# SUPERIOR COURT—PROCEDURE IN FAMILY MATTERS

## CHAPTER 25

## GENERAL PROVISIONS


Sec.
25-1. Definitions Applicable to Proceedings on Family Matters
25-2. Complaints for Dissolution of Marriage, Legal Separation, or Annulment
25-3. Action for Custody of Minor Child
25-4. Action for Visitation of Minor Child
25-5. Automatic Orders upon Service of Complaint or Application
25-6. Parties and Appearances
25-7. Pleadings in General; Amendments to Complaint or Application
25-8. —Amendment; New Ground for Dissolution of Marriage
25-9. —Answer, Cross Complaint, Claims for Relief by Defendant
25-10. —Answer to Cross Complaint
25-11. Order of Pleadings
25-12. Motion to Dismiss
25-13. Grounds on Motion to Dismiss
25-14. —Waiver and Subject Matter Jurisdiction
25-15. Further Pleading by Defendant
25-16. Motion to Strike; In General
25-17. —Date for Hearing
25-18. —Reasons
25-19. —Memorandum of Law
25-20. When Memorandum of Decision Required
25-21. Substitute Pleading; Judgment
25-22. —Stricken Pleading Part of Another Cause or Defense
25-23. Motions, Requests, Orders of Notice, and Short Calendar
25-24. Motions
25-25. Motion for Exclusive Possession
25-26. Modification of Custody, Alimony or Support
25-27. Motion for Contempt
25-28. Order of Notice
25-29. Notice of Orders for Support or Alimony
25-30. Statements to Be Filed
25-31. Discovery and Depositions
25-32. Mandatory Disclosure and Production
25-33. Judicial Appointment of Expert Witnesses
Sec.
25-34. Procedure for Short Calendar
25-35. Disclosure of Conference Recommendation
25-36. Motion for Decree Finally Dissolving Marriage after Decree of Legal Separation
25-37. —Notice and Hearing
25-38. Judgment Files
25-39. Miscellaneous Rules
25-40. Habeas Corpus in Family; the Petition
25-41. —Preliminary Consideration
25-42. —Dismissal
25-43. —The Return
25-44. —Reply to the Return
25-45. —Schedule for Filing Pleadings
25-46. —Summary Judgment as to Writ of Habeas Corpus
25-47. —Discovery
25-48. Dockets, Pretrials and Assignment for Disposition
25-49. Definitions
25-50. Case Management
25-51. When Motion for Default for Failure to Appear Does Not Apply
25-52. Failure to Appear for Scheduled Disposition
25-53. Reference of Family Matters
25-54. Order of Trial; Argument by Counsel
25-55. Medical Evidence
25-56. Production of Documents at Hearing or Trial
25-57. Affidavit concerning Children
25-58. Reports of Dissolution of Marriage and Annulment
25-59. Closure of Courtroom in Family Matters
25-59A. Sealing Files or Limiting Disclosure of Documents in Family Matters
25-60. Family Division Evaluations and Studies
25-61. Family Division
25-62. Appointment of Guardian Ad Litem
25-63. Right to Counsel in Family Civil Contempt Proceedings
25-64. —Waiver
25-65. Family Support Magistrates; Procedure
25-66. Appeal from Decision of Family Support Magistrate
25-67. Support Enforcement Services
25-68. Right to Counsel in State Initiated Paternity Actions
25-69. Social Services; Additional Duties


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 25-1. Definitions Applicable to Proceedings on Family Matters

The following shall be ''family matters'' within the scope of these rules: Any actions brought pursuant to General Statutes § 46b-1, including but not limited to dissolution of marriage, legal separation, dissolution of marriage after legal separation, annulment of marriage, alimony, support, custody, and change of name incident to dissolution of marriage, habeas corpus and other proceedings to determine the custody and visitation of children except those which are properly filed in the superior court as juvenile matters, the establishing of paternity, enforcement of foreign matrimonial judgments, actions related to prenuptial and separation agreements and to matrimonial decrees of a foreign jurisdiction, actions brought pursuant to General Statutes § 46b-15, custody proceedings brought under the provisions of the



© Copyrighted by the Secretary of the State of the State of Connecticut

Uniform Child Custody Jurisdiction Act and proceedings for enforcement of support brought under the provisions of the Uniform Interstate Family Support Act.

(P.B. 1998.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

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

(a) Every complaint in a dissolution of marriage, legal separation or annulment action shall state the date and place, including the city or town, of the marriage 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 and whether there are any other minor children born to the wife since the date of marriage of the parties, 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 not and whether custody of children is sought in the action. 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.

(P.B. 1978-1997, Sec. 453.) (Amended June 25, 2001, to take effect Jan. 1, 2002.)

### 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, 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, which shall not be held more than thirty days from the filing of the application.

(P.B. 1998.) (Amended June 28, 1999, to take effect Jan. 1, 2000; amended June 26, 2000, to take effect Jan. 1, 2001.)

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

Every application in an action for visitation of a minor child, other than actions for dissolution of marriage, 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, which shall not be held more than thirty days from the filing of the application.

(P.B. 1998.) (Amended June 28, 1999, to take effect Jan. 1, 2000; amended June 26, 2000, to take effect Jan. 1, 2001.)

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

(Amended June 28, 1999, to take effect Jan. 1, 2000.)

(a) 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, 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:

(1) Neither party shall sell, transfer, encumber (except for the filing of a lis pendens), conceal, 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, individually or jointly held by the parties, except in the usual course of business or for customary and



© Copyrighted by the Secretary of the State of the State of Connecticut

usual household expenses or for reasonable attorney's fees in connection with this action.

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

(3) 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, in accordance with the uniform child support guidelines.

(4) 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.

(5) 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.

(6) The parties, if they share a minor child or children, shall participate in the parenting education program within sixty days of the return day or within sixty days from the filing of the application.

(7) Neither party shall cause the other party or the children of the marriage 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.

(8) 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.

(9) 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.

(10) If the parties share a child or children, 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 there is a prior, contradictory order of a judicial authority.

(11) If the parents of minor children live apart during this dissolution 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 unless there is a prior order of a judicial authority.

(b) The automatic orders of a judicial authority as enumerated in subsection (a) shall be set forth immediately following the party's requested relief in any complaint for dissolution of marriage, legal separation, or annulment, or in any application for custody or visitation, and shall set forth the following language in uppercase 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, legal separation, or annulment, or any application for custody or visitation, that does not comply with this subsection.

(c) The automatic orders of a judicial authority as enumerated in subdivisions (a) (1), (2), and (3) shall not apply in custody and visitation cases.

(P.B. 1998.) (Amended June 29, 1998, to take effect Jan. 1, 1999; subdivision (a) (1) was amended on an interim basis, pursuant to the provisions of Section 1-9 (c), to take effect Jan. 1, 1999; amended June 28, 1999, to take effect Jan. 1, 2000; amended August 22, 2001, to take effect Jan. 1, 2002.)

### 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.

(P.B. 1998.)

### Sec. 25-7. Pleadings in General; Amendments to Complaint or Application

(Amended June 28, 1999, to take effect Jan. 1, 2000.)

If Sections 25-2, 25-3 or 25-4 are not complied with, the judicial authority, whenever its attention is called to the matter, shall order that the complaint or the application, as the case may be, be amended upon such terms and conditions as it may direct. Where an amendment is filed concerning support or maintenance contributed by the state of Connecticut, no further action shall be taken by the judicial authority until such amendment shall be served upon the attorney general and opportunity given him or her to be heard upon the matter. Nothing in this section shall be construed to affect the automatic orders in Section 25-5 above.

(P.B. 1978-1997, Sec. 454.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 25-8. —Amendment; New Ground for Dissolution of Marriage**

(a) In any action for a dissolution of marriage an amendment to the complaint which states a ground for dissolution of marriage alleged to have arisen since the commencement of the action may be filed with permission of the judicial authority.

(b) The provisions of Sections 10-59, 10-60 and 10-61 of the rules of practice shall apply to family matters as defined in Section 25-1.

(P.B. 1978-1997, Sec. 455.)

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

The defendant in a dissolution of marriage, 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.

(P.B. 1978-1997, Sec. 456.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

**Sec. 25-10. —Answer to Cross Complaint**

A plaintiff in a dissolution of marriage, legal separation, or annulment matter seeking to contest the grounds of a cross complaint shall file an answer admitting or denying the allegations of such cross complaint or leaving the pleader to his or her proof. If a decree is rendered on the cross complaint, the judicial authority may award to the plaintiff such relief as is claimed in the complaint.

(P.B. 1978-1997, Sec. 457.)(Amended June 28, 1999, to take effect Jan. 1, 2000.)

**Sec. 25-11. —Order of Pleadings**

The order of pleadings shall be:

(1) the plaintiff's complaint;

(2) the defendant's motion to dismiss the complaint;

(3) the defendant's motion to strike the complaint or claims for relief;

(4) the defendant's answer, cross complaint and claims for relief;

(5) the plaintiff's motion to strike the defendant's answer, cross complaint, or claims for relief;

(6) the plaintiff's answer.

(P.B. 1998.)

**Sec. 25-12. Motion to Dismiss**

(a) Any defendant, wishing to assert grounds to dismiss the action under Section 25-13 (2), (3), (4) or (5) must do so by filing a motion to dismiss within thirty days of the filing of an appearance.

(b) Any claim based on Section 25-13 (2), (3), (4) or (5) is waived if not raised by a motion to dismiss filed in the sequence provided in Section 25-11, within the time provided in this section.

(P.B. 1998.)

**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) improper venue, (4) insufficiency of process and (5) 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.

(P.B. 1998.)

**Sec. 25-14. —Waiver and Subject Matter Jurisdiction**

Any claim of lack of jurisdiction over the subject matter cannot be waived; and whenever it is found after suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the judicial authority shall dismiss the action.

(P.B. 1998.)

**Sec. 25-15. —Further Pleading by Defendant**

If any motion to dismiss is denied with respect to any jurisdictional issue, the defendant may plead further without waiving his or her right to contest jurisdiction further.

(P.B. 1998.)

**Sec. 25-16. Motion to Strike; In General**

(a) Whenever any party wishes to contest (1) the legal sufficiency of the allegations of any complaint or cross complaint, or of any one or more counts thereof, to state a claim upon which relief can be granted, or (2) the legal sufficiency of any claim for relief in any such complaint or cross complaint, or (3) the legal sufficiency of any such



© Copyrighted by the Secretary of the State of the State of Connecticut

complaint or cross complaint, or any count thereof, because of the absence of any necessary party, or (4) the joining of two or more causes of action which cannot properly be united in one complaint or cross complaint, whether the same be stated in one or more counts, or (5) the legal sufficiency of any answer to any complaint or cross complaint, or any part of that answer contained therein, that party may do so by filing a motion to strike the contested pleading or part thereof.

(b) A motion to strike on the ground of the nonjoinder of a necessary party must give the name and residence of the missing party or such information as the moving party has as to his or her identity and residence and must state his or her interest in the cause of action.

(P.B. 1998.)

**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 the judicial authority otherwise directs.

(P.B. 1998.)

**Sec. 25-18. —Reasons**

Each motion to strike raising any of the claims of legal insufficiency enumerated in Sections 25-12, 25-13 and 25-16 shall separately set forth each such claim of insufficiency and shall distinctly specify the reason or reasons for each such claimed insufficiency.

(P.B. 1998.)

**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.

(P.B. 1998.)

**Sec. 25-20. —When Memorandum of Decision Required**

Whenever a motion to strike is filed and more than one ground of decision is set up therein, the judicial authority, in rendering the decision thereon, shall specify in writing the grounds upon which that decision is based.

(P.B. 1998.)

**Sec. 25-21. —Substitute Pleading; Judgment**

Within fifteen days after the granting of any motion to strike, the party whose pleading has been stricken may file a new pleading; provided that in those instances where an entire complaint or cross complaint has been stricken, and the party whose pleading has been so stricken fails to file a new pleading within that fifteen-day period, the judicial authority may upon motion enter judgment against said party on said stricken complaint or cross complaint.

(P.B. 1998.)

**Sec. 25-22. —Stricken Pleading Part of Another Cause or Defense**

Whenever the judicial authority grants a motion to strike the whole or any portion of any pleading or count which purports to state an entire cause of action, and such pleading or portion thereof states or constitutes a part of another cause of action, the granting of that motion shall remove from the case only the cause of action which was the subject of the granting of that motion, and it shall not remove such pleading or count or any portion thereof so far as the same is applicable to any other cause of action.

(P.B. 1998.)

**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.

(P.B. 1998.) (Amended May 14, 2003, to take effect July 1, 2003.)

**Sec. 25-24. Motions**

(a) Any appropriate party may move for alimony, child support, custody, visitation, appointment of counsel 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.

(P.B. 1998.)

**Sec. 25-25. Motion for Exclusive Possession**

Each motion for exclusive possession shall state the nature of the property, whether it is rental property or owned by the parties or one of them, the length of tenancy or ownership of each party, the current family members residing therein and the grounds upon which the moving party seeks exclusive possession.

(P.B. 1998.)



© Copyrighted by the Secretary of the State of the State of Connecticut

### 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 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.

(P.B. 1978-1997, Sec. 464.)

### Sec. 25-27. Motion for Contempt

(a) Each motion for contempt must state (1) the date and specific language of the order of the judicial authority on which the motion is based; (2) the specific acts alleged to constitute the contempt of that order, including the amount of any arrears claimed due as of the date of the motion or a date specifically identified in the motion; (3) the movant's claims for relief for the contempt.

(b) Each motion for contempt must state clearly in the caption of the motion whether it is a pendente lite or a postjudgment motion, and the subject matter and the type of order alleged to have been violated.

(P.B. 1998.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

### Sec. 25-28. Order of Notice

(a) On a complaint for dissolution of marriage, legal separation, or annulment, or on an application for custody or visitation, when the adverse party resides out of or is absent from the state or the whereabouts of the adverse party are unknown to the plaintiff or the applicant, any judge or clerk of the court may make such order of notice as he or she deems reasonable. If such notice is by publication, it shall not include the automatic orders set forth in Section 25-5, but shall instead include a statement that automatic orders have issued in the case pursuant to Section 25-5 and that such orders are set forth in the complaint or the application on file with the court. Such notice having been given and proved, the judicial authority may hear the complaint or the application if it finds that the adverse party has actually received notice that the complaint or the application is pending. If actual notice is not proved, the judicial authority in its discretion may hear the case or continue it for compliance with such further order of notice as it may direct.

(b) With regard to any postjudgment motion for modification or for contempt or any other motion requiring an order of notice, where the adverse party resides out of or is absent from the state any judge or clerk of the court may make such order of notice as he or she deems reasonable. Such notice having been given and proved, the court may hear the motion if it finds that the adverse party has actually received notice that the motion is pending.

(P.B. 1978-1997, Sec. 461.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

### Sec. 25-29. Notice of Orders for Support or Alimony

In all dissolution of marriage, legal separation, annulment, custody or visitation actions, such notice as the judicial authority shall direct shall be given to nonappearing parties of any orders for support or alimony. No such order shall be effective until the order of notice shall have been complied with or the nonappearing party has actually received notice of such orders.

(P.B. 1978-1997, Sec. 462.)

### 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, 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,



© Copyrighted by the Secretary of the State of the State of Connecticut

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 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 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, 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 Withholding Form (JD-FM-71).

(P.B. 1978-1997, Sec. 463.) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 25-31. Discovery and Depositions

The provisions of Sections 13-1 through 13-11 inclusive, 13-13 through 13-16 inclusive, and 13-17 through 13-32 of the rules of practice inclusive, shall apply to family matters as defined in Section 25-1.

(P.B. 1998.)

### Sec. 25-32. Mandatory Disclosure and Production

(a) Unless otherwise ordered by the judicial authority for good cause shown, upon request by a party involved in an action for dissolution of marriage, legal separation, annulment or support, or a postjudgment motion for modification of alimony or support, opposing parties shall exchange the following documents within thirty days of such request:

(1) all federal and state income tax returns filed within the last three years, including personal returns and returns filed on behalf of any partnership or closely-held corporation of which a party is a partner or shareholder;

(2) IRS forms W-2, 1099 and K-1 within the last three years including those for the past year if the income tax returns for that year have not been prepared;

(3) copies of all pay stubs or other evidence of income for the current year and the last pay stub from the past year;

(4) statements for all accounts maintained with any financial institution, including banks, brokers and financial managers, for the past 24 months;

(5) the most recent statement showing any interest in any Keogh, IRA, profit sharing plan, deferred compensation plan, pension plan, or retirement account;

(6) the most recent statement regarding any insurance on the life of any party;

(7) a summary furnished by the employer of the party's medical insurance policy, coverage, cost of coverage, spousal benefits, and COBRA costs following dissolution;

(8) any written appraisal concerning any asset owned by either party.

(b) Such duty to disclose shall continue during the pendency of the action should a party appear. This section shall not preclude discovery under any other provisions of these rules.

(P.B. 1998.) (Amended June 29, 1998, to take effect Jan. 1, 1999.)

### Sec. 25-33. Judicial Appointment of Expert Witnesses

Whenever the judicial authority deems it necessary, on its own motion it may appoint any expert witnesses of its own selection. The judicial authority shall give notice of its intention to appoint such expert, and give the parties an opportunity to be heard concerning such appointment. An expert witness shall not be appointed by the judicial authority unless the expert consents to act. An expert witness so appointed shall be informed of his or her duties by the judicial authority in writing, a copy of which shall be filed with the clerk, or



© Copyrighted by the Secretary of the State of the State of Connecticut

the witness shall be informed of his or her duties at a conference in which the parties shall have an opportunity to participate. Such expert witness shall advise the parties of his or her findings, if any, and may thereafter be called to testify by the judicial authority or by any party and shall be subject to cross-examination by each party. The judicial authority may determine the reasonable compensation for such witness and direct payment out of such funds as may be provided by law or by the parties or any of them as the judicial authority may direct. Nothing in this section shall prohibit the parties from retaining their own expert witnesses.

(P.B. 1998.)

**Sec. 25-34. Procedure for Short Calendar**

(a) Oral argument on any motion or the presentation of testimony thereon shall be allowed if the appearing parties have followed administrative policies for marking the motion ready and for screening with family services.

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

(c) 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.

(P.B. 1998.)

**Sec. 25-35. Disclosure of Conference Recommendation**

In the event the parties or their counsel confer with a family relations counselor on finances concerning alimony and child support in connection with either a pendente lite, postjudgment or dissolution hearing, the recommendations of the family relations counselor concerning alimony and child support shall not be reported to the judicial authority by the parties or their counsel or the family relations counselor unless, before such conference, the parties or their counsel have stipulated that the recommendation of the family relations counselor may be made known to the judicial authority.

(P.B. 1978-1997, Sec. 464A.)

**Sec. 25-36. Motion for Decree Finally Dissolving Marriage after Decree of Legal Separation**

Every motion for a decree finally dissolving and terminating the marriage, after a decree of legal separation, shall state the number of the case in which the separation was granted, the date of the decree of legal separation and whether the parties have resumed marital relations since the entry of the decree, and it shall be accompanied by an application for an order of notice to the adverse party.

(P.B. 1978-1997, Sec. 472.)

**Sec. 25-37. —Notice and Hearing**

Upon presentation of such motion to the judicial authority it shall fix a time for hearing the same and make an order of notice, by personal service if the adverse party is within the state and that party's place of residence is known, otherwise in such manner as it shall deem reasonable.

(P.B. 1978-1997, Sec. 473.)

**Sec. 25-38. Judgment Files**

The provisions of Sections 17-4, 17-9 and 17-43 shall apply to family matters as defined in Section 25-1. The provisions of Section 3-9 concerning withdrawal of appearance of an attorney 180 days after the entry of judgment shall not apply to family matters actions until the provisions of this section concerning the filing of judgment files have been satisfied.

(P.B. 1998.)

**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, and 23-67 of the rules of practice shall apply to family matters as defined in Section 25-1.

(P.B. 1998.)

**Sec. 25-40. Habeas Corpus in Family; the Petition**

A petition for a writ of habeas corpus shall be under oath and shall state:

(1) the specific facts upon which each claim of custody or visitation is based such that the judicial authority would immediately order the child or children to be brought before the court;

(2) any previous petitions for the writ of habeas corpus, and any existing custody or visitation orders, involving the same child or children and the dispositions taken thereon; and

(3) the specific facts upon which the court has jurisdiction.

(P.B. 1998.)

**Sec. 25-41. —Preliminary Consideration**

(a) The judicial authority shall promptly review any petition for a writ of habeas corpus to determine whether the writ should issue. The judicial authority shall issue the writ if it appears that:

(1) the court has jurisdiction;



© Copyrighted by the Secretary of the State of the State of Connecticut

(2) the petition is meritorious; and

(3) another proceeding is not more appropriate.

(b) The judicial authority shall notify the petitioner if it declines to issue the writ pursuant to this section.

(P.B. 1998.)

**Sec. 25-42. —Dismissal**

The judicial authority may, at any time, upon its own motion or upon motion of the respondent, dismiss the petition, or any count thereof, if it determines that:

(1) the court lacks jurisdiction;

(2) the petition, or a count thereof, fails to state a claim upon which habeas corpus relief can be granted;

(3) the petition presents the same ground as a prior petition previously denied and fails to state new facts or proffer new evidence not reasonably available at the time of the prior petition;

(4) the claims asserted in the petition are moot or premature;

(5) any other legally sufficient ground for dismissal of the petition exists.

(P.B. 1998.)

**Sec. 25-43. —The Return**

The return shall respond to the allegations of the petition and shall allege any facts in support of any claim of procedural default, abuse of the writ, or any other claim that the petitioner is not entitled to relief.

(P.B. 1998.)

**Sec. 25-44. —Reply to the Return**

(a) If the return alleges any defense or claim that the petitioner is not entitled to relief, and such allegations are put in dispute by the petition, the petitioner shall file a reply.

(b) The reply shall admit or deny any allegations that the petitioner is not entitled to relief.

(P.B. 1998.)

**Sec. 25-45. —Schedule for Filing Pleadings**

The return or responsive pleading and any reply to the return shall be filed as the judicial authority may order.

(P.B. 1998.)

**Sec. 25-46. —Summary Judgment as to Writ of Habeas Corpus**

At any time after the pleadings are closed, any party may move for summary judgment, which shall be rendered if the pleadings, affidavits and any other evidence submitted, show that there is no genuine issue of material fact between the parties requiring a trial and the moving party is entitled to judgment as a matter of law.

(P.B. 1998.)

**Sec. 25-47. —Discovery**

Discovery shall be as in all other family matters.

(P.B. 1998.)

**Sec. 25-48. Dockets, Pretrials and Assignment for Disposition**

The provisions of Sections 14-2, 14-3, 14-23, and 14-25 of the rules of practice shall apply to family matters as defined in Section 25-1.

(P.B. 1998.)

**Sec. 25-49. Definitions**

For purposes of these rules the following definitions shall apply:

(1) ''Uncontested matter'' means a case in which no aspect of the matter is in dispute.

(2) ''Limited contested matter'' means a case in which the matters in dispute are limited to monetary awards, real property or personal property.

(3) ''Contested matter'' means a case in which child custody, visitation rights, paternity or the grounds for the action are in dispute, and matters of monetary awards or the disposition of real or personal property may be in dispute.

(P.B. 1998.)

**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) If the matter is uncontested, and a form prescribed by the office of the chief court administrator has been filed, the clerk shall assign the matter to a date certain for disposition.

(c) With the approval of the presiding judge, a case management conference may be conducted by the filing of a stipulated scheduling order when only financial issues are outstanding. If there is a dispute with respect to financial issues, the matter may be directed to any alternative dispute resolution mechanism, private or court-annexed, or thereafter have assigned a date certain for family special masters and further judicial pretrial. Thereafter, the matter may be assigned for trial for a date certain if not resolved.

(d) In cases where custody or visitation issues are outstanding, the parties and counsel must appear for a case management conference on the case management date. If custody or visitation issues 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



© Copyrighted by the Secretary of the State of the State of Connecticut

thereafter a date certain shall be assigned for disposition.

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

(P.B. 1998.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

### Sec. 25-51. When Motion for Default for Failure to Appear Does Not Apply

(a) Any case claiming a dissolution of marriage, legal separation, or annulment in which the defendant has failed to file an appearance may be assigned a date certain for disposition as an uncontested matter pursuant to Section 25-50. If the defendant has not filed an appearance by the date assigned for disposition, the case may proceed to judgment 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 date assigned for disposition, the presiding judge or a designee shall determine which track the case shall take pursuant to Section 25-50.

(P.B. 1998.)

### Sec. 25-52. Failure to Appear for Scheduled Disposition

If a party fails to appear in person or by counsel for a scheduled disposition, the opposing party may introduce evidence and the case may proceed to judgment without further notice to such party who failed to appear.

(P.B. 1998.)

### 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. Such matters shall be deemed to have been referred for all further proceedings and judgment, including matters pertaining to any appeal therefrom, except that the referring court may retain jurisdiction to hear and decide any pendente lite or contempt matters.

(P.B. 1978-1997, Sec. 458.)

### Sec. 25-54. Order of Trial; Argument by Counsel

The provisions of Sections 15-5, 15-6 and 15-7, shall apply to family matters as defined in Section 25-1.

(P.B. 1998.)

### Sec. 25-55. Medical Evidence

A party who plans to offer a hospital record in evidence shall have the record in the clerk's office twenty-four hours prior to trial. The judge shall order that all such records be available for inspection in the clerk's office to any counsel of record under the supervision of the clerk. Counsel must recognize their responsibility to have medical testimony available when needed and shall, when necessary, subpoena medical witnesses to that end. Such records shall be submitted in accordance with the provisions of Section 7-18.

(P.B. 1998.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

### Sec. 25-56. Production of Documents at Hearing or Trial

(a) At the trial management conference prior to the commencement of an evidentiary hearing or trial, but in no event later than five days before the scheduled hearing date, either party may serve on the other a request for production of documents and tangible things, in a manner consistent with Sections 13-9 through 13-11. Service may be made in the same manner as a subpoena or consistent with Sections 10-12 through 10-14.

(b) If a party fails to produce the requested documents and items, the party filing the request shall be permitted to introduce into evidence such copies as that party might have, without having to authenticate the copies offered.

(c) If a party fails to produce the requested documents and items and the requesting party does not have copies to offer into evidence, the judicial authority may impose such sanctions on the nonproducing party as the judicial authority deems appropriate pursuant to Section 13-14 and as are available to the judicial authority for the enforcement of subpoenas.

(P.B. 1998.)

### Sec. 25-57. Affidavit concerning Children

Before the judicial authority renders any order in any matter pending before it involving the custody, visitation or support of a minor child or children, an affidavit shall be filed with the judicial authority averring (1) whether the wife is believed to be pregnant; (2) the name and date of birth of any minor child born since the date of the filing of the complaint or the application; (3) information which meets the requirements of the Uniform Child Custody Jurisdiction and Enforcement Act, General Statutes § 46b-115, et seq.; (4) that there is no other proceeding in which either party has participated as a party, witness, or otherwise concerning custody of the child in any state; and (5) that no person not a party has physical custody or claims custody or visitation rights with respect to the



© Copyrighted by the Secretary of the State of the State of Connecticut

child. This section shall not apply to modifications of existing support orders or in situations involving allegations of contempt of support orders.

(P.B. 1978-1997, Sec. 476.) (Amended June 28, 1999, to take effect Jan. 1, 2000; amended August 24, 2001, to take effect Jan. 1, 2002.)

### Sec. 25-58. Reports of Dissolution of Marriage and Annulment

Before a hearing is commenced for a dissolution or annulment of marriage, the parties concerned, or their attorneys, shall provide, on forms prescribed by the chief court administrator and furnished by the clerk, such information as is required by the judges of the superior court.

(P.B. 1978-1997, Sec. 477.) (Amended June 28, 1999, to take effect Jan. 1, 2000.)

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

(Amended May 14, 2003, to take effect July 1, 2003.)

(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 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 motion itself may be filed under seal, where appropriate, by leave of the judicial authority. When placed on a short calendar, 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 web site. A copy of the short calendar page containing the aforesaid section shall, upon issuance of the short calendar, be posted on a bulletin board adjacent to the clerk's office and accessible to the public.

(P.B. 1978-1997, Sec. 478.) (Amended May 14, 2003, to take effect July 1, 2003; amended June 21, 2004, to take effect Jan. 1, 2005.)

HISTORY—2003: Prior to 2003, when both the title and text were amended, Section 25-59 read: ''**Closed Hearings and Records**

''Subject to the provision of Section 11-20, any family matter may be heard in chambers or in a courtroom from which the public and press have been excluded, and the records and other papers in any family matter may be ordered by the court to be kept confidential and not to be open to inspection except under order of the court or a judge thereof.''

COMMENTARY—2003: The public and press enjoy a right of access to attend trials in civil as well as criminal cases. *Press-Enterprise Co.* v. *Superior Court,* 478 U.S. 1, 10, 106 S. Ct. 2735, 92 L. Ed. 2d 1 (1986); *Globe Newspaper Co.* v. *Superior Court*, 457 U.S. 596, 606, 102 S. Ct. 2613, 73 L. Ed. 2d 248 (1982); *Westmoreland* v. *Columbia Broadcasting System, Inc*., 752 F.2d 16, 22 (2d Cir. 1984).

For a further discussion of court closure, see the Commentary to Sections 11-20 and 42-49.

It is intended that the above rule also apply to family support magistrates.

HISTORY—2005: Prior to 2005, the third sentence of subsection (d) read: ''The time, date and scope of any such order shall be in writing and shall be signed by the judicial authority and be entered by the court clerk in the court file.''

COMMENTARY—2005: As used in subsection (a) above, the words ''Except as otherwise provided by law'' are intended to exempt from the operation of this rule all established procedures for the closure of courtroom proceedings as required or permitted by statute; e.g., General Statutes §§ 19a-583 (a) (10) (D) (pertaining to court proceedings as to disclosure of confidential HIV-related information), 36a-21 (b) (pertaining to court proceedings at which certain records of the department of banking are disclosed), 46b-11 (pertaining to hearings in family relations matters), 54-86c (b) (pertaining to the disclosure of exculpatory information or material), 54-86f (pertaining to the admissibility of evidence of sexual conduct) and 54-86g (pertaining to the testimony of a victim of child abuse); other rules of practice; e.g., Practice Book Section 40-43; and/or controlling state or federal case law.



© Copyrighted by the Secretary of the State of the State of Connecticut

The above amendment to subsection (d) establishes a mechanism by which the public and the press, who are empowered by this rule to object to pending motions to close the courtroom in family matters, will receive timely notice of the court's disposition of such motions.

**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 so that 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 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 to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, so that 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 Section 25-30 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. When such sworn statements are filed the clerk shall place them in a sealed envelope clearly identified with the words ''Financial Affidavit.'' All such sworn statements that are filed in a case may be placed in the same sealed envelope. 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



© Copyrighted by the Secretary of the State of the State of Connecticut

not preclude a party from filing a motion to seal or limit disclosure of such sworn statements pursuant to this section.

(i) When placed on a short calendar, 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 web site. A copy of the short calendar page containing the aforesaid section shall, upon issuance of the short calendar, be posted on a bulletin board adjacent to the clerk's office and accessible to the public.

(Adopted May 14, 2003, to take effect July 1, 2003; amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2003: The public and press enjoy a right of access to attend trials in civil as well as criminal cases. See *Nixon* v. *Warner Communications, Inc.*, 435 U.S. 589, 608, 98 S. Ct. 1306, 55 L. Ed. 2d 570 (1978). The guarantee of open public proceedings in civil trials applies as well to the sealing of court documents. See *Publicker Industries, Inc.* v. *Cohen*, 733 F.2d 1059, 1070–71 (3d Cir. 1984).

See also the Commentary to Section 42-49A.

Subsection (h) is intended to minimize the potential for abuse that can result when personal financial information is made available to persons who engage in identity theft or other illegal activities.

It is intended that subsection (h) not apply retroactively to sworn statements that have been filed before the effective date of this rule.

It is intended that the above rule also apply to family support magistrates.

It is intended that the use of pseudonyms in place of the name of a party or parties not be permitted in family cases.

HISTORY—2005: Prior to 2005, the third sentence of subsection (d) read: ''The time, date, scope and duration of any such order shall forthwith be reduced to writing and be signed by the judicial authority and entered by the court clerk in the court file.'' In 2005, in the first sentence of subsection (h), a comma was substituted for ''and'' between ''court personnel'' and ''to the parties'' and the words ''and to any guardians ad litem and attorneys appointed for any minor children involved in the matter,'' were inserted.

COMMENTARY—2005: As used in subsection (a) above, the words ''Except as otherwise provided by law'' are intended to exempt from the operation of this rule all established procedures for the sealing or ex parte filing, in camera inspection and/or nondisclosure to the public of documents, records and other materials, as required or permitted by statute; e.g., General Statutes §§ 12-242vv (pertaining to taxpayer information), 52-146c et seq. (pertaining to the disclosure of psychiatric records) and 54-56g (pertaining to the pretrial alcohol education program); other rules of practice; e.g., Practice Book Sections 7-18, 13-5 (6)–(8) and 40-13 (c); and/or controlling state or federal case law; e.g., *Matza* v. *Matza*, 226 Conn. 166, 627 A.2d 414 (1993) (establishing a procedure whereby an attorney seeking to withdraw from a case due to his client's anticipated perjury at trial may support his motion to withdraw by filing a sealed affidavit for the court's review).

The above amendment to subsection (d) establishes a mechanism by which the public and the press, who are empowered by this rule to object to pending motions to seal files or limit the disclosure of documents in family matters, will receive timely notice of the court's disposition of such motions.

The above change to subsection (h) adds to those categories of individuals to whom financial affidavits filed with the court pursuant to Section 25-30 are disclosable the following: guardians ad litem and attorneys appointed for the minor children.

### Sec. 25-60. Family Division Evaluations and Studies

(a) Whenever, in any family matter, an evaluation or study has been ordered, the case shall not be disposed of until the report has been filed as hereinafter provided, and counsel and the parties have had a reasonable opportunity to examine it prior to the time the case is to be heard, unless the judicial authority shall order that the case be heard before the report is filed, subject to modification on the filing of the report.

(b) Any report of an evaluation or study shall be made in quadruplicate, shall be filed with the clerk, who will impound such reports, and shall be mailed to counsel of record. Said report shall be available for inspection only to counsel of record and to the parties to the action, unless otherwise ordered by the judicial authority.

(c) Said report shall be admissible in evidence provided the author of the report is available for cross-examination.

(P.B. 1978-1997, Sec. 479.)

### Sec. 25-61. Family Division

The family services unit shall, at the request of the judicial authority, provide assistance with regard to issues concerning custody, visitation, finances, mediation, case management and such other matters as the judicial authority may direct.

(P.B. 1998.)

### Sec. 25-62. Appointment of Guardian Ad Litem

The judicial authority may appoint a guardian ad litem for a minor involved in any family matter. Unless the judicial authority orders that another person be appointed guardian ad litem, a family relations counselor shall be designated as guardian ad litem. The guardian ad litem is not required to be an attorney. If the guardian ad litem is not a family relations counselor, the judicial authority may order compensation for services rendered in accordance with the established judicial branch fee schedule.

(P.B. 1978-1997, Sec. 484.)

### Sec. 25-63. Right to Counsel in Family Civil Contempt Proceedings

(a) A person who is before the court in a civil contempt proceeding involving the failure to comply with the order of a judicial authority in a family matter and who faces potential incarceration shall be advised of his or her right to be represented by counsel and his or her right to court appointed counsel if he or she is indigent. If the person is



© Copyrighted by the Secretary of the State of the State of Connecticut

unable to obtain counsel by reason of his or her indigency he or she shall have counsel appointed to represent him or her unless:

(1) He or she waives such appointment pursuant to Section 25-64; or

(2) At the time of the application for the appointment of counsel, the judicial authority eliminates incarceration as a possible result of the proceeding and makes a statement to that effect on the record.

