



RC ID # 2020-023 a

STATE OF CONNECTICUT
SUPERIOR COURT

Michael A. Albis
Chief Administrative Judge
Family Division

1 COURT STREET
MIDDLETOWN, CT 06457
PHONE: (860) 343-6570
FAX: (860) 343-6589

December 10, 2020

Hon. Andrew J. McDonald
Chair of the Rules Committee of the Superior Court
Connecticut Supreme Court
231 Capitol Avenue
Hartford, CT 06106

RE: Proposal to amend various Practice Book Sections to reflect new process for family matters

Dear Justice McDonald:

For the past two years, the Judicial Branch and the Family Division have been working with the National Center for State Courts to redesign the family court process in ways that national studies and experts have found to benefit families. The goal of the new process is to improve outcomes for families by assessing the resources needed by a given case at an early stage and placing the case on an appropriate pathway to resolution. The process seeks to promote cooperative resolutions rather than lengthy litigation, and to reduce the number of court appearances required over the life of a case, while making each appearance more productive. A key component of the process is to eliminate the family short calendar, which caused parties to appear in court each time a new motion was filed, at a time when dozens of other cases were also called into court for similar reasons.

The original timetable for the new process contemplated implementation in early 2021. As is true for so many things, the COVID-19 pandemic has impacted that timetable. But unlike most things, the pandemic has resulted in a partial acceleration of the new process, rather than a delay. The main reason is that a primary feature of the new process, the elimination of the short calendar, happened ahead of schedule in March of this year, when public health conditions and the restrictions on court activities required the cessation of family short calendar. For now and the foreseeable future, conditions continue to preclude a process that causes courtrooms, Family Services offices, and hallways to be filled with litigants and attorneys.

The cessation of family short calendar and the necessity of conducting proceedings remotely required a new method of scheduling and conducting the work of the family court. Fortunately, the scheduling methods that were already being planned for the new process are also conducive to scheduling and holding remote court proceedings and Family Services conferences.

Since August, the family court has been using the “Case Date” scheduling method that will be part of the new process. Each case is scheduled for a designated date and time slot for a Family Relations conference followed by a court hearing, with much more time allotted to each case than was typically available on a short calendar day. Under the new process when fully implemented, each case will receive one or two pendente lite Case Dates during the life of the action, at which any pending issues may be addressed, rather than putting the case on a court calendar automatically every time a party files a new motion. If a matter requires more time than available on a Case Date, scheduling a longer hearing on a pendente lite issue at a later date remains an option, as does the scheduling of a virtual final hearing or trial.

Case Date scheduling is only part of the new process. The cornerstone of the new method will be a Family Relations conference early in the case with the litigants and attorneys, followed by a brief court appearance as needed. On this date, called the Resolution Plan Date (“RPD”), a trained Family Relations Counselor will triage the case to explore the possibility of an amicable resolution or, where that is not likely at this stage, to recommend to the court the level of services the case needs to reach a resolution. A case may need a relatively low level of resources, such as where information must be gathered before the parties can finalize an agreement, or where the parties are capable of negotiating in good faith but need further mediation services. Other cases may need a higher level of resources, like a full custody evaluation or extensive financial discovery. Based on the RPD, the court would place the case on the appropriate track to allow for the applicable services, with a scheduling order that takes into account the needs of the case.

The family courts are already ordering the scheduling of RPDs in certain categories of cases. Starting in January 2021, the plan calls for RPDs to be scheduled in all new family actions (with certain exceptions where the parties have filed documents indicating they have already reached a full agreement) and newly active postjudgment family cases.

Practice Book Section 25 and related sections contain several provisions that will no longer pertain to the new process, primarily for two reasons. The first concerns rules that reference family short calendar, which is no longer the manner of scheduling motions in family matters. The second concerns rules that pertain to our old method of case management, which required parties in new family actions to come to court on a “case management date” and to file a “case management agreement.” In the new process, the purposes of the case management date will be fulfilled earlier and more effectively at the Resolution Plan Date, and the track

Justice McDonald, Chair
Rules Committee of the Superior Court
December 10, 2020
Page Three

placement and scheduling order issued by the court after the RPD will eliminate the need for the case management agreement.

I am writing to propose amendments to various sections, primarily within Practice Book Section 25, to reflect the above developments. Attached is a document that includes the full text of each affected section and shows the proposed change, with an explanation. While the majority of the proposed changes are attributable to the two issues described in the preceding paragraph, in the course of our review we addressed other sections that we believe require general updating, independent of the new process.

Please do not hesitate to contact me if there are any questions, or if you would like me to attend a meeting of the Rules Committee about this request. Thank you very much.

Respectfully yours,

Michael A. Albis

Michael A. Albis
Chief Administrative Judge, Family Division

cc: Hon. Patrick L. Carroll III
Hon. Elizabeth Bozzuto
Attorney Joseph J. Del Ciampo
Attorney Nancy A. Porter

Practice Book Proposals
Honorable Michael A. Albis, Chief Administrative Judge, Family
December 10, 2020

Sec. 8-1. Process

(a) Process in civil actions shall be a writ of summons or attachment, describing the parties, the court to which it is returnable and the time and place of appearance, and shall be accompanied by the plaintiff's complaint. Such writ may run into any judicial district or geographical area and shall be signed by a Commissioner of the Superior Court or a judge or clerk of the court to which it is returnable. Except in those actions and proceedings indicated below, the writ of summons shall be on a form substantially in compliance with the following Judicial Branch forms prescribed by the chief court administrator: Form JD-FM-3 in family actions, Form JD-HM-32 in summary process actions, and Form JD-CV-1 in other civil actions, as such forms shall from time to time be amended. Any person proceeding without the assistance of counsel shall sign the complaint and present the complaint and proposed writ of summons to the clerk; the clerk shall review the proposed writ of summons and, unless it is defective as to form, shall sign it.

(b) For administrative appeals brought pursuant to General Statutes § 4-183 et seq., process and service of process shall be made in accordance with General Statutes § 4-183 (c) and Practice Book Section 14-7A (a).

(c) Form JD-FM-3, Form JD-HM-32, and Form JD-CV-1 shall not be used in the following actions and proceedings:

- (1) Applications for change of name.
- (2) Proceedings pertaining to arbitration.
- (3) Probate appeals.
- (4) Administrative appeals.
- (5) Verified petitions for paternity.
- (6) Verified petitions for support orders.
- (7) Any actions or proceedings in which an attachment, garnishment or replevy is sought.
- (8) Applications for custody.
- (9) Applications or petitions for visitation.
- (10) Joint petitions for nonadversarial dissolution of marriage.

(d) A plaintiff may, before service on a defendant, alter printed forms JD-FM-3, JD-HM-32, and JD-CV-1 in order to make them conform to any relevant amendments to the rules of practice or statutes.

Commentary: Subsection (c) was amended to clarify that the family summons form JD-FM-3 is not to be used for any petition for visitation or nonadversarial dissolution of marriage.

[Reason for proposal: P.B. § 8-1 is incorporated into Chapter 25 PROCEDURE IN FAMILY MATTERS. Connecticut General Statutes § 46b-44a prescribes how a nonadversarial dissolution of marriage is commenced and it does not require the JD-FM-3 summons form, yet it was not added to the list of those excluded in this section.](#)

Sec. 9-5. --Consolidation of Actions

(a) Whenever there are two or more separate actions which should be tried together, the judicial authority may, upon the motion of any party or upon its own motion, order that the actions be consolidated for trial.

