



General Assembly

February Session, 2022

***Raised Bill No. 5237***

LCO No. 1680



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT ADOPTING THE CONNECTICUT INTERSTATE DEPOSITIONS AND DISCOVERY ACT.***

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

1 Section 1. (NEW) (*Effective July 1, 2023, and applicable to any request for*  
2 *discovery in an action pending on or filed on or after said date*) Sections 1 to  
3 6, inclusive, of this act, may be cited as the "Connecticut Interstate  
4 Depositions and Discovery Act".

5 Sec. 2. (NEW) (*Effective July 1, 2023, and applicable to any request for*  
6 *discovery in an action pending on or filed on or after said date*) As used in this  
7 section and sections 3 to 6, inclusive, of this act:

8 (1) "Foreign jurisdiction" means a state other than the state of  
9 Connecticut;

10 (2) "Foreign subpoena" means a subpoena in a civil or probate action  
11 issued under authority of a court of record of a foreign jurisdiction;

12 (3) "Person" means an individual, corporation, business trust, estate,  
13 trust, partnership, limited liability company, association, joint venture,

14 public corporation, government or governmental subdivision, agency  
15 or instrumentality or any other legal or commercial entity;

16 (4) "State" means a state of the United States, the District of Columbia,  
17 Puerto Rico, the United States Virgin Islands or any territory or insular  
18 possession subject to the jurisdiction of the United States; and

19 (5) "Subpoena" means a document, however denominated, issued  
20 under authority of a court of record requiring a person to: (A) Attend  
21 and give testimony at a deposition; (B) produce and permit inspection  
22 and copying of designated books, documents, records, electronically  
23 stored information or tangible things in the possession, custody or  
24 control of the person; or (C) permit inspection of premises under the  
25 control of the person.

26 Sec. 3. (NEW) (*Effective July 1, 2023, and applicable to any request for*  
27 *discovery in an action pending on or filed on or after said date*) (a) (1) To  
28 request issuance of a subpoena under this section, a party shall submit  
29 to a clerk of the Superior Court in the judicial district in which discovery  
30 is sought to be conducted in this state, or a clerk of the Probate Court in  
31 the probate district in which discovery is sought to be conducted in this  
32 state, as the case may be, the following: (A) The original or a true copy  
33 of a foreign subpoena, (B) the form prescribed under subdivision (2) of  
34 this subsection, and (C) with respect to any action in the Superior Court,  
35 the fee prescribed for issuance of a foreign subpoena pursuant to section  
36 52-259 of the general statutes, as amended by this act, or, with respect to  
37 any action in the Probate Court, the fee prescribed in section 45a-106a,  
38 as amended by this act. A request for the issuance of a subpoena under  
39 any provision of this section, or sections 4 to 6, inclusive, of this act, does  
40 not constitute an appearance in any court of this state.

41 (2) The Office of the Chief Court Administrator, with respect to any  
42 action in the Superior Court, and the Office of the Probate Court  
43 Administrator, with respect to any action in the Probate Court, shall  
44 prescribe the form which is required to be submitted pursuant to  
45 subdivision (1) of this subsection.

46 (b) When a party submits a foreign subpoena to a clerk of the Superior  
47 Court or a clerk of the Probate Court that complies with the  
48 requirements of subdivision (1) of subsection (a) of this section, such  
49 clerk shall, in accordance with the respective court's procedure,  
50 promptly issue a subpoena for service upon the person to which the  
51 foreign subpoena is directed.

52 (c) A subpoena issued under subsection (b) of this section shall:

53 (1) Incorporate the terms used in the foreign subpoena;

54 (2) Contain or be accompanied by an affidavit of the party stating the  
55 names, addresses and telephone numbers of all counsel of record in the  
56 proceeding to which the subpoena relates and of any party not  
57 represented by counsel; and

58 (3) Include the case caption and docket number of the matter pending  
59 in the foreign jurisdiction and shall identify the name and address of the  
60 Superior Court, or the Probate Court, as the case may be, issuing the  
61 subpoena.

62 (d) A subpoena issued by a clerk of the Superior Court shall be on a  
63 form prescribed by the Office of the Chief Court Administrator. A  
64 subpoena issued by a clerk of the Probate Court shall be on a form  
65 prescribed by the Office of the Probate Court Administrator.

66 Sec. 4. (NEW) (*Effective July 1, 2023, and applicable to any request for*  
67 *discovery in an action pending on or filed on or after said date*)

68 (a) Any subpoena issued under section 3 of this act by a clerk of a  
69 court in this state shall be served in accordance with section 52-148e of  
70 the general statutes.