(b) The person shall be further advised that no person shall continue to be detained in a correctional facility pursuant to an order of civil contempt for longer than thirty days, unless at the expiration of such thirty days he or she is presented to the judicial authority. On each such presentment, the contemnor shall be given an opportunity to purge himself or herself of the contempt by compliance with the order of the judicial authority. If the contemnor does not so act, the judicial authority may direct that the contemnor remain in custody under the terms of the order of the judicial authority then in effect, or may modify the order if the interests of justice so dictate.

(c) Any attorney appointed to represent the contemnor shall represent such contemnor only on the contempt, and shall not be appointed for any other purpose.

(P.B. 1978-1997, Sec. 484A.)

### Sec. 25-64. —Waiver

A person shall be permitted to waive his or her right to counsel and shall be permitted to represent himself or herself at any stage of the proceedings, either prior to or following the appointment of counsel. A waiver will be accepted only after the judicial authority makes a thorough inquiry and is satisfied that the person:

(1) Has been clearly advised of his or her right to the assistance of counsel, including his or her right to the assignment of counsel when he or she is so entitled;

(2) Possesses the intelligence and capacity to appreciate the consequences of the decision to represent himself or herself;

(3) Comprehends the nature of the proceedings, the range of permissible sanctions and any additional facts essential to a broad understanding of the case; and

(4) Has been made aware of the risks and disadvantages of self-representation.

(P.B. 1978-1997, Sec. 484B.)

### Sec. 25-65. Family Support Magistrates; Procedure

(a) The procedure in any matter which is to be heard and determined by a family support magistrate shall conform, where applicable, to the procedure in and for the superior court except as otherwise provided herein.

(b) Any pleading or motion filed in a family support magistrate matter shall indicate, in the lower right hand corner of the first page of the document, that it is a family support magistrate matter.

(c) Matters to be heard and determined by a family support magistrate shall be placed on the family support magistrate list.

(d) Matters on the family support magistrate list shall be assigned automatically by the family support magistrate clerk without the necessity of a written claim. No such matters shall be so assigned unless filed at least five days before the opening of court on the day the list is to be called.

(e) Matters upon the family support magistrate list shall not be continued except by order of a family support magistrate.

(P.B. 1978-1997, Sec. 479A.)

### Sec. 25-66. Appeal from Decision of Family Support Magistrate

Any person who is aggrieved by a final decision of a family support magistrate may appeal such decision in accordance with the provisions of General Statutes § 46b-231. The appeal shall be instituted by the filing of a petition which shall include the reasons for the appeal.

(P.B. 1978-1997, Sec. 479B.)

### Sec. 25-67. Support Enforcement Services

In cases where the payment of alimony and support has been ordered, a support enforcement officer, where provided by statute, shall:

(1) Whenever there is a default in any payment of alimony or support of children under judgments of dissolution of marriage or separation, or of support under judgments of support, where necessary, (A) bring an application to a family support magistrate for a rule requiring said party to appear before a family support magistrate to show cause why such party should not be held in contempt, or (B) take such other action as is provided by rule or statute.

(2) In connection with subdivision (1) above, or at any other time upon direction of a family support magistrate, investigate the financial situation of the parties and report his or her findings thereon to a family support magistrate which may authorize the officer to bring an application for a rule requiring any party to appear before a family support magistrate to show cause why there should not be a modification of the judgment.

(3) In non-AFDC IV-D cases, review child support orders at the request of either parent subject to a support order or, in AFDC cases, review child support orders at the request of the bureau of child support enforcement and initiate and facilitate, but not advocate on behalf of either party, an action before a family support magistrate to modify such



© Copyrighted by the Secretary of the State of the State of Connecticut

support order if it is determined upon such review that the order substantially deviates from the child support guidelines established pursuant to General Statutes §§ 46b-215a or 46b-215b. The requesting party shall have the right to such review every three years without proving a substantial change in circumstances; more frequent reviews shall be made only if the requesting party demonstrates a substantial change in circumstances.

(P.B. 1978-1997, Sec. 481.) (Amended June 28, 1998, to take effect Jan. 1, 1999.)

**Sec. 25-68. Right to Counsel in State Initiated Paternity Actions**

(a) A putative father named in a state initiated paternity action shall be advised by the judicial authority of his right to be represented by counsel and his right to court appointed counsel if indigent. If he is unable to obtain counsel by reason of his indigency he shall have counsel appointed to represent him unless he waives such appointment pursuant to Section 25-64.

(b) In cases under this section a copy of the paternity petition shall be served on the attorney general in accordance with the provisions of Sections 10-12 through 10-17. The attorney general shall be a party to such cases, but he or she need not be named in the petition or summoned to appear.

(P.B. 1978-1997, Sec. 484C.)

**Sec. 25-69. Social Services; Additional Duties**

(a) Under the supervision and direction of the judicial authority, a family relations counselor shall, where there is a motion for change of custody of a child, or where his or her knowledge of the family situation causes him or her to believe that the welfare of the child requires a hearing on a change of custody, upon direction of the judicial authority, be permitted to investigate the domestic and financial situation of the parties and report his or her findings. The judicial authority may thereafter, on its own motion if necessary, hold a hearing thereon after such notice to the parties as it deems proper.

(b) Under the supervision and direction of the judicial authority, the family relations counselor shall conduct such investigations or mediation conferences in domestic relations matters as may be directed by the judicial authority.

(c) Under the supervision and direction of the judicial authority, the family relations counselor may, where necessary, bring an application to the court for a rule requiring a party to appear before the court to show cause why such party should not be held in contempt for failure to comply with an order of the judicial authority for visitation.

(d) Family relations caseworkers, family relations counselors and support enforcement officers shall investigate all criminal matters involving family relations cases referred to them by the prosecuting attorney or by the judicial authority.

(P.B. 1978-1997, Sec. 481A.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# SUPERIOR COURT—PROCEDURE IN JUVENILE MATTERS

## CHAPTER 26

## DEFINITIONS

Sec.
26-1. Definitions Applicable to Proceedings on Juvenile Matters

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 26-1. Definitions Applicable to Proceedings on Juvenile Matters

In these definitions and in the rules of practice and procedure on juvenile matters, the singular shall include the plural and the plural, the singular where appropriate.

(a)(1) ''Child'' means any person under sixteen years of age and, for purposes of delinquency matters and family with service needs matters, ''child'' means any person (A) under sixteen years of age whose delinquent act or family with service needs conduct occurred prior to the person's sixteenth birthday or, (B) sixteen years of age or older who, prior to attaining sixteen years of age, has violated any federal or state law or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs, and, subsequent to attaining sixteen years of age, violates any order of a judicial authority or any condition of probation ordered by a judicial authority with respect to such delinquency proceeding; (2) ''Youth'' means any person sixteen or seventeen years of age; (3) ''Youth in crisis'' means any youth who, within the last two years, (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode; (B) is beyond the control of parents, guardian or other custodian; or (C) has four unexcused absences from school in any one month or ten unexcused absences in any school year; (4) The definitions of the terms ''abused,'' ''mentally deficient,'' ''delinquent,'' ''delinquent act,'' ''dependent,'' ''neglected,'' ''uncared for,'' ''alcohol-dependent,'' ''family with service needs,'' ''drug-dependent,'' ''serious juvenile offense,'' ''serious juvenile offender,'' and ''serious juvenile repeat offender'' shall be as set forth in General Statutes § 46b-120. (5) ''Indian child'' means an unmarried person under age eighteen who is either a member of a federally recognized Indian tribe or is eligible for membership in a federally recognized Indian tribe and is the biological child of a member of a federally recognized Indian tribe, and is involved in custody proceedings, excluding delinquency proceedings.

(b) ''Commitment'' means an order of the judicial authority whereby custody and/or guardianship of a child or youth are transferred to the commissioner of the department of children and families.

(c) ''Complaint'' means a written allegation or statement presented to the judicial authority that a child's or youth's conduct as a delinquent or situation as a child from a family with service needs or youth in crisis brings the child or youth within the jurisdiction of the judicial authority as prescribed by General Statutes § 46b-121.

(d) ''Detention'' means a secure building or staff secure facility for the temporary care of a child who is the subject of a delinquent complaint.

(e) ''Guardian'' means a person who has a judicially created relationship with a child which is intended to be permanent and self sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person and decision making.

(f) ''Hearing'' means an activity of the court on the record in the presence of a judicial authority and shall include (1) ''Adjudicatory hearing'': A court hearing to determine the validity of the facts alleged in a petition or information to establish thereby the judicial authority's jurisdiction to decide the matter which is the subject of the petition or information; (2) ''Contested hearing on an order of temporary custody'' means a hearing on an ex parte order of temporary custody or an order to show cause which is held within ten days from the day of a preliminary hearing on such orders. Contested hearings shall be held on consecutive days except for compelling circumstances or at the request of the parent or guardian; (3) ''Dispositive hearing'': The judicial authority's jurisdiction to adjudicate the matter which is the subject of the petition or information having been established, a



© Copyrighted by the Secretary of the State of the State of Connecticut

court hearing in which the judicial authority, after considering the social study or predispositional study and the total circumstances of the child, orders whatever action is in the best interests of the child and, where applicable, the community. In the discretion of the judicial authority, evidence concerning adjudication and disposition may be presented in a single hearing. (4) ''Preliminary hearing'' means a hearing on an ex parte order of temporary custody or an order to appear or the first hearing on a petition alleging that a child or youth is uncared for, neglected, or dependent. A preliminary hearing on any ex parte custody order or order to appear shall be held within ten days from the issuance of the order. (5) ''Plea hearing'' is a hearing at which (i) A parent or guardian who is a named respondent in a neglect, uncared for or dependency petition, upon being advised of his or her rights admits, denies, or pleads nolo contendere to allegations contained in the petition; or (ii) a child or youth who is a named respondent in a delinquency petition or information enters a plea of not guilty, guilty, or nolo contendere upon being advised of the charges against him or her contained in the information or petition, or a hearing at which a child or youth who is a named respondent in a family with service needs or youth in crisis petition admits or denies the allegations contained in the petition upon being advised of the allegations.

(g) ''Parent'' means a biological mother or father or adoptive, mother or father except a biological or adoptive mother or father whose parental rights have been terminated; or the father of any child born out of wedlock, provided at the time of the filing of the petition (A) he has been adjudicated the father of such child by a court which possessed the authority to make such adjudication, or (B) he has acknowledged in writing to be the father of such child, or (C) he has contributed regularly to the support of such child, or (D) his name appears on the birth certificate, or (E) he has filed a claim for paternity as provided under General Statutes § 46b-172a, or (F) he has been named in the petition as the father of the minor child by the mother.

(h) ''Parties'' includes: (1) The child or youth who is the subject of a proceeding and those additional persons as defined herein; (2) ''Legal party'': Any person, including a parent, whose legal relationship to the matter pending before the judicial authority is of such a nature and kind as to mandate the receipt of proper legal notice as a condition precedent to the establishment of the judicial authority's jurisdiction to adjudicate the matter pending before it; and (3) ''Intervening party'': Any person whose interest in the matter before the judicial authority is not of such a nature and kind as to entitle legal service as a prerequisite to the judicial authority's jurisdiction to adjudicate the matter pending before it but whose participation therein, at the discretion of the judicial authority, may promote the interests of justice. An ''intervening party'' may in any proceeding before the judicial authority be given notice thereof in any manner reasonably appropriate to that end, but no such ''intervening party'' shall be entitled, as a matter of right, to provision of counsel by the court.

(i) ''Permanency plan'' means a plan developed by the commissioner of children and families for the permanent placement of a child in the commissioner's care. Permanency plans shall be reviewed by the judicial authority as prescribed in General Statutes §§ 17a-110 (b), 17a-111b (b), 46b-129 (k) and 46b-141 as amended by Public Act 01-142.

(j) ''Petition'' means a formal pleading, executed under oath alleging that the respondent is within the judicial authority's jurisdiction to adjudicate the matter which is the subject of the petition by reason of cited statutory provisions and seeking a disposition. Except for a petition for erasure of record, such petitions invoke a judicial hearing and shall be executed by any one of the parties authorized to do so by statute, provided a delinquency petition may be executed by either a probation officer or juvenile prosecutor.

(k) ''Information'' means a formal pleading executed by a prosecutor alleging that a child or youth in a delinquency matter is within the judicial authority's jurisdiction.

(*l*) ''Probation'' means a legal status created in delinquency cases following conviction whereby a respondent child is permitted to remain in the home or in the physical custody of a relative or other fit person subject to supervision by the court through the court's probation officers and upon such terms as the judicial authority determines, subject to the continuing jurisdiction of the judicial authority.

(m) ''Respondent'' means a child who is alleged to be a delinquent or a child from a family with service needs, or a youth in crisis, or a parent or a guardian of a child who is the subject of a petition alleging that the child is uncared for, neglected, or dependent or requesting termination of parental rights.

(n) ''Specific steps'' means those judicially determined steps the parent or guardian and the commissioner of children and families should take in order for the parent or guardian to retain or regain custody of a child or youth.

(o) ''Supervision'' includes: (1) ''Nonjudicial supervision'': A legal status without the filing of a



© Copyrighted by the Secretary of the State of the State of Connecticut

petition or a court conviction or adjudication but following the child or youth's admission to a complaint wherein a probation officer exercises supervision over the child or youth with the consent of the child or youth and the parent; (2) ''Protective supervision'': A disposition following adjudication in neglected, uncared for or dependent cases created by an order of the judicial authority requesting a supervising agency other than the court to assume the responsibility of furthering the welfare of the family and best interests of the child when the child's place of abode remains with the parent or any suitable or worthy person, subject to the continuing jurisdiction of the court; and (3) ''Judicial supervision'': A legal status equivalent to probation for a child adjudicated to be from a family with service needs or subject to supervision pursuant to an order of suspended proceedings under General Statutes § 46b-133b.

(p) ''Take into Custody Order'' means an order by a judicial authority that a child be taken into custody and immediately turned over to a detention supervisor.

(P.B. 1978-1997, Sec. 1023.1.) (Amended June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 27

## RECEPTION AND PROCESSING OF NONJUDICIAL DELINQUENCY, FAMILY WITH SERVICE NEEDS, OR YOUTH IN CRISIS COMPLAINTS, OR PETITIONS


| Sec. | |
|---|---|
| 27-1. | Complaints; In General [Repealed] |
| 27-1A. | Referrals for Nonjudicial Handling |
| 27-2. | —Insufficient Allegations in Complaints [Repealed] |
| 27-3. | —Sufficient Allegations in Complaints [Repealed] |
| 27-4. | Additional Offenses and Misconduct |
| 27-4A. | Ineligibility for Nonjudicial Handling |
| 27-5. | Initial Interview for Nonjudicial Handling Eligibility |
| 27-6. | Denial of Responsibility |
| 27-7. | —Written Statement of Responsibility |
| 27-8. | —Scheduling of Judicial Plea/Dispositional Hearing [Repealed] |
| 27-8A. | Nonjudicial Supervision |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 27-1. Complaints; In General

[Repealed as of Jan. 1, 2003.]

### Sec. 27-1A. Referrals for Nonjudicial Handling

(a) Any police summons accompanied by a police report alleging an act of delinquency shall be in writing and signed by the police officer and filed with the clerk of the superior court for juvenile matters. After juvenile identification and docket numbers are entered, the summons and report shall be referred to the probation department for possible nonjudicial handling. Any family with service needs or youth in crisis complaint or petition may be designated by the probation department for nonjudicial handling.

(b) If the probation officer initiates a delinquency, family with service needs or youth in crisis petition that may be eligible for nonjudicial handling, the probation officer shall cause a summons to be issued or mailed to the child and parent or guardian containing a notice to appear setting forth with reasonable particularity the allegations of the petition and fixing a time and location of the court and date not less than seven days, excluding Saturdays, Sundays, and holidays, subsequent to service or mailing.

(c) Matters eligible for nonjudicial handling shall be designated as such on the docket. If the prosecuting authority objects to the designation, the judicial authority shall determine if such designation is appropriate. The judicial authority may refer to the office of juvenile probation a matter so designated and may, sua sponte, refer a matter for nonjudicial handling prior to adjudication.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 27-2. —Insufficient Allegations in Complaints

[Repealed as of Jan. 1, 2003.]

### Sec. 27-3. —Sufficient Allegations in Complaints

[Repealed as of Jan. 1, 2003.]

### Sec. 27-4. Additional Offenses and Misconduct

(Amended June 24, 2002, to take effect Jan. 1, 2003.)

Any additional police summons, complaint or petition regarding a child which is received by the court prior to action by the judicial authority on any pending request for nonjudicial handling shall be consolidated with the initial offenses or misconduct for purposes of eligibility for nonjudicial handling.

(P.B. 1978-1997, Sec. 1025.1(2).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 27-4A. Ineligibility for Nonjudicial Handling

A child shall not be eligible for nonjudicial handling if one or more of the following apply, unless waived by the judicial authority:

(1) The alleged misconduct:

(A) is a serious juvenile offense under General Statutes § 46b-120, or any other felony or violation of General Statutes § 53a-54d;

(B) concerns the theft or unlawful use or operation of a motor vehicle; or

(C) concerns the sale of, or possession of with intent to sell, any illegal drugs or the use or possession of a firearm.

(2) The child was previously adjudged delinquent or a child from a family with service needs.

(3) The child admitted nonjudicially at least twice previously to have been delinquent or a child from a family with service needs.

(4) The alleged misconduct was committed by a child while on probation or under judicial supervision.



© Copyrighted by the Secretary of the State of the State of Connecticut

(5) If the nature of the alleged misconduct warrants judicial intervention.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 27-5. Initial Interview For Nonjudicial Handling Eligibility

(Amended June 24, 2002, to take effect Jan. 1, 2003.)

(a) At the initial interview to determine eligibility for nonjudicial handling, held at the time of arraignment or notice date, the probation officer shall inquire of the child and parent or guardian whether they have read the court documents and understand the nature of the complaint set forth therein. Any allegations of misconduct being considered for nonjudicial handling, including any additional allegations not contained in the summons or notice to appear because they were filed with the court after the issuance of that notice shall likewise be explained in simple and nontechnical language.

(b) The probation officer shall inform the child and parent or guardian of their rights under Section 30a-1. If either the child or the parent or guardian state that they wish to be represented by counsel, or if the probation officer determines that a judicial hearing is necessary, the interview shall end. Any further interview to consider nonjudicial handling shall take place with counsel present unless waived.

(P.B. 1978-1997, Sec. 1025.1(3), (4).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 27-6. Denial of Responsibility

(Amended June 24, 2002, to take effect Jan. 1, 2003.)

Where the child denies responsibility for the alleged misconduct, the interview shall end and the child and the parent or guardian shall be informed that, if the evidence warrants, the case will be set down for a judicial hearing to determine the child's responsibility for the alleged misconduct, for which hearing the child must have counsel unless waived and for which hearing the judicial authority will provide counsel if the parties cannot afford counsel.

(P.B. 1978-1997, Sec. 1025.1(8), (9).)(Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 27-7. —Written Statement of Responsibility

(a) Where the child and the parent or guardian affirm that they are ready to go forward with the investigation, with or without counsel, and to make a statement concerning the child's responsibility for the alleged misconduct, such affirmation must be embodied in a written statement of responsibility executed by both child and parent, or guardian, and, in the case of the child, in the presence of the parent or guardian.

(b) If a child orally acknowledges responsibility for the alleged misconduct but refuses to execute a written statement of responsibility, such an oral admission shall not be accepted as the equivalent of an admission, and the case shall be dealt with in the manner prescribed in Section 27-6. If the written statement of responsibility is executed, the probation officer shall accept it as authorization to proceed with those aspects of investigation which are essential to the compiling of the predispositional study.

(c) The age, intelligence and maturity of the child and the mutuality of interests between parent or guardian and child shall be weighed in determining their competency to execute such written statement of responsibility.

(P.B. 1978-1997, Sec. 1025.1(5), (6).)(Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 27-8. —Scheduling of Judicial Plea/ Dispositional Hearing

[Repealed as of Jan. 1. 2003.]

### Sec. 27-8A. Nonjudicial Supervision

(a) If a child has acknowledged responsibility for the alleged misconduct which is not one for which a judicial hearing is mandated pursuant to Section 27-4A, and the probation officer has then found from investigation of the child's total circumstances that some form of court accountability less exacting than that arising out of a court appearance appears to be in the child's best interests, the officer may, subject to the conditions imposed by subsection (b) hereof, place the child on nonjudicial supervision for a term established by the juvenile probation supervisor for a period not to exceed 180 days.

(b) Whenever the probation officer seeks to effect nonjudicial supervision, the parent and the child shall have a right to a conference with the probation officer's administrative superior, or a court hearing. Whenever a parent or child elects to pursue either or both rights, supervision shall be held in abeyance until the outcome thereof.

(c) Such nonjudicial supervision when completed shall constitute a resolution of the case, and thereafter a child may not again be presented for formal court action on the same summons, complaint or petition or the facts therein set forth, provided however, that a judicial hearing may be initiated on the original summons, complaint or petition during said supervision if there has been a failure to comply with terms of the supervision and any oral or written statement of responsibility shall not be used against the child. When the judicial authority refers the file for nonjudicial han-



© Copyrighted by the Secretary of the State of the State of Connecticut

dling, the referral order should provide that upon successful completion of any nonjudicial handling, the matter will be dismissed and erased for all purposes except for subsequent consideration for nonjudicial handling under Section 27-4A.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 28

## DELINQUENCY AND FAMILY WITH SERVICE NEEDS NONJUDICIAL SUPERVISION

[Repealed as of Jan. 1, 2003.]

Sec.
28-1. Nonjudicial Supervision [Repealed] (Transferred to Section 27-8A.)

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 28-1. Nonjudicial Supervision

[Repealed as of Jan. 1, 2003.]

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 29

## RECEPTION AND PROCESSING OF DELINQUENCY, CHILD FROM FAMILY WITH SERVICE NEEDS AND YOUTH IN CRISIS PETITIONS AND DELINQUENCY INFORMATIONS

Sec.
29-1. Contents of Delinquency, Family with Service Needs, and Youth In Crisis Petitions or Delinquency Informations
29-1A. Processing of Delinquency Petitions and Informations
29-1B. Processing of Family With Service Needs and Youth In Crisis Petitions
29-2. Service of Petitions

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 29-1. Contents of Delinquency, Family with Service Needs, and Youth In Crisis Petitions or Delinquency Informations

(Amended June 24, 2002, to take effect Jan. 1, 2003.)

(a) A delinquency petition or information shall set forth in plain, concise and definite language the offense which the petitioner contends the child has committed. The petition or information shall further state the citation of any provision of law which is the basis of the petition or information, together with a statement that the offense occurred on or about a particular date or period of time at a particular location.

(b) A family with service needs or youth in crisis petition shall set forth in plain, concise and definite language the specific misconduct which the petitioner contends the child or youth has committed. The petition shall further state the citation of any provision of law which is the basis of the petition, together with a statement that the misconduct occurred on or about a particular date or period of time at a particular location.

(P.B. 1978-1997, Sec. 1027.1(1), (2).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 29-1A. Processing of Delinquency Petitions and Informations

The procedures promulgated in General Statutes §§ 46b-128 or 46b-133 (a), (b) and (c) shall apply. Any police summons and report which requires judicial processing should be returned to the clerk for preparation of a formal information based on the police summons or report. The information, summons and report shall be submitted to the juvenile prosecutor for review and verified signature. The juvenile prosecutor may thereafter file an amendment or a substituted information.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 29-1B. Processing of Family With Service Needs and Youth In Crisis Petitions

The procedures promulgated in General Statutes §§ 46b-149 and 46b-150f shall apply. Court process shall be initiated by a petition filed by a probation officer and signed and verified by the juvenile prosecutor.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 29-2. Service of Petitions

(a) Notice of summons, together with a copy of the verified delinquency, family with service needs or youth in crisis petition, may be made to the child or youth and parent, guardian or other person having control of the child or youth by service in accordance with any one of the methods set out in General Statutes § 46b-128. Any notice sent by first class mail shall include a provision informing the party that appearance in court as a result of the notice may subject the appearing party to the jurisdiction of the court. If the child or youth does not appear on the plea date, service shall be made in accordance with General Statutes § 46b-128 or § 46b-149 (d), as appropriate.

(b) Petitions alleging delinquency, family with service needs or youth in crisis misconduct shall be served or delivered not less than seven days before the date of the hearing which shall be held not more than thirty days from the date of filing of the petition.

(P.B. 1978-1997, Sec. 1027.1 (3), (4).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 30

## DETENTION


| Sec. | |
|---|---|
| 30-1. | Notice and Statement by Person Bringing Child to Detention [Repealed] |
| 30-1A. | Admission to Detention |
| 30-2. | Release [Repealed] |
| 30-3. | Advisement of Rights |
| 30-4. | Notice to Parents by Detention Personnel |
| 30-5. | Detention Time Limitations |
| 30-6. | Basis for Detention |
| 30-7. | Place of Detention Hearings |
| 30-8. | Initial Order for Detention; Waiver of Hearing |
| 30-9. | Information Allowed at Detention Hearing |
| 30-10. | Orders of a Judicial Authority after Initial Detention Hearing |
| 30-11. | Detention after Dispositional Hearing |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 30-1. Notice and Statement by Person Bringing Child to Detention

[Repealed as of Jan. 1, 2003.]

### Sec. 30-1A. Admission To Detention

Whenever an officer or other person intends to admit a child into detention, the provisions of General Statutes § 46b-133 shall apply.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-2. Release

[Repealed as of Jan. 1, 2003.]

### Sec. 30-3. Advisement of Rights

Upon admission to detention, the child shall be advised of the right to remain silent and the right to counsel and be further advised of the right to a detention hearing in accordance with Sections 30-5 through 30-8, which hearing may be waived only with the written consent of the child and the child's attorney.

(P.B. 1978-1997, Sec. 1030.1 (3).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-4. Notice to Parents by Detention Personnel

If, upon admission, the officer or other person who brings the child to detention has not complied with the duty of notifying the parent or guardian as set forth in Section 30-1A, the detention supervisor or a designated representative shall make efforts to immediately notify the parent or guardian in the manner calculated most speedily to effect such notice and, upon the parent's or guardian's appearance at the detention facility, shall advise the parent or guardian of his or her rights and note the child's rights, including the child's right to a detention hearing.

(P.B. 1978-1997, Sec. 1030.1 (4).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-5. Detention Time Limitations

(a) No child shall be held in detention for more than twenty-four hours, excluding Saturdays, Sundays, and holidays, unless a delinquency petition or information alleging delinquent conduct has been filed and an order for such continued detention has been signed by the judicial authority.

(b) A hearing to determine probable cause and the need for further detention shall be held no later than the next business day following the arrest. However, a judicial finding of probable cause must be made within forty-eight hours of arrest, including Saturdays, Sundays and holidays. If there is no such finding of said probable cause within forty-eight hours of the arrest, the child shall be released from detention subject to an information and subsequent arrest by warrant or take into custody order.

(P.B. 1978-1997, Sec. 1031.1(1).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-6. Basis for Detention

No child shall be held in detention unless it appears from the available facts that there is probable cause to believe that the child is responsible for the acts alleged and that there is (1) a strong probability that the child will run away prior to court hearing or disposition, or (2) a strong probability that the child will commit or attempt to commit other offenses injurious to the child or to the community before court disposition, or (3) probable cause to believe that the child's continued residence in the home pending disposition will not safeguard the best interests of the child or the community because of the serious and dangerous nature of the act or acts set forth in the attached delinquency petition, or (4) a need to hold the child for another jurisdiction, or (5) a need to hold the child to assure the child's appearance before the court, in view of a previous failure to respond



© Copyrighted by the Secretary of the State of the State of Connecticut

to the court process. The court in exercising its discretion to detain under General Statutes § 46b-133 (d) may consider a suspended detention order with graduated sanctions as an alternative to detention in accordance with graduated sanctions procedures established by the judicial branch.

(P.B. 1978-1997, Sec. 1031.1 (2).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-7. Place of Detention Hearings

The initial detention hearing may be conducted in the superior court for juvenile matters at the detention facility where the child is held and, thereafter, detention hearings shall be held at the case venue.

(P.B. 1978-1997, Sec. 1031.1(3).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-8. Initial Order for Detention; Waiver of Hearing

(Amended June 24, 2002, to take effect Jan. 1, 2003.)

Such initial order of detention may be signed without a hearing only if there is a written waiver of the detention hearing by the child and the child's attorney and there is a finding by the judicial authority that the circumstances outlined in Section 30-5 pertain to the child in question. An order of detention entered without a hearing shall authorize the detention of the child for a period not to exceed ten days, including the date of admission, and may further authorize the detention supervisor or a designated representative to release the child to the custody of a parent, guardian or some other suitable person, with or without conditions of release, if detention is no longer necessary, except that no child shall be released from detention who is alleged to have committed a serious juvenile offense except by order of a judicial authority of the superior court. Such an ex parte order of detention shall not be renewable without a detention hearing before the judicial authority.

(P.B. 1978-1997, Sec. 1031.1 (4).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-9. Information Allowed at Detention Hearing

At the detention hearing the judicial authority may consider any information which is material and relevant to the issue of detention. Probable cause may be proven by sworn affidavit in lieu of testimony. The probation department may ascertain such factors as might pertain to any need for detention. Any written reports or social records made available to the judicial authority shall be made available to counsel of record and, in the absence of counsel, to the parties unless the judicial authority finds that the availability of such materials would be psychologically destructive to the relationship between members of the family. Either through direct access or by quotation or summation by the judicial authority, the parties should be made aware of such findings in the reports or social records as directly enter into the judicial authority's decision.

(P.B. 1978-1997, Sec. 1032.1 (1).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30-10. Orders of a Judicial Authority after Initial Detention Hearing

(Amended June 24, 2002, to take effect Jan. 1, 2003.)

(a) At the conclusion of the initial detention hearing, the judicial authority shall issue an order for detention on finding that at least one of the factors outlined in Section 30-5 applies to the child.

(b) If the child is placed in detention, such order for detention shall be for a period not to exceed fifteen days, including the date of admission, or until the dispositional hearing is held, whichever is the shorter period, unless, following a further detention review hearing, the order is renewed. Such detention review hearing may not be waived.

(c) If the child is not placed in detention but released on a suspended order of detention on conditions, such suspended order of detention shall continue to the dispositional hearing or until further order of the judicial authority. Said suspended order of detention may be reviewed by the judicial authority every fifteen days. Upon a finding of probable cause that the child has violated any condition, a judicial authority may issue a take into custody order or order such child to appear in court for a hearing on revocation of the suspended order of detention. Such an order to appear shall be served upon the child in accordance with General Statutes § 46b-128 (b), or, if the child is represented, by serving the order to appear upon the child's counsel, who shall notify the child of the order and the hearing date. After a hearing and upon a finding that the child has violated reasonable conditions imposed on release, the judicial authority may impose different or additional conditions of release or may remand the child to detention.

(d) In conjunction with any order of release from detention the judicial authority may, in accordance with General Statutes § 46b-133 (f), order the child to participate in a program of periodic drug testing and treatment as a condition of such release. The results of any such drug test shall be admissible only for the purposes of enforcing the conditions of release from detention.

(P.B. 1978-1997, Sec. 1032.1 (2), (3).) (Amended June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 30-11. Detention after Dispositional Hearing**

While awaiting implementation of the judicial authority's order, a child may be held in detention subsequent to the dispositional hearing, provided a hearing to review the circumstances and conditions of such detention order shall be conducted every fifteen days and such hearing may not be waived.

(P.B. 1978-1997, Sec. 1032.1 (4).)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 30a

## DELINQUENCY, FAMILY WITH SERVICE NEEDS AND YOUTH IN CRISIS HEARINGS


| Sec. | | Sec. | |
|---|---|---|---|
| 30a-1. | Initial Plea Hearing | 30a-5. | Dispositional Hearing |
| 30a-2. | Pretrial Conference | 30a-6. | —Statement on Behalf of Victim |
| 30a-3. | —Standards of Proof; Burden of Going Forward | 30a-7. | Recording of Hearings |
| 30a-4. | Plea Canvass | 30a-8. | Records |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 30a-1. Initial Plea Hearing

(a) The judicial authority shall begin the hearing by determining whether all necessary parties are present and that the rules governing service for nonappearing parties have been complied with, and shall note these facts for the record. The judicial authority shall then inform the parties of the substance of the petition or information.

(b) In age appropriate language, the judicial authority prior to any plea shall advise the child or youth and parent or guardian of the following rights:

(1) That the child or youth is not obligated to say anything and that anything that is said may be used against the child or youth.

(2) That the child or youth and the parent or guardian is entitled to the services of an attorney and that if the child or youth or parent or guardian is unable to pay, an application for a public defender or court-appointed attorney should be completed and filed with the office of the public defender or the clerk of the court to request an attorney without cost.

(3) That the child or youth will not be questioned unless he or she consents, that the child or youth can consult with an attorney before being questioned and may have an attorney present during questioning, and that the child or youth can stop answering questions at any time.

(4) That the child or youth has the right to a trial and the rights of confrontation and cross-examination of witnesses.

(c) Notwithstanding any prior statement acknowledging responsibility for the acts alleged, the judicial authority shall inquire of the child whether the child presently admits or denies the allegations of the petition or information.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30a-2. Pretrial Conference

(a) When counsel is requested, or responsibility is denied, the case may be continued for a pretrial conference. At the pretrial, the parties may agree that a substitute information will be filed, or that certain charges will be nolled or dismissed. If the child or youth and parent or guardian subsequently execute a written statement of responsibility at the pretrial conference, or the attorney for the child or youth conveys to the prosecutor an agreement on the adjudicatory grounds, a predispositional study shall be compiled by the probation department and the case shall be assigned for a plea and dispositional hearing.

(b) If a plea agreement has been reached by the parties which contemplates the entry of an admission in a family with service needs or youth in crisis case, or a plea of guilty or nolo contendere in a delinquency case, and the recommendation of a particular disposition, the agreement shall be disclosed in open court at the time the plea is offered. Thereupon the judicial authority may accept or reject any agreement, or may defer the decision on acceptance or rejection of the agreement until it has had an opportunity to review the predispositional study.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 30a-3. —Standards of Proof; Burden of Going Forward

(Amended June 30, 2003, to take effect Jan. 1, 2004.)

(a) The standard of proof for a delinquency conviction is evidence beyond a reasonable doubt and for a family with service needs adjudication is clear and convincing evidence.

(b) The burden of going forward with evidence shall rest with the juvenile prosecutor, or with the petitioner's counsel, as the case may be.

(Adopted June 24, 2002, to take effect Jan. 1, 2003; amended June 30, 2003, to take effect Jan. 1, 2004.)

TECHNICAL CHANGE—2005: In 2005, ''Standards of Proof;'' was added to the title in accordance with an amendment published in the Connecticut Law Journal of July 22, 2003, which was inadvertently omitted from the 2004 Practice Book.



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 30a-4. Plea Canvass**

To assure that any plea or admission is voluntary and knowingly made, the judicial authority shall address the child or youth in age appropriate language to determine that the child or youth substantially understands:

(1) The nature of the charges;

(2) The factual basis of the charges;

(3) The possible penalty, including any extensions or modifications;

(4) That the plea or admission must be voluntary and not the result of force, threats, or promises, apart from the plea agreement;

(5) That the child or youth has (i) the right to deny responsibility or plead not guilty or to persist if that denial or plea has already been made, (ii) the right to be tried by a judicial authority, (iii) that at trial the child or youth has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him or her, and the right not to be compelled to incriminate himself or herself.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 30a-5. Dispositional Hearing**

(a) The dispositional hearing may follow immediately upon a conviction or an adjudication.

(b) The judicial authority may admit into evidence any testimony which is considered relevant to the issue of the disposition, in any form the judicial authority finds of probative value, but no disposition shall be made by the judicial authority until the predispositional study, unless waived, has been submitted. A written predispositional study may be waived by the judicial authority for good cause shown upon the request of the parties, provided that the basis for the waiver and the probation officer's oral summary of any investigation are both placed on the record.

(c) The prosecutor and the child or youth and parent or guardian shall have the right to produce witnesses on behalf of any dispositional plan they may wish to offer.