(b) If a party seeks consolidation, the motion to consolidate shall be filed in all of the court files proposed to be consolidated, shall include the docket number and judicial district of each of the cases, and shall contain a certification specifically stating that the motion was served in accordance with Sections 10-12 through 10-17 on all parties to such actions. The certification shall specifically recite the name and address of each counsel and self-represented party served, the date of such service and the name and docket number of the case in which that person has appeared. The moving party shall give reasonable notice to all such parties of the date on which the motion will be heard [on short calendar]. The judicial authority shall not consider the motion unless it is satisfied that such notice was given.

(c) The court files in any actions consolidated pursuant to this section shall be maintained as separate files and all documents submitted by counsel or the parties shall bear only the docket number and case title of the file in which it is to be filed.

Commentary: Subsection (b) was amended so that motions to consolidate are not presumed to be heard on a short calendar.

Reason for proposal: P.B. § 9-5 is incorporated into Section 25-6 of Chapter 25 PROCEDURE IN FAMILY MATTERS. A short calendar is no longer run in Family Matters. Therefore, the proposed change removes the specific reference to short calendar from this section. This change would continue to allow these motions in Civil Matters to be heard on a short calendar.

Sec. 10-60. --Amendment by Consent, Order of Judicial Authority, or Failure To Object

(a) Except as provided in Section 10-66, a party may amend his or her pleadings or other parts of the record or proceedings at any time subsequent to that stated in the preceding section in the following manner:

- (1) By order of judicial authority; or
- (2) By written consent of the adverse party; or
- (3) By filing a request for leave to file an amendment together with:
 - (A) the amended pleading or other parts of the record or proceedings, and
 - (B) an additional document showing the portion or portions of the original pleading or other parts of the record or proceedings with the added language underlined and the deleted language stricken through or bracketed. The party shall file the request and accompanying documents after service upon each party as provided by Sections 10-12 through 10-17, and with proof of service endorsed thereon. If no party files an objection to the request within fifteen days from the date it is filed, the amendment shall be deemed to have been filed by consent of the adverse party. If an opposing party shall have objection to any part of such request or the amendment appended thereto, such objection in writing specifying the particular paragraph or paragraphs to which there is objection and the reasons therefor, shall, after service upon each party as provided by Sections 10-12 through 10-17 and with proof of service endorsed thereon, be filed with the clerk within the time specified above and placed upon the next short calendar list or, if filed in a family matter as defined by General Statutes § 46b-1, scheduled for a hearing as directed by the court.

(b) The judicial authority may restrain such amendments so far as may be necessary to compel the parties to join issue in a reasonable time for trial. If the amendment occasions delay in the trial or inconvenience to the other party, the judicial authority may award costs in its discretion in favor

of the other party. For the purposes of this rule, a substituted pleading shall be considered an amendment. (See General Statutes § 52-130 and annotations.)

Commentary: Subsection (a)(3)(B) was amended to provide that in Family Matters, an objection to a request for leave to file an amendment would be scheduled as directed by the court, rather than be placed on a short calendar.

Reason for proposal: P.B. § 10-60 is incorporated into Section 25-8 of Chapter 25 PROCEDURE IN FAMILY MATTERS. A short calendar is no longer run in Family Matters. Therefore, the proposed change specifies that in a Family Matter an objection to a request for leave to file an amendment would be scheduled for a hearing as directed by the court, rather than be placed on the next short calendar.

Sec. 11-1. Form of Motion and Request

(a) Every motion, request, application or objection directed to pleading or procedure, unless relating to procedure in the course of a trial, shall be in writing. A motion to extend time to plead, respond to written discovery, object to written discovery, or respond to requests for admissions shall state the date of the certification of service of the document for which an extension is sought and the date through which the moving party is seeking the extension.

(b) (1) For civil, housing, [matters, with the exception of housing, family and] small claims and family matters, when any motion, application or objection is filed either electronically or on paper, no order page should be filed unless an order of notice and citation is necessary.

(2) For [family,] juvenile[, housing and small claims] matters, when any motion, application or objection is filed in paper format, an order shall be annexed to the filing until such cases are incorporated into the Judicial Branch's electronic filing system. Once these case types are incorporated into such electronic filing system, no order page should be filed unless an order of notice and citation is necessary.

(c) Whether filed under subsection (b)(1) or (b)(2), such motion, request, application or objection shall be served on all parties as provided in Sections 10-12 through 10-17 and, when filed, the fact of such service shall be endorsed thereon. Any such motion, request, application or objection, as well as any supporting brief or memorandum, shall include a page number on each page other than the first page, except that this requirement shall not apply to forms supplied by the Judicial Branch or generated by the electronic filing system.

Commentary: Subsection (b)(1) was amended to reflect that housing, small claims and family matters are now fully incorporated into the Judicial Branch's electronic filing system.

Reason for proposal: Housing, small claims and family matters are now incorporated into the electronic filing system.

Sec. 11-5. Subsequent Orders of Notice; Continuance

Motions made to the court for a second or subsequent order of notice shall be filed with the clerk, who shall call them to the attention of the judicial authority at the earliest convenient time. The judicial authority may thereupon enter its order or direct that the matter be placed on the next short calendar list, or other docket if it is a family matter as defined by Section 25-1. If a continuance of the case is desired, it may also be requested in the motion for the order of notice.

Commentary: This section was amended to provide that in family matters, the judicial authority may rule on a subsequent order of notice when it comes to his or her attention, or direct that it be placed on a docket other than the short calendar.

Reason for proposal: The proposed change allows the judicial authority to direct that a subsequent order of notice be placed on a docket other than the short calendar if it is filed in a family matter.

Sec. 11-10. Requirement That Memorandum of Law Be Filed with Certain Motions

(a) A memorandum of law briefly outlining the claims of law and authority pertinent thereto shall be filed and served by the movant with the following motions and requests: (1) motions regarding parties filed pursuant to Sections 9-18 through 9-22 and motions to implead a third-party defendant filed pursuant to Section 10-11; (2) motions to dismiss except those filed pursuant to Section 14-3; (3) motions to strike; (4) motions to set aside judgment filed pursuant to Section 17-4; and (5) motions for summary judgment. Memoranda of law may be filed by other parties on or before the time the matter appears on the short calendar or other docket if it is a family matter as defined by Section 25-1.

(b) A reply memorandum is not required and the absence of such memoranda will not prejudice any party. A reply memorandum shall be strictly confined to a discussion of matters raised by the responsive memorandum and shall be filed within fourteen days of the filing of the responsive memorandum to which such reply memoranda is being made.

(c) Surreply memoranda cannot be filed without the permission of the judicial authority.

Commentary: Subsection (a) was amended so that it is not presumed that the motion to which a memorandum of law applies would be placed on a short calendar.

Reason for proposal: The proposed change allows the judicial authority to direct that a subsequent order of notice be placed on a docket other than the short calendar if it is filed in a family matter.

