a class D misdemeanor to a violation. Under the bill, these violations are no longer subject to up to 30 days in prison but, as under existing law, they are punishable by a fine of $100 for the first offense and $200 for the second offense (§ 60).

The bill adds the agriculture-related violations shown in Table 1 to the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations (§ 59). Generally, anyone who is alleged to have committed an infraction or a violation may either plead not guilty or pay the established fine and any additional fee or cost for the infraction or the violation.

Table 1: Additional Violations that May be Handled Through the Centralized Infractions Bureau

Statute (CGS §)	Provision
22-30	Improper use of brand name
22-61j	Seed label and other requirements
22-61*l*(n)(1)	License required to cultivate or processes hemp
22-61m(f)(1)	License required to manufacture hemp
22-96	Certificate of inspection of imported nursery stock
22-277(c)	Keeping record of the sale and purchase of livestock
22-278	Preventing the spread of contagious and infectious diseases among livestock
22-344(g)	Failure to pass inspection of kennel, pet shop, shelter, or grooming or training facility
22-344b(b)(2)	Posting a statement of customer's rights in pet shops required
22-344c(d)	Required licensing of anyone keeping at least 10 unneutered or unspayed dogs capable of breeding
22-344d(d)	Specific signs required in pet shops selling dogs
22344f	Animal importer required to provide for a veterinarian to examine each imported dog or cat and maintain the record
22-350a	Tethering a dog to a stationary object or mobile device prohibited
22-354	Certificate of good health required to import dog or cat, including from areas under quarantine from rabies

The bill also removes certain violations from the list of violations handled by the bureau, making it no longer able to process their associated fines. The bill removes violations associated with (1) certain kennel owners' and keepers' failure to get a town-issued license and (2) animal shelters' failure to register (§ 59).

BACKGROUND

Related Bills

sSB 1091, favorably reported by the Judiciary Committee, has similar provisions regarding obtaining a civil restraining order. Specifically, provisions related to (1) removing the requirement for an affidavit made under oath and requiring instead a statement of the conditions from

which relief is sought made under penalty of false statement and (2) making the corresponding changes related to service of process (§ 17).

sHB 6385 (§ 5), favorably reported by the Environment Committee, makes the same change as § 60 in this bill (seed law penalty).

sHB 6500 (§ 2), favorably reported by the Environment Committee, makes a violation of the state hemp law (CGS § 22-61*l*), which is an infraction, payable by mail, as in § 59 of this bill.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 29 Nay 7 (04/09/2021)