71 (b) The provisions of sections 52-148a to 52-152, inclusive, of the  
72 general statutes and sections 52-156 to 52-157, inclusive, of the general  
73 statutes shall apply to a subpoena issued under section 3 of this act.

74 Sec. 5. (NEW) (*Effective July 1, 2023, and applicable to any request for*

75 *discovery in an action pending on or filed on or after said date*) An application  
76 to the court for a protective order related to a matter under sections 2 to  
77 4, inclusive, of this act, or to enforce, quash or modify a subpoena issued  
78 by a clerk of a court under section 3 of this act, shall comply with the  
79 rules of court of this state and the general statutes and shall be submitted  
80 to the Superior Court in the judicial district or the Probate Court in the  
81 probate district, as the case may be, in which discovery is sought.

82 Sec. 6. (NEW) (*Effective July 1, 2023, and applicable to any request for*  
83 *discovery in an action pending on or filed on or after said date*) In applying  
84 and construing the provisions of sections 1 to 6, inclusive, of this act,  
85 consideration shall be given to the need to promote uniformity of the  
86 law with respect to its subject matter among the states that enact such  
87 uniform provisions.

88 Sec. 7. Section 52-148c of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective July 1, 2023*):

90 (a) Within this state, depositions shall be taken before a judge or clerk  
91 of any court, justice of the peace, notary public or commissioner of the  
92 Superior Court.

93 (b) In any other state or country, except a state, as defined in section  
94 2 of this act, that has enacted laws substantially similar to sections 1 to  
95 6, inclusive, of this act, depositions for use in a civil action or probate  
96 proceeding within this state shall be taken before a notary public, a  
97 commissioner appointed by the Governor of this state, any magistrate  
98 having power to administer oaths or a person commissioned by the  
99 court before which such action or proceeding is pending, or when such  
100 court is not in session, by any judge thereof. Any person so  
101 commissioned shall have the power by virtue of his commission to  
102 administer any necessary oath and to take testimony. Additionally, if a  
103 deposition is to be taken out of the United States, it may be taken before  
104 any foreign minister, secretary of a legation, consul or vice-consul,  
105 appointed by the United States or any person by him appointed for the  
106 purpose and having authority under the laws of the country where the

107 deposition is to be taken; and the official character of any such person  
108 may be proved by a certificate from the Secretary of State of the United  
109 States.

110 Sec. 8. Section 52-259 of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective July 1, 2023*):

112 (a) There shall be paid to the clerks for entering each appeal or writ  
113 of error to the Supreme Court, or entering each appeal to the Appellate  
114 Court, as the case may be, two hundred fifty dollars, and for each civil  
115 cause in the Superior Court, three hundred sixty dollars, except (1) two  
116 hundred thirty dollars for entering each case in the Superior Court in  
117 which the sole claim for relief is damages and the amount, legal interest  
118 or property in demand is less than two thousand five hundred dollars;  
119 (2) one hundred seventy-five dollars for summary process and landlord  
120 and tenant actions; (3) there shall be no entry fee for making an  
121 application to the Superior Court for relief under section 46b-15 or 46b-  
122 16a, or for making an application to modify or extend an order issued  
123 pursuant to section 46b-15 or 46b-16a; and (4) there shall be no entry fee  
124 for a civil action brought under section 53a-28a; and (5) there shall be no  
125 entry fee for a petition brought under subsection (f) of section 42a-9-518  
126 and section 47-31a. If the amount, legal interest or property in demand  
127 by the plaintiff is alleged to be less than two thousand five hundred  
128 dollars, a new entry fee of seventy-five dollars shall be charged if the  
129 plaintiff amends his or her complaint to state that such demand is not  
130 less than two thousand five hundred dollars.

131 (b) The fee for the entry of a small claims case and for filing a  
132 counterclaim in a small claims case shall be ninety-five dollars. If a  
133 motion is filed to transfer a small claims case to the regular docket, the  
134 moving party shall pay a fee of one hundred twenty-five dollars.

135 (c) There shall be paid to the clerk of the Superior Court by any party  
136 who requests that a matter be designated as a complex litigation case  
137 the sum of three hundred thirty-five dollars, to be paid at the time the  
138 request is filed.