Sec. 13-8. --Objections to Interrogatories

(a) The party objecting to any interrogatory shall: (1) set forth each interrogatory; (2) specifically state the reasons for the objection; and (3) state whether any responsive information is being withheld on the basis of the stated objection. Objections shall be governed by the provisions of Sections 13-2 through 13-5, signed by the attorney or self-represented party making them, and filed with the court pursuant to Section 13-7. No objection may be filed with respect to interrogatories which have been set forth in Forms 201, 202, 203, 208, 210, 212, 213 and/or 214 of the rules of practice for use in connection with Section 13-6.

(b) To the extent a party withholds responsive information based on an assertion of a claim of privilege or work product protection, the party must file an objection in compliance with the provisions of subsection (a) of this section and comply with the provisions set forth in subsection (d) of Section 13-3.

(c) No objections to interrogatories shall be placed on the short calendar list, or other docket if it is a family matter as defined by 46b-1, until an affidavit by either counsel is filed certifying that bona fide attempts have been made to resolve the differences concerning the subject matter of the objection and that counsel have been unable to reach an agreement. The affidavit shall set forth the date of the objection, the name of the party who filed the objection and the name of the party to whom the objection was addressed. The affidavit shall also recite the date, time and place of

any conference held to resolve the differences and the names of all persons participating therein or, if no conference has been held, the reasons for the failure to hold such a conference. If any objection to an interrogatory is overruled, the objecting party shall answer the interrogatory, and serve the answer within twenty days after the judicial authority ruling unless otherwise ordered by the judicial authority.

(d) An interrogatory otherwise proper is not objectionable merely because it involves more than one fact or relates to the application of law to facts.

Commentary: Subsection (c) was amended so that it is not presumed that the objection to interrogatories would be placed on a short calendar.

[Reason for proposal: The proposed change removes the presumption in family matters that the objection to interrogatories would appear on a short calendar.](#)

Sec. 13-10. --Responses to Requests for Production; Objections

(a) The party to whom the request is directed or such party's attorney shall serve a written response, which may be in electronic format, within sixty days after the date of certification of service, in accordance with Sections 10-12 through 10-17, of the request or, if applicable, the notice of requests for production on the responding party or within such shorter or longer time as the judicial authority may allow, unless:

(1) Counsel and/or self-represented parties file with the court a written stipulation extending the time within which responses may be served; or

(2) Upon motion, the court allows a longer time; or

(3) Objections to the requests for production and the reasons therefor are filed and served within the sixty day period.

(b) All responses: (1) shall repeat immediately before the response the request for production being responded to; and (2) shall state with respect to each item or category that inspection and related activities will be permitted as requested, unless the request or any part thereof is objected to.

(c) Where a request calling for submission of copies of documents is not objected to, the party responding to the request shall produce those copies with the response served upon all parties.

(d) Objection by a party to certain parts of a request shall not relieve that party of the obligation to respond to those portions to which that party has not objected within the sixty day period.

(e) A party objecting to one or more of the requests for production shall file an objection in accordance with subsection (f) of this section.

(f) A party who objects to any request or portion of a request shall: (1) set forth the request objected to; (2) specifically state the reasons for the objection; and (3) state whether any responsive materials are being withheld on the basis of the stated objection. Objections shall be governed by the provisions of Sections 13-2 through 13-5, signed by the attorney or self-represented party making them and filed with the court.

(g) To the extent a party withholds any responsive material based on an assertion of a claim of privilege or work product protection, the party must file an objection in compliance with the provisions of subsection (f) of this section and comply with the provisions set forth in subsection (d) of Section 13-3.

(h) No objection may be filed with respect to requests for production set forth in Forms 204, 205, 206, 209, 211, 215 and/or 216 of the rules of practice for use in connection with Section 13-9.

(i) No objection to any request for production shall be placed on the short calendar list, or other docket if it is a family matter as defined by 46b-1, until an affidavit by counsel or self-represented parties is filed certifying that they have made good faith attempts to resolve the objection and that counsel and/or self-represented parties have been unable to reach an agreement. The affidavit shall set forth: (1) the date of the objection; (2) the name of the party who filed the objection and to whom the objection was addressed; (3) the date, time and place of any conference held to resolve the differences; and (4) the names of all conference participants. If no conference has been held, the affidavit shall also set forth the reasons for the failure to hold such a conference.

(j) If an objection to any part of a request for production is overruled, the objecting party shall comply with the request at a time set by the judicial authority. (k) The party serving the request or the notice of request for production may move for an order under Section 13-14 with respect to any failure to respond by the party to whom the request or notice is addressed.

Commentary: Subsection (i) was amended so that it is not presumed that the objection to a request for production would be placed on a short calendar.

[Reason for proposal: The proposed change removes the presumption in family matters that the objection to a request for production would appear on a short calendar.](#)

Sec. 13-11. --Physical or Mental Examination

(a) In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, in which the mental or physical condition of a party, or of a person in the custody of or under the legal control of a party, is material to the prosecution or defense of said action, the judicial authority may order the party to submit to a physical or mental examination by a physician or to produce for examination the person in the party's custody or legal control.

(b) In the case of an action to recover damages for personal injuries, any party adverse to the plaintiff may file and serve in accordance with Sections 10-12 through 10-17 a request that the plaintiff submit to a physical or mental examination at the expense of the requesting party. That request shall specify the time, place, manner, conditions and scope of the examination and the person or persons by whom it is to be made. Any such request shall be complied with by the plaintiff unless, within ten days from the filing of the request, the plaintiff files in writing an objection thereto specifying to which portions of said request objection is made and the reasons for said objection. The objection shall be placed on the short calendar list upon the filing thereof. The judicial authority may make such order as is just in connection with the request. No plaintiff shall be compelled to undergo a physical or mental examination by any physician to whom he or she objects in writing.

(c) In any other case, such order may be made only on motion for good cause shown [to be heard at short calendar]. The motion shall specify the time, place, manner, conditions and scope of the examination and the person or persons by whom it is to be made.

(d) If requested by the party against whom an order is made under this rule, or who has voluntarily agreed to an examination, the party causing the examination to be made shall deliver to such party a copy of a written report of the examining physician, setting out the findings, including results of all tests made, diagnoses and conclusions, together with like reports of all earlier examinations of the same condition. After delivery, the party causing the examination shall be entitled upon request to receive from the party against whom the order is made, or who has voluntarily agreed to an examination, a like report of any examination, previously or thereafter

made, of the same condition. The judicial authority on motion may make an order requiring delivery by a party of a report on such terms as are just, and if a physician fails or refuses to make a report, the judicial authority may exclude the physician's testimony if offered at the trial.

(e) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives, in that action, or in any other action involving the same controversy, any privilege he or she may have regarding the testimony of every other person who has examined or may thereafter examine the party in respect to the same mental or physical condition.

(f) This section does not preclude discovery of a report of an examining physician or the taking of a deposition of the physician in accordance with the provisions of any other section of this chapter.

Commentary: Subsection (c) was amended so that it is not presumed that a motion for physical or mental examination in a Family Matter would be placed on a short calendar.