(d) Prior to any disposition, the child or youth shall be allowed a reasonable opportunity to make a personal statement to the judicial authority in mitigation of any disposition.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 30a-6. —Statement on Behalf of Victim**

Whenever a victim of an alleged delinquent act, the parent or guardian of such victim, a General Statutes § 54-221 advocate or such victim's counsel exercises the right to appear before the judicial authority for the purpose of making a statement to the judicial authority concerning the disposition of the case, all parties, including the probation officer, shall be so notified. No statement shall be received unless the alleged delinquent has signed a statement of responsibility, confirmed a plea agreement or been convicted as a delinquent.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 30a-7. Recording of Hearings**

A verbatim stenographic or electronic recording shall be kept of any hearing, the transcript of which shall form part of the record of the case.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 30a-8. Records**

(a) Except as otherwise provided by statute, all records maintained in juvenile matters brought before the judicial authority, either current or closed, including transcripts of hearings, shall be kept confidential.

(b) Except as otherwise provided by statute, no material contained in the court records, including the predispositional study, medical or clinical reports, school reports, police reports, or the reports of social agencies, may be copied or otherwise reproduced in written form in whole or in part by the parties or their counsel without the express consent of the judicial authority.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 31

## DELINQUENCY AND FAMILY WITH SERVICE NEEDS HEARING

[Repealed as of Jan. 1, 2003.]

Sec.
31-1. Adjudicatory Hearing; Actions by Judicial Authority [Repealed]
31-2. —Continuance for Pretrial Conference [Repealed]
31-3. —Burden of Going Forward [Repealed]
31-4. —Physical Presence of Child [Repealed]
31-5. Dispositional Hearing; Factors to Be Considered by Judicial Authority [Repealed]
31-6. —When Held; Evidence and Predispositional Study [Repealed]
31-7. —Availability of Predispositional Study to Counsel and Parties [Repealed]
31-8. —Dispositional Plan Offered by Child or Parent [Repealed]
31-9. —Statement on Behalf of Victim [Repealed]
31-10. Modification of Probation and Supervision [Repealed]
31-11. Take into Custody [Repealed]
31-12. Physical and Mental Examinations [Repealed]
31-13. Mentally Ill Children [Repealed]

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

**Sec. 31-1. Adjudicatory Hearing; Actions by Judicial Authority**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-2. —Continuance for Pretrial Conference**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-3. —Burden of Going Forward**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-4. —Physical Presence of Child**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-5. Dispositional Hearing; Factors to Be Considered by Judicial Authority**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-6. —When Held; Evidence and Predispositional Study**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-7. —Availability of Predispositional Study to Counsel and Parties**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-8. —Dispositional Plan Offered by Child or Parent**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-9. —Statement on Behalf of Victim**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-10. Modification of Probation and Supervision**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-11. Take into Custody**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-12. Physical and Mental Examinations**

[Repealed as of Jan. 1, 2003.]

**Sec. 31-13. Mentally Ill Children**

[Repealed as of Jan. 1, 2003.]

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 31a

## DELINQUENCY, FAMILY WITH SERVICE NEEDS AND YOUTH IN CRISIS MOTIONS AND APPLICATIONS


Sec.
31a-1. Motions and Amendments
31a-2. Motion for Bill of Particulars
31a-3. Motion to Dismiss
31a-4. Motion to Suppress
31a-5. Motion for Judgment of Acquittal
31a-6. Motion for Transfer of Venue
31a-7. Motion in Limine
31a-8. Motion for Sequestration
31a-9. Severance of Offenses
31a-10. Trial Together on Petitions or Informations
31a-11. Motion for New Trial
31a-12. Motion to Transfer to Adult Criminal Docket
31a-13. Take into Custody Order
31a-14. Physical and Mental Examinations
31a-15. Mentally Ill Children
31a-16. Discovery
31a-17. Disclosure of Defenses in Delinquency Proceedings
31a-18. Modification of Probation and Supervision
31a-19. Motion for Extension of Delinquency Commitment; Motion for Review of Permanency Plan


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 31a-1. Motions and Amendments

(a) A motion other than one made during a hearing shall be in writing and have annexed to it a proper order and, where appropriate, shall be in the form called for by Section 4-1. A motion shall state in paragraphs successively numbered the specific grounds upon which it is made. A copy of the written motion shall be served on the opposing party or counsel pursuant to Sections 10-12 through 10-17.

(b) Motions shall be filed no later than ten days after the date the matter is scheduled for trial except with the permission of the judicial authority. All motions shall be calendared to be heard by the judicial authority within fifteen days after filing provided reasonable notice is given to parties in interest, or notices are waived. Any motion filed in a case on trial or assigned for trial may be disposed of by the judicial authority at its discretion or ordered upon the docket.

(c) If the moving party determines and reports that all counsel and pro se parties agree to the granting of a motion or the consideration of a motion without the need for oral argument or testimony, or the motion states on its face that there is such an agreement, the motion may be granted without a hearing.

(d) A petition or information may be amended at any time by the judicial authority on its own motion or in response to the motions of any party prior to any final adjudication. When an amendment has been so ordered, a continuance shall be granted whenever the judicial authority finds that the new allegations in the petition justify the need for additional time to permit the parties to respond adequately to the additional or changed facts and circumstances.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 31a-2. Motion for Bill of Particulars

The child or youth may file a motion, or the judicial authority may order at any time, that the prosecuting authority file a bill of particulars. The judicial authority shall order that a bill of particulars disclose information sufficient to enable the child or youth to prepare the defense, including but not being limited to reasonable notice of the offense charged and the date, time and place of its commission. When any bill of particulars is ordered, an amended or substitute information, if necessary, shall be filed incorporating its provisions.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 31a-3. Motion to Dismiss

The child or youth may file a motion to dismiss if the motion is capable of determination without a trial of the general issue on grounds (1) to (9) of Section 41-8 of the rules of procedure in criminal matters, subject to the conditions of Section 41-10 and 41-11.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 31a-4. Motion to Suppress

The child or youth may file a motion to suppress potential testimony or other evidence if required under the constitution or laws of the United States or the state of Connecticut in accordance with the provisions of Sections 41-13 through 41-17 of the rules of procedure in criminal matters.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 31a-5. Motion for Judgment of Acquittal**

(a) After the close of the juvenile prosecutor's case in chief, upon motion of the child or youth or upon its own motion, the judicial authority shall order the entry of a judgment of acquittal as to any principal offense charged and as to any lesser included offense for which the evidence would not reasonably permit an adjudication or finding of guilty. Such judgment of acquittal shall not apply to any lesser included offense for which the evidence would reasonably permit a finding of guilty.

(b) The judicial authority shall either grant or deny the motion before calling upon the child or youth to present the defendant's case in chief. If the motion is not granted, the defendant may offer evidence without having reserved the right to do so.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-6. Motion for Transfer of Venue**

The child or youth or juvenile prosecutor may file a motion, or the judicial authority may order at any time, that a juvenile matter be transferred to a different venue in accordance with Sections 41-23 and 41-25 of the rules of procedure in criminal matters.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-7. Motion in Limine**

The judicial authority to whom a matter has been referred for trial may in its discretion entertain a motion in limine made by the child or youth or juvenile prosecutor regarding the admission or exclusion of anticipated evidence. Such motion shall be in writing and shall describe the anticipated evidence and the prejudice which may result therefrom. The judicial authority may grant the relief sought in the motion or such other relief as it may deem appropriate, may deny the motion with or without prejudice to its later renewal, or may reserve decision thereon until a later time in the proceeding.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-8. Motion for Sequestration**

A child or youth or juvenile prosecutor may file a motion for sequestration. The judicial authority upon such motion shall cause any witness to be sequestered during the hearing on any issue or motion or during any part of the trial in which such witness is not testifying.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-9. Severance of Offenses**

If it appears that a child or youth is prejudiced by a joinder of offenses, the judicial authority may, upon its own motion or the motion of the child or youth, order separate trials of the counts or provide whatever other relief justice may require.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-10. Trial Together on Petitions or Informations**

The judicial authority may, upon its own motion or the motion of the child or youth or juvenile prosecutor, order that two or more petitions or informations against the same child or youth be tried together. Petitions or informations against different children or youths may not be tried together unless all parties agree to waive the confidentiality rules.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-11. Motion for New Trial**

(a) Upon motion of the child or youth, the judicial authority may grant a new trial if it is required in the interest of justice in accordance with Section 42-53 of the rules of criminal procedure.

(b) Unless otherwise permitted by the judicial authority in the interests of justice, a motion for a new trial shall be made within five days after an adjudication or finding of guilty or within any further time the judicial authority allows during the five-day period.

(c) A request for a new trial on the ground of newly discovered evidence shall require a petition for a new trial and shall be brought in accordance with General Statutes § 52-270. The judicial authority may grant the petition even though an appeal is pending.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-12. Motion to Transfer to Adult Criminal Docket**

The juvenile prosecutor may file a motion to transfer prosecution to the adult criminal docket in accordance with General Statutes § 46b-127.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-13. Take into Custody Order**

(a) Upon application in a delinquency proceeding, a take into custody order may be issued by the judicial authority:

(1) Upon a finding of probable cause to believe that the child is responsible for: (i) a delinquent act, including violation of probation or supervision conditions or the failure of the child, duly notified, to attend a pretrial, probation or evaluation appointment, or (ii) for failure to comply with any duly warned condition of a suspended order of detention. The judicial authority also must find at the time it issues a take into custody order that a ground for detention pursuant to Section 30-6 exists before issuing the order.



© Copyrighted by the Secretary of the State of the State of Connecticut

(2) For failure to appear in court in response to a delinquency petition or summons served in hand or to a direct notice previously provided in court.

(b) Any application for a take into custody order must be supported by a sworn statement alleging facts to substantiate probable cause, and where applicable, a petition or information charging a delinquent act.

(c) Any child detained under a take into custody order is subject to Sections 30-1A through 30-11.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 31a-14. Physical and Mental Examinations

(a) No physical and/or mental examination or examinations by any physician, psychologist, psychiatrist or social worker shall be ordered by the judicial authority of any child denying delinquent behavior or status as a child from family with service needs or youth in crisis prior to the adjudication, except (1) with the agreement of the child's parent or guardian and attorney, (2) when the child has executed a written statement of responsibility, (3) when the judicial authority finds that there is a question of the child's competence to understand the nature of the proceedings or to participate in the defense, or a question of the child having been mentally capable of unlawful intent at the time of the commission of the alleged act, or (4) where the child has been detained and as an incident of detention is administered a physical examination to establish the existence of any contagious or infectious condition.

(b) Upon a showing that the mental health of a child is at issue, either prior to adjudication for the reasons set forth in subsection (a) herein or subsequent thereto as a determinate of disposition, the judicial authority may order a child's detention for a period not to exceed thirty days in a hospital or other institution empowered by law to treat mentally ill children for study and a report on the child's mental condition.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 31a-15. Mentally Ill Children

No child shall be committed by a judicial authority as mentally ill pursuant to General Statutes § 46b-140 until such a study has been made and a sworn report filed with the judicial authority or in lieu thereof without the sworn certificate of at least two impartial physicians, one of whom shall be a physician specializing in psychiatry, selected by the judicial authority who have personally examined the child within ten days of the hearing, stating that in their opinion the child's mental condition necessitates placement in a designated hospital for mental illness. If, after such hearing, the judicial authority finds by clear and convincing evidence that the child suffers from a mental disorder, as defined in General Statutes § 17a-75, is in need of hospitalization for treatment and such treatment is available as the least restrictive alternative, the judicial authority shall make an order for commitment for a definite period not to exceed six months to a designated hospital for mental illness of children. No child or youth shall be committed as mentally deficient pursuant to General Statutes § 46b-140 except in accordance with procedures of General Statutes § 17a-274 (b), (g), and (h).

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 31a-16. Discovery

(a) The child or youth or the juvenile prosecutor shall be permitted pretrial discovery in accordance with subsections (b), (c) and (d) of this section by interrogatory, production, inspection or deposition of a person in delinquency, family with service needs or youth in crisis matters if the information or material sought is not otherwise obtainable and upon a finding that proceedings will not be unduly delayed.

(b) Motions or requests for discovery shall be filed with the court in accordance with Section 31a-1. The clerk shall calendar any such motion or request for a hearing. Objections to such motions or requests may be filed with the court and served in accordance with Sections 10-12 through 10-17 within ten days of the filing of the motion or request unless the judicial authority, for good cause shown, allows a later filing. Upon its own motion or upon the request or motion of a party, the judicial authority may, after a hearing, order discovery. The judicial authority shall fix the times for filing and for responding to discovery motions and requests and, when appropriate, shall fix the hour, place, manner, terms and conditions of responses to the motions and requests, provided that the party seeking discovery shall be allowed a reasonable opportunity to obtain information needed for the preparation of the case.

(c) Motions or requests for discovery should not be filed unless the moving party has attempted unsuccessfully to obtain an agreement to disclose from the party or person from whom information is being sought.

(d) The provisions of Sections 40-2 through 40-6, inclusive, 40-7 (b), 40-8, through 40-16, inclusive, and 40-26 through 40-58, inclusive, of the rules of procedure in criminal matters shall be applied by the judicial authority in determining whether to grant, limit or set conditions on the requested discovery, issue any protective orders,



© Copyrighted by the Secretary of the State of the State of Connecticut

or order appropriate sanctions for any clear misuse of discovery or arbitrary delay or refusal to comply with a discovery request.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-17. Disclosure of Defenses in Delinquency Proceedings**

The child in a delinquency case shall disclose defenses to the charged offenses in accordance with Section 40-17 through 40-25 of the rules of criminal procedure. Such disclosures shall be made within ten days after the matter is scheduled for trial except with the permission of the judicial authority.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-18. Modification of Probation and Supervision**

Any modification of the terms of probation or supervision, including discharge, shall be given in writing to the child, attorney, juvenile prosecutor and parent who may, in the event of disagreement, in writing request the judicial authority within five days of the receipt thereof for a hearing on the propriety of the modification. In the absence of any request, the modification of the terms of probation may be effected by the probation officer with the approval of the supervisor and the judicial authority.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 31a-19. Motion for Extension of Delinquency Commitment; Motion for Review of Permanency Plan**

(a) The commissioner of children and families may file a motion for an extension of a delinquency commitment beyond the eighteen-month or four-year period on the grounds that such extension is for the best interest of the child or the community. The clerk of the court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The judicial authority may, after hearing and upon finding such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months.

(b) No later than twelve months after a child is committed as a delinquent to the department of children and families, the judicial authority shall hold a permanency hearing. Such a hearing will be held every twelve months thereafter if the child remains committed. Such hearing may include the submission of a motion to the judicial authority by the commissioner to either modify or extend the commitment.

(c) At least sixty days prior to each permanency hearing required under subsection (b) of this section, the commissioner of children and families shall file a permanency plan with the judicial authority. At each permanency hearing, the judicial authority shall review and approve a permanency plan that is in the best interest of the child and takes into consideration the child's need for permanency. The judicial authority shall also determine whether the commissioner of children and families has made reasonable efforts to achieve the permanency plan.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 32

## NEGLECTED, UNCARED FOR AND DEPENDENT CHILDREN AND TERMINATION OF PARENTAL RIGHTS

[Repealed as of Jan. 1, 2003.]

Sec.
32-1. Initiation of Judicial Proceeding; Contents of Petitions and Summary of Facts [Repealed]
32-2. —Summons Accompanying Petitions [Repealed]
32-3. —Venue [Repealed]
32-4. —Identity or Location of Parent Unknown [Repealed]
32-5. —Address of Person Entitled to Personal Service Unknown [Repealed]
32-6. Order of Temporary Custody; Application and Sworn Statement [Repealed]
32-7. —Statement in Temporary Custody Order of Respondent's Rights and of Subsequent Hearing [Repealed]
32-8. —Authority of Temporary Custodian [Repealed]
32-9. —Emergency, Life-Threatening Medical Situations — Procedures [Repealed]

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

**Sec. 32-1. Initiation of Judicial Proceeding; Contents of Petitions and Summary of Facts**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-2. —Summons Accompanying Petitions**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-3. —Venue**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-4. —Identity or Location of Parent Unknown**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-5. —Address of Person Entitled to Personal Service Unknown**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-6. Order of Temporary Custody; Application and Sworn Statement**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-7. —Statement in Temporary Custody Order of Respondent's Rights and of Subsequent Hearing**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-8. —Authority of Temporary Custodian**

[Repealed as of Jan. 1, 2003.]

**Sec. 32-9. —Emergency, Life-Threatening Medical Situations—Procedures**

[Repealed as of Jan. 1, 2003.]

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 32a

## RIGHTS OF PARTIES NEGLECTED, UNCARED FOR AND DEPENDENT CHILDREN AND TERMINATION OF PARENTAL RIGHTS

Sec.
32a-1. Right to Counsel and to Remain Silent
32a-2. Hearing Procedure; Subpoenas
32a-3. Standards of Proof
32a-4. Child Witness
32a-5. Child in the Court
32a-6. Interpreter
32a-7. Records
32a-8. Use of Confidential Alcohol or Drug Abuse Treatment Records As Evidence

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 32a-1. Right to Counsel and to Remain Silent

(a) The judicial authority shall advise and explain to the parents or guardian of a child or youth their right to silence and to counsel prior to commencement of any proceeding.

(b) The parents or guardian of a child or youth and the child or youth have the rights of confrontation and cross-examination and may be represented by counsel in each and every phase of any and all proceedings in juvenile matters, including appeals, and if they are unable to afford counsel, counsel will be appointed to represent them if such is their request. The judicial authority shall appoint counsel for these parties or any of them (1) upon request and upon a finding that the party, is, in fact, financially unable to employ counsel, or (2) in the case of counsel for the child, whether a request is made or not, in any proceeding on a juvenile matter in which the custody of a child is at issue, or if in the opinion of the judicial authority the interests of the child and the parents conflict, or (3) in the case of counsel for the child and the parent, whether a request is made or not, if in the opinion of the judicial authority a fair hearing necessitates such an appointment.

(c) Where the judicial authority so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, it shall assess as costs against such parent or custodian, including any agency vested with the legal custody of the child, the expense so incurred and paid for by the court in providing such counsel, to the extent of their financial ability to do so. Reimbursement to the appointed attorney of unrecovered costs shall be made to that attorney by the judicial branch upon the attorney's certification of his unrecovered expenses to the judicial branch.

(d) Notices of initial hearings on petitions, shall contain a statement of the respondent's right to counsel.

(e) Any confession, admission or statement, written or oral, made by the parent or parents or guardian of the child or youth after the filing of a petition alleging such child or youth to be neglected, uncared-for or dependent, shall be inadmissible in any proceeding held upon such petition against the person making such admission or statement unless such person shall have been advised of his right to retain counsel, and that if he is unable to afford counsel, counsel will be appointed to represent him, that he has a right to refuse to make any statement and that any statements he makes may be introduced in evidence against him.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-2. Hearing Procedure; Subpoenas

(a) All hearings are essentially civil proceedings except where otherwise provided by statute. Testimony may be given in narrative form and the proceedings shall at all times be as informal as the requirements of due process and fairness permit.

(b) Issuance, service, and compliance with subpoenas are governed by General Statutes § 52-143 et seq.

(c) Any pro se indigent party may request the clerk of the court to issue subpoenas for persons to testify before the judicial authority. Pro se indigent parties and court-appointed counsel shall obtain prior approval from the judicial authority to issue subpoenas and seek reimbursement for the costs thereof.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-3. Standards of Proof

(a) The standard of proof applied in a neglect, uncared for or dependency proceeding is a fair preponderance of the evidence.



© Copyrighted by the Secretary of the State of the State of Connecticut

(b) The standard of proof applied in a decision to terminate parental rights or a finding that efforts to reunify a parent with a child are no longer appropriate, is clear and convincing evidence.

(c) Any child custody proceedings, except delinquency, involving removal of an Indian child from a parent or Indian custodian for placement shall, in addition, comply with the Indian Child Welfare Act (ICWA), 25 U.S.C. § 1901 et seq.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-4. Child Witness

(a) All oral testimony shall be given under oath. For child witnesses, the oath may be ''you promise that you will tell the truth.'' The judicial authority may, however, admit the testimony of a child without the imposition of a formal oath if the judicial authority finds that the oath would be meaningless to the particular child, or would otherwise inhibit the child from testifying freely and fully.

(b) Any party who intends to call a child as a witness shall first file a motion seeking permission of the judicial authority.

(c) In any proceeding when testimony of a child is taken, an adult who is known to the child and with whom the child feels comfortable shall be permitted to sit in close proximity to the child during the child's testimony without obscuring the child from view and the attorneys shall ask questions and pose objections while seated and in a manner which is not intimidating to the child. The judicial authority shall minimize any distress to a child in court.

(d) The judicial authority with the consent of all parties may privately interview the child. Counsel may submit questions and areas of concern for examination. The knowledge gained in such a conference shall be shared on the record with counsel and, if there is no legal representative, with the parent.

(e) When the witness is the child of the respondent, the respondent may be excluded from the hearing room upon a showing by clear and convincing evidence that the child witness would be so intimidated or inhibited that trustworthiness of the child witness is seriously called into question. In such an instance, if the respondent is without counsel, the judicial authority shall summarize for the respondent the nature of the child's testimony.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-5. Child in the Court

For good cause shown, the child who is the subject of the hearing may be excluded from the courtroom.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-6. Interpreter

The judicial authority shall provide an official interpreter to the parties as necessary to ensure their understanding of, and participation in, the proceedings.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-7. Records

(a) Except as otherwise provided by statute, all records maintained in juvenile matters brought before the judicial authority, either current or closed, including the transcripts of hearings, shall be kept confidential.

(b) Except as otherwise provided by statute, no material contained in the court record, including the social study, medical or clinical reports, school reports, police reports and the reports of social agencies, may be copied or otherwise reproduced in written form in whole or in part by the parties or their counsel without the express consent of the judicial authority.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 32a-8. Use of Confidential Alcohol or Drug Abuse Treatment Records As Evidence

(a) Upon a determination by the judicial authority that good cause exists pursuant to federal law and regulations, the judicial authority may admit evidence of any party's alcohol or drug treatment by a facility subject to said regulations.

(b) A party seeking to introduce substance abuse treatment records shall submit a motion to the judicial authority requesting permission to subpoena such records and explaining the need for them, and shall also file a motion to disclose such confidential records and permit testimony regarding them. The motion for permission to subpoena such records may be signed ex parte by the judicial authority. If the judicial authority approves the motion, such records may be subpoenaed and submitted to the court under seal, and the judicial authority shall set a date for the parties and service providers to be heard on the motion to disclose confidential alcohol or drug abuse treatment records.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 33

## HEARINGS CONCERNING NEGLECTED, UNCARED FOR AND DEPENDENT CHILDREN AND TERMINATION OF PARENTAL RIGHTS

[Repealed as of Jan. 1, 2003.]

Sec.
33-1. Adjudicatory Hearing; Actions by Judicial Authority [Repealed]
33-2. —Continuance for Case Status Conference [Repealed]
33-3. —Evidence [Repealed]
33-4. —Burden of Proceeding [Repealed]
33-5. Dispositional Hearing; Evidence and Social Study [Repealed]
33-6. —Availability of Social Study to Counsel and Parties [Repealed]
33-7. —Dispositional Plan Offered by Respondents [Repealed]
33-8. Protective Supervision—Conditions and Modification [Repealed]
33-9. Extension Petitions [Repealed]
33-10. Revocation of Commitments [Repealed]
33-11. Modifications [Repealed]
33-12. Coterminous Petitions [Repealed]
33-13. Transfer from Probate Court of Petitions for Removal of Parent as Guardian [Repealed]

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

**Sec. 33-1. Adjudicatory Hearing; Actions by Judicial Authority**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-2. —Continuance for Case Status Conference**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-3. —Evidence**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-4. —Burden of Proceeding**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-5. Dispositional Hearing; Evidence and Social Study**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-6. —Availability of Social Study to Counsel and Parties**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-7. —Dispositional Plan Offered by Respondents**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-8. Protective Supervision—Conditions and Modification**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-9. Extension Petitions**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-10. Revocation of Commitments**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-11. Modifications**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-12. Coterminous Petitions**

[Repealed as of Jan. 1, 2003.]

**Sec. 33-13. Transfer from Probate Court of Petitions for Removal of Parent as Guardian**

[Repealed as of Jan. 1, 2003.]

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 33a

## PETITIONS FOR NEGLECT, UNCARED FOR, DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS: INITIATION OF PROCEEDINGS, ORDERS OF TEMPORARY CUSTODY AND PRELIMINARY HEARINGS

Sec.
33a-1. Initiation of Judicial Proceeding; Contents of Petitions and Summary of Facts
33a-2. Service of Summons, Petitions and Ex Parte Orders
33a-3. Venue
33a-4. Identity or Location of Respondent Unknown
33a-5. Address of Person Entitled to Personal Service Unknown
33a-6. Order of Temporary Custody; Ex Parte Orders and Orders to Appear
33a-7. Preliminary Hearing
33a-8. Emergency, Life-Threatening Medical Situations—Procedures

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 33a-1. Initiation of Judicial Proceeding; Contents of Petitions and Summary of Facts

(a) The petitioner shall set forth with reasonable particularity, including statutory references, the specific conditions which have resulted in the situation which is the subject of the petition.

(b) A summary of the facts substantiating the allegations of the petition shall be attached thereto and shall be incorporated by reference.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

### Sec. 33a-2. Service of Summons, Petitions and Ex Parte Orders

(a) A summons accompanying a petition alleging that a child is neglected, uncared for or dependent, along with the summary of facts, shall be served by the petitioner on the respondents and provided to the office of the attorney general at least fourteen days before the date of the initial plea hearing on the petition, which shall be held not more than forty-five days from the date of filing the petition.

(b) A summons accompanying a petition for termination of parental rights, along with the summary of facts, shall be served by the petitioner on the respondents and provided to the office of the attorney general at least ten days prior to the date of the initial plea hearing on the petition, which shall be held not more than thirty days from the filing of the petition.

(c) A summons accompanying simultaneously filed coterminous petitions, along with the summary of facts, shall be served by the petitioner on the respondents and provided to the office of the attorney general at least ten days prior to the date of the initial plea hearing on the petition, which shall be held not more than thirty days from the filing of the petitions.

(d) A summons accompanying any petition filed with an application for order of temporary custody shall be served by the petitioner on the respondents and provided to the office of the attorney general as soon as practicable after the issuance of any ex parte order or order to appear, along with such order, any sworn statements supporting the order, the summary of facts, the specific steps provided by the judicial authority, and the notice required by Section 33a-6.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

### Sec. 33a-3. Venue

All child protection petitions shall be filed within the juvenile matters district where the child or youth resided at the time of the filing of the petition, but any child or youth born in any hospital or institution where the mother is confined at the time of birth shall be deemed to have residence in the district wherein such child's mother was living at the time of her admission to such hospital or institution. When placement of a child has been effected prior to filing of a petition, venue shall be in the district wherein the custodial parent is living at the time of the filing of the petition.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

### Sec. 33a-4. Identity or Location of Respondent Unknown

(a) If the identity or present location of a respondent is unknown when a petition is filed, an affidavit shall be attached reciting the efforts to identify and locate that respondent. The judicial authority shall require reasonable efforts to identify and locate the absent respondent. Notice by publication to unidentified persons shall be required in any petition for termination of parental rights.



© Copyrighted by the Secretary of the State of the State of Connecticut

(b) The judicial authority may appoint counsel for an unidentified parent or an absent parent who has received only constructive notice of termination proceedings, for the limited purposes of conducting a reasonable search for the unidentified or absent parents and reporting to the judicial authority before any adjudication.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

**Sec. 33a-5. Address of Person Entitled to Personal Service Unknown**

If the address of any person entitled to personal service is unknown, service may be by publication as ordered by the judicial authority.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

**Sec. 33a-6. Order of Temporary Custody; Ex Parte Orders and Orders to Appear**

(a) If the judicial authority finds, based upon the specific allegations of the petition and other verified affirmations of fact provided by the applicant, that there is reasonable cause to believe that: (1) the child is suffering from serious physical illness or serious physical injury or is in immediate physical danger from his surroundings and (2) that as a result of said conditions, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, the judicial authority shall, upon proper application at the time of filing of the petition or at any time subsequent thereto, either (A) issue an order to the respondents or other persons having responsibility for the care of the child or youth to appear at such time as the judicial authority may designate to determine whether the judicial authority should vest in some suitable agency or person the child's or youth's temporary care and custody pending disposition of the petition, or (B) issue an order ex parte vesting in some suitable agency or person the child's or youth's temporary care and custody.

(b) A preliminary hearing on any ex parte custody order or order to appear issued by the judicial authority shall be held as soon as practicable but no more than ten days from the issuance of such order.

(c) If the application is filed subsequent to the filing of the petition, a motion to amend the petition or to modify protective supervision shall be filed no later than the next business date before such preliminary hearing.

(d) Upon issuance of an ex parte order or order to appear, the judicial authority shall provide to the commissioner and the respondents specific steps necessary for each to take for the respondents to retain or regain custody of the child or youth.

(e) An ex parte order or order to appear shall be accompanied by a conspicuous notice to the respondents written in clear and simple language containing at least the following information: (i) That the order contains allegations that conditions in the home have endangered the safety and welfare of the child; (ii) that a hearing will be held on the date on the form; (iii) that the hearing is the opportunity to present the parents' position concerning the alleged facts; (iv) that the respondent has the right to remain silent; (v) that an attorney will be appointed for parents who cannot afford an attorney; (vi) that such parents may apply for a court-appointed attorney by going in person to the court address on the form and are advised to go as soon as possible in order for the attorney to prepare for the hearing; and (vii) if such parents have any questions concerning the case or appointment of counsel, any such parent is advised to go to the court or call the clerk's office at the court as soon as possible.

(f) Upon application for appointed counsel, the judicial authority shall promptly determine eligibility and, if the respondent is eligible, promptly appoint counsel. In the absence of such a request prior to the preliminary hearing, the judicial authority shall ensure that standby counsel is available at such hearing to assist and/or represent the respondents.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

**Sec. 33a-7. Preliminary Hearing**

(a) At the preliminary hearing on the order of temporary custody or order to appear, or at the first hearing on a petition for neglect, uncared for, dependency, or termination of parental rights, the judicial authority shall:

(1) first determine whether all necessary parties are present and that the rules governing service for nonappearing parties have been complied with, and shall note these facts for the record;

(2) inform the respondents of the allegations contained in all petitions and applications that are the subject of the hearing;

(3) inform the respondents of their right to remain silent;

(4) ensure that an attorney, and where appropriate, a separate guardian ad litem, has been appointed to represent the child or youth in accordance with General Statutes §§ 46b-129a (2) and 46b-136;

(5) advise the respondents of their right to counsel and their right to have counsel appointed if unable to afford representation and, upon request, appoint an attorney to represent any respondent who is unable to afford representation, as determined by the judicial authority;



© Copyrighted by the Secretary of the State of the State of Connecticut

(6) advise the respondents of the right to a hearing on the petitions and applications, to be held within ten days from the date of the preliminary hearing if the hearing is pursuant to an ex parte order of temporary custody or an order to appear;

(7) notwithstanding any prior statements acknowledging responsibility, inquire of the custodial respondent in neglect, uncared for and dependency matters, and of all respondents in termination matters, whether the allegations of the petition are presently admitted or denied;

(8) make any interim orders, including visitation, that the judicial authority determines are in the best interests of the child or youth, and order specific steps the commissioner and the respondents shall take for the respondents to regain or to retain custody of the child or youth;

(9) take steps to determine the identity of the father of the child or youth, including ordering genetic testing, if necessary, and order service of the petition and notice of the hearing date, if any, to be made upon him;

(10) if the person named as the father appears, and admits that he is the father, provide him and the mother with the notices which comply with General Statutes § 17b-27 and provide them with the opportunity to sign a paternity acknowledgment and affirmation on forms which comply with General Statutes § 17b-27, which documents shall be executed and filed in accordance with chapter 815y of the General Statutes and a copy delivered to the clerk of the superior court for juvenile matters; and

(11) in the event that the person named as a father appears and denies that he is the father of the child or youth, advise him that he may have no further standing in any proceeding concerning the child, and either order genetic testing to determine paternity or direct him to execute a written denial of paternity on a form promulgated by the office of the chief court administrator. Upon execution of such a form by the putative father, the judicial authority may remove him from the case and afford him no further standing in the case or in any subsequent proceeding regarding the child or youth until such time as paternity is established by formal acknowledgment or adjudication in a court of competent jurisdiction.

(b) At the preliminary hearing on the order of temporary custody or order to appear, the judicial authority may provide parties an opportunity to present argument with regard to the sufficiency of the sworn statements.

(c) If any respondent fails, after proper service, to appear at the preliminary hearing, the judicial authority may enter or sustain an order of temporary custody.

(d) Upon request, or upon its own motion, the judicial authority shall schedule a hearing on the order for temporary custody or the order to show cause to be held as soon as practicable but no more than ten days from the date of the preliminary hearing. Such hearing shall be held on consecutive days except for compelling circumstances or at the request of the respondents.

(e) When the allegations are denied, necessitating testimony in support of the petitioner's allegations, the case shall be continued for a case status conference and a subsequent hearing before a judicial authority who has not read the case status conference memo. Said case status conference may be waived by the judicial authority, on its own motion or upon request of the parties.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)

**Sec. 33a-8. Emergency, Life-Threatening Medical Situations—Procedures**

When an emergency medical situation exists which requires the immediate assumption of temporary custody of a child in order to save the child's life, the application for a temporary custody order shall be filed together with a neglect or uncared for petition. Two physicians under oath must attest to the need for such medical treatment. Oral permission by the judicial authority may be given after receiving sworn oral testimony of two physicians that the specific surgical or medical intervention is absolutely necessary to preserve the child's life. The judicial authority may grant the temporary custody order ex parte or may schedule an immediate hearing prior to issuing said order. At any hearing the two physicians shall be available for testifying, and the judicial authority shall appoint counsel for the child.

(Adopted June 24, 2002 to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 34

## RIGHTS OF PARTIES

[Repealed as of Jan. 1, 2003.]


| Sec. | | Sec. | |
|---|---|---|---|
| 34-1. | Right to Counsel and to Remain Silent [Repealed] | 34-3. | Standards of Proof [Repealed] |
| 34-2. | Hearing Procedure; Subpoenas [Repealed] | 34-4. | Child Witness [Repealed] |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

**Sec. 34-1. Right to Counsel and to Remain Silent**

[Repealed as of Jan. 1, 2003.]

**Sec. 34-2. Hearing Procedure; Subpoenas**

[Repealed as of Jan. 1, 2003.]

**Sec. 34-3. Standards of Proof**

[Repealed as of Jan. 1, 2003.]

**Sec. 34-4. Child Witness**

[Repealed as of Jan. 1, 2003.]

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 34a

## PLEADINGS, MOTIONS AND DISCOVERY NEGLECTED, UNCARED FOR AND DEPENDENT CHILDREN AND TERMINATION OF PARENTAL RIGHTS


Sec.
34a-1. Motions, Requests and Amendments
34a-2. Short Calendar—Frequency
34a-3. Short Calendar—Assignments Automatic
34a-4. Short Calendar—Continuances When Counsel's Presence or Oral Argument Required
34a-5. Continuances and Advancements
34a-6. Pleadings Allowed and Their Order
34a-7. Waiving Right to Plead
34a-8. Time to Plead
34a-9. Motion to Dismiss
34a-10. Grounds of Motion to Dismiss
34a-11. Waiver Based on Certain Grounds
Sec.
34a-12. Waiver and Subject Matter Jurisdiction
34a-13. Further Pleading by Respondent or Child
34a-14. Response to Summary of Facts
34a-15. Motion to Strike
34a-16. Reasons in Motion to Strike
34a-17. Memorandum of Law—Motion and Objection
34a-18. When Memorandum of Decision Required on Motion to Strike
34a-19. Substitute Pleading; Judgment
34a-20. Discovery
34a-21. Court Ordered Evaluations
34a-22. Motion for Contempt
34a-23. Motion for Emergency Relief


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 34a-1. Motions, Requests and Amendments

(a) Except as otherwise provided, the sections in chapters 1 through 7 shall apply to juvenile matters in the superior court as defined by General Statutes § 46b-121.