139 (d) There shall be paid to the clerk of the Superior Court by any party  
140 who requests a finding of fact by a judge of such court to be used on  
141 appeal the sum of twenty-five dollars, to be paid at the time the request  
142 is filed.

143 (e) There shall be paid to the clerk of the Superior Court a fee of  
144 seventy-five dollars for a petition for certification to the Supreme Court  
145 and Appellate Court.

146 (f) There shall be paid to the clerk of the Superior Court for the  
147 appointment of a commissioner of the Superior Court, two dollars; for  
148 recording the commission and oath of a notary public or certifying  
149 under seal to the official character of any magistrate, ten dollars; for  
150 issuing a certificate that an attorney is in good standing, ten dollars; for  
151 certifying under seal, two dollars; for exemplifying, twenty dollars; for  
152 making all necessary records and certificates of naturalization, the fees  
153 allowed under the provisions of the United States statutes for such  
154 services; and for making copies, one dollar per page. Any fee set forth  
155 in this subsection shall be payable in accordance with subsection [(m)]  
156 (n) of this section.

157 (g) There shall be paid to the clerk of the Superior Court for a copy of  
158 a judgment file a fee of twenty-five dollars, inclusive of the fees for  
159 certification and copying, for a certified copy and a fee of fifteen dollars,  
160 inclusive of the fee for copying, for a copy which is not certified; and for  
161 a copy of a certificate of judgment in a foreclosure action, as provided  
162 by the rules of practice and procedure, twenty-five dollars, inclusive of  
163 the fees for certification and copying. Any fee set forth in this subsection  
164 shall be payable in accordance with subsection [(m)] (n) of this section.

165 (h) There shall be paid to the clerk of the Superior Court a fee of one  
166 hundred eighty dollars at the time any application for a prejudgment  
167 remedy is filed.

168 (i) There shall be paid to the clerk of the Superior Court a fee of six  
169 hundred twenty dollars at the time any motion to be admitted as  
170 attorney pro hac vice is filed.

171 (j) There shall be paid to the clerk of the Superior Court a fee of two  
172 hundred five dollars at the time any counterclaim, cross complaint,  
173 apportionment complaint or third party complaint is filed.

174 (k) There shall be paid to the clerk of the Superior Court a fee of three  
175 hundred fifty dollars at the time any application for a dissolution of lien  
176 upon the substitution of a bond with surety is filed pursuant to  
177 subsection (a) of section 49-37, subsection (b) of section 49-55a,  
178 subsection (a) of section 49-61, subsection (a) of section 49-92b or  
179 subsection (b) of section 49-92h.

180 (l) There shall be paid to the clerk of the Superior Court a fee of one  
181 hundred dollars at the time of the request for the issuance of a foreign  
182 subpoena pursuant to section 3 of this act.

183 [(l)] (m) A fee of twenty dollars for any check issued to the court in  
184 payment of any fee which is returned as uncollectible by the bank on  
185 which it is drawn may be imposed.

186 [(m)] (n) Any recording or copying performed under subsection (f) or  
187 (g) of this section may be done by photograph, microfilm, as defined in  
188 section 51-36, computerized image or other process which accurately  
189 reproduces or forms a durable medium for so reproducing the original.  
190 The fees required under subsections (f) and (g) of this section for  
191 recording and copying shall be payable regardless of the method by  
192 which the recording and copying is done.

193 [(n)] (o) The tax imposed under chapter 219 shall not be imposed  
194 upon any fee charged under the provisions of this section.

195 Sec. 9. Section 45a-106a of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective July 1, 2023*):

197 (a) The fees set forth in this section apply to each filing made in a  
198 Probate Court in any matter other than a decedent's estate.

199 (b) The fee to file each of the following motions, petitions or  
200 applications in a Probate Court is two hundred fifty dollars:

201 (1) With respect to a minor child: (A) Appoint a temporary guardian,  
202 temporary custodian, guardian, coguardian, permanent guardian or  
203 statutory parent, (B) remove a guardian, including the appointment of  
204 another guardian, (C) reinstate a parent as guardian, (D) terminate  
205 parental rights, including the appointment of a guardian or statutory  
206 parent, (E) grant visitation, (F) make findings regarding special  
207 immigrant juvenile status, (G) approve placement of a child for  
208 adoption outside this state, (H) approve an adoption, (I) validate a  
209 foreign adoption, (J) review, modify or enforce a cooperative  
210 postadoption agreement, (K) review an order concerning contact  
211 between an adopted child and his or her siblings, (L) resolve a dispute  
212 concerning a standby guardian, (M) approve a plan for voluntary  
213 services provided by the Department of Children and Families, (N)  
214 determine whether the termination of voluntary services provided by  
215 the Department of Children and Families is in accordance with  
216 applicable regulations, (O) conduct an in-court review to modify an  
217 order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer  
218 funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S)  
219 appoint a successor custodian under section 45a-559c, (T) resolve a  
220 dispute concerning custodianship under sections 45a-557 to 45a-560b,  
221 inclusive, and (U) grant authority to purchase real estate;