[Reason for proposal: The proposed change removes the presumption that a motion for physical or mental examination in a Family Matter would appear on a short calendar.](#)

Sec. 13-23. --Answers and Objections to Requests for Admission

(a) Each matter of which an admission is requested is admitted unless, within thirty days after the filing of the notice required by Section 13-22 (b), or within such shorter or longer time as the judicial authority may allow, the party to whom the request is directed files and serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. Any such answer or objection shall be inserted directly on the original request. In the event that an answer or objection requires more space than that provided on a request for admission that was not served electronically and in a format that allows the recipient to electronically insert the answers in the transmitted document, it shall be continued on a separate sheet of paper which shall be attached to the response. Documents sought to be admitted by the request shall be filed with the response by the responding party only if they are the subject of an answer or objection. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his or her answer or deny only a part of the matter of which an admission is requested, such party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless such party states that he or she has made reasonable inquiry and that the information known or readily obtainable by him or her is insufficient to enable an admission or denial. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may deny the matter or set forth reasons why he or she cannot admit or deny it. The responding party shall attach a cover sheet to the response which shall comply with Sections 4-1 and 4-2 and shall specify those requests to which answers and objections are addressed.

(b) The party who has requested the admission may move to determine the sufficiency of the answer or objection. No such motion shall be placed on the short calendar list, or other docket if it is a family matter as defined by 46b-1, until an affidavit by either counsel or self-represented parties is filed certifying that bona fide attempts have been made to resolve the differences concerning the subject matter of the motion and that counsel have been unable to reach an accord. Unless the judicial authority determines that an objection is justified, it shall order that an answer be served. If the judicial authority determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended

answer be served. The judicial authority may, in lieu of these orders, determine that final disposition of the request be made at a designated time prior to trial.

Commentary: Subsection (b) was amended so that it is not presumed that the motion to determine sufficiency of the answer or objection to a request for admission would be placed on a short calendar.

Reason for proposal: The proposed change removes the presumption in family matters that the motion to determine sufficiency of the answer or objection to a request for admission would appear on a short calendar.

Sec. 25-2. Complaints for Dissolution of Marriage or Civil Union, Legal Separation, or Annulment

(a) Every complaint in a dissolution of marriage or civil union, legal separation or annulment action shall state the date and place, including the city or town, of the marriage or civil union and the facts necessary to give the court jurisdiction.

(b) Every such complaint shall also state whether there are minor children issue of the marriage or minor children of the civil union and whether there are any other minor children born to [the wife] a party to the marriage or civil union since the date of the parties' marriage or civil union [of the parties, or born to a party to the civil union since the date of the civil union], the name and date of birth of each, and the name of any individual or agency presently responsible by virtue of judicial award for the custody or support of any child. These requirements shall be met whether a child is issue of the marriage or civil union or not, [whether a child is born to a party of the civil union or not,] and whether custody of children is sought in the action or not. In every case in which the state of Connecticut or any town thereof is contributing or has contributed to the support or maintenance of a party or child of said party, such fact shall be stated in the complaint and a copy thereof served on the attorney general or town clerk in accordance with the provisions of Sections 10-12 through 10-17. Although the attorney general or town clerk shall be a party to such cases, he or she need not be named in the writ of summons or summoned to appear.

(c) The complaint shall also set forth the plaintiff's demand for relief and the automatic orders as required by Section 25-5.

Commentary: The amended language to subsection (b) removes a reference to a child being born to the wife in a marriage, as well as additional language, to account for children in same sex marriages and civil unions that were merged into marriage by operation of law.

Reason for proposal: The existing language had not been broadened to account for same sex parents in a marriage.

Sec. 25-3. Action for Custody of Minor Child

Every application in an action for custody of a minor child, other than actions for dissolution of marriage or civil union, legal separation or annulment, shall state the name and date of birth of such minor child or children, the names of the parents and legal guardian of such minor child or children, and the facts necessary to give the court jurisdiction. The application shall comply with Section 25-5. Such application shall be commenced by an order to show cause. [Upon presentation of the application and an affidavit concerning children, the judicial authority shall cause an order to be issued requiring the adverse party or parties to appear on a day certain and show cause, if any there be, why the relief requested in the application should not be granted.] The application, order and affidavit shall be served on the adverse party not less than twelve days before the [date of the hearing] first scheduled court event, which shall not be held more than thirty-five days from the filing of the application.

Commentary: Previously, custody applications were automatically set for a hearing date, which would require time on the record, often for cases that did not yet require it. This change allows the court to schedule the first court date to be a meeting with Family Services, which is both more beneficial to the case, and a more appropriate use of court time and resources. The time for that first court event has also been increased from thirty to thirty-five days to allow for more flexibility in scheduling these matters.

Reason for proposal: This proposal changes existing language to remove the requirement that each custody case be assigned an automatic hearing date as its first court event within thirty days, while retaining the language that the action commences by an order to show cause. A hearing at this juncture is often premature and consumes court time for which it is not yet ready. This proposal also increases the timeframe for that first event to be within thirty-five days, to give the court more flexibility in scheduling.

Sec. 25-4. Action for Visitation of Minor Child

Every application or verified petition in an action for visitation of a minor child, other than actions for dissolution of marriage or civil union, legal separation or annulment, shall state the name and date of birth of such minor child or children, the names of the parents and legal guardian of such minor child or children, and the facts necessary to give the court jurisdiction. An application brought under this section shall comply with Section 25-5. Any application or verified petition brought under this Section shall be commenced by an order to show cause. [Upon presentation of the application or verified petition and an affidavit concerning children, the judicial authority shall cause an order to be issued requiring the adverse party or parties to appear on a day certain and show cause, if any there be, why the relief requested in the application or verified petition should not be granted.] The application or verified petition, order and affidavit shall be served on the adverse party not less than twelve days before the [date of the hearing] first scheduled court event, which shall not be held more than thirty-five days from the filing of the application or petition.

Commentary: Just like custody applications, previously, visitation applications and petitions were automatically set for a hearing date, which would require time on the record, often for cases that did not yet require it. This change allows the court to schedule the first court date to be a meeting with Family Services, which is both more beneficial to the case, and a more appropriate use of court time and resources. The time for that first court event has also been increased from thirty to thirty-five days to allow for more flexibility in scheduling these matters.

Reason for proposal: This proposal changes existing language to remove the requirement that each visitation case be assigned an automatic hearing date as its first court event within thirty days, while retaining the language that the action commences by an order to show cause. A hearing at this juncture is often premature and consumes court time for which it is not yet ready. This proposal also increases the timeframe for that first event to be within thirty-five days, to give the court more flexibility in scheduling.

Sec. 25-5. Automatic Orders upon Service of Complaint or Application

The following automatic orders shall apply to both parties, with service of the automatic orders to be made with service of process of a complaint for dissolution of marriage or civil union, legal separation, or annulment, or of an application for custody or visitation. An automatic order shall not apply if there is a prior, contradictory order of a judicial authority. The automatic orders shall be effective with regard to the plaintiff or the applicant upon the signing of the complaint or the application and with regard to the defendant or the respondent upon service and shall remain in

place during the pendency of the action, unless terminated, modified, or amended by further order of a judicial authority upon motion of either of the parties:

(a) In all cases involving a child or children, whether or not the parties are married or in a civil union:

(1) Neither party shall permanently remove the minor child or children from the state of Connecticut, without written consent of the other or order of a judicial authority.

(2) A party vacating the family residence shall notify the other party or the other party's attorney, in writing, within forty-eight hours of such move, of an address where the relocated party can receive communication. This provision shall not apply if and to the extent there is a prior, contradictory order of a judicial authority.

(3) If the parents of minor children live apart during this proceeding, they shall assist their children in having contact with both parties, which is consistent with the habits of the family, personally, by telephone, and in writing. This provision shall not apply if and to the extent there is a prior, contradictory order of a judicial authority.