(b) The provisions of Sections 8-2, 9-5, 9-22, 10-12 (a), 10-13, 10-14, 10-17, 10-18, 10-29, 10-62, 11-4, 11-5, 11-6, 11-7, 11-8, 11-10,11-11, 11-12, 11-13, 12-1, 12-2 and 12-3 of the rules of practice shall apply to juvenile matters as defined by General Statutes § 46b-121.

(c) A motion or request, other than a motion made orally during a hearing, shall be in writing. An objection to a request shall also be in writing. A motion, request or objection to a request shall have annexed to it a proper order and where appropriate shall be in the form called for by Section 4-1. The form and manner of notice shall adequately inform the interested parties of the time, place and nature of the hearing. A motion request, or objection to a request whose form is not therein prescribed shall state in paragraphs successively numbered the specific grounds upon which it is made. A copy of all written motions requests, or objections to requests shall be served on the opposing party or counsel pursuant to Sections 10-12 (a) and (c), 10-13, 10-14 and 10-17. All motions or objections to requests shall be given an initial hearing by the judicial authority within fifteen days after filing provided reasonable notice is given to parties in interest, or notices are waived; any motion in a case on trial or assigned for trial may be disposed of by the judicial authority at its discretion or ordered upon the docket.

(d) A petition may be amended at any time by the judicial authority on its own motion or in response to a motion prior to any final adjudication. When an amendment has been so ordered, a continuance shall be granted whenever the judicial authority finds that the new allegations in the petition justify the need for additional time to permit the parties to respond adequately to the additional or changed facts and circumstances.

(e) If the moving party determines and reports that all counsel and pro se parties agree to the granting of a motion or agree that the motion may be considered without the need for oral argument or testimony and the motion states on its face that there is such an agreement, the judicial authority may consider and rule on the motion without a hearing.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 34a-2. Short Calendar—Frequency

Short calendar sessions shall be held in each juvenile matters court location at least once every two weeks, the date, hour and place to be fixed by the presiding judge upon due notice to the clerk.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 34a-3. Short Calendar—Assignments Automatic

Matters to be placed on the short calendar shall be assigned automatically by the clerk. No such matters shall be so assigned unless filed at least



© Copyrighted by the Secretary of the State of the State of Connecticut

five days before the opening of court on the short calendar day, unless for good cause shown.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-4. Short Calendar—Continuances When Counsel's Presence or Oral Argument Required**

Matters on the short calendar docket requiring oral argument or counsel's presence shall not be continued except for good cause shown; and no such matter in which adverse parties are interested shall be continued unless the parties shall agree thereto before the day of the short calendar session and notify the clerk, subject to the approval of the judicial authority. In the absence of such an agreement, unless the judicial authority shall otherwise order, any counsel appearing may argue the matter and submit it for decision, or request that it be denied.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-5. Continuances and Advancements**

(a) Motions for continuances or changes in scheduled court dates must be submitted in writing in compliance with Section 34a-1 (c) and filed no later than seven days prior to the scheduled date. Such motions must state the precise reason for the request, the name of the judge scheduled to hear the case, and whether or not all other parties consent to the request. After consulting with the presiding judge, a court services officer or clerk will handle bona fide emergency requests submitted less than seven days prior to scheduled court dates.

(b) Trials that are not completed within the allotted prescheduled time will be subject to continuation at the next available court date.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-6. Pleadings Allowed and Their Order**

The order of pleadings shall be as follows:

(1) The petition.

(2) The respondent's or child's motion to dismiss.

(3) The respondent's or child's motion to strike.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-7. Waiving Right to Plead**

In all cases, when the judicial authority does not otherwise order, the filing of any pleading provided for by the preceding section will waive the right to file any pleading which might have been filed in due order and which precedes it in the order of pleading provided in that section.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-8. Time to Plead**

Commencing on the plea date stated on the petition, pleadings shall first advance within fifteen days from the plea date stated on the petition, and any subsequent pleadings, motions and requests shall advance at least one step within each successive period of fifteen days from the preceding pleading or the filing of the decision of the judicial authority thereon if one is required.

If the respondent enters a pro forma denial before the plea date stated on the petition, the respondent is not precluded from filing any pleadings within the time frame specified.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-9. Motion to Dismiss**

Any respondent or child, wishing to contest the court's jurisdiction, may do so even after having entered a general appearance, but must do so by filing a motion to dismiss within fifteen days of the plea date stated on the petition.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-10. Grounds of 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) improper venue; (4) insufficiency of process; and (5) insufficiency of service of process. A motion to dismiss 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) Any adverse party who objects to a motion to dismiss 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 (a) and (c), 10-13, 10-14 and 10-17 a memorandum of law and, where appropriate, supporting affidavits as to facts not apparent on the record.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-11. Waiver Based on Certain Grounds**

Any claim of lack of jurisdiction over the person, improper venue, insufficiency of process, or insufficiency of service of process is waived if not raised by a motion to dismiss filed in the sequence provided in Sections 34a-3 and 34a-4 and within the time provided by Section 34a-6.
(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-12. Waiver and Subject Matter Jurisdiction**

Any claim of lack of jurisdiction over the subject matter cannot be waived; and whenever it is found after suggestion of the parties or otherwise that



© Copyrighted by the Secretary of the State of the State of Connecticut

the judicial authority lacks jurisdiction of the subject matter, the judicial authority shall dismiss the action.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-13. Further Pleading by Respondent or Child**

If a motion to dismiss is denied with respect to any jurisdictional issue, the respondent or child may plead further without waiving the right to contest jurisdiction further.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-14. Response to Summary of Facts**

In addition to the entry of a pro forma plea of denial, a parent, legal guardian or child may, within thirty days of the plea date, file a written response to the summary of facts attached to the petition specifying that certain allegations in said summary of facts are irrelevant, immaterial, false or otherwise improper.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-15. Motion to Strike**

(a) Whenever any party wishes to contest: (1) the legal sufficiency of the allegations of any petition, or of any one or more counts thereof, to state a claim upon which relief can be granted; or (2) the legal sufficiency of any prayer for relief in any such petition; or (3) the legal sufficiency of any such petition, or any count thereof, because of the absence of any necessary party; or (4) the joining of two or more causes of action which cannot properly be united in one petition whether the same be stated in one or more counts, that party may do so by filing a motion to strike the contested petition or part thereof.

(b) A motion to strike on the ground of the nonjoinder of a necessary party must give the name and residence of the missing party or such information as the moving party has as to the identity and residence of the missing party and must state the missing party's interest in the cause of action

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-16. Reasons in Motion to Strike**

Each motion to strike raising any of the claims of legal insufficiency enumerated in the preceding sections shall separately set forth each such claim of insufficiency and shall distinctly specify the reason or reasons for each such claimed insufficiency.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-17. Memorandum of Law—Motion and Objection**

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

(b) Any adverse party who objects to this motion 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 (a) and (c), 10-13, 10-14 and 10-17 a memorandum of law.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-18. When Memorandum of Decision Required on Motion to Strike**

Whenever a motion to strike is filed and more than one ground of decision is set forth therein, the judicial authority, in rendering the decision thereon, shall specify in writing the grounds upon which that decision is based.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-19. Substitute Pleading; Judgment**

Within fifteen days after the granting of any motion to strike, the petitioner may file a new petition; provided that in those instances where an entire petition has been stricken, and the petitioner fails to file a new petition within that fifteen-day period, the judicial authority may, upon motion, enter judgment against said party on said stricken petition.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 34a-20. Discovery**

(a) Access to the records of the department of children and families shall be permitted in accordance with General Statutes § 17a-28 and other applicable provisions of the law.

(b) Pretrial discovery by interrogatory, production, inspection or deposition of a person may be allowed with the permission of the judicial authority only if the information or material sought is not otherwise obtainable and upon a finding that proceedings will not be unduly delayed.

(c) Upon its own motion or upon the request of a party, the judicial authority may limit discovery methods, and specify overall timing and sequence, provided that the parties shall be allowed a reasonable opportunity to obtain information needed for the preparation of their case. The judicial authority may grant the requested discovery, order reciprocal discovery, order appropriate sanctions permitted under Section 13-14 for any clear misuse of discovery or arbitrary delay or refusal to comply with a discovery request, and deny, limit, or set conditions on the requested discovery, including any protective orders under Section 13-5.

(d) If the judicial authority permits discovery, the provisions of Sections 13-1 through 13-11 inclusive, 13-14, 13-16, 13-21 through 13-32 inclusive may be incorporated in the discovery order in the discretion of the judicial authority.



© Copyrighted by the Secretary of the State of the State of Connecticut

Motions for discovery or disclosure of confidential records should not be filed unless the moving party has attempted unsuccessfully to obtain an appropriate release or agreement to disclose from the party or person whose records are being sought.

(e) If, subsequent to compliance with any filed request or order for discovery and prior to or during trial, a party discovers additional or new material or information previously requested and ordered subject to discovery or inspection, or discovers that the prior compliance was totally or partially incorrect or, though correct when made, is no longer true and the circumstances are such that a failure to amend the compliance is in substance a knowing concealment, that party shall promptly notify the other party, or the other party's attorney and file and serve in accordance with Section 10-12 through 10-17 a supplemental or corrected compliance.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 34a-21. Court Ordered Evaluations

(a) The judicial authority, after hearing on a motion for a court ordered evaluation or after an agreement has been reached to conduct such an evaluation, may order a mental or physical examination of a child or youth. The judicial authority after hearing or after an agreement has been reached may also order a thorough physical or mental examination of a parent or guardian whose competency or ability to care for a child or youth is at issue.

(b) At the time of appointment of any court appointed evaluator, counsel and the court services officer shall complete the evaluation form and agree upon appropriate questions to be addressed by the evaluator and materials to be reviewed by the evaluator. If the parties cannot agree, the judicial authority shall decide the issue of appropriate questions to be addressed and materials to be reviewed by the evaluator. A representative of the court shall contact the evaluator and arrange for scheduling and for delivery of the referral package.

(c) Any party who wishes to alter, update, amend or modify the initial terms of referral shall seek prior permission of the judicial authority. There shall be no ex parte communication with the evaluator by counsel prior to completion of the evaluation.

(d) After the evaluation has been completed and filed with the court, counsel may communicate with the evaluator subject to the following terms and conditions:

(1) Counsel shall identify themselves as an attorney and the party she or he represents;

(2) Counsel shall advise the evaluator that with respect to any substantive inquiry into the evaluation or opinions contained therein, the evaluator has the right to have the interview take place in the presence of counsel of his/her choice, or in the presence of all counsel of record;

(3) Counsel shall have a duty to disclose to other counsel the nature of any ex parte communication with the evaluator and whether it was substantive or procedural. The disclosure shall occur within a reasonable time after the communication and prior to the time of the evaluator's testimony;

(4) All counsel shall have the right to contact the evaluator and discuss procedural matters relating to the time and place of court hearings or evaluation sessions, the evaluator's willingness to voluntarily attend without subpoena, what records are requested, and the parameters of the proposed examination of the evaluator as a witness.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 34a-22. Motion for Contempt

All motions for contempt must state: (1) the date and specific language of the order of the judicial authority on which the motion is based; (2) the specific acts alleged to constitute the contempt of that order, including the amount of any arrears claimed due as of the date of the motion or a date specifically identified in the motion; (3) the movant's claims for relief for the contempt.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 34a-23. Motion for Emergency Relief

(a) Notwithstanding the above provisions, any party may file a motion for emergency relief, seeking an order directed to the parents, including any person who acknowledged before a judicial authority paternity of a child born out of wedlock, guardians, custodians or other adult persons owing some legal duty to the child, as deemed necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child or youth before this court for the protection of the child. Such orders include, but are not limited to, an order for access to the family home, an order seeking medical exam or mental health exam or treatment of the child, an order to remedy a dangerous condition in the family or foster home, an order to provide or to accept and cooperate with certain services, or an order prohibiting the removal of the child from the state or the home. Such motions may be heard at the next short calendar; however, if the exigencies of the situation demand, the judicial authority may order immediate ex parte relief, pending an expeditious hearing.

(b) No motion for emergency relief shall be granted without notice to each party unless the



© Copyrighted by the Secretary of the State of the State of Connecticut

applicant certifies one of the following to the court in writing:

(1) facts showing that within a reasonable time prior to presenting the motion the moving party gave notice to all other parties of the time when and the place where the motion would be presented and provided a copy of the motion; or

(2) the moving party in good faith attempted but was unable to give notice to the other parties, specifying the efforts made to contact such parties; or

(3) facts establishing good cause why the moving party should not be required to give notice to other parties.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 35

## GENERAL PROVISIONS

[Repealed as of Jan. 1, 2003.]

Sec.
35-1. Petitions, Motions and Amendments [Repealed]
35-2. Continuances and Advancements [Repealed]
35-3. Discovery [Repealed]
35-4. Appeal [Repealed]
35-5. Recording of Testimony; Records [Repealed]

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

**Sec. 35-1. Petitions, Motions and Amendments**

[Repealed as of Jan. 1, 2003.]

**Sec. 35-2. Continuances and Advancements**

[Repealed as of Jan. 1, 2003.]

**Sec. 35-3. Discovery**

[Repealed as of Jan. 1, 2003.]

**Sec. 35-4. Appeal**

[Repealed as of Jan. 1, 2003.]

**Sec. 35-5. Recording of Testimony; Records**

[Repealed as of Jan. 1, 2003.]

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 35a

## HEARINGS CONCERNING NEGLECTED, UNCARED FOR AND DEPENDENT CHILDREN AND TERMINATION OF PARENTAL RIGHTS


| Sec. | |
|---|---|
| 35a-1. | Adjudicatory Hearing; Actions by Judicial Authority |
| 35a-2. | Case Status Conference or Judicial Pretrial |
| 35a-3. | Coterminous Petitions |
| 35a-4. | Intervening Parties |
| 35a-5. | Foster Parents' and Siblings' Right to Be Heard |
| 35a-6. | Post-Disposition Role of Former Guardian |
| 35a-7. | Evidence |
| 35a-8. | Burden of Proceeding |
| 35a-9. | Dispositional Hearing; Evidence and Social Study |
| 35a-10. | Availability of Social Study to Counsel and Parties |
| 35a-11. | Dispositional Plan Offered by Respondents |
| 35a-12. | Protective Supervision—Conditions and Modification |
| 35a-13. | Findings as to Continuation in the Home, Efforts to Prevent Removal |
| 35a-14. | Motions for Review of Permanency Plan and to Maintain or Revoke the Commitment |
| 35a-15. | Reunification Efforts—Aggravating Factors |
| 35a-16. | Modifications |
| 35a-17. | Motions to Review Plan for Child Whose Parents' Rights Have Been Terminated |
| 35a-18. | Opening Default |
| 35a-19. | Transfer from Probate Court of Petitions for Removal of Parent as Guardian or Termination of Parental Rights |
| 35a-20. | Petitions for Reinstatement of Parent as Guardian |
| 35a-21. | Appeals |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 35a-1. Adjudicatory Hearing; Actions by Judicial Authority

(a) The judicial authority shall first determine whether all necessary parties are present and that the rules governing service for nonappearing parties have been complied with, and shall note these facts for the record. The judicial authority shall then inform the unrepresented parties of the substance of the petition.

(b) Notwithstanding any prior statements acknowledging responsibility, the judicial authority shall inquire whether the allegations of the petition are presently admitted or denied. This inquiry shall be made of the custodial parent in neglect, uncared for or dependent matters; and of all appearing parents in termination matters.

(c) A written plea of nolo contendere signed by the respondent may be accepted by the judicial authority. Before accepting an admission or plea of nolo contendere, the judicial authority shall determine whether the right to counsel has been waived, and that the parties understand the content and consequences of their admission or plea. If the allegations are admitted or the plea accepted, the judicial authority shall make its finding as to the validity of the facts alleged in the petition and may proceed to a dispositional hearing.

(d) A verbatim stenographic or electronic recording of all hearings shall be kept, any transcript of which shall be part of the record of the case.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-2. Case Status Conference or Judicial Pretrial

(a) When the allegations of the petition are denied, necessitating testimony in support of the petitioner's allegations, the case shall be continued for a case status conference and/or a judicial pretrial. The case status conference or judicial pretrial may be waived by the judicial authority upon request of all the parties.

(b) Parties with decision-making authority to settle must be present or immediately accessible during a case status conference or judicial pretrial. Continuances will be granted only in accordance with Section 34a-5.

(c) At the case status conference and/or judicial pretrial, all attorneys and pro se parties will be prepared to discuss the following matters:

(1) Settlement;

(2) Simplification and narrowing of the issues;

(3) Amendments to the pleadings;

(4) Such other actions as may aid in the disposition of the case;

(5) The setting of firm trial dates;

(6) Preliminary witness lists;

(7) Identification of necessary arrangements for trial including, but not limited to, habeas for incarcerated parties, transportation, interpreters, and special equipment.

(d) When necessary, the judicial authority may issue a trial management order including, but not limited to, an order fixing a date prior to trial by which all parties are to exchange proposed witness and exhibit lists and copies of proposed



© Copyrighted by the Secretary of the State of the State of Connecticut

exhibits not previously exchanged. Failure to comply with this order may result in the imposition of sanctions as the ends of justice may require.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-3. Coterminous Petitions

When coterminous petitions are filed, the judicial authority first determines by a fair preponderance of the evidence whether the child is neglected, uncared for or dependent; if so, then the judicial authority determines whether statutory grounds exist to terminate parental rights by clear and convincing evidence; if so, then the judicial authority determines whether termination is in the best interest of the child by clear and convincing evidence. If the judicial authority determines that termination grounds do not exist or termination is not in the best interest of the child, then the judicial authority may consider by a fair preponderance of the evidence any of the dispositional alternatives available under the neglect, uncared for or dependent petition.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-4. Intervening Parties

(a) In making a determination upon a motion to intervene by any grandparent of the child, the judicial authority shall consider:

(1) the timeliness of the motion as judged by all the circumstances of the case;

(2) whether the applicant has a direct and immediate interest in the case.

(b) Other persons including, but not limited to, siblings may move to intervene in the dispositional phase of the trial and the judicial authority may grant said motion if it determines that such intervention is in the best interest of the child or in the interests of justice.

(c) In making a determination upon a motion to intervene by any other applicant, the judicial authority shall consider:

(1) the timeliness of the motion as judged by all the circumstances of the case;

(2) whether the applicant has a direct and immediate interest in the case;

(3) whether the applicant's interest is not adequately represented by existing parties;

(4) whether the intervention may cause delay in the proceedings or other prejudice to the existing parties;

(5) the necessity for or value of the intervention in terms of resolving the controversy before the judicial authority.

(d) Upon the granting of such motion, such grandparent or other applicant may appear by counsel or in person. Intervenors are responsible for obtaining their own counsel and are not entitled to appointment of counsel at state expense by the court.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-5. Foster Parents' and Siblings' Right to Be Heard

(a) Any foster parent has the right to be heard concerning the placement or revocation of commitment of a foster child living with such foster parent.

(b) Upon motion of any sibling of any child committed to the department of children and families pursuant to General Statutes § 46b-129 the sibling shall have the right to be heard concerning visitation with and placement of any such child.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-6. Post-Disposition Role of Former Guardian

When a court of competent jurisdiction has ordered legal guardianship of a child to a person other than the biological parents of the child prior to the juvenile court proceeding, the juvenile court shall determine at the time of the commitment of the child to the department of children and families whether good cause exists to allow said legal guardian to participate in future proceedings as a party and what, if any further actions the department of children and families and the guardian are required to take.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-7. Evidence

(a) In the adjudicatory phase, the judicial authority is limited to evidence of events preceding the filing of the petition or the latest amendment, except where the judicial authority must consider subsequent events as part of its determination as to the existence of a ground for termination of parental rights.

(b) In the discretion of the judicial authority, evidence on adjudication and disposition may be heard in a non-bifurcated hearing, provided disposition may not be considered until the adjudicatory phase has concluded.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-8. Burden of Proceeding

(a) The petitioner shall be prepared to substantiate the allegations of the petition. If a custodial parent fails to appear, the judicial authority may default that parent, evidence may be introduced and judgment rendered. In the event of a coterminous hearing, the judicial authority shall ensure that the parents are given adequate time to appear.

(b) The clerk shall give notice by mail to the defaulted party and the party's attorney of the



© Copyrighted by the Secretary of the State of the State of Connecticut

default and of any action taken by the judicial authority. The clerk shall note on the docket the date that such notice is given or mailed.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-9. Dispositional Hearing; Evidence and Social Study**

The judicial authority may admit into evidence any testimony relevant and material to the issue of the disposition, including events occurring through the close of the evidentiary hearing, but no disposition may be made by the judicial authority until any mandated social study has been submitted to the judicial authority. Said study shall be marked as an exhibit subject to the right of any party to require that the author, if available, appear for cross-examination.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-10. Availability of Social Study to Counsel and Parties**

The mandated social study, update or any other written report or evaluation made available to the judicial authority shall be made available for inspection to all counsel of record and, in the absence of counsel, to the parties themselves before the scheduled case status conference, pretrial or hearing date. The mandated social study, updates, reports and records and any copies thereof made available in the discretion of the judicial authority, together with any notes, copies or abstractions thereof, shall be returned to the clerk immediately following the disposition unless they may be required for subsequent proceedings. All persons who have access to such materials shall be responsible for preserving the confidentiality thereof.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-11. Dispositional Plan Offered by Respondents**

The respondents shall have the right to produce witnesses on behalf of any dispositional plan they may wish to offer.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-12. Protective Supervision—Conditions and Modification**

When protective supervision is ordered, the judicial authority will set forth any conditions of said supervision including duration, specific steps and review dates. Parental noncompliance with the order of protective supervision shall be a ground for a motion to modify the disposition. Upon finding that the circumstances so warrant, the judicial authority on its own motion or acting on a motion of any party and after notice is given and hearing has been held, may modify a previously entered disposition of protective supervision in accordance with the applicable General Statutes. A protective supervision order shall be reviewed by the judicial authority at least thirty days prior to its expiration. At said review, an updated social study shall be provided to the judicial authority. If an extension of protective supervision is being sought by the commissioner of the department of children and families or any other party in interest, including counsel for the minor child, then a written motion for the same shall be filed not less than thirty days prior to such expiration. Such motion shall be heard either at the in court review of protective supervision if within thirty days of such expiration or at a hearing to be held within ten days after the filing of such motion. For good cause shown and under extenuating circumstances, such written motion may be filed in a period of less than thirty days prior to the expiration of the protective supervision and the same shall be docketed accordingly. The motion shall set forth the reason(s) for the extension of the protective supervision and the period of the extension being sought.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-13. Findings as to Continuation In the Home, Efforts to Prevent Removal**

Whenever the judicial authority orders a child to be removed from the home, the judicial authority shall make written findings: (1) at the time of the order that continuation in the home is contrary to the welfare of the child; and (2) at the time of the order or within sixty days thereafter whether the commissioner of the department of children and families has made reasonable efforts to prevent removal or whether such efforts were not possible.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-14. Motions for Review of Permanency Plan and to Maintain or Revoke the Commitment**

(a) Motions for review of the permanency plan and to maintain or revoke the commitment shall be filed nine months after the placement of the child or youth in the custody of the commissioner of the department of children and families pursuant to a voluntary placement agreement, or removal of a child pursuant to General Statutes § 17a-101g or an order of a court of competent jurisdiction whichever is earlier. At the date custody is vested by order of a court of competent jurisdiction, or if no order of temporary custody is issued, at the date when commitment is ordered, the judicial authority shall set a date by which the subsequent motion for review of plan and to



© Copyrighted by the Secretary of the State of the State of Connecticut

maintain or revoke the commitment shall be filed. Nothing in this section shall preclude any party from filing a motion for revocation of commitment separate from a motion for review of permanency plan and to maintain or revoke the commitment subject to subsection (c) of this rule.

(b) Once a motion for review of the permanency plan and to maintain or revoke the commitment has been filed, the clerk of the court shall set a hearing within ninety days thereafter. Any party who is in opposition to a motion shall file a written objection and state the reasons therefor within thirty days after the filing of the commissioner's motion or a motion for revocation of commitment which shall be considered at the hearing. If there is no objection or motion for revocation filed, then the motion or motions shall be granted by the judicial authority at the date of said hearing.

(c) Whether to maintain or revoke the commitment is a dispositional question, based on the prior adjudication, and the judicial authority shall determine whether it is in the best interest of the child to maintain or revoke upon a fair preponderance of the evidence. The party seeking to maintain the commitment has the burden of proof that it is in the best interest of the child to maintain the commitment. The party seeking revocation of commitment has the burden of proof that no cause for commitment exists. If the burden is met, the party opposing the revocation has the burden of proof that revocation would not be in the best interest of the child. If a motion for revocation is denied, a new motion shall not be filed by the movant until at least six months has elapsed from the date of the filing of the prior motion unless waived by the judicial authority.

(d) The commissioner of the department of children and families shall propose a permanency plan that conforms to the statutory requirements and shall provide a social study to support said plan, including information indicating what steps the commissioner has taken to implement it. At the hearing on the motion for review of permanency plan, the judicial authority shall determine whether efforts to reunify the child with the parent have been made, whether such efforts are still appropriate, and whether the commissioner has made reasonable efforts to achieve the permanency plan for the child. The judicial authority shall also determine whether the proposed goal of the permanency plan is in the best interest of the child by a fair preponderance of the evidence, taking into consideration the child's need for permanency. The child's health and safety shall be of paramount concern in formulating such plan. If a permanency plan is not approved by the judicial authority, it shall order the filing of a revised plan and set a hearing to review said revised plan within sixty days.

(e) If the judicial authority determines at the hearing on the motion for review of permanency plan and to maintain or revoke the commitment that further efforts to reunify the child with the parent are appropriate, the judicial authority shall provide the parent with specific steps the parent shall take to address problems preventing reunification. Six months after such hearing, the judicial authority shall hold another hearing to assess the parent's progress. If the judicial authority finds that the parent has failed to make sustained and significant progress, the judicial authority shall redetermine whether further reunification efforts are appropriate. If the judicial authority determines efforts are not appropriate, it shall order the filing of a revised permanency plan and set a hearing to review said revised plan.

(f) As long as a child remains in the custody of the commissioner of the department of children and families, the commissioner shall file a motion for review of permanency plan and to maintain or revoke commitment nine months after the prior permanency plan hearing. No later than twelve months after the approval of a permanency plan, the judicial authority shall hold a subsequent permanency review hearing in accordance with subsection (d), unless such child has been adopted, returned home or guardianship of the child has been transferred pursuant to an order of the judicial authority.

(g) A determination that further efforts to reunify the child with the parent are not appropriate need not be made at subsequent permanency review hearings if the judicial authority has previously determined that such efforts are not appropriate. A determination as to whether the commissioner of the department of children and families has made reasonable efforts to achieve the permanency plan must be made at each hearing on the motion for review of permanency plan.

(h) Whenever an approved permanency plan needs revision, the commissioner of the department of children and families shall file a motion for review of the revised permanency plan. The commissioner is not precluded from initiating a proceeding in the best interest of the child considering the needs for safety and permanency.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-15. Reunification Efforts—Aggravating Factors

Whenever the commissioner seeks a finding of the existence of an aggravating factor negating the requirement that reasonable efforts be made to reunify a child with a parent, the commissioner



© Copyrighted by the Secretary of the State of the State of Connecticut

shall file a petition, or motion if a case is already pending, requesting such finding and the judicial authority shall proceed in accordance with General Statutes § 17a-111b.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-16. Modifications

Motions to modify dispositions are dispositional in nature based on the prior adjudication and the judicial authority shall determine whether a modification is in the best interest of the child upon a fair preponderance of the evidence. Unless filed by the commissioner of children and families, any modification motion to return the child to the custody of the parent without protective supervision shall be treated as a motion for revocation of commitment.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-17. Motions to Review Plan for Child Whose Parents' Rights Have Been Terminated

Where a petition for termination of parental rights is granted, the guardian of the child or statutory parent shall report to the judicial authority within thirty days of the date judgment is entered on a permanency plan and on the status of the child. At least every three months thereafter, such guardian or statutory parent shall make a report to the judicial authority on the implementation of the plan, or earlier if the plan changes before the elapse of three months. A hearing shall be held before the judicial authority for the purpose of reviewing the plan for the child no more than twelve months from the date judgment is entered or from the date of the last permanency hearing held in accordance with General Statutes § 46b-129 (k), whichever is earlier, and at least once a year thereafter until such time as a proposed adoption or transfer of guardianship is finalized. At each court hearing, the judicial authority will make factual findings whether or not reasonable efforts to achieve permanency or promote adoption have been made.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-18. Opening Default

Any order or decree entered through a default may be set aside within four months succeeding the date of such entry of the order or decree upon the written motion of any party or person prejudiced thereby, showing reasonable cause, or that a defense in whole or in part existed at the time of the rendition of such order or of such decree, and that the party so defaulted was prevented by mistake, accident or other reasonable cause from prosecuting or appearing to make the same. Such written motion shall be verified by the oath of the complainant, and shall state in general terms the nature of the claim or defense and shall particularly set forth the reason why the party failed to appear. The judicial authority shall order reasonable notice of the pendency of such motion to be given to all parties to the action, and may enjoin enforcement of such order or decree until the decision upon such written motion, unless said action shall prejudice or place the child's health, safety or welfare in jeopardy. A hearing on said motion shall be held as a priority matter but no later than fifteen days after the same has been filed with the clerk of the juvenile court, unless otherwise agreed to by the parties and sanctioned by the judicial authority. In the event that said motion is granted the matter shall be scheduled for an immediate pretrial or case status conference within fourteen days thereof, and failing a resolution at that time, then the matter shall be scheduled for a trial as expeditiously as possible.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

### Sec. 35a-19. Transfer from Probate Court of Petitions for Removal of Parent as Guardian or Termination of Parental Rights

(a) When a contested application for removal of parent as guardian or petition for termination of parental rights or application to commit a child to a hospital for the mentally ill has been transferred from the court of probate to the superior court, the clerk shall transmit to the probate court from which the transfer was made a copy of any orders or decrees thereafter rendered, including orders regarding reinstatement pursuant to General Statutes § 45a-611 and visitation pursuant to General Statutes § 45a-612, and a copy of any appeal of a superior court decision in the matter.

(b) The date of receipt by the superior court of a transferred petition shall be the filing date for determining initial hearing dates in the superior court. The date of receipt by the superior court of any court of probate issued ex parte order of temporary custody not heard by that court shall be the issuance date in the superior court.

(c) (1) Any appearance filed for any party in the court of probate shall continue in the superior court until withdrawn or replaced. The superior court clerk shall notify appearing parties in applications for removal of guardian by mail of the date of the initial hearing. Not less than ten days before the initial hearing, the superior court clerk shall cause a copy of the transfer order and probate petition for removal of guardian, and an advisement of rights notice to be served on any non-appearing party or any party not served within the last twelve months with an accompanying order



© Copyrighted by the Secretary of the State of the State of Connecticut

of notice and summons to appear at an initial hearing.

(2) Not less than ten days before the initial hearing, the superior court clerk shall cause a copy of the transfer order and probate petition for termination of parental rights, and an advisement of rights notice to be served on all parties, regardless of prior service, with an accompanying order of notice and summons to appear at an initial hearing not less than ten days before the date of the hearing.

(3) The superior court clerk shall mail notice of the initial hearing date for all transferred petitions to all counsel of record and to the commissioner of the department of children and families or to any other agency which has been ordered by the probate court to conduct an investigation pursuant to General Statutes § 45a-619. The commissioner or any other investigating agency will be notified of the need to have a representative present at the initial hearing.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-20. Petitions for Reinstatement of Parent as Guardian**

Whenever a parent or legal guardian whose guardianship rights to a child were removed and transferred to another person by the superior court for juvenile matters seeks reinstatement as that child's guardian, the parent or legal guardian may file a petition with the court that ordered the transfer of guardianship.

The clerk of the court shall assign such petition a hearing date and issue a summons. The petitioner shall cause a copy of such petition and summons to be served on the child's current legal guardian(s). Before acting on such petition, the judicial authority shall determine if the court still has custody jurisdiction and shall request, if necessary, that the commissioner of the department of children and families conduct an investigation and submit written findings and recommendations before rendering a decision.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)

**Sec. 35a-21. Appeals**

(a) Appeals from final judgments or decisions of the superior court in juvenile matters shall be taken within twenty days from the issuance of notice of the rendition of the judgment or decision from which the appeal is taken in the manner provided by the rules of appellate procedure.

(b) If an indigent party wishes to appeal a final decision and if the trial counsel declines to represent the party because in counsel's professional opinion the appeal lacks merit, counsel shall file a timely motion to withdraw and to extend time in which to take an appeal. The judicial authority shall then forthwith appoint another attorney to review this record who, if willing to represent the party on appeal, will be appointed for this purpose. If the second attorney determined that there is no merit to an appeal, that attorney shall make this known to the judicial authority at the earliest possible moment, and the party will be informed by the clerk forthwith that the party has the balance of the extended time to appeal in which to secure counsel who, if qualified, may be appointed to represent the party on the appeal.

(c) The time to take an appeal shall not be extended past forty days from the date of the issuance of notice of the rendition of the judgment or decision.

(Adopted June 24, 2002, to take effect Jan. 1, 2003.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# SUPERIOR COURT—PROCEDURE IN CRIMINAL MATTERS

## CHAPTER 36

## PROCEDURE PRIOR TO APPEARANCE


Sec.
36-1. Arrest by Warrant; Issuance
36-2. —Affidavit in Support of Application, Filing, Disclosure
36-3. —Contents of Warrant
36-4. —Direction by Judicial Authority for Use of Summons
36-5. —Execution and Return of Warrant
36-6. —Cancellation of Warrant
36-7. Summons; Form of Summons and Complaint
36-8. —Issuance of Summons by Prosecuting Authority in Lieu of Arrest Warrant
36-9. —Service of Summons
36-10. —Failure to Respond to Summons
36-11. Information and Complaint; Use
36-12. —Issuance of Information
36-13. —Form of Information
36-14. —Former Conviction in Information
36-15. —Filing and Availability of Information
36-16. Amendments; Minor Defects
36-17. —Substantive Amendment before Trial
36-18. —Substantive Amendment after Commencement of Trial
36-19. —Request by Defendant for Essential Facts
36-20. —Continuance Necessitated by Amendment
36-21. Joinder of Offenses in Information
36-22. Joinder of Defendants


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 36-1. Arrest by Warrant; Issuance

Upon the submission of an application for an arrest warrant by a prosecuting authority, a judicial authority may issue a warrant for the arrest of an accused person if the judicial authority determines that the affidavit accompanying the application shows that there is probable cause to believe that an offense has been committed and that the accused committed it.

(P.B. 1978-1997, Sec. 593.)

### Sec. 36-2. —Affidavit in Support of Application, Filing, Disclosure

(a) All affidavits submitted to the judicial authority in support of the application for an arrest warrant and from which a determination of probable cause for the issuance of an arrest warrant has been made shall be filed with the clerk of the court together with the return of the arrest warrant pursuant to Section 44-11 and thereafter remain a part of the court file.

(b) At the time the arrest warrant is issued, upon written request of the prosecuting authority and for good cause shown, the judicial authority may order that the supporting affidavits be sealed from public inspection or that disclosure be limited under such terms and conditions as it finds reasonable, subject to the further order of any judicial authority thereafter having jurisdiction of the matter. No such order shall limit their disclosure to the attorney for the accused, but the judicial authority may place reasonable restrictions on the attorney's further disclosure of the contents of the affidavits.

(c) Any order sealing such affidavits from public inspection or limiting their disclosure shall be for a specific period of time, not to exceed two weeks from the date of arrest, and within that time period the prosecuting authority may by written motion seek an extension of the period. The original order of the court sealing the affidavit or limiting its disclosure shall remain in effect until the court issues an order on the motion. The motion to extend the period and the court's order thereon shall be made in accordance with the provisions of Section 42-49A. Affidavits which have been the subject of such an order shall remain in the custody of the clerk's office but shall be kept in a secure location apart from the remainder of the court file.