222 (2) Determine parentage;

223 (3) Validate a genetic surrogacy agreement;

224 (4) Determine the age and date of birth of an adopted person born  
225 outside the United States;

226 (5) With respect to adoption records: (A) Appoint a guardian ad litem  
227 for a biological relative who cannot be located or appears to be  
228 incompetent, (B) appeal the refusal of an agency to release information,  
229 (C) release medical information when required for treatment, and (D)  
230 grant access to an original birth certificate;

231 (6) Approve an adult adoption;

232 (7) With respect to a conservatorship: (A) Appoint a temporary  
233 conservator, conservator or special limited conservator, (B) change  
234 residence, terminate a tenancy or lease, sell or dispose household  
235 furnishings, or place in a long-term care facility, (C) determine  
236 competency to vote, (D) approve a support allowance for a spouse, (E)  
237 grant authority to elect the spousal share, (F) grant authority to purchase  
238 real estate, (G) give instructions regarding administration of a joint asset  
239 or liability, (H) distribute gifts, (I) grant authority to consent to  
240 involuntary medication, (J) determine whether informed consent has  
241 been given for voluntary admission to a hospital for psychiatric  
242 disabilities, (K) determine life-sustaining medical treatment, (L) transfer  
243 to or from another state, (M) modify the conservatorship in connection  
244 with a periodic review, (N) excuse accounts under rules of procedure  
245 approved by the Supreme Court under section 45a-78, (O) terminate the  
246 conservatorship, and (P) grant a writ of habeas corpus;

247 (8) With respect to a power of attorney: (A) Compel an account by an  
248 agent, (B) review the conduct of an agent, (C) construe the power of  
249 attorney, and (D) mandate acceptance of the power of attorney;

250 (9) Resolve a dispute concerning advance directives or life-sustaining  
251 medical treatment when the individual does not have a conservator or  
252 guardian;

253 (10) With respect to an elderly person, as defined in section 17b-450:  
254 (A) Enjoin an individual from interfering with the provision of  
255 protective services to such elderly person, and (B) authorize the  
256 Commissioner of Social Services to enter the premises of such elderly  
257 person to determine whether such elderly person needs protective  
258 services;

259 (11) With respect to an adult with intellectual disability: (A) Appoint  
260 a temporary limited guardian, guardian or standby guardian, (B) grant  
261 visitation, (C) determine competency to vote, (D) modify the  
262 guardianship in connection with a periodic review, (E) determine life-  
263 sustaining medical treatment, (F) approve an involuntary placement,

264 (G) review an involuntary placement, (H) authorize a guardian to  
265 manage the finances of such adult, and (I) grant a writ of habeas corpus;

266 (12) With respect to psychiatric disability: (A) Commit an individual  
267 for treatment, (B) issue a warrant for examination of an individual at a  
268 general hospital, (C) determine whether there is probable cause to  
269 continue an involuntary confinement, (D) review an involuntary  
270 confinement for possible release, (E) authorize shock therapy, (F)  
271 authorize medication for treatment of psychiatric disability, (G) review  
272 the status of an individual under the age of sixteen as a voluntary  
273 patient, and (H) recommit an individual under the age of sixteen for  
274 further treatment;

275 (13) With respect to drug or alcohol dependency: (A) Commit an  
276 individual for treatment, (B) recommit an individual for further  
277 treatment, and (C) terminate an involuntary confinement;

278 (14) With respect to tuberculosis: (A) Commit an individual for  
279 treatment, (B) issue a warrant to enforce an examination order, and (C)  
280 terminate an involuntary confinement;

281 (15) Compel an account by the trustee of an inter vivos trust,  
282 custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of  
283 an ecclesiastical society or cemetery association;

284 (16) With respect to a testamentary or inter vivos trust: (A) Construe,  
285 validate, divide, combine, reform, modify or terminate the trust, (B)  
286 enforce the provisions of a pet trust, (C) excuse a final account under  
287 rules of procedure approved by the Supreme Court under section 45a-  
288 78, and (D) assume jurisdiction of an out-of-state trust;