(4) Neither party shall cause the children of the marriage or the civil union to be removed from any medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) The parties shall participate in the parenting education program within sixty days of the return day or within sixty days from the filing of the application.

(6) These orders do not change or replace any existing court orders, including criminal protective and civil restraining orders.

(b) In all cases involving a marriage or civil union, whether or not there are children:

(1) Neither party shall sell, transfer, exchange, assign, remove, or in any way dispose of, without the consent of the other party in writing, or an order of a judicial authority, any property, except in the usual course of business or for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(A) Nothing in subsection (b)(1) shall be construed to preclude a party from purchasing or selling securities, in the usual course of the parties' investment decisions, whether held in an individual or jointly held investment account, provided that the purchase or sale is: (i) intended to preserve the estate of the parties, (ii) transacted either on an open and public market or at an arm's length on a private market, and (iii) completed in such manner that the purchased securities or sales proceeds resulting from a sale remain, subject to the provisions and exceptions recited in subsection (b)(1), in the account in which the securities or cash were maintained immediately prior to the transaction. Nothing contained in this subsection shall be construed to apply to a party's purchase or sale on a private market of an interest in an entity that conducts a business in which the party is or intends to become an active participant.

(B) Notwithstanding the requirement of subparagraph (A) of subsection (b)(1) that the transaction be made in the usual course of the parties' investment decisions, if historically the parties' usual course of investment decisions involves their discussion of proposed transactions with each other before they are made, but a sale proposed by one party is a matter of such urgency as to timing that the party proposing the sale has a good faith belief that the delay occasioned by such discussion would result in loss to the estate of the parties, then the party proposing the sale may proceed with the transaction without such prior discussion, but shall notify the other party of the transaction immediately upon its execution; provided, that a sale permitted by this subparagraph (B) shall be subject to

all other conditions and provisions of subparagraph (A) of subsection (b)(1), so long as the transaction is intended to preserve the estate of the parties.

(2) Neither party shall conceal any property.

(3) Neither party shall encumber (except for the filing of a lis pendens) without the consent of the other party, in writing, or an order of a judicial authority, any property except in the usual course of business or for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(4) Neither party shall cause any asset, or portion thereof, co-owned or held in joint name, to become held in his or her name solely without the consent of the other party, in writing, or an order of the judicial authority.

(5) Neither party shall incur unreasonable debts hereafter, including, but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards.

(6) Neither party shall cause the other party to be removed from any medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(7) Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners or renters insurance policies in full force and effect.

(8) If the parties are living together on the date of service of these orders, neither party may deny the other party use of the current primary residence of the parties, whether it be owned or rented property, without order of a judicial authority. This provision shall not apply if there is a prior, contradictory order of a judicial authority.

(c) In all cases:

[(1)] The parties shall each complete and exchange sworn financial statements substantially in accordance with a form prescribed by the chief court administrator within thirty days of the return day. The parties may thereafter enter and submit to the court a stipulated interim order allocating income and expenses, including, if applicable, proposed orders in accordance with the uniform child support guidelines.

[(2) The case management date for this case is _____.
The parties shall comply with Section 25-50 to determine if their actual presence at the court is required on that date.]

(d) The automatic orders of a judicial authority as enumerated above shall be set forth immediately following the party's requested relief in any complaint for dissolution of marriage or civil union, legal separation, or annulment, or in any application for custody or visitation, and shall set forth the following language in bold letters:

Failure to obey these orders may be punishable by contempt of court. If you object to or seek modification of these orders during the pendency of the action, you have the right to a hearing before a judge within a reasonable time.

The clerk shall not accept for filing any complaint for dissolution of marriage or civil union, legal separation, or annulment, or any application for custody or visitation, that does not comply with this subsection.

Commentary: The Automatic Orders no longer make reference to a Case Management Date, as the Judicial Branch has implemented the Triage/Pathways approach in family cases. Such approach begins active family case management and issues scheduling orders significantly earlier than that which occurred under the case management rules, rendering the Case Management Date in subsection (c)(2) moot.

Reason for proposal: This, along with the proposal to repeal the Case Management Rules 25-50 and 25-51, will remove requirements that are no longer applicable to handling family cases, having implemented the Triage/Pathways approach to family case management.

Sec. 25-6. Parties and Appearances

The provisions of Sections 8-1, 8-2, [9-1,] 9-3 through 9-6, inclusive, 9-18, 9-19, 9-22, 9-24 and 10-12 through 10-17 of the rules of practice shall apply to family matters as defined in Section 25-1.

Commentary: The reference to P.B. § 9-1 has been removed from this section. Public Act 18-14 articulated certain procedures and timeframes for when a decree may enter in a divorce or legal separation case with a nonappearing defendant that conflicted with certain provisions of 9-1.

Reason for proposal: 9-1 requires an action for which an individual is out of state to be continued or postponed for three months. This section should have been removed from 25-6 when P.A. 18-14 amended 46b-67 to articulate the default procedures in divorces and legal separations when a defendant has not appeared.

Sec. 25-9. --Answer, Cross Complaint, Claims for Relief by Defendant

The defendant in a dissolution of marriage or civil union, legal separation, or annulment matter may file, in addition to the above mentioned pleadings, one of the following pleadings which shall comply with Sections 10-1, 10-3, 10-5, 10-7[, 10-8] and 10-12 through 10-17, 10-18 and 10-19 inclusive:

(1) An answer may be filed which denies or admits the allegations of the complaint, or which states that the defendant has insufficient information to form a belief and leaves the pleader to his or her proof, and which may set forth the defendant's claims for relief.

(2) An answer and cross complaint may be filed which denies or admits the allegations of the complaint, or which states that the defendant has insufficient information to form a belief and leaves the pleader to his or her proof, and which alleges the grounds upon which a dissolution, legal separation or annulment is sought by the defendant and specifies therein the claims for relief.

Commentary: The reference to Section 10-8 has been removed from this section to conform to current practice.

Reason for proposal: The timing of the filing of pleadings as set forth in Section 10-8 does not play a role in family matters, and it is requested that it be removed from Section 25-9.

Sec. 25-13. --Grounds on Motion To Dismiss

(a) The motion to dismiss shall be used to assert (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) insufficiency of process and (4) insufficiency of service

of process. This motion shall always be filed with a supporting memorandum of law and, where appropriate, with supporting affidavits as to facts not apparent on the record.

(b) If an adverse party objects to this motion he or she shall, at least five days before the motion is to be considered [on the short calendar], file and serve in accordance with Sections 10-12 through 10-17 a memorandum of law and, where appropriate, supporting affidavits as to facts not apparent on the record.

Commentary: Subsection (b) was amended so that an objection to a motion to dismiss in a Family Matter is not presumed to be heard on a short calendar.

[Reason for proposal: The proposed change removes the specific reference to short calendar from this section.](#)

Sec. 25-17. --Date for Hearing

The motion shall be [placed on the short calendar to be held not less than fifteen days following the filing of the motion, unless] scheduled as directed by the judicial authority [otherwise directs].

Commentary: This section was amended to remove the reference to the short calendar.