(d) Unless the judicial authority issuing an arrest warrant has, upon written request of the prosecuting authority, entered an order limiting disclosure of the supporting affidavits, all affidavits filed pursuant to this section shall be open to public inspection and copy and the clerk shall provide copies to any person upon receipt of any applicable fee.

(P.B. 1978-1997, Sec. 593A.) (Amended May 14, 2003. to take effect July 1, 2003; amended June 21, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, the words ''by written motion'' were inserted in the first sentence of subsection (c). The second sentence of subsection (c) was added in 2005, and the words ''The motion to extend the period and the court's order thereon'' were substituted for ''Any order extending such period'' at the beginning of what became the third sentence.

COMMENTARY—2005: The above changes establish a clear procedure for filing motions to extend under subsection (c) and for issuing orders thereon.



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 36-3. —Contents of Warrant**

The warrant shall be signed by the judicial authority and shall contain the name of the accused person, or if such name is unknown, any name or description by which the accused can be identified with reasonable certainty, and the conditions of release fixed, if any. It shall state the offense charged and direct any officer authorized to execute it to arrest the accused person and to bring him or her before a judicial authority without undue delay.

(P.B. 1978-1997, Sec. 594.)

**Sec. 36-4. —Direction by Judicial Authority for Use of Summons**

(a) Instead of issuing an arrest warrant, even where probable cause has been found, the judicial authority may direct that a summons and complaint be issued to an accused person pursuant to Sections 36-7 through 36-10, unless the judicial authority determines that it is necessary to take the accused into custody for any of the following reasons:

(1) The criminal offense involved is a felony;

(2) There are facts indicating a substantial likelihood that such person will not appear in court at the specified time and place unless taken into custody;

(3) Such person is likely to cause injury to himself or herself or to others, or is likely to cause serious damage to property;

(4) The offense is likely to continue if such person is not taken into custody;

(5) Custody is necessary for the protection of such person or to provide that person with needed medical or other aid;

(6) The person fails satisfactorily to identify himself or herself; or

(7) The person has previously failed to appear in court when required to do so.

(b) The failure to comply with this section shall not be a ground for dismissal of an information, but shall entitle the accused to be released upon a written promise to appear where none of the foregoing reasons shall be found to exist.

(P.B. 1978-1997, Sec. 595.)

**Sec. 36-5. —Execution and Return of Warrant**

The officer executing an arrest warrant may do so anywhere within the state upon apprehension of the accused. The officer shall take the accused into custody, serve a copy of the warrant upon him or her and follow the procedure specified in Sections 38-1 or 38-2, whichever is applicable.

(P.B. 1978-1997, Sec. 596.)

**Sec. 36-6. —Cancellation of Warrant**

At the request of the prosecuting authority, any unserved arrest warrant shall be returned to a judicial authority for cancellation. A judicial authority also may direct that any unserved arrest warrant be returned for cancellation.

(P.B. 1978-1997, Sec. 597.)

**Sec. 36-7. Summons; Form of Summons and Complaint**

A summons and complaint issued by a prosecuting authority or law enforcement officer shall:

(1) Be in writing;

(2) Be signed by the person issuing it with the title of such person's office;

(3) State the date of issuance and the municipality where issued;

(4) Specify the name of the accused person;

(5) Designate a time for appearance not more than fourteen days after issuance;

(6) State the offense charged against the accused person;

(7) State that if the accused does not appear at a specified time and place, an application may be made for the issuance of a warrant for arrest;

(8) Inform the accused that he or she is entitled to be represented by an attorney;

(9) Inform any accused charged with an offense punishable by incarceration who is unable to afford an attorney that he or she may be entitled to the services of a public defender.

(P.B. 1978-1997, Sec. 599.)

**Sec. 36-8. —Issuance of Summons by Prosecuting Authority in Lieu of Arrest Warrant**

When a prosecuting authority receives a complaint that a misdemeanor has been committed, in lieu of applying for an arrest warrant, the prosecuting authority may summon the person or persons against whom the complaint is made to appear before the court at the date and time specified in the summons. The prosecuting authority also may issue a summons when directed to do so by the judicial authority pursuant to Section 36-4.

(P.B. 1978-1997, Sec. 601.)

**Sec. 36-9. —Service of Summons**

The summons and complaint shall be served upon the accused by any law enforcement officer by delivering a copy to the accused personally, or by leaving it at the accused's usual place of abode with a person of suitable age and discretion then residing therein, or by mailing it by registered or certified mail to the last known address of the accused.

(P.B. 1978-1997, Sec. 602.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 36-10. —Failure to Respond to Summons**

Upon the failure of the officer to make due return of a summons within two weeks of its issuance, or upon the failure of the accused to respond to the summons, the prosecuting authority may apply for the arrest of the accused.

(P.B. 1978-1997, Sec. 603.)

**Sec. 36-11. Information and Complaint; Use**

All felonies shall be prosecuted by information. All misdemeanors, violations, and infractions shall be prosecuted by information or complaint. In all jury cases, and in all other cases on written request of the defendant, the prosecuting authority as of course shall issue an information in place of the uniform summons and complaint.

(P.B. 1978-1997, Sec. 616.)

**Sec. 36-12. —Issuance of Information**

An information shall be signed by the prosecuting authority. When any person is arrested without a warrant or is issued a summons, the prosecuting authority shall, without unnecessary delay, review the acts complained of and determine whether it appears that there is reasonable cause to believe that an offense has been committed within the jurisdiction of the court and that the person arrested or the person to whom the summons was issued committed the offense. If the prosecuting authority determines that reasonable cause exists, it shall, in cases where an information is required, present an information to the court, pursuant to Section 36-11. If the prosecuting authority determines that reasonable cause does not exist, it shall not present the matter to the court, but an entry shall be made on the case papers indicating that prosecution was declined upon authority of this section, and a brief statement shall be made in open court. For purposes of erasure pursuant to the General Statutes, that action shall be deemed a dismissal.

(P.B. 1978-1997, Sec. 617.)

**Sec. 36-13. —Form of Information**

The information shall be a plain, concise and definite written statement of the offense charged. The information need not contain a formal commencement, a formal conclusion or any other matter not necessary to such statement. Allegations made in one count may be incorporated by reference in another count. It may be alleged in a single count that the means by which the defendant committed the offense are unknown or that the defendant committed the offense by one or more specified means. The information shall state for each count the official or customary citation of the statute, rule, regulation, or other provision of law which the defendant is alleged to have violated. The information shall also contain:

(1) The name of the court in which it is filed;

(2) The title of the action;

(3) The name of the defendant;

(4) A statement that such crime was committed in a particular judicial district or geographical area, or at a particular place within such judicial district or geographical area; and

(5) A statement that such crime was committed on, or on or about, a particular date or period of time.

(P.B. 1978-1997, Sec. 618.)

**Sec. 36-14. —Former Conviction in Information**

Where the information alleges, in addition to the principal offense charged, a former conviction or convictions, such information shall be in two separate parts, each signed by the prosecuting authority. In the first part, the particular offense with which the accused is charged shall be set out, and in the other part the former conviction or convictions shall be alleged. In alleging the former conviction, it is sufficient that the information allege the date when, the town or city where, and the court wherein such conviction was obtained and the crime of which the defendant was convicted, all of which may be stated in accordance with the provisions of Section 36-13.

(P.B. 1978-1997, Sec. 619.)

**Sec. 36-15. —Filing and Availability of Information**

The information or complaint shall be filed with the clerk and be available for inspection by the defendant or counsel for the defendant. Upon written request, a copy thereof shall be furnished without charge to the defendant or counsel for the defendant.

(P.B. 1978-1997, Sec. 620.)

**Sec. 36-16. Amendments; Minor Defects**

The judicial authority may order at any time such relief as is required to remedy any defect, imperfection or omission in the information or complaint, including the following:

(1) Any matter of form;

(2) Any miswriting, misspelling, or improper English;

(3) Any misuse of a sign, symbol, figure, or abbreviation; or

(4) Any omission of the true name or any misspelling of the name of the defendant.

(P.B. 1978-1997, Sec. 622.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 36-17. —Substantive Amendment before Trial**

If the trial has not commenced, the prosecuting authority may amend the information, or add additional counts, or file a substitute information. Upon motion of the defendant, the judicial authority, in its discretion, may strike the amendment or added counts or substitute information, if the trial or the cause would be unduly delayed or the substantive rights of the defendant would be prejudiced.

(P.B. 1978-1997, Sec. 623.)

**Sec. 36-18. —Substantive Amendment after Commencement of Trial**

After commencement of the trial for good cause shown, the judicial authority may permit the prosecuting authority to amend the information at any time before a verdict or finding if no additional or different offense is charged and no substantive rights of the defendant would be prejudiced. An amendment may charge an additional or different offense with the express consent of the defendant.

(P.B. 1978-1997, Sec. 624.)

**Sec. 36-19. —Request by Defendant for Essential Facts**

Whenever the information charges the offense only by referring to the statute which is alleged to have been violated, the prosecuting authority, upon written request of the defendant, shall as of course amend the information by adding or annexing thereto a statement of the essential facts claimed to constitute the offense charged. Such request shall be made not later than ten days after the first pretrial conference unless otherwise directed by the judicial authority for good cause shown.

(P.B. 1978-1997, Sec. 625.)

**Sec. 36-20. —Continuance Necessitated by Amendment**

Within the judicial authority's discretion, an extension of time, an adjournment, or a continuance reasonably necessitated by an amendment may be granted.

(P.B. 1978-1997, Sec. 626.)

**Sec. 36-21. Joinder of Offenses in Information**

Two or more offenses may be charged in the same information in a separate count for each offense for any defendant.

(P.B. 1978-1997, Sec. 627.)

**Sec. 36-22. Joinder of Defendants**

Each defendant shall be charged in a separate information.

(P.B. 1978-1997, Sec. 628.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 37

## ARRAIGNMENT

Sec.
37-1. Arraignment; Timing
37-2. —Information and Materials to Be Provided to the Defendant Prior to Arraignment
37-3. —Advisement of Constitutional Rights
37-4. —Collective Statement Advising of Constitutional Rights
37-5. —Reference to Public Defender; Investigation of Indigency
37-6. —Appointment of Public Defender
37-7. Pleas; In General
37-8. —Plea of Guilty or Nolo Contendere
37-9. —Plea of Not Guilty
37-10. —Taking of Plea when Information in Two Parts
37-11. —Role of Clerk when Information in Two Parts
37-12. Defendant in Custody; Determination of Probable Cause

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 37-1. Arraignment; Timing

A defendant who is not released from custody sooner shall be brought before a judicial authority no later than the first court day following arrest. Any defendant who is hospitalized, has escaped, or is otherwise incapacitated shall be presented no later than the next court day following such defendant's medical discharge or return to police custody. A defendant not in custody shall appear for arraignment in person at the time and place specified in the summons or the terms of release, or at such other date or place fixed by the judicial authority.

(P.B. 1978-1997, Sec. 635.)

### Sec. 37-2. —Information and Materials to be Provided to the Defendant Prior to Arraignment

Prior to the arraignment of the defendant before the judicial authority to determine the existence of probable cause to believe such person committed the offense charged or to determine the conditions of such person's release pursuant to Section 38-4, the prosecuting authority shall provide the defendant or counsel with a copy of any affidavit or report submitted to the court for the purpose of making such determination; except that the judicial authority may, upon motion of the prosecuting authority and for good cause shown, limit the disclosure of any such affidavit or report, or portion thereof.

(P.B. 1978-1997, Sec. 635A.)

### Sec. 37-3. —Advisement of Constitutional Rights

The judicial authority shall personally, at the opening of the court session, in open court, advise the defendant, or the defendants, unless previously so advised by a clerk pursuant to General Statutes § 54-64b or by a judicial authority pursuant to General Statutes § 54-1b, either individually or collectively of the following:

(1) That the defendant is not obligated to say anything and that anything the defendant says may be used against him or her;

(2) That the defendant is entitled to the services of an attorney;

(3) If the defendant is unable to pay for one, what the procedures are through which the services of an attorney will be provided for him or her; and

(4) That the defendant will not be questioned unless he or she consents, that the defendant may consult with an attorney before being questioned and that the defendant may have an attorney present during any questioning.

(P.B. 1978-1997, Sec. 637.)

### Sec. 37-4. —Collective Statement Advising of Constitutional Rights

If the judicial authority shall have collectively informed all defendants of their rights at the opening of court, it shall preface the individual arraignment of each by asking whether he or she heard and understood the collective statement.

(P.B. 1978-1997, Sec. 638.)

### Sec. 37-5. —Reference to Public Defender; Investigation of Indigency

The judicial authority shall refer the defendant to the public defender for an investigation of indigency unless the judicial authority:

(1) Accepts the defendant's waiver of counsel in accordance with Section 44-3;

(2) Is informed by the defendant, and concludes, that the defendant has retained or will retain private counsel within a reasonable time;

(3) Decides to dispose of the case in accordance with Section 44-1(2); or



© Copyrighted by the Secretary of the State of the State of Connecticut

(4) Learns that the public defender has already conferred with the defendant at some time following arrest and that the investigation of indigency has been made.

(P.B. 1978-1997, Sec. 640.)

**Sec. 37-6. —Appointment of Public Defender**

(a) If the judicial authority determines after investigation by the public defender that the defendant is indigent, the judicial authority may designate the public defender or a special public defender to represent the defendant unless, in a misdemeanor case, at the time of the application for appointment of counsel, the judicial authority decides or believes that disposition of the pending case will not result in a sentence involving incarceration or a suspended sentence of incarceration with a period of probation or conditional discharge, and makes a statement to that effect on the record. If the public defender or his or her office determines that a defendant is not eligible to receive the services of a public defender, the defendant may appeal the public defender's decision to the judicial authority in accordance with General Statutes § 51-297(g). The judicial authority may not appoint the public defender unless the judicial authority finds the defendant indigent following such appeal. If a conflict of interest or other circumstance exists which prevents the public defender from representing the defendant, the judicial authority, upon recommendation of the public defender or upon its own motion, may appoint a special public defender to represent the defendant.

(b) The fact that the judicial authority, in a misdemeanor case, decides or believes that disposition of the pending case will not result in a sentence involving incarceration or a suspended sentence of incarceration with a period of probation or conditional discharge, shall not preclude the judicial authority from appointing, in its discretion, a public defender or a special public defender to represent an indigent defendant.

(P.B. 1978-1997, Sec. 641.)

**Sec. 37-7. Pleas; In General**

Upon being read the charges against him or her contained in the information or complaint, the defendant shall enter a plea of not guilty, guilty, or nolo contendere.

(P.B. 1978-1997, Sec. 643.)

**Sec. 37-8. —Plea of Guilty or Nolo Contendere**

A plea of guilty or nolo contendere shall be entered in accordance with Sections 39-1 and 39-18. If the case is to be continued for sentencing, the judicial authority shall set a date for the sentencing hearing and, if necessary, order a presentence investigation.

(P.B. 1978-1997, Sec. 644.)

**Sec. 37-9. —Plea of Not Guilty**

Any defendant who pleads not guilty shall be asked whether he or she desires a trial either by the court or by a jury. Pursuant to these rules, including Sections 44-11 through 44-17, the case shall be placed on the trial list and, where possible or necessary, assigned dates for a disposition conference, a probable cause hearing, and/or a trial.

(P.B. 1978-1997, Sec. 645.)

**Sec. 37-10. —Taking of Plea when Information in Two Parts**

Where the information is in two parts pursuant to Section 36-14 and alleges, in addition to the principal offense charged, a former conviction or convictions, the plea and the election of a method of trial shall first be taken only on the first part of the information.

(P.B. 1978-1997, Sec. 647.)

**Sec. 37-11. —Role of Clerk when Information in Two Parts**

Prior to the time the defendant enters a guilty plea or, if the defendant pleads not guilty, prior to the commencement of trial, the clerk shall notify the defendant, in the absence of the judicial authority, of the contents of the second part of the information. The clerk shall enter on the docket the time and place of the giving of such notification and, where necessary, shall include entry thereof in the judgment file.

(P.B. 1978-1997, Sec. 648.)

**Sec. 37-12. Defendant in Custody; Determination of Probable Cause**

If a defendant has been arrested without a warrant and has not been released from custody by the time of the arraignment or is not released at the arraignment pursuant to Section 38-4, the judicial authority shall, unless waived by the defendant, make an independent determination as to whether there is probable cause for believing that the offense charged has been committed by the defendant. Unless such a defendant is released sooner, such probable cause determination shall be made no later than forty-eight hours following defendant's arrest. Such determination shall be made in a nonadversary proceeding, which may be ex parte based on affidavits. If no such probable cause is found, the judicial authority shall release the defendant from custody.

(P.B. 1978-1997, Sec. 650.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 38

## PRETRIAL RELEASE


| Sec. | |
|---|---|
| 38-1. | Release from Custody; Superior Court Arrest Warrant where Appearance before Clerk Required |
| 38-2. | Release Following Any Other Arrest; Release by Law Enforcement Officers |
| 38-3. | —Release by Bail Commissioner |
| 38-4. | —Release by Judicial Authority |
| 38-5. | —Release by Correctional Officials |
| 38-6. | Appearance after Release |
| 38-7. | Cash Bail |
| 38-8. | Ten Percent Cash Bail |
| 38-9. | Real Estate Bond |
| 38-10. | Factors to Be Considered by the Judicial Authority in Release Decision |
| 38-11. | Request for Judicial Determination of Release |
| 38-12. | Attorneys Not Allowed to Give Bonds |
| 38-13. | Bail Modification; In General |
| 38-14. | —Motion of Parties for Bail Modification |
| 38-15. | —Application of Bail Commissioner |
| 38-16. | —Application of Surety |
| 38-17. | —Hearing on Motion or Application for Modification of Bail |
| 38-18. | —Review of Detention Prior to Arraignment, Trial or Sentencing |
| 38-19. | Violation of Conditions of Bail; Order to Appear |
| 38-20. | —Sanctions for Violation of Conditions of Release |
| 38-21. | —Forfeiture of Bail and Rearrest Warrant |
| 38-22. | Rebate of Forfeited Bonds |
| 38-23. | Discharge of Surety's Obligation |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 38-1. Release from Custody; Superior Court Arrest Warrant where Appearance before Clerk Required

When any person is arrested on a warrant pursuant to General Statutes § 54-2a in which the judicial authority issuing such warrant has indicated that bail should be denied, or has ordered that the arrested person be brought before a clerk or assistant clerk of the superior court, the arresting officer shall, without undue delay, bring such person before the clerk or assistant clerk of the superior court for the geographical area where such offense is alleged to have been committed, during the office hours of such clerk, and if such clerk's office is not open, the arresting officer shall, without undue delay, bring such person to a holding facility within the geographical area where such offense is alleged to have been committed or, if there is no such facility available within such geographical area, to the nearest available facility. Such clerk or assistant clerk or such person designated by the commissioner of correction shall advise the defendant of the warnings contained in Section 37-3 and shall release the defendant upon his or her meeting the conditions of release fixed in the warrant. If the defendant was brought to such a facility he or she shall be given the opportunity to contact private counsel or the public defender. If the defendant is not released because of his or her failure to enter into the conditions of release fixed by the judicial authority the defendant shall be presented before a judicial authority pursuant to Sections 37-1 and 37-4. If the defendant is not released because he or she has been arrested for an offense which is not bailable, the defendant shall be presented before a judicial authority pursuant to Section 37-1.

(P.B. 1978-1997, Sec. 654.)

### Sec. 38-2. Release Following Any Other Arrest; Release by Law Enforcement Officers

Except in cases of arrest pursuant to a warrant in which the judicial authority has indicated that bail should be denied or has ordered that the arrested person be brought before a clerk or assistant clerk of the superior court, when any person is taken into custody for a bailable offense that person shall be brought promptly to a police station or other lawful place of detention, where, as quickly as possible under the circumstances, he or she shall be informed or warned in writing of his or her rights under Section 37-3 and of his or her right to be interviewed concerning the terms and conditions of release. Unless the defendant waives or refuses such interview, a law enforcement officer shall promptly interview that person to obtain information relevant to the terms and conditions of his or her release from custody and shall seek independent verification of such information where necessary. At the request of the defendant, his or her counsel may be present during such interview. After such a waiver, refusal or interview, the law enforcement officer shall promptly order release of the defendant upon his or her execution of a written promise to appear or his or her posting of a bond with or without surety in such amount as may be set by such officer, except that no condition of release set by



© Copyrighted by the Secretary of the State of the State of Connecticut

the court or a judge thereof may be modified by such officer. If the defendant has not posted bail, the officer shall immediately notify a bail commissioner. The officer may administer such oaths as are necessary in the taking of promises or bonds.

(P.B. 1978-1997, Sec. 656.)

**Sec. 38-3. —Release by Bail Commissioner**

(a) Upon notification by a law enforcement officer that a defendant has not posted bail, a bail commissioner shall promptly conduct an interview and investigation and, based upon release criteria established by the chief bail commissioner, shall promptly order the release of the defendant upon the first of the following conditions of release found sufficient to assure his appearance in court:

(1) The defendant's execution of a written promise to appear without special conditions;

(2) The defendant's execution of a written promise to appear with any of the nonfinancial conditions specified in subsection (b) of this section;

(3) The defendant's execution of a bond without surety in no greater amount than necessary;

(4) The defendant's execution of a bond with surety in no greater amount than necessary.

(b) In addition to or in conjunction with any of the conditions enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this section, the bail commissioner may impose nonfinancial conditions of release, which may require that the defendant do any of the following:

(1) Remain under the supervision of a designated person or organization;

(2) Comply with specified restrictions on his or her travel, association or place of abode;

(3) Not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or a controlled substance;

(4) Avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; or

(5) Satisfy any other condition that is reasonably necessary to assure the appearance of the person in court.

Any of the conditions imposed under subsection (a) of this section and this subsection by the bail commissioner shall be effective until the appearance of such person in court.

(c) The bail commissioner shall prepare for review by the judicial authority an interview record and a written report for each person interviewed. The written report shall contain the information obtained during the interview and verification process, the defendant's prior criminal record, if possible, the determination or recommendation of the bail commissioner concerning terms and conditions of release, and, where applicable, a statement that the defendant was unable to meet conditions of release ordered by the bail commissioner.

(P.B. 1978-1997, Sec. 657.) (Amended June 29, 1998, to take effect Jan. 1, 1999.)

**Sec. 38-4. —Release by Judicial Authority**

(a) Except as provided in subsection (b), when any defendant is presented before a judicial authority, such authority shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient reasonably to assure the person's appearance in court:

(1) The defendant's execution of a written promise to appear without special conditions;

(2) The defendant's execution of a written promise to appear with nonfinancial conditions;

(3) The defendant's execution of a bond without surety in no greater amount than necessary;

(4) The defendant's deposit with the clerk of the court of an amount of cash equal to 10 percent of the amount of the surety bond set, pursuant to Section 38-8;

(5) The defendant's execution of a bond with surety in no greater amount than necessary;

(6) The defendant's execution of a bond and his or her deposit with the clerk of the court of cash in the amount of the bond set by the judicial authority.

(b) In addition to or in conjunction with any of the conditions enumerated in subdivisions (1) to (6) of subsection (a), the judicial authority may, when it has reason to believe that the defendant is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such defendant.

(c) When any defendant charged with the commission of a Class A felony, a Class B felony, except a violation of General Statutes §§ 53a-86 or 53a-122, a Class C felony, except a violation of General Statutes §§ 53a-87, 53a-123, 53a-152 or 53a-153, or a Class D felony under General Statutes §§ 53a-60 to 53a-60c, inclusive, General Statutes §§ 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, is presented before a judicial authority, such authority shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient reasonably to assure his or her appearance in court and



© Copyrighted by the Secretary of the State of the State of Connecticut

that the safety of any other person will not be endangered:

(1) The defendant's execution of a written promise to appear without special conditions;

(2) The defendant's execution of a written promise to appear with nonfinancial conditions;

(3) The defendant's execution of a bond without surety in no greater amount than necessary;

(4) The defendant's execution of a bond with surety in no greater amount than necessary.

(d) In addition to or in conjunction with any of the conditions enumerated in subdivisions (1) to (4) of subsection (c), the judicial authority may, when it has reason to believe that the defendant is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such defendant.

(e) If the judicial authority determines that a nonfinancial condition of release should be imposed pursuant to subsections (a) (2) or (c) (2) of this section, the judicial authority shall order the pretrial release of the defendant subject to the least restrictive condition or combination of conditions that the judicial authority determines will reasonably assure the appearance of the defendant in court and, with respect to the release of the defendant pursuant to subsection (c) of this section, that the safety of any other person will not be endangered, which conditions may include an order that he or she do one or more of the following:

(1) Remain under the supervision of a designated person or organization;

(2) Comply with specified restrictions on his or her travel, association or place of abode;

(3) Not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or a controlled substance;

(4) Provide sureties of the peace pursuant to General Statutes § 54-56f under supervision of a designated bail commissioner;

(5) Avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

(6) Maintain employment or, if unemployed, actively seek employment;

(7) Maintain or commence an educational program;

(8) Satisfy any other condition that is reasonably necessary to assure the appearance of the defendant in court and that the safety of any other person will not be endangered.

(f) The judicial authority shall state on the record its reasons for imposing any such nonfinancial condition.

(P.B. 1978-1997, Sec. 658.)

### Sec. 38-5. —Release by Correctional Officials

Any person who has not made bail shall be detained in a correctional facility and shall be released from such institution upon entering into a recognizance, with sufficient surety, or upon posting cash bail as provided in Sections 38-7 and 38-9 for his or her appearance before the court having cognizance of the offense, which are to be taken by any person designated by the commissioner of correction at such institution where such person is detained. Such person so designated shall deliver the recognizance or cash bail to the clerk of the appropriate court before the opening of such court on the first court day thereafter.

(P.B. 1978-1997, Sec. 659.)

### Sec. 38-6. Appearance after Release

The person taking any promise or bond shall give the defendant released thereunder a copy of such promise or bond, which shall notify the defendant of the time when and the place where he or she is next to appear and of the penalty for failure to appear. The initial appearance date shall not be more than fourteen days after the date of arrest, unless the defendant has been arrested for a crime of family violence, in which case the defendant shall be promptly presented before superior court sitting next regularly for the geographical area where the offense is alleged to have been committed.

(P.B. 1978-1997, Sec. 661.)

### Sec. 38-7. Cash Bail

In any criminal case in which a bond is allowed or required and the amount thereof has been determined, the defendant, or any person in his or her behalf, may deposit with the clerk of the court having jurisdiction of the offense with which the defendant stands charged, or any assistant clerk of such court who is bonded in the same manner as the clerk, or any person or officer authorized to accept bail, a sum of money equal to the amount called for by such bond, and such defendant shall thereupon be admitted to bail. When cash bail is offered, such bond shall be executed and the money shall be received in lieu of a surety or sureties upon such bond. Such cash bail shall be retained by the clerk of such court until a final order of the judicial authority disposing of the case is entered, provided that if such bond is forfeited, the clerk of such court shall pay the



© Copyrighted by the Secretary of the State of the State of Connecticut

money to the obligee named therein, according to the terms and conditions of the bond. Upon discharge of the bond the cash deposit made with the clerk shall be returned to the person depositing the same.

(P.B. 1978-1997, Sec. 663.)

### Sec. 38-8. Ten Percent Cash Bail

When 10 percent cash bail is granted, upon the depositing in cash, by the defendant or any person in his or her behalf other than a paid surety, of 10 percent of the surety bond set, the defendant shall thereupon be admitted to bail in the same manner as a defendant who has executed a bond for the full amount. If such bond is forfeited, the defendant shall be liable for the full amount of the bond. Upon discharge of the bond, the 10 percent cash deposit made with the clerk shall be returned to the person depositing the same, less any fee that may be required by statute.

(P.B. 1978-1997, Sec. 664.)

### Sec. 38-9. Real Estate Bond

(a) In lieu of a cash bond, the defendant, or any person in the defendant's behalf, may pledge equity in real property located within the state of Connecticut as bond.

(b) Unless otherwise ordered by the judicial authority, the pledge shall be accepted and the defendant shall be admitted to bail upon receipt of the following: (1) proof that a notice of lien containing the terms of the bond has been properly filed, pursuant to the provisions of General Statutes § 54-66, on a form prescribed by the office of the chief court administrator in the office of the town clerk of the town in which the property is located; (2) a current certificate of title from an attorney containing a listing of all encumbrances of record including the notice of lien; (3) one independent appraisal by a licensed real estate appraiser prepared within ninety days of application as to present fair market value; and (4) an affidavit by each owner of the property setting forth (A) the location of the property, (B) the affiant's ownership interest therein, (C) the amount of the affiant's equity in the property, (D) the present fair market value as shown on the appraisal, (E) the present amount of each encumbrance of record filed prior to the notice of lien required by this subsection, and the present amount of any tax liabilities, and (F) whether the same property is pledged as security for any other bonds under this section or for any other purpose.

(c) All record owners of the property as well as the accused shall enter into a bond for the appearance of the accused.

(d) The value of the owner's equity as calculated and verified pursuant to this section shall be not less than the amount of bail set by the judicial authority, but shall not be required to be in any greater amount unless the equity is pledged as security for other bonds under this section, in which case the value of the equity shall be not less than the total amount of all bonds for which it is pledged.

(e) Upon order of forfeiture of the bond, the procedures set forth in General Statutes § 54-66 shall be followed.

(P.B. 1978-1997, Sec. 665.) (Amended June 30, 2003, to take effect Jan. 1, 2004.)

### Sec. 38-10. Factors to Be Considered by the Judicial Authority in Release Decision

(a) Except as provided in subsection (b), the judicial authority may, in determining what conditions of release will reasonably assure the appearance of the defendant in court, consider the following factors:

(1) The nature and circumstances of the offense;

(2) The defendant's record of previous convictions;

(3) The defendant's past record of appearance in court after being admitted to bail;

(4) The defendant's family ties;

(5) The defendant's employment record;

(6) The defendant's financial resources, character, and mental condition; and

(7) The defendant's community ties.

(b) When any defendant is charged with the commission of an offense enumerated in Section 38-4 (c), the judicial authority may, in determining what conditions of release will reasonably assure the appearance of the defendant in court and that the safety of any other person will not be endangered, consider the following factors:

(1) The nature and circumstances of the offense;

(2) The defendant's record of previous convictions;

(3) The defendant's past record of appearance in court after being admitted to bail;

(4) The defendant's family ties;

(5) The defendant's employment record;

(6) The defendant's financial resources, character and mental condition;

(7) The defendant's community ties;

(8) The number and seriousness of charges pending against the defendant;

(9) The weight of the evidence against the defendant;

(10) The defendant's history of violence;

(11) Whether the defendant has previously been convicted of similar offenses while released on bond; and



© Copyrighted by the Secretary of the State of the State of Connecticut

(12) The likelihood based upon the expressed intention of the defendant that he will commit another crime while released.
(P.B. 1978-1997, Sec. 666.)

**Sec. 38-11. Request for Judicial Determination of Release**

Upon written motion of the defendant or the prosecuting authority, the judicial authority shall state on the record its reasons for imposing the particular conditions of release which were established.
(P.B. 1978-1997, Sec. 668.)

**Sec. 38-12. Attorneys Not Allowed to Give Bonds**

No attorney shall give any bond or recognizance in any criminal action or proceeding in which he or she is interested as an attorney.
(P.B. 1978-1997, Sec. 669.)

**Sec. 38-13. Bail Modification; In General**

The judicial authority shall have the power to modify or revoke at any time the terms and conditions of release as provided for in these rules.
(P.B. 1978-1997, Sec. 673.)

**Sec. 38-14. —Motion of Parties for Bail Modification**

Whenever the prosecuting authority or the defendant alleges that any bond with or without surety is excessive or insufficient in amount or security or that the written promise of the defendant to appear is inadequate, that person may make a motion to a judicial authority to modify or set terms and conditions of release. Such motion shall be served prior to the hearing date upon the opposing party, the sureties upon any bond and the appropriate bail commissioner, unless otherwise ordered by the judicial authority.
(P.B. 1978-1997, Sec. 674.)

**Sec. 38-15. —Application of Bail Commissioner**

A bail commissioner who has reason to believe that a person released under any of the provisions of these rules or of the General Statutes intends not to appear in court as required by the conditions of release may apply to a judicial authority for the court before whom such person is required to appear, and verify by oath the reason for this belief, and request that such person be brought before the judicial authority in order that the conditions of release be reviewed. Upon finding reasonable grounds to believe that the released person intends not to appear, such judicial authority shall forthwith issue a capias directed to a proper officer or indifferent person, commanding him or her forthwith to arrest and bring such person to the court for a hearing to review the conditions of his or her release. Copies of the bail commissioner's application shall be served upon the defendant, the prosecuting authority and any sureties upon any bond.
(P.B. 1978-1997, Sec. 675.)

**Sec. 38-16. —Application of Surety**

(a) A surety upon a bail bond who believes that his or her principal intends not to appear in court as required by the conditions of release shall file with a judicial authority an application, with a summons and citation, setting forth the reasons for his or her belief, verified by oath and requesting that the judicial authority issue either a summons and citation or a capias to compel the appearance of the released person before the judicial authority for a hearing to review the conditions of such person's release.

(b) Except as provided below, in lieu of issuing a capias the judicial authority may order a copy of the surety's application and a summons and citation, signed by the judicial authority or the clerk or assistant clerk of the court, to be served on the principal by a proper officer or indifferent person summoning him or her to appear in court at a time and place named for a hearing upon such application.

(c) If the judicial authority determines that it is necessary to take the accused into custody because there are facts indicating a substantial likelihood that such person will not appear in court as required by the conditions of his or her release unless he or she is taken into custody, it shall issue a capias directed to a proper officer or indifferent person commanding that person forthwith to arrest and bring the released person to the court for a hearing to review the conditions of his or her release. However, a capias shall not issue unless the application sets forth the particular facts in narrative form which lead the surety to believe there is a substantial likelihood that such person will not appear in court.

(d) All expenses incurred pursuant to the issuance and service of the capias or summons shall be paid by the surety.
(P.B. 1978-1997, Sec. 675A.)

**Sec. 38-17. —Hearing on Motion or Application for Modification of Bail**

(a) Upon the filing and service of such motion or application, the judicial authority shall, with reasonable promptness, conduct a hearing to determine whether the terms and conditions of release should be continued, modified or set. The judicial authority shall release the defendant subject to and in accordance with the provisions of Section 38-4 upon the first of the following conditions of



© Copyrighted by the Secretary of the State of the State of Connecticut

release found sufficient to provide reasonable assurance of the appearance of the defendant in court:

(1) The defendant's execution of a written promise to appear;

(2) The defendant's execution of a bond without surety in no greater amount than necessary;

(3) The defendant's deposit with the clerk of the court of an amount equal to 10 percent of the surety bond set, pursuant to Section 38-8;

(4) The defendant's execution of a bond with surety in no greater amount than necessary.

(b) If, after such hearing, the judicial authority relieves a surety of his or her undertaking on a bond, it may enter such order contingent upon the return of such portion of the bond fee as it deems equitable.

(P.B. 1978-1997, Sec. 676.)

**Sec. 38-18. —Review of Detention Prior to Arraignment, Trial or Sentencing**

(a) No person shall be detained in a correctional facility for arraignment, sentencing or trial for an offense not punishable by death for longer than forty-five days, unless at the expiration of such forty-five days such person is presented to the judicial authority having cognizance of the offense. On each such presentment, the judicial authority may reduce, modify or discharge such bail. On the expiration of each successive forty-five day period, such person may again by motion be presented to the judicial authority for such purpose.

(b) If the offense is classified as a class D felony or as a misdemeanor, the time period under this section shall be thirty days, except with regard to a person charged with a crime in another state and detained pursuant to chapter 964 of the General Statutes or a person detained for violation of his parole pending a parole revocation hearing.

(P.B. 1978-1997, Sec. 677.)