289 (17) Authorize a fiduciary to establish a trust;

290 (18) Appoint a trustee for a missing person;

291 (19) Change a person's name;

292 (20) Issue an order to amend the birth certificate of an individual born

293 in another state to reflect a gender change;

294 (21) Require the Department of Public Health to issue a delayed birth  
295 certificate;

296 (22) Compel the board of a cemetery association to disclose the  
297 minutes of the annual meeting;

298 (23) Issue an order to protect a grave marker;

299 (24) Restore rights to purchase, possess and transport firearms;

300 (25) Issue an order permitting sterilization of an individual;

301 (26) Approve the transfer of structured settlement payment rights;  
302 and

303 (27) With respect to any case in a Probate Court other than a  
304 decedent's estate: (A) Compel or approve an action by the fiduciary, (B)  
305 give instruction to the fiduciary, (C) authorize a fiduciary to  
306 compromise a claim, (D) list, sell or mortgage real property, (E)  
307 determine title to property, (F) resolve a dispute between cofiduciaries  
308 or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor  
309 fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary  
310 or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K)  
311 reconsider, modify or revoke an order, and (L) decide an action on a  
312 probate bond.

313 (c) The fee to file a petition for custody of the remains of a deceased  
314 person in a Probate Court is one hundred fifty dollars, except that the  
315 court shall waive the fee if the state is obligated to pay funeral and burial  
316 expenses under section 17b-84 or 17b-131.

317 (d) The fee for a fiduciary to request the release of funds from a  
318 restricted account in a Probate Court is one hundred fifty dollars, except  
319 that the court shall waive the fee if the court approves the request  
320 without notice and hearing in accordance with the rules of procedure  
321 adopted by the Supreme Court under section 45a-78.

322 (e) The fee to register a conservator of the person or conservator of  
323 the estate order from another state under section 45a-667r or 45a-667s,  
324 or to register both types of orders for the same person at the same time,  
325 is one hundred fifty dollars.

326 (f) The fee for mediation conducted by a member of the panel  
327 established by the Probate Court Administrator is three hundred fifty  
328 dollars per day or part thereof.

329 (g) The fee to request a continuance in a Probate Court is fifty dollars,  
330 plus the actual expenses of rescheduling the hearing that are payable  
331 under section 45a-109, except that the court, for cause shown, may waive  
332 either the fifty-dollar fee or the actual expenses of rescheduling the  
333 hearing, or both. The fee shall be payable by the party who requests the  
334 continuance of a scheduled hearing or whose failure to appear  
335 necessitates the continuance.

336 (h) The fee to file a motion to permit an attorney who has not been  
337 admitted as an attorney under the provisions of section 51-80 to appear  
338 pro hac vice in a matter in the Probate Court is two hundred fifty dollars.

339 (i) The fee to file an affidavit concerning the possessions and personal  
340 effects of a deceased occupant under section 47a-11d is one hundred  
341 fifty dollars.

342 (j) The fee for the issuance of a foreign subpoena pursuant to section  
343 3 of this act is one hundred dollars.

344 [(j)] (k) Except as provided in subsection (d) of section 45a-111, fees  
345 imposed under this section shall be paid at the time of filing.

346 [(k)] (l) If a statute or rule of procedure approved by the Supreme  
347 Court under section 45a-78 specifies filings that may be combined into  
348 a single motion, petition or application, the fee under this section for the  
349 combined filing is the amount equal to the largest of the individual filing  
350 fees applicable to the underlying motions, petitions or applications.

351 [(l)] (m) No fee shall be charged under this section if exempted or

352 waived under section 45a-111 or any other provision of the general  
353 statutes.

354 Sec. 10. Section 52-155 is repealed. (*Effective July 1, 2023, and applicable*  
355 *to any request for discovery in an action pending on or filed on or after said*  
356 *date*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	New section
Sec. 2	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	New section
Sec. 3	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	New section
Sec. 4	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	New section
Sec. 5	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	New section
Sec. 6	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	New section
Sec. 7	<i>July 1, 2023</i>	52-148c
Sec. 8	<i>July 1, 2023</i>	52-259

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Sec. 9	<i>July 1, 2023</i>	45a-106a
Sec. 10	<i>July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date</i>	Repealer section

**Statement of Purpose:**

To adopt the Connecticut Interstate Depositions and Discovery Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*