[Reason for proposal: The proposed change removes the reference to short calendar and indicates that the motion to strike will be scheduled as directed by the judicial authority.](#)

Sec. 25-19. --Memorandum of Law

(a) Each motion to strike must be accompanied by an appropriate memorandum of law citing the legal authorities upon which the motion relies.

(b) If an adverse party objects to this motion such party shall, at least five days before the date the motion is to be considered [on the short calendar], file and serve in accordance with Sections 10-12 through 10-17 a memorandum of law.

Commentary: Subsection (b) was amended so that an objection to a motion to dismiss in a Family Matter is not presumed to be heard on a short calendar.

[Reason for proposal: The proposed change removes the specific reference to short calendar from this section.](#)

Sec. 25-23. Motions, Requests, Orders of Notice, and Short Calendar

The provisions of Sections 11-1, 11-2, 11-4, 11-5, 11-6, 11-8, 11-10, 11-11, 11-12, [11-19,] 12-1, 12-2, and 12-3 of the rules of practice shall apply to family matters as defined in Section 25-1.

Commentary: This section was amended to remove the reference to 11-19.

[Reason for proposal: The proposed change removes reference to 11-19. A new proposed subsection \(c\) and \(d\) have been added to Section 25-24 to indicate the timeframe for which motions after hearing need to be decided in family matters, which is substantially similar to Section 11-19.](#)

Sec. 25-24. Motions

(a) Any appropriate party may move for alimony, child support, custody, visitation, appointment or removal of counsel for the minor child, appointment or removal of a guardian ad litem for the minor child, counsel fees, or for an order with respect to the maintenance of the family or for any other equitable relief.

(b) Each such motion shall state clearly, in the caption of the motion, whether it is a pendente lite or a postjudgment motion.

(c) Any judge of the Superior Court and any judge trial referee to whom a motion under this section has been submitted for decision, with or without oral argument, shall issue a decision on such matter not later than 120 days from the date of such submission unless such time limit is waived by the parties. In the event that the judge or referee conducts a hearing on the matter and/or the parties file briefs concerning it, the date of submission for purposes of this section shall be the date the matter is heard or the date the last brief ordered by the court is filed, whichever occurs later. If a decision is not rendered within this period a motion may be filed pursuant to subsection (d) of this section asking for assignment to another judge or referee.

(d) A party seeking to invoke the provision of subsection (c) of this section shall not later than fourteen days after the expiration of the 120 day period file with the clerk a motion for reassignment of the undecided matter, the name of the judge or referee to whom it was submitted, that a timely decision on the matter has not been rendered, and whether or not testimony is required. The failure of a party to file a timely motion for reassignment shall be deemed a waiver by that party of the 120 day time.

Commentary: New subsections (c) and (d) were added to this section was amended to add the substantive provisions of Section 11-19, but without the references to short calendar.

[Reason for proposal: Because Section 11-19, which was previously incorporated into Section 25-23, is specific to short calendar, this section has been amended to incorporate the provisions of Section 11-19 without the references to short calendar.](#)

Sec. 25-26. Modification of Custody, Alimony or Support

(a) Upon an application for a modification of an award of alimony pendente lite, alimony or support of minor children, filed by a person who is then in arrears under the terms of such award, the judicial authority shall, upon hearing, ascertain whether such arrearage has accrued without sufficient excuse so as to constitute a contempt of court, and, in its discretion, may determine whether any modification of current alimony and support shall be ordered prior to the payment, in whole or in part as the judicial authority may order, of any arrearage found to exist.

(b) Either parent or both parents of minor children may be cited or summoned by any party to the action to appear and show cause, if any they have, why orders of custody, visitation, support or alimony should not be entered or modified.

(c) If any applicant is proceeding without the assistance of counsel and citation of any other party is necessary, the applicant shall sign the application and present the application, proposed order and summons to the clerk; the clerk shall review the proposed order and summons and, unless it is defective as to form, shall sign the proposed order and summons and shall assign a court date [for a hearing] on the application.

(d) Each motion for modification of custody, visitation, alimony or child support shall state clearly in the caption of the motion whether it is a pendente lite or a postjudgment motion.

(e) Each motion for modification shall state the specific factual and legal basis for the claimed modification and shall include the outstanding order and date thereof to which the motion for modification is addressed.

(f) On motions addressed to financial issues, the provisions of Section 25-30 shall be followed.

(g) Upon or after entry of judgment of a dissolution of marriage, dissolution of civil union, legal separation or annulment, or upon or after entry of a judgment or final order of custody and/or visitation for a petition or petitions filed pursuant to Section 25-3 and/or Section 25-4, the judicial authority may order that any further motion for modification of a final custody or visitation order shall be appended with a request for leave to file such motion and shall conform to the requirements of subsection (e) of this section. The specific factual and legal basis for the claimed modification shall be sworn to by the moving party or other person having personal knowledge of the facts recited therein. If no objection to the request has been filed by any party within ten days of the date of service of such request on the other party, the request for leave may be determined by the judicial authority with or without hearing. If an objection is filed, the request shall be scheduled as directed [placed on the next short calendar, unless] by the judicial authority [otherwise directs]. At such hearing, the moving party must demonstrate probable cause that grounds exist for the motion to be granted. If the judicial authority grants the request for leave, at any time during the pendency of such a motion to modify, the judicial authority may determine whether discovery or a study or evaluation pursuant to Section 25-60 shall be permitted.

Commentary: Subsections (c) and (g) were amended to allow the court to schedule the matter for the appropriate court event rather than an automatic hearing date, which is both more beneficial to the case, and a more appropriate use of court time and resources, and scheduled as directed by the court rather than on a short calendar.

Reason for proposal: Post-judgment motions, to which subsection (c) mostly applies, will generally be assigned for a Triage/Resolution Plan Date with CSSD Family Services prior to being assigned a hearing date, as a hearing date may not be necessary. The proposed change in language to subsection (c) would give the court the flexibility to assign the motion for the appropriate court date rather than an automatic hearing date. The proposed change also removes the reference to short calendar from subsection (g) and indicates that the objection will be scheduled as directed by the judicial authority.

Sec. 25-30. Statements To Be Filed

(a) At least five days before the hearing date of a motion or order to show cause concerning alimony, support, or counsel fees, or at the time a dissolution of marriage or civil union, legal separation or annulment action or action for custody or visitation is scheduled for a hearing, each party shall file, where applicable, a sworn statement substantially in accordance with a form prescribed by the chief court administrator, of current income, expenses, assets and liabilities. When the attorney general has appeared as a party in interest, a copy of the sworn statements shall be served upon him or her in accordance with Sections 10-12 through 10-17. Unless otherwise ordered by the judicial authority, all appearing parties shall file sworn statements within thirty days prior to the date of the decree. Notwithstanding the above, the court may render pendente lite and permanent orders, including judgment, in the absence of the opposing party's sworn statement.

(b) At least ten days before [the] any scheduled family special masters session, alternative dispute resolution session, or judicial pretrial, the parties shall serve on each appearing party, but not file with the court, written proposed orders, and[, at least ten days] in accordance with scheduling orders issued by the court, prior to the date of the final [limited contested or contested] hearing, the parties shall file with the court and serve on each appearing party written proposed orders.

(c) The written proposed orders shall be comprehensive and shall set forth the party's requested relief including, where applicable, the following:

- (1) a parenting plan;
- (2) alimony;
- (3) child support;
- (4) property division;
- (5) counsel fees;
- (6) life insurance;
- (7) medical insurance; and
- (8) division of liabilities.