**Sec. 38-19. Violation of Conditions of Bail; Order to Appear**

Upon application by the prosecuting authority alleging that a defendant has violated the conditions of release, a judicial authority may, if probable cause is found, order that the defendant appear in court for a hearing upon such allegations. Said order shall be served upon the defendant (1) by delivering a copy to the defendant personally, (2) by leaving it at his or her usual place of abode with a person of suitable age and discretion then residing therein, (3) by mailing it by registered or certified mail to the defendant's last known address, or (4) by serving the order upon the defendant's counsel who shall notify the defendant of the order and the hearing date. If service is made pursuant to (4) above and such service proves insufficient to give the defendant notice, then service shall be made as otherwise provided in this section.

(P.B. 1978-1997, Sec. 682.)

**Sec. 38-20. —Sanctions for Violation of Conditions of Release**

After a hearing and upon a finding that the defendant has violated reasonable conditions imposed on release, the judicial authority may impose different or additional conditions upon the defendant's release or revoke the release.

(P.B. 1978-1997, Sec. 683.)

**Sec. 38-21. —Forfeiture of Bail and Rearrest Warrant**

(a) If the defendant fails to appear at the time and place promised in any bond or written promise to appear, or in response to an order issued pursuant to Sections 38-19 and 38-20 unless otherwise ordered by the judicial authority, the bond may be forfeited in accordance with its terms and the judicial authority may issue a warrant to cause the arrest of the defendant and his or her appearance in court or may issue a capias.

(b) If the bond which has been forfeited was in an amount of $500 or more, the court shall order a stay of execution upon the forfeiture for six months. When the arrested person whose bond has been forfeited is returned to custody within six months of the date such bond was ordered forfeited, the bond shall be reinstated and the surety released. Such stay of execution shall not prevent the issuance of a rearrest warrant or a capias.

(c) Upon issuance of a rearrest warrant or a capias the judicial authority shall, pursuant to Section 38-4, set a condition of release sufficient to assure the defendant's appearance in court.

(P.B. 1978-1997, Sec. 684.)

**Sec. 38-22. Rebate of Forfeited Bonds**

Whenever an arrested person, whose bond has been forfeited, is returned to the jurisdiction of the court within one year of the date such bond was ordered forfeited, the surety on such bond shall be entitled to a rebate in the following amount:

(1) 46 percent of the amount of the bond ordered forfeited if the arrested person is returned to the jurisdiction of the court within 210 days of the date such bond was ordered forfeited;

(2) 38 percent of the amount of the bond ordered forfeited if the arrested person is returned to the jurisdiction of the court within 240 days of the date such bond was ordered forfeited;

(3) 30 percent of the amount of the bond ordered forfeited if the arrested person is returned



© Copyrighted by the Secretary of the State of the State of Connecticut

to the jurisdiction of the court within 270 days of the date such bond was ordered forfeited;

(4) 23 percent of the amount of the bond ordered forfeited if the arrested person is returned to the jurisdiction of the court within 300 days of the date such bond was ordered forfeited;

(5) 15 percent of the amount of the bond ordered forfeited if the arrested person is returned to the jurisdiction of the court within 330 days of the date such bond was ordered forfeited;

(6) 7 percent of the amount of the bond ordered forfeited if the arrested person is returned to the jurisdiction of the court within one year of the date such bond was ordered forfeited.

(P.B. 1998.)

**Sec. 38-23. Discharge of Surety's Obligation**

Where bail has been posted by a bondsman or other surety, such bondsman or surety shall not be relieved of any obligation upon the bond except with the permission of the judicial authority and for good cause shown.

(P.B. 1978-1997, Sec. 685.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 39

## DISPOSITION WITHOUT TRIAL


| Sec. | |
|---|---|
| 39-1. | Procedure for Plea Discussions; In General |
| 39-2. | —Discussions with Defendant |
| 39-3. | —Role of Defense Counsel |
| 39-4. | —Subject Matter of Discussion |
| 39-5. | Plea Agreements; Upon Plea of Guilty or Nolo Contendere |
| 39-6. | —Alternate Agreements |
| 39-7. | —Notice of Plea Agreement |
| 39-8. | —Sentencing after Acceptance of Plea Agreement |
| 39-9. | —Continuance for Sentencing |
| 39-10. | —Rejection of Plea Agreement |
| 39-11. | Disposition Conference; Assignment of Jury Cases |
| 39-12. | —Effect of Previous Plea Discussions on Disposition Conference |
| 39-13. | —Attendance at Disposition Conference |
| 39-14. | —Nature of Disposition Conference; In General |
| 39-15. | —Inability To Reach Agreement |
| 39-16. | —Notice of Agreement to Judicial Authority |
| 39-17. | —Effect of Disposition Conference |
| 39-18. | Plea of Guilty or Nolo Contendere; Entering |
| 39-19. | —Acceptance of Plea; Advice to Defendant |
| 39-20. | —Ensuring That the Plea is Voluntary |
| 39-21. | —Factual Basis for Plea |
| 39-22. | Pleading to Other Offenses after Guilty Finding |
| 39-23. | Previous Offender; Plea to Second Part |
| 39-24. | Record of Proceedings regarding Guilty Pleas |
| 39-25. | Inadmissibility of Rejected Guilty Pleas |
| 39-26. | Withdrawal of Plea; When Allowed |
| 39-27. | —Grounds for Allowing Plea Withdrawal |
| 39-28. | —Effect of Plea Withdrawal |
| 39-29. | Nolle Prosequi |
| 39-30. | —Objection by Defendant to Nolle Prosequi |
| 39-31. | —Effect of Nolle Prosequi |
| 39-32. | —Dismissal |
| 39-33. | Miscellaneous Dispositions |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 39-1. Procedure for Plea Discussions; In General

The prosecuting authority and counsel for the defendant, or the defendant when not represented by counsel, may engage in discussions at any time with a view towards disposition. Negotiations may occur either prior to or after the arraignment. The prosecuting authority shall be in his or her office at reasonable times for the purpose of giving to counsel for the defendant, and to all others in interest, a reasonable opportunity for consultation.

(P.B. 1978-1997, Sec. 687.)

### Sec. 39-2. —Discussions with Defendant

The prosecuting authority shall not engage in plea discussions at the disposition conference, or at other times, directly with a defendant who is represented by counsel, except with such counsel's approval. If the defendant refuses to be represented by counsel or waives this right under Section 44-3, the prosecuting authority may properly discuss disposition of the charges directly with the defendant.

(P.B. 1978-1997, Sec. 688.)

### Sec. 39-3. —Role of Defense Counsel

Defense counsel shall conclude plea agreements only with the consent of the defendant and shall insure that the decision to dispose of the case or to proceed to trial is ultimately made by the defendant.

(P.B. 1978-1997, Sec. 689.)

### Sec. 39-4. —Subject Matter of Discussion

Discussion need not be limited to the entry of a plea of guilty or nolo contendere, and may include any disposition without trial permitted under these rules or the General Statutes. The parties may also discuss pretrial motions filed or yet to be filed which would lead to a disposition of the case without trial.

(P.B. 1978-1997, Sec. 690.)

### Sec. 39-5. Plea Agreements; Upon Plea of Guilty or Nolo Contendere

The parties may agree that the defendant will plead guilty or nolo contendere on one or more of the following conditions:

(1) That the prosecuting authority will amend the information to charge a particular offense;

(2) That the prosecuting authority will nolle, recommend dismissal of, or not bring certain other charges against the defendant; or

(3) That the sentence or other disposition will not exceed specified terms or that the prosecuting authority will recommend a specific sentence, not oppose a particular sentence, or make no specific recommendation.

(P.B. 1978-1997, Sec. 692.)

### Sec. 39-6. —Alternate Agreements

The prosecuting authority may also recommend an alternative disposition under Section 39-33.

(P.B. 1978-1997, Sec. 693.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 39-7. —Notice of Plea Agreement**

If a plea agreement has been reached by the parties, which contemplates the entry of a plea of guilty or nolo contendere, the judicial authority shall require the disclosure of the agreement in open court or, on a showing of good cause, in camera at the time the plea is offered. Thereupon the judicial authority may accept or reject the agreement, or may defer his or her decision on acceptance or rejection until there has been an opportunity to consider the presentence report, or may defer it for other reasons.

(P.B. 1978-1997, Sec. 694.)

**Sec. 39-8. —Sentencing after Acceptance of Plea Agreement**

If the judicial authority accepts the plea agreement, it shall embody in the judgment and the sentence the disposition provided for in the plea agreement or another disposition more favorable to the defendant than that provided for in the plea agreement.

(P.B. 1978-1997, Sec. 696.)

**Sec. 39-9. —Continuance for Sentencing**

If the case is continued for sentencing, the judicial authority shall inform the defendant that a different sentence from that embodied in the plea agreement may be imposed on the receipt of new information or on sentencing by another judicial authority, but that if such a sentence is imposed, the defendant will be allowed to withdraw his or her plea in accordance with Sections 39-26 through 39-28.

(P.B. 1978-1997, Sec. 697.)

**Sec. 39-10. —Rejection of Plea Agreement**

If the judicial authority rejects the plea agreement, it shall inform the parties of this fact; advise the defendant personally in open court or, on a showing of good cause, in camera that the judicial authority is not bound by the plea agreement; afford the defendant the opportunity then to withdraw the plea, if given; and advise the defendant that if he or she persists in a guilty plea or plea of nolo contendere, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

(P.B. 1978-1997, Sec. 698.)

**Sec. 39-11. Disposition Conference; Assignment of Jury Cases**

After conferring with the clerk, the presiding judge shall assign for disposition conferences so much of the jury trial list as he or she shall deem necessary for the proper conduct of the court and he or she shall direct the clerk to print and distribute a list of the cases so assigned to the appearing parties. The clerk shall schedule the conferences at times which will not interfere with the orderly calling of the court docket. Cases may also be assigned for a disposition conference at the time of the entry of a plea pursuant to Section 44-15.

(P.B. 1978-1997, Sec. 700.)

**Sec. 39-12. —Effect of Previous Plea Discussions on Disposition Conference**

Unless an agreement has been reached in a previous plea discussion, a case will be assigned for a disposition conference. It shall be the duty of the prosecuting authority to notify the clerk if an agreement has been reached or if the case has been disposed of.

(P.B. 1978-1997, Sec. 701.)

**Sec. 39-13. —Attendance at Disposition Conference**

The prosecuting authority, the defense counsel, and, in cases claimed for jury trial, the defendant shall appear at the time set for the disposition conference unless excused by the judicial authority. Requests for postponements shall be made only to the presiding judge and shall be granted upon good cause shown.

(P.B. 1978-1997, Sec. 702.)

**Sec. 39-14. —Nature of Disposition Conference; In General**

The prosecuting authority and counsel for the defendant should attempt to reach a plea agreement pursuant to the procedures of Sections 39-1 through 39-10.

(P.B. 1978-1997, Sec. 704.)

**Sec. 39-15. —Inability to Reach Agreement**

Should the parties be unable to reach an agreement as to disposition, they shall report to the presiding judge or to another judge assigned by him or her.

(P.B. 1978-1997, Sec. 705.)

**Sec. 39-16. —Notice of Agreement to Judicial Authority**

If the parties reach an agreement which contemplates the entry of a plea of guilty or nolo contendere, they may advise the judicial authority in advance of the plea. The judicial authority may indicate whether it will concur in or reject the proposed disposition.

(P.B. 1978-1997, Sec. 706.)

**Sec. 39-17. —Effect of Disposition Conference**

If a case is not resolved at the disposition conference or if the judicial authority rejects the plea agreement, the case shall be assigned to a trial list. If an agreement is reached, a judicial authority



© Copyrighted by the Secretary of the State of the State of Connecticut

shall be available to accept guilty pleas and other dispositions.
(P.B. 1978-1997, Sec. 707.)

**Sec. 39-18. Plea of Guilty or Nolo Contendere; Entering**

In the discretion of the judicial authority, the defendant may enter a plea of guilty or nolo contendere to the information or complaint at arraignment. At any later time the defendant also may enter any such plea. A plea of nolo contendere shall be in writing, shall be signed by the defendant, and, when accepted by the judicial authority, shall be followed by a finding of guilty.
(P.B. 1978-1997, Sec. 709.)

**Sec. 39-19. —Acceptance of Plea; Advice to Defendant**

The judicial authority shall not accept the plea without first addressing the defendant personally and determining that he or she fully understands:

(1) The nature of the charge to which the plea is offered;

(2) The mandatory minimum sentence, if any;

(3) The fact that the statute for the particular offense does not permit the sentence to be suspended;

(4) The maximum possible sentence on the charge, including, if there are several charges, the maximum sentence possible from consecutive sentences and including, when applicable, the fact that a different or additional punishment may be authorized by reason of a previous conviction; and

(5) The fact that he or she has the right to plead not guilty or to persist in that plea if it has already been made, and the fact that he or she has the right to be tried by a jury or a judge and that at that trial the defendant has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him or her, and the right not to be compelled to incriminate himself or herself.
(P.B. 1978-1997, Sec. 711.)

**Sec. 39-20. —Ensuring That the Plea is Voluntary**

The judicial authority shall not accept a plea of guilty or nolo contendere without first determining, by addressing the defendant personally in open court, that the plea is voluntary and is not the result of force or threats or of promises apart from a plea agreement. The judicial authority shall also inquire as to whether the defendant's willingness to plead guilty or nolo contendere results from prior discussions between the prosecuting authority and the defendant or his or her counsel.
(P.B. 1978-1997, Sec. 712.)

**Sec. 39-21. —Factual Basis for Plea**

The judicial authority shall not accept a plea of guilty unless it is satisfied that there is a factual basis for the plea.
(P.B. 1978-1997, Sec. 713.)

**Sec. 39-22. Pleading to Other Offenses after Guilty Finding**

Upon entry of a finding of guilty after acceptance of a plea of guilty or nolo contendere or after a trial, a defendant may request permission to plead guilty or nolo contendere to any other offense for which the court wherein the finding of guilty was entered has jurisdiction to impose the maximum authorized penalty. Upon the written approval of the prosecuting authority who is authorized to request imposition of the maximum authorized penalty in the judicial district or geographical area wherein the offense has been or could be charged, and upon the written approval of the prosecuting authority who is authorized to request imposition of the maximum authorized penalty in the judicial district or geographical area wherein the court, in which the finding of guilty was entered, is located, a defendant may enter a plea of guilty or nolo contendere in conformity with Section 39-18. Such a plea shall operate as a waiver of venue and as a consent to the filing of an appropriate information.
(P.B. 1978-1997, Sec. 715.)

**Sec. 39-23. Previous Offender; Plea to Second Part**

Where the defendant has been charged in the second part of an information with a former conviction or convictions, he or she may enter a plea of guilty to the second part upon a finding of guilty of the particular offense he or she was charged with in the first part.
(P.B. 1978-1997, Sec. 716.)

**Sec. 39-24. Record of Proceedings regarding Guilty Pleas**

A verbatim record shall be made of the proceedings at which the defendant enters a plea of guilty or nolo contendere. This record shall include the judicial authority's advice to the defendant, the inquiry into the voluntariness of the plea, including any plea agreement, and the inquiry into the factual basis for the plea.
(P.B. 1978-1997, Sec. 717.)

**Sec. 39-25. Inadmissibility of Rejected Guilty Pleas**

No evidence of the court proceedings at which a plea of guilty or nolo contendere was entered, where such plea is not accepted by the judicial



© Copyrighted by the Secretary of the State of the State of Connecticut

authority or is later withdrawn pursuant to Sections 39-26 through 39-28, shall be received at the trial of the case.
(P.B. 1978-1997, Sec. 718.)

**Sec. 39-26. Withdrawal of Plea; When Allowed**

A defendant may withdraw his or her plea of guilty or nolo contendere as a matter of right until the plea has been accepted. After acceptance, the judicial authority shall allow the defendant to withdraw his or her plea upon proof of one of the grounds in Section 39-27. A defendant may not withdraw his or her plea after the conclusion of the proceeding at which the sentence was imposed.
(P.B. 1978-1997, Sec. 720.)

**Sec. 39-27. —Grounds for Allowing Plea Withdrawal**

The grounds for allowing the defendant to withdraw his or her plea of guilty after acceptance are as follows:

(1) The plea was accepted without substantial compliance with Section 39-19;

(2) The plea was involuntary, or it was entered without knowledge of the nature of the charge or without knowledge that the sentence actually imposed could be imposed;

(3) The sentence exceeds that specified in a plea agreement which had been previously accepted, or in a plea agreement on which the judicial authority had deferred its decision to accept or reject the agreement at the time the plea of guilty was entered;

(4) The plea resulted from the denial of effective assistance of counsel;

(5) There was no factual basis for the plea; or

(6) The plea either was not entered by a person authorized to act for a corporate defendant or was not subsequently ratified by a corporate defendant.
(P.B. 1978-1997, Sec. 721.)

**Sec. 39-28. —Effect of Plea Withdrawal**

If the defendant is permitted to withdraw his or her plea, the original finding of guilty shall be set aside, a plea of not guilty shall be entered, and further proceedings shall be scheduled in accordance with these rules. The judicial authority permitting the vacating of the guilty plea shall not sit on the trial of the matter, unless this is waived by the defendant in writing.
(P.B. 1978-1997, Sec. 722.)

**Sec. 39-29. Nolle Prosequi**

A prosecuting authority shall have the power to enter a nolle prosequi in a case. It shall be entered upon the record after a brief statement by the prosecuting authority in open court of the reasons therefor.
(P.B. 1978-1997, Sec. 725.)

**Sec. 39-30. —Objection by Defendant to Nolle Prosequi**

Where a prosecution is initiated by complaint or information, the defendant may object to the entering of a nolle prosequi at the time it is offered by the prosecuting authority and may demand either a trial or a dismissal, except when a nolle prosequi is entered upon a representation to the judicial authority by the prosecuting authority that a material witness has died, disappeared or become disabled or that material evidence has disappeared or has been destroyed and that a further investigation is therefore necessary.
(P.B. 1978-1997, Sec. 726.)

**Sec. 39-31. —Effect of Nolle Prosequi**

The entry of a nolle prosequi terminates the prosecution and the defendant shall be released from custody. If subsequently the prosecuting authority decides to proceed against the defendant, a new prosecution must be initiated.
(P.B. 1978-1997, Sec. 727.)

**Sec. 39-32. —Dismissal**

The judicial authority may dismiss the information or complaint and discharge the defendant, at any time, in accordance with Sections 41-8 through 41-11.
(P.B. 1978-1997, Sec. 728.)

**Sec. 39-33. Miscellaneous Dispositions**

Upon motion by the defendant, counsel for the defendant, or the prosecuting authority, the judicial authority may make any order permitted by statute or rule that may result in the disposition of the case without trial, including, but not limited to, the following:

(1) Adjudication and treatment as a youthful offender;

(2) Accelerated pretrial rehabilitation;

(3) Pretrial alcohol education and treatment;

(4) Reference to the family relations division and a hearing thereon;

(5) Commitment to the commissioner of mental health following examination and hearing;

(6) Suspension of prosecution for drug-dependent defendants after examination and release to the commission on adult probation;

(7) Reference to a community service labor program; or

(8) Reference to an alternative incarceration program under the auspices of the office of adult probation.
(P.B. 1978-1997, Sec. 730.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 40

## DISCOVERY AND DEPOSITIONS


| Sec. | |
|---|---|
| 40-1. | Discovery in General; Regulating Discovery |
| 40-2. | —Good Faith Efforts and Subpoenas |
| 40-3. | —Continuing Obligation to Disclose |
| 40-4. | —Limitations on Requests or Motions |
| 40-5. | —Failure to Comply with Disclosure |
| 40-6. | —Discovery Performance |
| 40-7. | —Procedures for Disclosure |
| 40-8. | —Objection to Disclosure |
| 40-9. | —Presence during Tests and Experiments |
| 40-10. | —Custody of Materials |
| 40-11. | Disclosure by the Prosecuting Authority; Information and Materials Discoverable by Defendant as of Right |
| 40-12. | Discretionary Disclosure Directed to Prosecuting Authority |
| 40-13. | Names of Witnesses; Prior Record of Witnesses; Statements of Witnesses Discoverable by the Parties as of Right |
| 40-14. | Information Not Subject to Disclosure by Prosecuting Authority |
| 40-15. | Disclosure of Statements; Definition of Statement |
| 40-16. | Request for Recess by Defendant upon Receipt of Statement |
| 40-17. | Defense of Mental Disease or Defect or Extreme Emotional Disturbance; Notice by Defendant |
| 40-18. | —Notice by Defendant of Intention to Use Expert Testimony regarding Mental State; Filing Reports of Exam |
| 40-19. | —Prosecutorial Motion for Psychiatric Examination |
| 40-20. | —Failure of Expert to Submit Report |
| 40-21. | Defense of Alibi; Notice by Defendant |
| 40-22. | —Notice by Prosecuting Authority concerning Alibi Defense |
| 40-23. | —Continuing Duty of Parties to Disclose regarding Alibi Defense |
| 40-24. | —Exceptions |
| 40-25. | —Inadmissibility of Withdrawn Alibi |
| 40-26. | Disclosure by the Defendant; Information and Materials Discoverable by the Prosecuting Authority as of Right |
| 40-27. | Discretionary Disclosure Directed to Defendant |
| 40-28. | Derivative Evidence |
| 40-29. | Protective Orders Requested by Defendant |
| 40-30. | Admissibility at Time of Trial |
| 40-31. | Information Not Subject To Disclosure by Defendant |
| 40-32. | Obtaining Nontestimonial Evidence from Defendant |
| 40-33. | —Emergency Procedure regarding Nontestimonial Evidence |
| 40-34. | —Scope of Order for Nontestimonial Evidence |
| 40-35. | —Contents of Order |
| 40-36. | —Service of Order |
| 40-37. | —Implementation of Order |
| 40-38. | —Obtaining Nontestimonial Evidence from Defendant upon Motion of Defendant |
| 40-39. | —Comparing Nontestimonial Evidence |
| 40-40. | Protective Orders; Relief |
| 40-41. | —Grounds for Protective Order |
| 40-42. | —In Camera Proceedings |
| 40-43. | —Excision as Protective Order |
| 40-44. | Depositions; Grounds |
| 40-45. | —Failure to Appear for Deposition |
| 40-46. | —Use of Deposition |
| 40-47. | —Notice and Person Taking Deposition |
| 40-48. | —Protective Order Prior to Deposition |
| 40-49. | —Manner of Taking Deposition |
| 40-50. | —Scope of Examination at Deposition |
| 40-51. | —Objections at Depositions |
| 40-52. | —Protective Order during Deposition |
| 40-53. | —Return of Deposition |
| 40-54. | —Right of Defendant to Be Present and Represented at Deposition |
| 40-55. | —Waiver of Presence and Failure to Appear at Deposition |
| 40-56. | —Definition of Unavailable |
| 40-57. | —Taking and Use in Court of Deposition by Agreement |
| 40-58. | —Expenses of Deposition and Copies |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 40-1. Discovery in General; Regulating Discovery

Except as otherwise provided in these rules, the judicial authority before whom the defendant appears shall fix the times for filing and for responding to discovery motions and requests and, when appropriate, shall fix the hour, place, manner, terms, and conditions of responses to the motions and requests.

(P.B. 1978-1997, Sec. 732.)

### Sec. 40-2. —Good Faith Efforts and Subpoenas

When documents or objects are the subject of discovery orders, good faith efforts shall be made by the party to whom any such order is directed to secure their possession. If the efforts of such party are unsuccessful the judicial authority shall, upon written request, issue a subpoena or order directing that such documents or objects be delivered to the clerk of the court within a specified



© Copyrighted by the Secretary of the State of the State of Connecticut

time. The clerk shall give a receipt for them and be responsible for their safekeeping. Such documents and tangible objects shall be sealed and shall be open to inspection only upon an order of the judicial authority.

(P.B. 1978-1997, Sec. 733.)

**Sec. 40-3. —Continuing Obligation to Disclose**

If prior to or during trial a party discovers additional material previously ordered to be disclosed or which the party is otherwise obligated to disclose, such party shall promptly notify the other party and the judicial authority of its existence.

(P.B. 1978-1997, Sec. 734.)

**Sec. 40-4. —Limitations on Requests or Motions**

A party shall file all requests or motions under this chapter within the time specified and shall include in the initial request or motion all information or materials sought. The judicial authority may for good cause shown allow the filing of supplemental requests or motions.

(P.B. 1978-1997, Sec. 735.)

**Sec. 40-5. —Failure to Comply with Disclosure**

If a party fails to comply with disclosure as required under these rules, the opposing party may move the judicial authority for an appropriate order. The judicial authority hearing such a motion may enter such orders and time limitations as it deems appropriate, including, without limitation, one or more of the following:

(1) Requiring the noncomplying party to comply;

(2) Granting the moving party additional time or a continuance;

(3) Relieving the moving party from making a disclosure required by these rules;

(4) Prohibiting the noncomplying party from introducing specified evidence;

(5) Declaring a mistrial;

(6) Dismissing the charges;

(7) Imposing appropriate sanctions on the counsel or party, or both, responsible for the noncompliance; or

(8) Entering such other order as it deems proper.

(P.B. 1978-1997, Sec. 735A.)

**Sec. 40-6. —Discovery Performance**

Unless otherwise specified by agreement of the parties or judicial order, the parties shall perform their obligations under Sections 40-1 through 40-10 by making available at reasonable times specified information and materials for inspecting, testing, copying and photographing.

(P.B. 1978-1997, Sec. 737.)

**Sec. 40-7. —Procedures for Disclosure**

(a) All requests for disclosure by any party shall be filed in accordance with Section 41-5 and shall be served in accordance with Sections 10-12 through 10-17 but need not be filed with the court, subject, however, to the provisions of Section 40-40, et seq. The party requesting disclosure or the party responding shall file with the court a notice of service certifying that a request or response was served and the date and manner of service. The party responsible for service of a document shall retain custody of the original.

(b) Except as otherwise provided in Section 40-13, any party may make disclosure by notifying the opposing party that all pertinent material and information may be inspected and, if practicable, copied at specific times and locations and the parties may schedule agreed dates and times to photograph and have reasonable tests made upon any disclosed material.

(P.B. 1978-1997, Sec. 737A.)

**Sec. 40-8. —Objection to Disclosure**

Notwithstanding the provisions of Sections 40-11 and 40-26, the prosecuting authority or the defendant may object to disclosure of any information or items which are directed to be provided by those sections but which the objecting party believes for good cause should not be disclosed or for which it is reasonably believed that a protective order provided by Section 40-40 et seq. would be warranted. Such objection shall be made in writing and shall set forth the grounds of such belief as fully as possible. The objection shall be served in accordance with Sections 10-12 through 10-17 and a copy shall be filed with the court within twenty days of the request unless the judicial authority, for good cause shown, allows a later filing. After hearing the judicial authority shall determine whether such information or items shall be disclosed.

(P.B. 1978-1997, Sec. 737B.)

**Sec. 40-9. —Presence during Tests and Experiments**

If a scientific test or experiment to be performed upon any object which has been the subject of a disclosure order may preclude or impair any further tests or experiments, the opposing party and any other person known to have or believed to have an interest in the matter shall be given reasonable notice and opportunity to be present and to have an expert observe or participate in the test or experiment, unless the judicial authority for good cause shall order otherwise.

(P.B. 1978-1997, Sec. 738.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 40-10. —Custody of Materials**

Any materials furnished to counsel pursuant to this chapter shall be used only for the purposes of conducting such counsel's side of the case or for the performance of his or her official duties, and shall be subject to such other terms and conditions as the judicial authority may provide.

(P.B. 1978-1997, Sec. 739.)

**Sec. 40-11. Disclosure by the Prosecuting Authority; Information and Materials Discoverable by Defendant as of Right**

(a) Upon written request by a defendant filed in accordance with Section 41-5 and without requiring any order of the judicial authority the prosecuting authority, subject to Section 40-40 et seq., shall promptly, but no later than forty five-days from the filing of the request, unless such time is extended by the judicial authority for good cause shown, disclose in writing the existence of and allow the defendant in accordance with Section 40-7, to inspect, copy, photograph and have reasonable tests made on any of the following items:

(1) Exculpatory information or materials;

(2) Any books, tangible objects, papers, photographs, or documents within the possession, custody or control of any governmental agency, which the prosecuting authority intends to offer in evidence in chief at trial or which are material to the preparation of the defense or which were obtained from or purportedly belong to the defendant;

(3) Copies of the defendant's prior criminal record, if any, which are within the possession, custody, or control of the prosecuting authority, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting authority;

(4) Any reports or statements of experts made in connection with the offense charged including results of physical and mental examinations and of scientific tests, experiments or comparisons which are material to the preparation of the defense or are intended for use by the prosecuting authority as evidence in chief at the trial;

(5) Any warrant executed for the arrest of the defendant for the offense charged, and any search and seizure warrants issued in connection with the investigation of the offense charged;

(6) (i) Any written, recorded or oral statements made by the defendant or a codefendant, before or after arrest to any law enforcement officer or to a person acting under the direction of or in cooperation with a law enforcement officer concerning the offense charged; or

(ii) Any relevant statements of coconspirators which the prosecuting authority intends to offer in evidence at any trial or hearing.

(b) In addition to the foregoing, the defendant shall be entitled to disclosure of exculpatory materials in accordance with any applicable constitutional and statutory provisions.

(P.B. 1978-1997, Sec. 741.)

**Sec. 40-12. Discretionary Disclosure Directed to Prosecuting Authority**

Upon written request by a defendant filed in accordance with Section 40-7 the judicial authority may direct the prosecuting authority to disclose in writing to the defendant and make available for inspection, photographing, copying and reasonable testing any other relevant material and information not covered by Section 40-11 which the judicial authority determines on good cause shown should be made available.

(P.B. 1978-1997, Sec. 742.)

**Sec. 40-13. Names of Witnesses; Prior Record of Witnesses; Statements of Witnesses Discoverable by the Parties as of Right**

(a) Upon written request by a defendant filed in accordance with Section 41-5 and without requiring any order of the judicial authority, the prosecuting authority, subject to Section 40-40 et seq., shall promptly, but no later than forty-five days from the filing of the request, unless such time is extended by the judicial authority for good cause shown, disclose to the defendant the names and, subject to the provisions of subsections (g) and (h) of this section, the addresses of all witnesses that the prosecuting authority intends to call in his or her case in chief and shall additionally disclose to the defendant:

(1) Any statements of the witnesses in the possession of the prosecuting authority or his or her agents, including state and local law enforcement officers, which statements relate to the subject matter about which each witness will testify; and

(2) Any record of felony convictions of the witnesses known to the prosecuting authority and any record of felony or misdemeanor charges pending against the witnesses known to the prosecuting authority.

(b) Upon written request by the prosecuting authority, filed in accordance with Section 41-5 and without requiring any order of the judicial authority, the defendant, subject to Section 40-40 et seq., shall promptly, but no later than forty-five days from the filing of the request, unless such time is extended by the judicial authority for good cause shown, disclose to the prosecuting authority the names and, subject to the provisions of



© Copyrighted by the Secretary of the State of the State of Connecticut

subsection (h) of this section, the addresses of all witnesses that the defendant intends to call in the defendant's case in chief and shall additionally disclose to the prosecuting authority any statements of the witnesses other than the defendant in the possession of the defendant or his or her agents which statements relate to the subject matter about which each witness will testify.

(c) If the entire contents of a statement under subdivision (1) of subsections (a) and (b) of this section relate to the subject matter of the anticipated testimony of the witness the statement shall be delivered directly to the opposing party or his or her counsel for his or her examination and use. If the party calling the witness claims that any statement to be produced under subdivision (1) of subsections (a) and (b) of this section contains matter which does not relate to the anticipated subject matter of the testimony of the witness, the judicial authority shall order the party calling the witness to deliver such statement for the inspection of the judicial authority in camera. Upon delivery the judicial authority shall not disclose the portions of such statement which it is claimed do not relate to the anticipated subject matter of the testimony of the witness. The judicial authority shall determine whether any such material should be excised. The judicial authority shall then direct delivery of such statement to the opposing party for his or her use and shall further review the contents of such statement after the direct testimony of such witness and may provide to the opposing party any additional portions of such statement which the judicial authority determines relate to the subject matter of the direct testimony of such witness. If, pursuant to this procedure, any portion of such statement is withheld from the party and that party objects to such withholding, the entire text of such statement shall be sealed and preserved as a court's exhibit in the case.

(d) No witness shall be precluded from testifying for any party because his or her name or statement or criminal history was not disclosed pursuant to this rule if the party calling such witness did not in good faith intend to call the witness at the time that he or she provided the material required by this rule. In the interests of justice the judicial authority may in its discretion permit any undisclosed individual to testify.

(e) The provisions of this section shall apply to any additional testimony presented by any party as rebuttal evidence pursuant to Section 42-35(3) and the statements and criminal histories of such witnesses shall be provided to the opposing party before the commencement of any such rebuttal testimony.

(f) The fact that a witness' name or statement is provided under this section shall not be a ground for comment upon a failure to call a witness.

(g) Notwithstanding any provision of this section, the personal residence address of a police officer or correction officer shall not be required to be disclosed except pursuant to an order of the judicial authority after a hearing and a showing that good cause exists for the disclosure of the information.

(h) Upon written request of a party and for good cause shown, the judicial authority may order that the address of any witness whose name was disclosed pursuant to subsections (a) or (b) of this section not be disclosed to the opposing party.

(P.B. 1978-1997, Sec. 743.)

### Sec. 40-14. Information Not Subject to Disclosure by Prosecuting Authority

Subject to Section 40-13 and except for the substance of any exculpatory material contained herein, Sections 40-11 through 40-14 does not authorize or require disclosure or inspection of:

(1) Reports, memoranda or other internal documents made by a prosecuting authority or by law enforcement officers in connection with the investigation or prosecution of the case;

(2) Statements made to prosecuting authorities or law enforcement officers except as provided in Section 40-11(a) (6);

(3) Legal research;

(4) Records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of a prosecuting authority.

(P.B. 1978-1997, Sec. 746.)

### Sec. 40-15. Disclosure of Statements; Definition of Statement

The term ''statement'' as used in Sections 40-11, 40-13 and 40-26 means:

(1) A written statement made by a person and signed or otherwise adopted or approved by such person; or

(2) A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by a person and recorded contemporaneously with the making of such oral statement.

(P.B. 1978-1997, Sec. 749.)

### Sec. 40-16. Request for Recess by Defendant upon Receipt of Statement

Whenever any statement is delivered to a defendant pursuant to Section 40-13, the judicial authority in its discretion, upon application of the defendant, may recess the proceedings for such time as it may determine to be reasonably required for the examination of such statement



© Copyrighted by the Secretary of the State of the State of Connecticut

by the defendant and his or her preparation for its use in the trial.
(P.B. 1978-1997, Sec. 754.)

**Sec. 40-17. Defense of Mental Disease or Defect or Extreme Emotional Disturbance; Notice by Defendant**

If a defendant intends to rely upon the affirmative defense of mental disease or defect or of extreme emotional disturbance at the time of the alleged crime, the defendant shall, not later than forty-five days after the first pretrial conference in the court where the case will be tried or at such later time as the judicial authority may direct, notify the prosecuting authority in writing of such intention and file a copy of such notice with the clerk. If there is a failure to comply with the requirements of this rule, such affirmative defenses may not be raised. The judicial authority may for cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.
(P.B. 1978-1997, Sec. 758.)

**Sec. 40-18. —Notice by Defendant of Intention to Use Expert Testimony regarding Mental State; Filing Reports of Exam**

If a defendant intends to introduce expert testimony relating to the affirmative defenses of mental disease or defect, or of extreme emotional disturbance or another condition bearing upon the issue of whether he or she had the mental state required for the offense charged, the defendant shall, not later than forty-five days after the first pretrial conference in the court where the case will be tried or at such later time as the judicial authority may direct, notify the prosecuting authority in writing of such intention and file a copy of such notice with the clerk. The defendant shall also furnish the prosecuting authority with copies of reports of physical or mental examinations of the defendant prepared by an expert whom the defendant intends to call as a witness in connection with the offense charged, within five days after receipt thereof. The judicial authority may for cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.
(P.B. 1978-1997, Sec. 759.)