(d) The proposed orders shall be neither factual nor argumentative but shall, instead, only set forth the party's claims.

(e) Where there is a minor child who requires support, the parties shall file a completed child support and arrearage guidelines worksheet at the time of any court hearing concerning child support; or at the time of a final hearing in an action for dissolution of marriage or civil union, legal separation, annulment, custody or visitation.

(f) At the time of any hearing, including pendente lite and postjudgment proceedings, in which a moving party seeks a determination, modification, or enforcement of any alimony or child support order, a party shall submit an Advisement of Rights Re: [Wage] Income Withholding (JD-FM-71).

Commentary: The references in subsection (b) to the "limited contested" and "contested" categorization of cases has been removed; and the timeframe for filing written proposed orders for trial has been changed to that which appears in the court's scheduling order, both to comport with current practice. The form name of the Advisement of Rights Re: Income Withholding (JD-FM-71) was also updated.

Reason for Proposal: The court has not used the categorization of family cases as limited contested or fully contested for a number of years. This proposal removes those references. It further changes the prescribed time period for filing proposed orders for trial to the time period that the judge prescribes in his or her scheduling order. The name of the Advisement of Rights form has also been changed to reflect its current name.

Sec. 25-34. Procedure for [Short Calendar] Decision on Motions

(a) With the exception of matters governed by Chapter 13 or a motion to waive the statutory time period in an uncontested dissolution of marriage or legal separation case under General Statutes § 46b-67 (b), oral argument on any motion or the presentation of testimony thereon shall be [allowed] held at a date and time scheduled by the judicial authority, subject to [if the appearing parties have followed administrative policies for marking the motion ready and for] screening with family services if so ordered by the judicial authority. Oral argument and the presentation of testimony on motions made under Chapter 13 are at the discretion of the judicial authority.

(b) Any such motion filed to waive the statutory time period in an uncontested dissolution of marriage or legal separation case [will not be placed on the short calendar] shall be directed by [T] the clerk [shall bring the motion] as soon as practicable to either the judicial authority assigned to hear the case, or, if a judicial authority has not yet been assigned, to the presiding judicial authority for a ruling on the papers. If granted, the uncontested dissolution or legal separation is to be scheduled in accordance with the request of the parties to the degree that such request can be accommodated, including scheduling the matter on the same day that the motion is granted.

(c) If the judicial authority has determined that oral argument or the presentation of testimony is necessary on a motion made under Chapter 13, the judicial authority shall set the matter for oral argument or testimony on a [short calendar date or other] date as determined by the judicial authority.

[(d) If the judicial authority has determined that oral argument or the presentation of testimony is necessary on a motion made under Chapter 13 and has not set it down on a hearing date, the movant may reclaim the motion within thirty days of the date the motion appeared on the calendar.]

[(e) If the matter will require more than one hour of court time, it may be specifically assigned for a date certain.]

[(f)] (d) Failure to appear and present argument on the date set by the judicial authority shall constitute a waiver of the right to argue unless the judicial authority orders otherwise. [Unless for good cause shown, no motion may be reclaimed after a period of three months from the date of filing.] This subsection shall not apply to those motions where counsel appeared on the date set by the judicial authority and entered into a scheduling order for discovery, depositions and a date certain for hearing.

Commentary: This section was amended to reflect the fact as there is no longer a short calendar in Family Matters, resulting in different methods of assigning motions for hearing.

Reason for proposal: This proposal amends the section to delete references to the now defunct short calendar process.

Sec. 25-39. Miscellaneous Rules

Except as otherwise provided in Section 25-51, the provisions of Sections 7-19, [17-20, 18-5,] 18-9, 20-1, 20-3, 23-67 and 23-68 of the rules of practice shall apply to family matters as defined in Section 25-1.

Commentary: The references to P.B. §§ 17-20 and 18-5 have been removed from this section, as motions for default for failure to appear and bills of cost have not typically been filed in family matters.

Reason for proposal: 17-20 is not used in Family matters. In a search of calendar year 2019, there was no motion for default for failure to appear filed in a family case showing in the system. Same with 18-5 Bill of Costs. Important Note: If it is decided that 17-20 must remain referenced in Section 25-39, language regarding the short calendar in (e) of Section 17-20 will need to be changed to accommodate the fact that there is no longer a Family short calendar.

REPEAL [Sec. 25-49. Definitions

For purposes of these rules the following definitions shall apply:

(1) "Uncontested matter" means a case in which both parties are appearing and no aspect of the matter is in dispute.

(2) "Financial Disputes" means a case in which monetary awards, real property or personal property are in dispute.

(3) "Parenting Disputes" means a case in which child custody, visitation rights, also called parenting time or access, paternity or the grounds for the action are in dispute.

A case may contain both financial and parenting disputes.]

Commentary: This section was repealed as the procedures to which its provisions applied are no longer in effect.

Reason for proposal: The language of 25-49 is no longer relevant. Though words such as “uncontested” may still be used, they no longer define our case management processes.

REPEAL [Sec. 25-50. Case Management

(a) The presiding judge or a designee shall determine by the case management date which track each case shall take and assign each case for disposition. That date shall be set on a schedule approved by the presiding judge.

(b) In all cases, unless the party or parties appear and the case proceeds to judgment under subsections (c) or (d) on the case management date, the party or parties shall file on or before the case management date: (1) a case management agreement (JD-FM-163); (2) sworn financial affidavits; (3) a proposed parenting plan, if there are minor children. If the parties or counsel have not filed these documents on or before the case management date, or in a case with parenting disputes where counsel or self-represented parties have not come to court on the case management date, the case may be dismissed or other sanctions may be imposed.

(c) If the defendant has not filed an appearance by the case management date, the plaintiff may appear and proceed to judgment on the case management date without further notice to the defendant, provided the plaintiff has complied with the provisions of Section 25-30. Otherwise, the plaintiff must file, on or before the case management date, the documents listed in subsection (b) and the clerk shall assign the matter to a date certain for disposition.

(d) If the matter is uncontested, the parties may appear and proceed to judgment on the case management date, provided the plaintiff has complied with the provisions of Section 25-30. Otherwise, the parties must file, on or before the case management date, the documents listed in subsection (b) and the clerk shall assign the matter to a date certain for disposition.

(e) In cases where there are financial disputes, the parties do not have to come to court on the case management date, but must file on or before the case management date the documents listed in subsection (b). Thereafter, the matter may be directed to any alternative dispute resolution mechanism, private or court-annexed, including, but not limited to, family special masters and judicial pretrial. If not resolved, the matter will be assigned a date certain for trial.

(f) In cases where there are parenting disputes, the parties and counsel must appear for a case management conference on the case management date. If parenting disputes require judicial intervention, the appointment of counsel or a guardian ad litem for the minor child, or case study or evaluation by family services or by a private provider of services, a target date shall be assigned for completion of such study and the final conjoint thereon and, thereafter, a date certain shall be assigned for disposition.

(g) With respect to subsections (e) and (f), if a trial is required, such order may include a date certain for a trial management conference between counsel or self-represented parties for the purpose of premarking exhibits and complying with other orders of the judicial authority to expedite the trial process.]

Commentary: This section was repealed as the procedures to which its provisions applied are no longer in effect.

Reason for proposal: The language of 25-50 is no longer applicable to the procedures in Family Matters, which have been replaced by a Triage/Pathways model.

REPEAL [Sec. 25-51. When Motion for Default for Failure To Appear Does Not Apply

(a) If, in any case involving a dissolution of marriage or civil union, legal separation, or annulment, the defendant has not filed an appearance by the case management date, the plaintiff may proceed to judgment on the case management date without further notice to such defendant. Section 17-20 concerning motions for default shall not apply to such cases.

(b) If the defendant files an appearance by the case management date, the presiding judge or a designee shall determine which track the case shall take pursuant to Section 25-50.]

Commentary: This section was repealed as the procedures to which its provisions applied are no longer in effect.

Reason for proposal: The language of 25-51 is no longer applicable to the procedures in Family Matters, which have been replaced by a Triage/Pathways model.

Sec. 25-53. Reference of Family Matters

In any family matter the court may, upon its own motion or upon motion of a party, refer any [contested, limited contested, or uncontested] matter for hearing and decision to a judge trial referee who shall have been a judge of the referring court.

Commentary: The references in this section to matters as contested, limited contested or uncontested have been removed.

Reason for proposal: The proposed deleted terminology is no longer applicable to the procedures in Family Matters, which have been replaced by a Triage/Pathways model.

Sec. 25-59. Closure of Courtroom in Family Matters

(a) Except as otherwise provided by law, there shall be a presumption that courtroom proceedings shall be open to the public.

(b) Except as provided in this section and except as otherwise provided by law, the judicial authority shall not order that the public be excluded from any portion of a courtroom proceeding.

(c) Upon motion of any party, or upon its own motion, the judicial authority may order that the public be excluded from any portion of a courtroom proceeding only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in attending such proceeding. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. An agreement of the parties to close the courtroom shall not constitute a sufficient basis for the issuance of such an order.

(d) In connection with any order issued pursuant to subsection (c) of this section, the judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date and scope of any such order shall be set forth in a writing signed by the judicial authority which upon issuance the court clerk shall immediately enter in the court file. The judicial authority shall order that a

transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order.

(e) A motion to close a courtroom proceeding shall be filed not less than fourteen days before the proceeding is scheduled to be heard. Such motion shall be [placed on the short calendar so that] docketed and notice to the public given [to the public is given of] including the time and place of the hearing on the motion [and] to afford the public an opportunity to be heard on the motion under consideration. The motion itself may be filed under seal, where appropriate, by leave of the judicial authority. [When place on a short calendar, m] Motions filed under this rule shall [be listed in a separate section titled "Motions to Seal or Close" and shall also] be listed with the time, date, and place of the hearing on the Judicial Branch website. A notice of such [motion being placed on the short calendar shall, upon issuance of the short calendar,] hearing shall also be posted on a bulletin board adjacent to the clerk's office and accessible to the public.

Commentary: Subsection (e) was amended to remove the reference to the short calendar.

[Reason for proposal: A short calendar is no longer run in family matters. Notice to the public of a motion to close will remain posted on the Judicial Branch website and on a bulletin board adjacent to the clerk's office.](#)

Sec. 25-59A. Sealing Files or Limiting Disclosure of Documents in Family Matters

(a) Except as otherwise provided by law, there shall be a presumption that documents filed with the court shall be available to the public.

(b) Except as provided in this section and except as otherwise provided by law, including Section 13-5, the judicial authority shall not order that any files, affidavits, documents, or other materials on file with the court or filed in connection with a court proceeding be sealed or their disclosure limited.

(c) Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. An agreement of the parties to seal or limit the disclosure of documents on file with the court or filed in connection with a court proceeding shall not constitute a sufficient basis for the issuance of such an order.

(d) In connection with any order issued pursuant to subsection (c) of this section, the judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date, scope and duration of any such order shall be set forth in a writing signed by the judicial authority which upon issuance the court clerk shall immediately enter in the court file. The judicial authority shall order that a transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order.

(e) Except as otherwise ordered by the judicial authority, a motion to seal or limit the disclosure of affidavits, documents, or other materials on file or lodged with the court or filed in connection with a court proceeding shall be [calendared] docketed [so that] and notice to the public [is] given including the time and place of the hearing on the motion [and] to afford the public an opportunity to be heard on the motion under consideration. The procedures set forth in Sections 7-4B and 7-

4C shall be followed in connection with a motion to file affidavits, documents or other materials under seal or to limit their disclosure.

(f) (1) A motion to seal the contents of an entire court file shall be placed on [the short calendar] a docket to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, [so that] and notice to the public [is] given of the time and place of the hearing on the motion [and] to afford the public an opportunity to be heard on the motion under consideration. The procedures set forth in Sections 7-4B and 7-4C shall be followed in connection with such motion. (2) The judicial authority may issue an order sealing the contents of an entire court file only upon a finding that there is not available a more narrowly tailored method of protecting the overriding interest, such as redaction or sealing a portion of the file. The judicial authority shall state in its decision or order each of the more narrowly tailored methods that was considered and the reason each such method was unavailable or inadequate.

(g) The provisions of this section shall not apply to settlement conferences or negotiations or to documents submitted to the court in connection with such conferences or negotiations. The provisions of this section shall apply to settlement agreements which have been filed with the court or have been incorporated into a judgment of the court.

(h) Sworn statements of current income, expenses, assets and liabilities filed with the court pursuant to Sections 25-30 and 25a-15 shall be under seal and be disclosable only to the judicial authority, to court personnel, to the parties to the action and their attorneys, and to any guardians ad litem and attorneys appointed for any minor children involved in the matter, except as otherwise ordered by the judicial authority. Any person may file a motion to unseal these documents. When such motion is filed, the provisions of paragraphs (a) through (e) of this section shall apply and the party who filed the documents shall have the burden of proving that they should remain sealed. The judicial authority shall order that the automatic sealing pursuant to this paragraph shall terminate with respect to all such sworn statements then on file with the court when any hearing is held at which financial issues are in dispute. This shall not preclude a party from filing a motion to seal or limit disclosure of such sworn statements pursuant to this section.

(i) Any Income Withholding for Support form (JD-FM-1) filed with the clerk's office, after being signed by the clerk, shall be returned to the filer for service on the payer of income. A copy of the signed form shall be retained for the court file and shall be under seal. Any such copy shall be disclosable only to the judicial authority, to court personnel, to the parties to the action and their attorneys, and to any individual or entity under cooperative agreement with the Title IV-D agency requesting disclosure of such form in the administration of the child support program. Any person may file a motion to unseal this document. A copy of the signed form with all social security numbers and dates of birth redacted by the clerk shall be retained in the court file and be available for public inspection.

(j) [When placed on a short calendar, m] Motions filed under this rule shall [be listed in a separate section titled "Motions to Seal or Close" and shall also] be listed with the time, date and place of the hearing on the Judicial Branch website. A notice of such [motion being placed on the short calendar shall, upon issuance of the short calendar,] hearing shall also be posted on a bulletin board adjacent to the clerk's office and accessible to the public.

Commentary: Subsections (e) (f)(1) and (j) have been amended to remove the reference to the short calendar.

[Reason for proposal: A short calendar is no longer run in family matters. Notice to the public of a motion to close will remain posted on the Judicial Branch website and on a bulletin board adjacent to the clerk's office.](#)