**Sec. 40-19. —Prosecutorial Motion for Psychiatric Examination**

In an appropriate case the judicial authority may, upon motion of the prosecuting authority, order the defendant to submit to a psychiatric examination by a psychiatrist designated for this purpose by the prosecuting authority. No statement made by the defendant in the course of any examination provided for by Sections 40-17 through 40-19, whether the examination shall be with or without the consent of the defendant, shall be admitted in evidence against the defendant on the issue of guilt in any criminal proceeding. A copy of the report of the psychiatric examination shall be furnished to the defendant within five days after the receipt thereof by the prosecuting authority.
(P.B. 1978-1997, Sec. 760.)

**Sec. 40-20. —Failure of Expert to Submit Report**

If any expert fails to submit any written report of the result of any physical or mental examination conducted pursuant to Sections 40-17 through 40-19 the judicial authority, upon request of the party who engaged the expert, may issue an appropriate subpoena or order pursuant to Section 40-2 or may direct that the expert's deposition be taken pursuant to Sections 40-44 through 40-58.
(P.B. 1978-1997, Sec. 760A.)

**Sec. 40-21. Defense of Alibi; Notice by Defendant**

Upon written demand filed by the prosecuting authority stating the time, date, and place at which the alleged offense was committed, the defendant shall file within twenty days, or at such other time as the judicial authority may direct, a written notice of the defendant's intention to offer a defense of alibi. Such notice by the defendant shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi.
(P.B. 1978-1997, Sec. 763.)

**Sec. 40-22. —Notice by Prosecuting Authority concerning Alibi Defense**

If the written notice has been filed pursuant to Section 40-21, the prosecuting authority, within twenty days after filing of the notice, but in no event less than ten days before the trial unless the judicial authority otherwise directs, shall file a written notice stating the names and addresses of the witnesses upon whom the state intends to rely to establish the defendant's presence at the scene of the alleged offense and any other witnesses to be relied upon to rebut testimony of any of the defendant's alibi witnesses.
(P.B. 1978-1997, Sec. 764.)

**Sec. 40-23. —Continuing Duty of Parties to Disclose regarding Alibi Defense**

If prior to or during the trial, a party learns of an additional witness whose identity, if known,



© Copyrighted by the Secretary of the State of the State of Connecticut

should have been included in the information furnished under Sections 40-21 or 40-22, the party shall promptly notify the other party or his or her counsel of the existence and identity of such additional witness.

(P.B. 1978-1997, Sec. 765.)

**Sec. 40-24. —Exceptions**

For good cause shown, the judicial authority may grant an exception to any of the requirements of Sections 40-21 through 40-23.

(P.B. 1978-1997, Sec. 767.)

**Sec. 40-25. —Inadmissibility of Withdrawn Alibi**

Evidence of an intention to rely upon an alibi defense which intention is later withdrawn, or evidence of statements made in connection with such intention, is not admissible in any criminal proceeding against the person who gave notice of the intention.

(P.B. 1978-1997, Sec. 768.)

**Sec. 40-26. Disclosure by the Defendant; Information and Materials Discoverable by the Prosecuting Authority as of Right**

Upon written request by the prosecuting authority filed in accordance with Section 41-5 and without requiring any order of the judicial authority, the defendant, subject to Section 40-40 et seq., shall promptly, but no later than forty-five days from the filing of the request, unless such time is extended by the judicial authority for good cause shown, disclose in writing to the prosecuting authority the existence of and make available for examination and copying in accordance with the procedures of Section 40-7 the following items:

(1) Any books, papers, documents, photographs or tangible objects which the defendant intends to offer in evidence at trial except to the extent that it contains any communication of the defendant; and

(2) Any reports or statements of experts made in connection with the case, including results of physical or mental examinations and of scientific tests, experiments or comparisons, which the defendant intends to offer in evidence at trial or relating to the anticipated testimony of a person whom the defendant intends to call as a witness.

(P.B. 1978-1997, Sec. 769.)

**Sec. 40-27. Discretionary Disclosure Directed to Defendant**

Upon written request by a prosecuting authority filed in accordance with Section 40-7 the judicial authority may direct the defendant to disclose in writing to the prosecuting authority and make available for inspection, photographing, copying and reasonable testing any other relevant material and information not covered by Section 40-26 which the judicial authority determines on good cause shown should be made available.

(P.B. 1978-1997, Sec. 769A.)

**Sec. 40-28. Derivative Evidence**

The defendant shall be supplied with copies of any reports of experts derived from or based upon the examination of materials produced pursuant to Section 40-26.

(P.B. 1978-1997, Sec. 770.)

**Sec. 40-29. Protective Orders Requested by Defendant**

The defendant may, to the same extent as the prosecuting authority, move for a protective order under the provisions of Sections 40-40 through 40-43.

(P.B. 1978-1997, Sec. 771.)

**Sec. 40-30. Admissibility at Time of Trial**

The fact that the defendant has indicated an intent to offer a matter in evidence or to call a person as a witness pursuant to Sections 40-17 through 40-31 is not admissible in evidence at the defendant's trial. Information obtained by the prosecuting authority pursuant to Sections 40-17 through 40-31 shall be used only for the cross-examination or rebuttal of defense testimony except with permission of the judicial authority for good cause shown.

(P.B. 1978-1997, Sec. 772.)

**Sec. 40-31. Information Not Subject to Disclosure by Defendant**

Subject to Section 40-13 and except as to scientific or medical reports, Sections 40-17 through 40-31 does not authorize or require disclosure or inspection of:

(1) Reports, memoranda or other internal defense documents made by the defendant, or counsel for the defendant or any person employed by the defendant in connection with the investigation or defense of the case;

(2) Legal research; or

(3) Records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of the defendant, counsel for the defendant, or any other person employed by the defendant in connection with the investigation or defense of the case.

(P.B. 1978-1997, Sec. 773.)

**Sec. 40-32. Obtaining Nontestimonial Evidence from Defendant**

Upon motion of the prosecuting authority, the judicial authority by order may direct a defendant



© Copyrighted by the Secretary of the State of the State of Connecticut

to participate in a reasonably conducted procedure to obtain nontestimonial evidence, if the judicial authority finds probable cause to believe that:

(1) The evidence sought may be of material aid in determining whether the defendant committed the offense charged; and

(2) The evidence sought cannot practicably be obtained from other sources.

(P.B. 1978-1997, Sec. 776.)

**Sec. 40-33. —Emergency Procedure regarding Nontestimonial Evidence**

Upon application of the prosecuting authority, the judicial authority by order may direct a law enforcement officer to bring the defendant forthwith before the judicial authority for an immediate hearing on a motion made under Sections 40-32 through 40-39, if an affidavit or testimony shows that there is probable cause to believe that the evidence sought will be altered, dissipated, or lost if not promptly obtained. Upon presentation of the defendant, the judicial authority shall inform the defendant of his or her rights as specified in Sections 37-3 through 37-6 and shall afford the defendant reasonable opportunity to consult with an attorney before hearing the motion.

(P.B. 1978-1997, Sec. 777.)

**Sec. 40-34. —Scope of Order for Nontestimonial Evidence**

An order under Sections 40-32 through 40-39 may direct the defendant to participate in one or more of the following procedures:

(1) Appearing, moving, or speaking for identification in a lineup, but if a lineup is not practicable, then in some other reasonable procedure;

(2) Wearing clothing or other articles of personal use or adornment;

(3) Providing handwriting and voice exemplars;

(4) Submitting to the taking of photographs;

(5) Submitting to the taking of fingerprints, palm prints, footprints, and other body impressions;

(6) Submitting to the taking of specimens of saliva, breath, hair, and nails;

(7) Submitting to body measurements or other reasonable body surface examinations;

(8) Submitting to the removal of foreign substances or objects from the surface of the body, if the removal does not involve an unreasonable intrusion of the body or an unreasonable affront to the dignity of the individual;

(9) Submitting to the taking of specimens of blood and urine, if the taking does not involve an unreasonable intrusion of the body or an unreasonable affront to the dignity of the individual;

(10) Submitting to physical examinations, including X-rays under medical supervision; or

(11) Submitting to chemical or physical tests of the surface of the body which do not involve an unreasonable intrusion of the body or an unreasonable affront to the dignity of the individual or a significant risk of injury.

(P.B. 1978-1997, Sec. 778.)

**Sec. 40-35. —Contents of Order**

An order under Sections 40-32 through 40-39 shall specify with particularity the authorized procedure, the scope of the defendant's participation, the time, duration, place, and other conditions of the procedure, and the person or persons who may conduct it. It shall inform the defendant that he or she may not be subjected to investigative interrogation while participating in or being present for the procedure, and that he or she may be held in contempt of court by failing to appear and participate in the procedure as directed. It may also direct the defendant not to alter substantially any identifying physical characteristics to be examined or to destroy any evidence sought.

(P.B. 1978-1997, Sec. 779.)

**Sec. 40-36. —Service of Order**

An order under Sections 40-32 through 40-39 shall be served by delivering a copy of the order to the defendant personally and to his or her counsel, if represented by counsel.

(P.B. 1978-1997, Sec. 780.)

**Sec. 40-37. —Implementation of Order**

An order directing the defendant to participate shall be implemented in the following manner:

(1) While participating in or being present for an authorized procedure, the defendant may be accompanied by counsel and by an observer of choice. The presence of other persons at the procedure may be limited as the judicial authority deems appropriate under the circumstances.

(2) The procedure shall be conducted with dispatch. If the taking of a specimen or the removal of a foreign substance involves an intrusion of the body, medical or other qualified supervision is required. Upon timely request of the defendant and approval by the judicial authority, the defendant may have a qualified physician designated by the defendant in attendance.

(3) The defendant may not be subjected to investigative interrogation while participating in or being present for the procedure.

(4) Any evidence obtained from the defendant may be used only with respect to the offense charged or any related offense.

(5) The defendant shall be furnished with a report of the results of the procedure within fifteen days of its completion.

(P.B. 1978-1997, Sec. 781.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 40-38. —Obtaining Nontestimonial Evidence from Defendant upon Motion of Defendant**

Upon motion of a defendant who has been arrested, summoned, or charged in a complaint or information, the judicial authority by order may direct the prosecuting authority to arrange for the defendant's participation in one or more of the procedures specified in Sections 40-32 through 40-39, if the judicial authority finds that the evidence sought could contribute to an adequate defense. The order shall specify with particularity the authorized procedure, the scope of the defendant's permitted participation, the designation of representatives of the prosecution who may be present, the time, duration, place and other conditions of the procedure, and the person or persons who may conduct the procedure. Sections 40-32 through 40-37 apply to procedures ordered under this section.

(P.B. 1978-1997, Sec. 782.)

**Sec. 40-39. —Comparing Nontestimonial Evidence**

Upon motion of the defendant, the judicial authority by order may direct a prosecuting authority to have a scientific comparison made between a specified sample or specimen of nontestimonial evidence in the prosecuting authority's possession or control and other nontestimonial evidence of a similar character in the prosecuting authority's possession or control, if the judicial authority finds that the results of the comparison could contribute to an adequate defense. The order shall specify the comparison authorized, the person or persons who may make it, and the appropriate conditions under which it is to be made.

(P.B. 1978-1997, Sec. 783.)

**Sec. 40-40. Protective Orders; Relief**

Upon the filing of a motion for a protective order by either party and after a hearing thereon, the judicial authority may at any time order that disclosure or inspection be denied, restricted or deferred, or that reasonable conditions be imposed as to the manner of inspection, photographing, copying or testing, to the extent necessary to protect the evidentiary values of any information or material.

(P.B. 1978-1997, Sec. 785.)

**Sec. 40-41. —Grounds for Protective Order**

In deciding the motion for a protective order the judicial authority may consider the following:

(1) The timeliness of the motion;

(2) The protection of witnesses and others from physical harm, threats of harm, bribes, economic reprisals and other intimidation;

(3) The maintenance of secrecy regarding informants as required for effective investigation of criminal activity;

(4) The protection of confidential relationships, privileges and communications recognized by law; and

(5) Any other relevant considerations.

(P.B. 1978-1997, Sec. 786.)

**Sec. 40-42. —In Camera Proceedings**

Upon the hearing of any motion under Sections 40-40 through 40-43, the judicial authority may permit all or part of any showing of cause for denial or deferral of access to be made in camera and out of the presence of the opposing party. Any in camera proceedings shall be recorded verbatim. If the judicial authority allows any access to be denied or deferred, the entire record of the in camera proceedings shall be sealed and preserved in the court's records, to be made available to the appellate court in the event of an appeal.

(P.B. 1978-1997, Sec. 787.)

**Sec. 40-43. —Excision as Protective Order**

If the moving party claims in a motion for a protective order that a portion of any information or materials requested or required to be disclosed is not subject to disclosure or inspection or contains irrelevant material, that party shall deliver such information or materials to the judicial authority for inspection in camera out of the presence of the other party. If the judicial authority excises any portion of such information or materials, a record of the in camera proceedings shall be made and sealed and preserved in the court's records, to be made available to the appellate court in the event of an appeal. That portion of the information or materials made available to the other party shall show that an excision has been made.

(P.B. 1978-1997, Sec. 788.)

**Sec. 40-44. Depositions; Grounds**

In any case involving an offense for which the punishment may be imprisonment for more than one year the judicial authority, upon request of any party, may issue a subpoena for the appearance of any person at a designated time and place to give his or her deposition if such person's testimony may be required at trial and it appears to the judicial authority that such person:

(1) Will, because of physical or mental illness or infirmity, be unable to be present to testify at any trial or hearing; or



© Copyrighted by the Secretary of the State of the State of Connecticut

(2) Resides outside of this state, and his or her presence cannot be compelled under the provisions of General Statutes § 54-82i; or

(3) Will otherwise be unable to be present to testify at any trial or hearing; or

(4) Is an expert who has examined a defendant pursuant to Sections 40-17 through 40-19 and has failed to file a written report as provided by such sections.

(P.B. 1978-1997, Sec. 791.)

**Sec. 40-45. —Failure to Appear for Deposition**

If, after proper service within this state of a subpoena, the person subpoenaed fails to appear at the designated place and time, the judicial authority may issue a capias directed to a proper officer to arrest and bring such person before the judicial authority.

(P.B. 1978-1997, Sec. 792.)

**Sec. 40-46. —Use of Deposition**

So far as otherwise admissible under the rules of evidence, a deposition may be used as evidence at the trial or at any hearing if the deponent is unavailable, as defined in Section 40-56. Any deposition may also be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness. If only a part of a deposition is offered in evidence by a party, an adverse party may require such party to offer, or may himself or herself offer, all of it which is relevant to the part offered.

(P.B. 1978-1997, Sec. 793.)

**Sec. 40-47. —Notice and Person Taking Deposition**

The party at whose request the deposition is to be taken shall give the other parties reasonable written notice of the name and address of each person to be examined, the time and place for the deposition, and the manner of recording. The deposition may be taken before any officer authorized to administer oaths and agreed to by the parties or, absent such agreement, designated by the judicial authority. Such notice shall be served upon each party or each party's attorney by personal or abode service or by registered or certified mail.

(P.B. 1978-1997, Sec. 794.)

**Sec. 40-48. —Protective Order Prior to Deposition**

After a deposition is ordered, upon written motion seasonably made and served on all affected persons by a party or by the deponent, the judicial authority may for good cause shown change the time, place, or manner of recording the deposition, or order that it shall not be taken or that the scope of the examination shall be limited to certain matters, or make any other order which justice requires. Upon written demand of the objecting party or the deponent, the taking of the deposition shall be suspended for the time required to act upon the motion. In no event shall the deposition of the defendant be taken without the defendant's consent.

(P.B. 1978-1997, Sec. 795.)

**Sec. 40-49. —Manner of Taking Deposition**

The witness shall be put on oath and a verbatim record of his or her testimony shall be made. The testimony shall be taken stenographically and transcribed, unless the judicial authority orders otherwise. In the event that the judicial authority orders that the testimony at a deposition be recorded by other than stenographic means, the order shall designate the manner of recording, (such as by videotape) preserving, and filing the deposition, and it may include other provisions to assure that the recorded testimony will be accurate and trustworthy. If such an order is made, a party may nevertheless arrange to have a stenographic transcription made at his or her own expense.

(P.B. 1978-1997, Sec. 796.)

**Sec. 40-50. —Scope of Examination at Deposition**

The scope and manner of examination and cross-examination shall be the same as that allowed at trial. Each party having possession of a statement of the deponent shall make the statement available to the other party for examination and use at the taking of a deposition if such other party would be entitled to the statement at trial.

(P.B. 1978-1997, Sec. 797.)

**Sec. 40-51. —Objections at Depositions**

All objections made at the time of the examination to the qualifications of the person taking the deposition, or to the manner of taking it, or to the questions or evidence presented, or to the conduct of any party, and any other objection to the proceedings shall be recorded by the person before whom the deposition is taken.

(P.B. 1978-1997, Sec. 798.)

**Sec. 40-52. —Protective Order during Deposition**

(a) At any time during the taking of the deposition, upon motion of a party or of the deponent, and upon a showing that the examination is being conducted in bad faith, or in such manner as to annoy, embarrass, or oppress the deponent or a party, or to elicit privileged testimony, the judicial



© Copyrighted by the Secretary of the State of the State of Connecticut

authority who ordered the deposition taken may order the person conducting the examination immediately to cease taking the deposition, or it may limit the scope and manner of taking the deposition by ordering:

(1) That certain matters not be inquired into, or that the scope of the examination be limited to certain matters; or

(2) That the examination be conducted with no one present except those persons designated by the judicial authority.

(b) Upon demand of the objecting party or the deponent, the taking of the deposition shall be suspended for the time necessary to act upon the motion.

(P.B. 1978-1997, Sec. 799.)

**Sec. 40-53. —Return of Deposition**

Except as otherwise provided in these rules, or as ordered by the judicial authority, depositions shall be sealed by the authority taking them and returned to the clerk of the court in which the prosecution is pending, who shall file such depositions. Any deposition returned unsealed or with the seal broken may be rejected by the judicial authority who ordered its taking.

(P.B. 1978-1997, Sec. 800.)

**Sec. 40-54. —Right of Defendant to Be Present and Represented at Deposition**

A defendant shall have the right to be present in person at any deposition subject to such terms and conditions as may be established by the judicial authority. Upon the application for the taking of a deposition, the judicial authority shall advise any defendant who is without counsel of the right thereto and assign counsel to represent such defendant unless he or she elects to proceed without counsel or is able to obtain counsel.

(P.B. 1978-1997, Sec. 801.)

**Sec. 40-55. —Waiver of Presence and Failure to Appear at Deposition**

A defendant may waive, in writing, the right to be present in person. Failure of a defendant not in custody, absent good cause shown, to appear after notice, shall constitute a waiver of that right and of any objection to the taking and use of the deposition based upon that right. The deposition shall not be admissible in evidence if the defendant has not appeared in person and has not validly waived his or her right to appear. When a deposition is taken in the absence of the defendant, the prosecuting authority shall file a copy of the deposition within thirty days for inspection by the defendant, unless before that time he or she has delivered the deposition or a copy thereof to the defendant. If this section is not complied with, such deposition shall not be admissible in evidence.

(P.B. 1978-1997, Sec. 802.)

**Sec. 40-56. —Definition of Unavailable**

(a) ''Unavailable'' as used in Section 40-46 includes situations in which the deponent:

(1) Is exempted by a ruling of the judicial authority on the ground of privilege from testifying concerning the subject matter of his or her deposition;

(2) Persists in refusing to testify concerning the subject matter of his or her deposition despite an order of the judicial authority to do so;

(3) Testifies to a lack of memory of the subject matter of his or her deposition;

(4) Is unable to be present or to testify at a trial or hearing because of his or her death or physical or mental illness or infirmity; or

(5) Is absent from the trial or hearing and the proponent of his or her deposition has been unable to procure his or her attendance by subpoena or by other reasonable means.

(b) A deponent is not unavailable as a witness if his or her exemption, refusal, claim of lack of memory, inability, or absence is the result of the procurement or wrongdoing by the proponent of his or her deposition for the purpose of preventing the witness from attending or testifying.

(P.B. 1978-1997, Sec. 803.)

**Sec. 40-57. —Taking and Use in Court of Deposition by Agreement**

Nothing in Sections 40-44 through 40-58 precludes the taking of a deposition, orally or upon written interrogatories, or the use of a deposition by agreement of the parties with the consent of the judicial authority.

(P.B. 1978-1997, Sec. 804.)

**Sec. 40-58. —Expenses of Deposition and Copies**

All expenses incurred in the taking of a deposition, including a copy for each adverse party, but excluding counsel's fees, shall be paid by the party taking the deposition.

(P.B. 1978-1997, Sec. 805.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 41

## PRETRIAL MOTIONS


| Sec. | |
|---|---|
| 41-1. | Pretrial Motion Practice; Exclusive Procedures |
| 41-2. | —Matters to Be Raised by Motion |
| 41-3. | —Pretrial Motions and Requests |
| 41-4. | —Failure to Raise Defense, Objection or Request |
| 41-5. | —Time for Making Pretrial Motions or Requests |
| 41-6. | —Form and Manner of Making Pretrial Motions |
| 41-7. | —Hearing and Ruling on Pretrial Motions |
| 41-8. | Motion to Dismiss |
| 41-9. | —Restriction on Motion to Dismiss |
| 41-10. | —Defects Not Requiring Dismissal |
| 41-11. | —Remedies for Minor Defects Not Requiring Dismissal |
| 41-12. | Motion to Suppress |
| 41-13. | —Return and Suppression of Seized Property |
| 41-14. | —Suppression of Intercepted Communications |
| 41-15. | —Time for Filing Motion to Suppress |
| 41-16. | —Effect on Seized Property of Granting Motion |
| 41-17. | —Particular Judicial Authority May Not Hear Motion |
| 41-18. | Severance of Offenses |
| 41-19. | Trial Together of Informations |
| 41-20. | Bill of Particulars; Time for Filing |
| 41-21. | —Content of Bill |
| 41-22. | —Furnishing of Bill |
| 41-23. | Transfer of Prosecution; Grounds |
| 41-24. | —Time for Motion to Transfer |
| 41-25. | —Proceedings on Transfer |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 41-1. Pretrial Motion Practice; Exclusive Procedures

Except as otherwise provided in these rules, all motions to strike, motions to quash, motions to dismiss, and other dilatory pleas are abolished, and defenses and objections which heretofore could have been raised by one or more of them may be raised only by motions made in conformity with this chapter.

(P.B. 1978-1997, Sec. 807.)

### Sec. 41-2. —Matters to Be Raised by Motion

Any defense, objection or request capable of determination without a trial of the general issue may be raised only by a pretrial motion made in conformity with this chapter.

(P.B. 1978-1997, Sec. 808.)

### Sec. 41-3. —Pretrial Motions and Requests

Unless otherwise provided by statute or rule, or permitted by the judicial authority for good cause shown, pretrial motions and requests shall consist only of one or more of the following:

(1) Motions to dismiss under Sections 41-8 through 41-11;

(2) Motions and requests for discovery and depositions under chapter 40;

(3) Motions to suppress evidence under Sections 41-12 through 41-17;

(4) Motions for joinder or severance under Sections 41-18 and 41-19;

(5) Motions for a bill of particulars under Sections 41-20 through 41-22;

(6) Motions for transfer of prosecution under Sections 41-23 through 41-25.

(P.B. 1978-1997, Sec. 809.)

### Sec. 41-4. —Failure to Raise Defense, Objection or Request

Failure by a party, at or within the time provided by these rules, to raise defenses or objections or to make requests that must be made prior to trial shall constitute a waiver thereof, but a judicial authority, for good cause shown, may grant relief from such waiver, provided, however, that lack of jurisdiction over the offense charged or failure of the information to charge an offense may be raised by the defendant or noticed by the judicial authority at any time during the pendency of the proceedings.

(P.B. 1978-1997, Sec. 810.)

### Sec. 41-5. —Time for Making Pretrial Motions or Requests

Unless otherwise provided by these rules or statute, all pretrial motions or requests shall be made not later than ten days after the first pretrial conference in the court where the case will be tried, or, with permission of the judicial authority, at such later time as the judicial authority may fix. However, defenses and objections alleging lack of jurisdiction over the offense charged or failure of the information to charge an offense may be raised by the defendant or noticed by the judicial authority at any time during the pendency of the proceedings.

(P.B. 1978-1997, Sec. 811.)

### Sec. 41-6. —Form and Manner of Making Pretrial Motions

Pretrial motions shall be written and served in accordance with Sections 10-12 through 10-17



© Copyrighted by the Secretary of the State of the State of Connecticut

unless, for good cause shown, the judicial authority shall grant permission to make an oral pretrial motion. Every written motion shall include a statement of the factual and legal or other basis therefor, shall state whether the same or a similar motion was previously filed and ruled upon, and shall have annexed to it a proper order. All defenses and objections that must be raised by motion prior to trial shall, to the extent possible, be raised at the same time.

(P.B. 1978-1997, Sec. 812.)

**Sec. 41-7. —Hearing and Ruling on Pretrial Motions**

A motion made before trial shall be determined prior to trial, unless the judicial authority orders that the ruling be deferred until during the trial of the general issue or until after the verdict. Unless the judicial authority otherwise permits, all pretrial motions pending at the time for the hearing of any pretrial motion shall be heard at the same time. The judicial authority may order the filing of briefs prior to, at, or following such hearing. Where factual issues are involved in determining a motion, the judicial authority shall state its essential findings on the record. A verbatim record shall be made of all proceedings at a hearing on a pretrial motion, including such findings of fact and conclusions of law as are made orally. All motions which require an evidentiary hearing shall be heard by the judicial authority to whom the case has been assigned for trial, unless otherwise provided by rule or statute, or otherwise ordered by the presiding judge.

(P.B. 1978-1997, Sec. 813.)

**Sec. 41-8. Motion to Dismiss**

The following defenses or objections, if capable of determination without a trial of the general issue, shall, if made prior to trial, be raised by a motion to dismiss the information:

(1) Defects in the institution of the prosecution including any grand jury proceedings;

(2) Defects in the information including failure to charge an offense;

(3) Statute of limitations;

(4) Absence of jurisdiction of the court over the defendant or the subject matter;

(5) Insufficiency of evidence or cause to justify the bringing or continuing of such information or the placing of the defendant on trial;

(6) Previous prosecution barring the present prosecution;

(7) Claim that the defendant has been denied a speedy trial;

(8) Claim that the law defining the offense charged is unconstitutional or otherwise invalid; or

(9) Any other grounds.

(P.B. 1978-1997, Sec. 815.)

**Sec. 41-9. —Restriction on Motion to Dismiss**

No defendant who is charged with a crime punishable by death or life imprisonment for which probable cause has been found at a preliminary hearing pursuant to General Statutes § 54-46a or who has been arrested pursuant to a warrant may make a motion under subdivisions (5) or (9) of Section 41-8.

(P.B. 1978-1997, Sec. 816.)

**Sec. 41-10. —Defects Not Requiring Dismissal**

No information shall be dismissed because of any defect or imperfection in, or omission of, any matter of form only, or because of any miswriting, misspelling or improper English, or because of any use of a sign, symbol, figure or abbreviation or, because of any similar defect, imperfection or omission. No information shall be dismissed merely for misjoinder of parties accused, misjoinder of offenses charged, multiplicity, duplicity or uncertainty, provided an offense is charged.

(P.B. 1978-1997, Sec. 817.)

**Sec. 41-11. —Remedies for Minor Defects Not Requiring Dismissal**

If the judicial authority determines that any of the defects stated in Section 41-10 exists in any information, it shall order such relief as is required to remedy such defect, including the severance of such information into separate counts or the filing of a bill of particulars. No appeal, or motion made after verdict, based on any of the defects enumerated in Section 41-10 shall be sustained unless it is affirmatively shown that the defendant was, in fact, prejudiced in his or her defense upon the merits and that substantial injustice was done to the defendant because of such defect.

(P.B. 1978-1997, Sec. 818.)

**Sec. 41-12. Motion to Suppress**

Upon motion, the judicial authority shall suppress potential testimony or other evidence if it finds that suppression is required under the constitution or laws of the United States or the state of Connecticut.

(P.B. 1978-1997, Sec. 821.)

**Sec. 41-13. —Return and Suppression of Seized Property**

A person aggrieved by a search and seizure may make a motion to the judicial authority who has jurisdiction of the case, or if such jurisdiction has not yet been invoked, then to the judicial authority who issued the warrant or to the court in which the case is pending, for the return of



© Copyrighted by the Secretary of the State of the State of Connecticut

specific items of property and to suppress their use as evidence on the grounds that:

(1) The property was illegally seized without a warrant under circumstances requiring a warrant;

(2) The warrant is insufficient on its face;

(3) The property seized is not that described in the warrant;

(4) There was not probable cause for believing the existence of the grounds on which the warrant was issued; or

(5) The warrant was illegally executed.

(P.B. 1978-1997, Sec. 822.)

**Sec. 41-14. —Suppression of Intercepted Communications**

Any aggrieved person in any trial, hearing or proceeding in or before any court may move to suppress the contents of any intercepted wire communication, or any evidence derived therefrom, on the grounds that:

(1) The communication was unlawfully intercepted under the provisions of chapter 959a of the General Statutes;

(2) The order of authorization or approval under which it was intercepted is insufficient on its face;

(3) The interception was not made in conformity with the order of authorization or approval; or

(4) The interception was otherwise illegal.

(P.B. 1978-1997, Sec. 823.)

**Sec. 41-15. —Time for Filing Motion to Suppress**

A motion under Sections 41-12 through 41-17 shall be made before trial or hearing in accordance with Section 41-5 unless opportunity therefor did not exist or the defendant or other moving party was not aware of the grounds of the motion, in which case such motion may be made at any time during the trial or the pendency of any proceeding. The judicial authority in its discretion may entertain such a motion at any time.

(P.B. 1978-1997, Sec. 824.)

**Sec. 41-16. —Effect on Seized Property of Granting Motion**

If the judicial authority grants a motion made under Sections 41-12 through 41-17, the property seized shall be returned unless the judicial authority finds that the property is subject to lawful detention or destruction.

(P.B. 1978-1997, Sec. 825.)

**Sec. 41-17. —Particular Judicial Authority May Not Hear Motion**

A judicial authority who signed any warrant or order for the seizure of property, testimony or evidence or for the interception of any communications shall not preside at any hearing on a motion made pertaining to such warrant or order.

(P.B. 1978-1997, Sec. 826.)

**Sec. 41-18. Severance of Offenses**

If it appears that a defendant is prejudiced by a joinder of offenses, the judicial authority may, upon its own motion or the motion of the defendant, order separate trials of the counts or provide whatever other relief justice may require.

(P.B. 1978-1997, Sec. 828.)

**Sec. 41-19. Trial Together of Informations**

The judicial authority may, upon its own motion or the motion of any party, order that two or more informations, whether against the same defendant or different defendants, be tried together.

(P.B. 1978-1997, Sec. 829.)

**Sec. 41-20. Bill of Particulars; Time for Filing**

Pursuant to Section 41-5, the defendant may make a motion, or the judicial authority may order at any time, that the prosecuting authority file a bill of particulars.

(P.B. 1978-1997, Sec. 831.)

**Sec. 41-21. —Content of Bill**

The judicial authority shall order that a bill of particulars disclose information sufficient to enable the defendant to prepare the defense, including but not being limited to reasonable notice of the crime charged and the date, time, and place of its commission.

(P.B. 1978-1997, Sec. 832.)

**Sec. 41-22. —Furnishing of Bill**

When any bill of particulars is ordered, an amended or substitute information shall be filed incorporating its provisions.

(P.B. 1978-1997, Sec. 833.)

**Sec. 41-23. Transfer of Prosecution; Grounds**

Upon motion of the prosecuting authority or the defendant, or upon its own motion, the judicial authority may order that any pending criminal matter be transferred to any other court location:

(1) If the judicial authority is satisfied that a fair and impartial trial cannot be had where the case is pending;

(2) If the defendant and the prosecuting authority consent; or

(3) Where the joint trial of informations is ordered pursuant to Section 41-19 and the cases are pending in different judicial districts or geographical areas.

(P.B. 1978-1997, Sec. 835.)

**Sec. 41-24. —Time for Motion to Transfer**

A motion for transfer of prosecution shall be made within the time prescribed by Section 41- 5 for making pretrial motions.

(P.B. 1978-1997, Sec. 836.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 41-25. —Proceedings on Transfer**

The clerk of the court in which such case is pending shall transmit the original files and papers therein, with a certificate of such transfer, to the clerk of the court to which such case is transferred, who shall at once enter it on the docket of such court. Such case may be heard at a session of such court then being held, or thereafter to be held, for the transaction of criminal business and may be there proceeded with and in the same manner as if it were originally brought to such court.

(P.B. 1978-1997, Sec. 837.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 42

# TRIAL PROCEDURE


| Sec. | |
|---|---|
| 42-1. | Jury Trials; Right to Jury Trial and Waiver |
| 42-2. | —Two Part Information |
| 42-3. | —Size of Jury |
| 42-4. | —Challenge to Array |
| 42-5. | —Disqualification of Jurors and Selection of Panel |
| 42-6. | —View by Jury of Place or Thing Involved in Case |
| 42-7. | —Communications between Judicial Authority and Jury |
| 42-8. | —Communications between Parties and Jurors |
| 42-9. | —Juror Questions and Note Taking |
| 42-10. | Selection of Jury; Deaf or Hearing Impaired Jurors |
| 42-11. | —Preliminary Proceedings in Jury Selection |
| 42-12. | —Voir Dire Examination |
| 42-13. | —Peremptory Challenges |
| 42-14. | —Oath and Admonitions to Trial Jurors |
| 42-15. | Motion in Limine |
| 42-16. | Requests to Charge and Exceptions; Necessity for |
| 42-17. | —Filing Requests |
| 42-18. | —Form and Contents of Requests to Charge |
| 42-19. | —Charge Conference |
| 42-20. | Submission for Verdict; Role of Judicial Authority in Trial |
| 42-21. | Jury Deliberations |
| 42-22. | Sequestration of Jury |
| 42-23. | Materials to Be Submitted to Jury |
| 42-24. | Modification of Instructions for Correction or Clarification |
| 42-25. | —Other Instructions after Additional Instructions |
| 42-26. | Jury Requests for Review of Testimony |
| 42-27. | Jury Requests for Additional Instructions |
| 42-28. | Deadlocked Jury |
| 42-29. | Verdict; Return of Verdict |
| 42-30. | —Acceptance of Verdict |
| 42-31. | —Poll of Jury after Verdict |
| 42-32. | —Discharge of Jury |
| 42-33. | —Impeachment of Verdict |
| 42-34. | Trial without Jury |
| 42-35. | Order of Parties Proceeding at Trial |
| 42-36. | Sequestration of Witnesses |
| 42-37. | Time Limits in Argument |
| 42-38. | Order of Proceeding of Defendants |
| 42-39. | Judicial Appointment of Expert Witnesses |
| 42-40. | Motions for Judgment of Acquittal; In General |
| 42-41. | —At Close of Prosecution's Case |
| 42-42. | —At Close of Evidence |
| 42-43. | Motion for Mistrial; For Prejudice to Defendant |
| 42-44. | —For Prejudice to State |
| 42-45. | Jury's Inability to Reach Verdict |
| 42-46. | Control of Judicial Proceedings; Restraint of Disruptive Defendant |
| 42-47. | —Removal of Disruptive Defendant |
| 42-48. | —Cautioning Parties and Witnesses |
| 42-49. | Closure of Courtroom in Criminal Cases |
| 42-49A. | Sealing or Limiting Disclosure of Documents in Criminal Cases |
| 42-50. | Motion for Judgment of Acquittal; After Mistrial |
| 42-51. | —Upon Verdict of Guilty |
| 42-52. | —Time for Filing Motion for Judgment of Acquittal |
| 42-53. | Motion for New Trial; In General |
| 42-54. | —Time for Filing Motion for New Trial |
| 42-55. | —Time for Filing Motion for New Trial Based on Newly Discovered Evidence |
| 42-56. | Motion in Arrest of Judgment |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

## Sec. 42-1. Jury Trials; Right to Jury Trial and Waiver

The defendant in a criminal action may demand a trial by jury of issues which are triable of right by jury. If at the time the defendant is put to plea, he or she elects a trial by the court, the judicial authority shall advise the defendant of his or her right to a trial by jury and that a failure to elect a jury trial at that time may constitute a waiver of that right. If the defendant does not then elect a jury trial, the defendant's right thereto may be deemed to have been waived.

(P.B. 1978-1997, Sec. 839.)

## Sec. 42-2. —Two Part Information

When an information is divided into two parts under Section 36-14, on a finding of guilty on the first part of the information, a plea shall be taken and, if necessary, election made on the second part and the trial thereon proceeded with. If the defendant elects a jury trial on the second part of the information, such trial may be had to the same or to another jury as the judicial authority may direct.

(P.B. 1978-1997, Sec. 840.)

## Sec. 42-3. —Size of Jury

The parties, after submission of the matter to the jury and prior to the verdict, may, by stipulation in writing and with the approval of the judicial authority, elect to have the verdict rendered by a number of jurors fewer than that prescribed by law. The judicial authority shall not permit such an election or stipulation unless the defendant, after being advised by the judicial authority of his or her right to a trial by a full jury, personally waives such right either in writing or in open court on the record.

(P.B. 1978-1997, Sec. 841.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 42-4. —Challenge to Array**

Any party may challenge an array on the ground that there has been a material departure from the requirements of law governing the selection and summoning of an array. Such challenge shall be made within five days after notification of the hearing or trial date, unless the defect claimed has arisen subsequent to the time required to make such motion.

(P.B. 1978-1997, Sec. 842.)

**Sec. 42-5. —Disqualification of Jurors and Selection of Panel**

A person shall be disqualified to serve as a juror if such person is found by the judicial authority to exhibit any quality which will impair that person's capacity to serve as a juror, except that no person shall be disqualified on the basis of deafness or hearing impairment. The clerk shall keep a list of all persons disqualified under this section and shall send a copy of that list to the jury administrator at such time as the jury administrator may direct. The clerk of the court, in impaneling the jury for the trial of each cause, shall, when more jurors are in attendance than are required for the panel, designate by lot those who shall compose the panel.

(P.B. 1978-1997, Sec. 843.)

**Sec. 42-6. —View by Jury of Place or Thing Involved in Case**

When the judicial authority is of the opinion that a viewing by the jury of the place where the offense being tried was committed, or of any other place or thing involved in the case, will be helpful to the jury in determining any material factual issue, it may in its discretion, at any time before the closing arguments, order that the jury be conducted to such place or location of such thing. During the viewing the jury must be kept together under the supervision of a proper officer appointed by the judicial authority. The judicial authority and a court reporter must be present, and, with the judicial authority's permission, any other person may be present. The prosecuting authority, the defendant and defense counsel may as a matter of right be present, but the right may be waived. The purpose of viewing shall be solely to permit visual observation by the jury of the place or thing in question and to permit a brief description of the site or thing being viewed by the judicial authority or by any witness or witnesses as allowed by the judicial authority. Any proceedings at the location, including examination of witnesses, shall be at the discretion of the judicial authority. Neither the parties nor counsel nor the jurors while viewing the place or thing may engage in discussion of the significance or the implications of anything under observation or of any issue in the case.

(P.B. 1978-1997, Sec. 844.)

**Sec. 42-7. —Communications between Judicial Authority and Jury**

All communications from the jury to the judicial authority shall be in writing. The judicial authority shall require that a record be kept of all communications received by it from a juror or the jury after the jury has been sworn, and it shall not communicate with a juror or the jury on any aspect of the case itself, as distinguished from matters relating to physical comforts and the like, except after notice to all parties and reasonable opportunity for them to be present.

(P.B. 1978-1997, Sec. 845.)

**Sec. 42-8. —Communications between Parties and Jurors**

No party, and no attorney, employee, representative or agent of any party or attorney, shall contact, communicate with or interview any juror or alternate juror, or any relative, friend or associate of any juror or alternate juror concerning the deliberations or verdict of the jury or of any individual juror or alternate juror in any action during trial until the jury has returned a verdict and/or the jury has been dismissed by the judicial authority, except upon leave of the judicial authority, which shall be granted only upon the showing of good cause. A violation of this section may be treated as a contempt of court, and may be punished accordingly.

(P.B. 1978-1997, Sec. 845A.)

**Sec. 42-9. —Juror Questions and Note Taking**

The members of the jury may, in the discretion of the judicial authority, take notes and submit questions to be asked of witnesses during the trial of a criminal action.

(P.B. 1978-1997, Sec. 845B.)

**Sec. 42-10. Selection of Jury; Deaf or Hearing Impaired Jurors**

At the request of a deaf or hearing impaired juror or the judicial authority, an interpreter or interpreters provided by the commission on the deaf and hearing impaired and qualified under General Statutes § 46a-33a shall assist such juror during the juror orientation program and all subsequent proceedings, and when the jury assembles for deliberation.

(P.B. 1978-1997, Sec. 846A.) (Amended August 24, 2001, to take effect Jan. 1, 2002.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 42-11. —Preliminary Proceedings in Jury Selection**

The judicial authority shall cause prospective jurors to be sworn or affirmed in accordance with General Statutes §§ 1-23 and 1-25. The judicial authority shall require counsel to make a preliminary statement as to the names of other counsel with whom he or she is affiliated and other relevant facts, and shall require counsel to disclose the names, and if ordered by the judicial authority, the addresses of all witnesses counsel intends to call at trial. The judicial authority may excuse any prospective juror for cause.

(P.B. 1978-1997, Sec. 847.)

**Sec. 42-12. —Voir Dire Examination**

Each party shall have the right to examine, personally or by counsel, each juror outside the presence of other prospective jurors as to qualifications to sit as a juror in the action, or as to interest, if any, in the subject matter of the action, or as to relations with the parties thereto. If the judicial authority before whom such examination is held is of the opinion from such examination that any juror would be unable to render a fair and impartial verdict, such juror shall be excused by the judicial authority from any further service upon the panel, or in such action, as the judicial authority determines. The right of such examination shall not be abridged by requiring questions to be put to any juror in writing and submitted in advance of the commencement of the trial.

(P.B. 1978-1997, Sec. 848.)

**Sec. 42-13. —Peremptory Challenges**

The prosecuting authority and the defendant may challenge peremptorily the number of jurors which each is entitled to challenge by law.

(P.B. 1978-1997, Sec. 849.)

**Sec. 42-14. —Oath and Admonitions to Trial Jurors**

(a) The judicial authority shall cause the jurors selected for the trial to be sworn or affirmed in accordance with General Statutes §§ 1-23 and 1-25. The judicial authority shall admonish the jurors not to read, listen to or view news reports of the case or to discuss with each other or with any person not a member of the jury the cause under consideration, except that after the case has been submitted to the jury for deliberation the jurors shall discuss it among themselves in the jury room.

(b) In the presence of the jury, the judicial authority shall instruct any interpreter for a deaf or hearing impaired juror to refrain from participating in any manner in the deliberations of the jury and to refrain from having any communications, oral or visual, with any member of the jury except for the literal translation of jurors' remarks made during deliberations.

(P.B. 1978-1997, Sec. 850.)

**Sec. 42-15. Motion in Limine**

The judicial authority to whom a matter has been referred for trial may in its discretion entertain a motion in limine made by either party regarding the admission or exclusion of anticipated evidence. Such motion shall be in writing and shall describe the anticipated evidence and the prejudice which may result therefrom. The judicial authority may grant the relief sought in the motion or such other relief as it may deem appropriate, may deny the motion with or without prejudice to its later renewal, or may reserve decision thereon until a later time in the proceeding.

(P.B. 1978-1997, Sec. 850B.)

**Sec. 42-16. Requests to Charge and Exceptions; Necessity for**

An appellate court shall not be bound to consider error as to the giving of, or the failure to give, an instruction unless the matter is covered by a written request to charge or exception has been taken by the party appealing immediately after the charge is delivered. Counsel taking the exception shall state distinctly the matter objected to and the ground of exception. The exception shall be taken out of the hearing of the jury.

(P.B. 1978-1997, Sec. 852.)

**Sec. 42-17. —Filing Requests**

Written requests to charge the jury must be filed in triplicate with the clerk before the beginning of the arguments or at such earlier time during the trial as the judicial authority directs, and the clerk shall file them and forthwith hand one copy to the judicial authority and one to opposing counsel. A party's requests to charge may be amended in writing as a matter of right at any time prior to the beginning of the charge conference.

(P.B. 1978-1997, Sec. 853.)

**Sec. 42-18. —Form and Contents of Requests to Charge**

(a) When there are several requests, they shall be in separate and numbered paragraphs, each containing a single proposition of law clearly and concisely stated with the citation of authority upon which it is based, and the evidence to which the proposition would apply. Requests to charge should not exceed fifteen in number unless, for good cause shown, the judicial authority permits the filing of an additional number. If the request



© Copyrighted by the Secretary of the State of the State of Connecticut

is granted, the judicial authority shall apply the proposition of law to the facts of the case.

(b) A principle of law should be stated in but one request and in but one way. Requests attempting to state in different forms the same principle of law as applied to a single issue are improper.

(P.B. 1978-1997, Sec. 854.)

### Sec. 42-19. —Charge Conference

After the close of evidence but before arguments to the jury, the judicial authority shall, if requested, inform counsel out of the presence of the jury of the substance of its proposed instructions.

The charge conference shall be on the record or summarized on the record.

(P.B. 1978-1997, Sec. 854A.) (Amended June 25, 2001, to take effect Jan. 1, 2002.)

### Sec. 42-20. Submission for Verdict; Role of Judicial Authority in Trial

The judicial authority shall decide all issues of law and all questions of law arising in the trial of criminal cases. In committing the case to the jury, if in the opinion of the judicial authority the evidence is not sufficient to justify the finding of guilt beyond a reasonable doubt, it may direct the jury to find a verdict of not guilty; otherwise, subject to the provisions of Section 42-40, the judicial authority shall submit the facts to the jury without directing how they are to find the facts or how they are to render their verdict.

(P.B. 1978-1997, Sec. 855.)

### Sec. 42-21. Jury Deliberations

After the case has been submitted to the jury, the jury shall be in the custody of an officer who shall permit no person to be present with them or to speak to them when assembled for deliberations except a qualified interpreter assisting a deaf or hearing impaired juror. The jurors shall be kept together for deliberations as the judicial authority reasonably directs. If the judicial authority permits the jury to recess their deliberations, it shall admonish the jury not to discuss the case until they reconvene in the jury room. The judicial authority shall direct the jury to select one of their members to preside over the deliberations and to deliver any verdict agreed upon, and the judicial authority shall admonish the jury that until they are discharged in the case they may communicate upon subjects connected with the trial only while they are convened in the jury room. If written forms of verdict are submitted to the jury pursuant to Section 42-23, the member of the jury selected to deliver the verdict shall sign any verdict agreed upon.

(P.B. 1978-1997, Sec. 856.)

### Sec. 42-22. Sequestration of Jury

If a case involves the penalty of capital punishment or imprisonment for life or is of such notoriety or its issues are of such a nature that, absent sequestration, highly prejudicial matters are likely to come to the jury's attention, the judicial authority, upon its own motion or the motion of either party, may order that the jury remain together in the custody of an officer during the trial and until they are discharged from further consideration of the case. Such order shall include an interpreter or interpreters assisting a deaf or hearing impaired juror. A motion to sequester may be made at any time. The jury shall not be informed which party requested sequestration.

(P.B. 1978-1997, Sec. 857.)

### Sec. 42-23. Materials to Be Submitted to Jury

(a) The judicial authority shall submit to the jury:

(1) The information upon which the defendant was tried; and

(2) All exhibits received in evidence.

(b) The judicial authority may, in its discretion, submit to the jury:

(1) Appropriate written forms of verdict;

(2) A copy or tape recording of the judicial authority's instructions to the jury; and

(3) Upon request by the jury, a copy or tape recording of an appropriate portion of the judicial authority's instructions to the jury.

(P.B. 1978-1997, Sec. 858.)

### Sec. 42-24. Modification of Instructions for Correction or Clarification

The judicial authority, after exceptions to the charge, or upon its own motion, may recall the jury to the courtroom and give them additional instructions in order to:

(1) Correct or withdraw an erroneous instruction;

(2) Clarify an ambiguous instruction; or

(3) Instruct the jury on any matter which should have been covered in the original instructions.

(P.B. 1978-1997, Sec. 860.)

### Sec. 42-25. —Other Instructions after Additional Instructions

If the judicial authority gives additional instructions, it also may give or repeat other instructions in order to avoid undue emphasis on the additional instructions. Additional instructions shall be governed by the procedures set forth in Section 42-16 concerning exceptions.

(P.B. 1978-1997, Sec. 861.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 42-26. Jury Requests for Review of Testimony**

If the jury after retiring for deliberations request a review of certain testimony, they shall be conducted to the courtroom. Whenever the jury's request is reasonable, the judicial authority, after notice to and consultation with the prosecuting authority and counsel for the defense, shall have the requested parts of the testimony read to the jury.

(P.B. 1978-1997, Sec. 863.)

**Sec. 42-27. Jury Requests for Additional Instructions**

If the jury, after retiring for deliberations, request additional instructions, the judicial authority, after providing notice to the parties and an opportunity for suggestions by counsel, shall recall the jury to the courtroom and give additional instructions necessary to respond properly to the request or to direct the jury's attention to a portion of the original instructions.

(P.B. 1978-1997, Sec. 864.)

**Sec. 42-28. Deadlocked Jury**

If it appears to the judicial authority that the jury have been unable to agree, it may require the jury to continue their deliberations. The judicial authority shall not require or threaten to require the jury to deliberate for an unreasonable length of time or for unreasonable intervals. It may also instruct the jury as to disagreements in accordance with the law.

(P.B. 1978-1997, Sec. 865.)

**Sec. 42-29. Verdict; Return of Verdict**

The verdict shall be general unless otherwise directed by the judicial authority, but if the judicial authority instructs the jury regarding the defense of mental disease or defect, the jury, if they so find, shall declare the finding in their verdict. The verdict shall be unanimous and shall be announced by the jury in open court. If there are two or more defendants, the jury may return a verdict with respect to any defendant as to whom they agree. The defendant, if found not guilty of the offense charged, may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein, if the attempt is an offense.

(P.B. 1978-1997, Sec. 867.)

**Sec. 42-30. —Acceptance of Verdict**

The judicial authority shall, if the verdict is in order and is technically correct, accept it without comment.

(P.B. 1978-1997, Sec. 868.)

**Sec. 42-31. —Poll of Jury after Verdict**

After a verdict has been returned and before the jury have been discharged, the jury shall be polled at the request of any party or upon the judicial authority's own motion. The poll shall be conducted by the clerk of the court by asking each juror individually whether the verdict announced is such juror's verdict. If upon the poll there is not unanimous concurrence, the jury may be directed to retire for further deliberations or they may be discharged.

(P.B. 1978-1997, Sec. 869.)

**Sec. 42-32. —Discharge of Jury**

The judicial authority shall discharge the jury after they have rendered their verdict or after a mistrial has been declared.

(P.B. 1978-1997, Sec. 870.)

**Sec. 42-33. —Impeachment of Verdict**

Upon an inquiry into the validity of a verdict, no evidence shall be received to show the effect of any statement, conduct, event or condition upon the mind of a juror nor any evidence concerning mental processes by which the verdict was determined. Subject to these limitations, a juror's testimony or affidavit shall be received when it concerns any misconduct which by law permits a jury to be impeached.

(P.B. 1978-1997, Sec. 871.)

**Sec. 42-34. Trial without Jury**

In a case tried without a jury the judicial authority shall render a finding of guilty, not guilty, or not guilty by reason of mental disease or defect where appropriate.

(P.B. 1978-1997, Sec. 872.)

**Sec. 42-35. Order of Parties Proceeding at Trial**

Unless the judicial authority for cause permits otherwise, the parties shall proceed with the trial in the following order:

(1) The prosecuting authority shall present the case in chief.

(2) The defendant may present a case in chief.

(3) The prosecuting authority and the defendant may present rebuttal evidence in successive rebuttals, as required. The judicial authority for cause may permit a party to present evidence not of a rebuttal nature, and if the prosecuting authority is permitted to present further evidence in chief, the defendant may respond with further evidence in chief.

(4) The prosecuting authority shall be entitled to make the opening and final closing arguments.



© Copyrighted by the Secretary of the State of the State of Connecticut

(5) The defendant may make a single closing argument following the opening argument of the prosecuting authority.
(P.B. 1978-1997, Sec. 874.)

**Sec. 42-36. Sequestration of Witnesses**

The judicial authority upon motion of the prosecuting authority or of the defendant shall cause any witness to be sequestered during the hearing on any issue or motion or during any part of the trial in which such witness is not testifying.
(P.B. 1978-1997, Sec. 876.)

**Sec. 42-37. Time Limits in Argument**

Counsel shall not occupy more than one hour in argument in any trial, unless the judicial authority, on motion for special cause before the commencement of such argument, allows counsel a longer time.
(P.B. 1978-1997, Sec. 879.)

**Sec. 42-38. Order of Proceeding of Defendants**

If there are two or more defendants and they do not agree as to their order of proceeding, the judicial authority shall determine their order.
(P.B. 1978-1997, Sec. 880.)

**Sec. 42-39. Judicial Appointment of Expert Witnesses**

Whenever the judicial authority deems it necessary, on its own motion it may appoint any expert witnesses of its own selection. An expert witness shall not be appointed by the judicial authority unless the expert consents to act. A witness so appointed shall be informed of his or her duties by the judicial authority in writing, a copy of which shall be filed with the clerk, or the witness shall be informed of his or her duties at a conference in which the parties shall have an opportunity to participate. A witness so appointed shall advise the parties of his or her findings, if any, and may thereafter be called to testify by the judicial authority or by any party. A witness so appointed shall be subject to cross-examination by each party. The judicial authority may determine the reasonable compensation for such a witness and direct payment out of such funds as may be provided by law. This section shall not apply to appointments made pursuant to General Statutes § 54-56d.
(P.B. 1978-1997, Sec. 881.)

**Sec. 42-40. Motions for Judgment of Acquittal; In General**

Motions for a directed verdict of acquittal and for dismissal when used during the course of a trial are abolished. Motions for a judgment of acquittal shall be used in their place. After the close of the prosecution's case in chief or at the close of all the evidence, upon motion of the defendant or upon its own motion, the judicial authority shall order the entry of a judgment of acquittal as to any principal offense charged and as to any lesser included offense for which the evidence would not reasonably permit a finding of guilty. Such judgment of acquittal shall not apply to any lesser included offense for which the evidence would reasonably permit a finding of guilty.
(P.B. 1978-1997, Sec. 883.)

**Sec. 42-41. —At Close of Prosecution's Case**

If the motion is made after the close of the prosecution's case in chief, the judicial authority shall either grant or deny the motion before calling upon the defendant to present the defendant's case in chief. If the motion is not granted, the defendant may offer evidence without having reserved the right to do so.
(P.B. 1978-1997, Sec. 884.)

**Sec. 42-42. —At Close of Evidence**

If the motion is made at the close of all the evidence in a jury case, the judicial authority may reserve decision on the motion, submit the case to the jury, and decide the motion either before the jury return a verdict or after they return a verdict of guilty or after they are discharged without having returned a verdict.
(P.B. 1978-1997, Sec. 885.)

**Sec. 42-43. Motion for Mistrial; For Prejudice to Defendant**

Upon motion of a defendant, the judicial authority may declare a mistrial at any time during the trial if there occurs during the trial an error or legal defect in the proceedings, or any conduct inside or outside the courtroom which results in substantial and irreparable prejudice to the defendant's case. If there are two or more defendants, the mistrial shall not be declared as to a defendant who does not make or join in the motion.
(P.B. 1978-1997, Sec. 887.)

**Sec. 42-44. —For Prejudice to State**

Upon motion of the prosecuting authority, the judicial authority may declare a mistrial if there occurs during the trial, either inside or outside the courtroom, misconduct by the defendant, counsel for the defendant, or someone acting at the request of the defendant or such counsel, which results in substantial and irreparable prejudice to the prosecuting authority's case. If there are two or more defendants, the mistrial shall not be declared as to a defendant if neither that defendant, nor counsel for that defendant, nor a person acting at the request of that defendant or counsel



© Copyrighted by the Secretary of the State of the State of Connecticut

for that defendant participated in the misconduct, or if the prosecuting authority's case is not substantially and irreparably prejudiced as to that defendant.

(P.B. 1978-1997, Sec. 888.)

**Sec. 42-45. Jury's Inability to Reach Verdict**

The judicial authority shall declare a mistrial in any case in which the jury are unable to reach a verdict.

(P.B. 1978-1997, Sec. 889.)

**Sec. 42-46. Control of Judicial Proceedings; Restraint of Disruptive Defendant**

(a) Reasonable means of restraint may be employed if the judicial authority finds such restraint reasonably necessary to maintain order. If restraints appear potentially necessary and the circumstances permit, the judicial authority may conduct an evidentiary hearing outside the presence of the jury before ordering such restraints. The judicial authority may rely on information other than that formally admitted into evidence. Such information shall be placed on the record outside the presence of the jury and the defendant given an opportunity to respond to it.

(b) In ordering the use of restraints or denying a request to remove them, the judicial authority shall detail its reasons on the record outside the presence of the jury. The nature and duration of the restraints employed shall be those reasonably necessary under the circumstances. All reasonable efforts shall be employed to conceal such restraints from the view of the jurors. Upon request, the judicial authority shall instruct the jurors that restraint is not to be considered in assessing the evidence or in the determination of the case.

(P.B. 1978-1997, Sec. 892.)

**Sec. 42-47. —Removal of Disruptive Defendant**

Upon the direction of the judicial authority, a defendant may be removed from the courtroom during trial or hearing when the defendant's conduct has become so disruptive that the trial or hearing cannot proceed in an orderly manner. The judicial authority shall advise the defendant that the trial or hearing will continue in the defendant's absence. A defendant who has been removed shall remain present in the court building while the trial or hearing is in progress. At the time of the defendant's removal, the judicial authority shall advise the defendant that the defendant may request to be returned to the courtroom if, at the time of making such request, the defendant assures the judicial authority that the defendant shall not engage in disruptive conduct. Whenever the defendant is removed, the judicial authority shall instruct the jurors that such removal is not to be considered in assessing the evidence or in the determination of the case.

(P.B. 1978-1997, Sec. 893.)

**Sec. 42-48. —Cautioning Parties and Witnesses**

Whenever appropriate in the light of the issues in the case or its notoriety, the judicial authority may direct the parties, their counsel and the witnesses not to make extrajudicial statements relating to the case or the issues in the case for dissemination by any means of public communication.

(P.B. 1978-1997, Sec. 894.)

**Sec. 42-49. Closure of Courtroom in Criminal Cases**

(Amended May 14, 2003, to take effect July 1, 2003.)

(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 written motion of the prosecuting authority or of the defendant, 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 and publish by posting on a bulletin board adjacent to the clerk's office and accessible to the public. The judicial authority shall order that a transcript of its decision be included in the file or prepare a



© Copyrighted by the Secretary of the State of the State of Connecticut

memorandum setting forth the reasons for its order.

(e) A motion to close a courtroom proceeding shall be calendared so that 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 notice of the time, date and place of the hearing on the motion shall be posted on a bulletin board adjacent to the clerk's office and accessible to the public. The motion itself may be filed under seal, where appropriate, by leave of the judicial authority.

(f) With the exception of orders concerning any session of court conducted pursuant to General Statutes § 54-76h or any other provision of the General Statutes under which the court is authorized to close courtroom proceedings, whether at a pretrial or trial stage, no order excluding the public from any portion of a courtroom proceeding shall be effective until seventy-two hours after it has been issued. Any person affected by such order shall have the right to the review of such order by the filing of a petition for review with the appellate court within seventy-two hours from the issuance of such order. The timely filing of any petition for review shall stay such order.

(P.B. 1978-1997, Sec. 895.) (Amended June 28, 1999, to take effect Jan. 1, 2000; amended May 14, 2003, to take effect July 1, 2003; amended June 21, 2004, to take effect Jan. 1, 2005.)

HISTORY—2003: Prior to 2003, when both the title and text were amended, Section 42-49 read: ''**—Exclusion of the Public; Sealing or Limiting Disclosure of Documents**

''(a) Except as provided in this section and except as otherwise provided by law, including Sections 36-2, 40-29 and 40-40 through 40-43 and General Statutes § 54-33c, the judicial authority shall not order that the public, which may include the news media, be excluded from any portion of a court proceeding and 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.

''(b) Upon motion of the prosecuting authority or of the defendant, or upon its own motion, the judicial authority may order that the public be excluded from any portion of a court proceeding and may order that 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 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 or in viewing such materials. Any such order shall be no broader than necessary to protect such overriding interest.

''(c) In connection with any order issued pursuant to subsection (b) of this section, the judicial authority shall, on the record in open court, articulate the overriding interest being protected and shall specify its findings underlying such order. The time and date of any such order shall be entered by the court clerk in the court file together with such order.

''(d) With the exception of orders concerning any session of court conducted pursuant to General Statutes § 54-76h or any other provision of the General Statutes under which the court is authorized to close proceedings, whether at a pretrial or trial stage, no order excluding the public from any portion of a proceeding shall be effective until seventy-two hours after it has been issued. Any person affected by such order shall have the right to the review of such order by the filing of a petition for review with the appellate court within seventy-two hours from the issuance of such order. The timely filing of any petition for review shall stay such order. (See General Statutes § 51-164x.)

''(e) With the exception of orders concerning the disclosure of any documents pursuant to General Statutes § 54-33c or any other provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents or materials, whether at a pretrial or trial stage, and any order issued pursuant to a court rule that seals or limits the disclosure of any affidavit in support of an arrest warrant, any person affected by a court order that seals or limits the disclosure of any files, documents or other materials on file with the court or filed in connection with a court proceeding, shall have the right to the review of such order by the filing of a petition for review with the appellate court within seventy-two hours from the issuance of such order. Nothing under this subsection shall operate as a stay of such sealing order.''

COMMENTARY—2003: The public and press enjoy a right of access to attend trials in criminal cases. *Press-Enterprise Co.* v. *Superior Court,* 478 U.S. 1, 10, 106 S. Ct. 2735, 92 L. Ed. 2d 1 (1986) (*Press-Enterprise II*); *Globe Newspaper Co.* v. *Superior Court*, 457 U.S. 596, 606, 102 S. Ct. 2613, 73 L. Ed. 2d 248 (1982). This right is well settled in the common law and has been held to be implicit in the first amendment rights protecting the freedom of speech, of the press, of peaceable assembly and to petition the government for a redress of grievances. *Globe Newspaper Co.* v. *Superior Court*, supra, 603; *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555, 575, 100 S. Ct. 2814, 65 L. Ed. 2d 973 (1980); see generally *Press-Enterprise II*, supra, 6–13; see also *In re Matter of the New York Times Co.*, 828 F.2d 110, 113 (2d Cir. 1987). In *Richmond Newspapers, Inc.* v. *Virginia*, supra, 564, the court explained that ''throughout its evolution, the trial has been open to all who care to observe.''

The guarantee of open public proceedings in criminal trials applies as well to voir dire and pretrial proceedings. *Press-Enterprise Co.* v. *Superior Court*, 464 U.S. 501, 505, 104 S. Ct. 819, 78 L. Ed. 2d 248 (1984) (*Press-Enterprise I*); *United States* v. *Cojab*, 996 F.2d 1404, 1407 (2d Cir. 1993); *United States* v. *Haller*, 837 F.2d 84, 86 (2d Cir. 1988); *United States* v. *Gerena,* 703 F. Sup. 211, 213 (D. Conn. 1988). The presumption of openness may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest. The interest is to be articulated along with findings specific enough that a reviewing court can determine whether the closure order was entered properly. *Press-Enterprise I*, supra, 510; *United States v. Haller*, supra, 87; *Doe* v. *Meachum*, 126 F.R.D. 452, 455 (D. Conn. 1989); *State v. Kelly,* 208 Conn. 365, 372, 545 A.2d 1048 (1988). Such findings may be made under seal when necessary. *United States* v. *Haller*, supra, 87; see *In re Application of the Herald Co.*, 734 F.2d 93, 100 (2d Cir. 1984) (closure of suppression hearing should be allowed only upon showing of significant risk of prejudice to defendant's right to fair trial, if there is danger to persons or property, or in connection with significant activities entitled to confidentiality, such as undercover investigations); see also *United States* v. *Brooklier*, 685 F.2d 1162, 1168–69 (9th Cir.



© Copyrighted by the Secretary of the State of the State of Connecticut

1982) (since purpose of articulated findings is to enable appellate court to determine whether order was properly entered, findings must be sufficiently specific to show that public proceedings would result in irreparable damage to defendant's right to fair trial, that no alternative to closure would adequately protect defendant's right to fair trial, and that closure would protect that right).

Since the circumstances of a particular case may affect the significance of the interest sought to be protected, the requirement that specific findings justifying closure be articulated mandates a case-by-case analysis of the interest involved. *Globe Newspaper Co.* v. *Superior Court*, supra, 457 U.S. 607–608 (where welfare of minor child is at issue, factors to be weighed in determining whether closure is warranted include minor victim's age, psychological maturity and understanding, nature of crime, desires of victim, and interests of parents and relatives). A case-by-case analysis of the interests involved ensures that the constitutional right of access to trials will not be restricted except where absolutely necessary. Id., 609. ''For a case-by-case approach to be meaningful, representatives of the press and general public 'must be given an opportunity to be heard on the question of their exclusion.'" Id., 609 n.25, quoting *Gannett Co.* v. *DePasquale*, 443 U.S. 368, 401, 99 S. Ct. 2898, 61 L. Ed. 2d 608 (1979) (Powell, J., concurring). Except in extraordinary circumstances, the press and public must have a means of learning of the closure or sealing order. See *United States* v. *Haller*, supra, 837 F.2d 87. ''[A] motion for courtroom closure should be docketed in the public docket files maintained in the court clerk's office. . . . The motion itself may be filed under seal, when appropriate, by leave of court . . . .'' (Citation omitted.) *In re Application of the Herald Co.*, supra, 734 F.2d 102; see also *In re Knight Publishing Co.,* 743 F.2d 231, 235 (4th Cir. 1984); *In re Knoxville News-Sentinel Co*., 723 F.2d 470, 474–76 (6th Cir. 1983).

Because this section no longer deals with the sealing of documents, subsection (e) has been transferred to Section 42-49A.

HISTORY—2005: Prior to 2005, the third sentence of subsection (d) read: ''The time, date and scope of any such order shall be in writing and shall be signed by the judicial authority and be entered by the court clerk in the court file.''

COMMENTARY—2005: As used in subsection (a) above, the words ''Except as otherwise provided by law'' are intended to exempt from the operation of this rule all established procedures for the closure of courtroom proceedings as required or permitted by statute; e.g., General Statutes §§ 19a-583 (a) (10) (D) (pertaining to court proceedings as to disclosure of confidential HIV-related information), 36a-21 (b) (pertaining to court proceedings at which certain records of the department of banking are disclosed), 46b-11 (pertaining to hearings in family relations matters), 54-86c (b) (pertaining to the disclosure of exculpatory information or material), 54-86f (pertaining to the admissibility of evidence of sexual conduct) and 54-86g (pertaining to the testimony of a victim of child abuse); other rules of practice; e.g., Practice Book Section 40-43; and/or controlling state or federal case law.

The above amendment to subsection (d) establishes a mechanism by which the public and the press, who are empowered by this rule to object to pending motions to close the courtroom in criminal matters, will receive timely notice of the court's disposition of such motions. General Statutes § 51-164x (a) gives any person affected by a court closure order in a criminal action the right to the review of such order by filing a petition for review with the appellate court within seventy-two hours from the issuance of the order.

## Sec. 42-49A. Sealing or Limiting Disclosure of Documents in Criminal Cases

(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 Sections 36-2, 40-29 and 40-40 through 40-43 and General Statutes § 54-33c, 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 the prosecuting authority or of the defendant, 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 finding 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 and publish by posting on a bulletin board adjacent to the clerk's office and accessible to the public. 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 in connection with a court proceeding shall be calendared so that 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 notice of the time, date



© Copyrighted by the Secretary of the State of the State of Connecticut

and place of the hearing on the motion shall be posted on a bulletin board adjacent to the clerk's office and accessible to the public. 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 a calendar to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, so that 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 notice of the time, date and place of the hearing on the motion shall be posted on a bulletin board adjacent to the clerk's office and accessible to the public. 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) With the exception of orders concerning the disclosure of any documents pursuant to General Statutes § 54-33c or any other provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents, or materials, whether at a pretrial or trial stage, and any order issued pursuant to a court rule that seals or limits the disclosure of any affidavit in support of an arrest warrant, any person affected by a court order that seals or limits the disclosure of any files, documents, or other materials on file with the court or filed in connection with a court proceeding, shall have the right to the review of such order by the filing of a petition for review with the appellate court within seventy-two hours from the issuance of such order. Nothing under this subsection shall operate as a stay of such sealing order.

(h) The provisions of this section shall not apply to pretrial settlement conferences or negotiations or to documents submitted to the court in connection with such conferences or negotiations.

(Adopted May 14, 2003, to take effect July 1, 2003; amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2003: The public and press enjoy a right of access to attend trials in criminal cases and to access documents filed in connection with such cases. *Press-Enterprise Co.* v. *Superior Court,* 478 U.S. 1, 10, 106 S. Ct. 2735, 92 L. Ed. 2d 1 (1986) (*Press-Enterprise II*); *Globe Newspaper Co.* v. *Superior Court*, 457 U.S. 596, 606, 102 S. Ct. 2613, 73 L. Ed. 2d 248 (1982); *Associated Press* v. *United States District Court*, 705 F.2d 1143, 1145 (9th Cir. 1983); *United States* v. *Gerena*, 703 F. Sup. 211, 213 (D. Conn. 1988), citing *In re Matter of the New York Times Co.*, 828 F.2d 110, 114 (2d Cir. 1987). This right is well settled in the common law and has been held to be implicit in the first amendment rights protecting the freedom of speech, of the press, of peaceable assembly and to petition the government for a redress of grievances. *Globe Newspaper Co*. v. *Superior Court*, supra, 604–605; *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555, 575, 100 S. Ct. 2814, 65 L. Ed. 2d 973 (1980); see generally *Press-Enterprise II*, supra, 6–13; see also *In re Matter of the New York Times Co.*, supra, 113; *United States* v. *Gerena*, supra, 213.

The right of access to documents is not absolute. *United States* v. *Gerena*, supra, 703 F. Sup. 213. The presumption of openness may be overcome only by an overriding interest based on findings that denying access is essential to preserve higher values and is narrowly tailored to serve that interest. The interest is to be articulated along with findings specific enough that a reviewing court can determine whether the closure order was entered properly. Id., citing *Press-Enterprise II*, supra, 478 U.S. 9–10; see also *United States* v. *Haller*, 837 F.2d 84, 87 (2d Cir. 1988); *Doe* v. *Meachum*, 126 F.R.D. 452, 455 (D. Conn. 1989); *State* v. *Kelly,* 208 Conn. 365, 372, 545 A.2d 1048 (1988). Such findings may be made under seal when necessary. *United States* v. *Haller,* supra, 87.

Since the circumstances of a particular case may affect the significance of the interest sought to be protected, the requirement that specific findings justifying closure or sealing be articulated mandates a case-by-case analysis of the interest involved. *Globe Newspaper Co.* v. *Superior Court*, supra, 457 U.S. 607–608; *In re Knight Publishing Co.,* 743 F.2d 231, 235 (4th Cir. 1984); see *Publicker Industries, Inc.* v. *Cohen,* 733 F.2d 1059, 1070–71 (3d Cir. 1984). ''For a case-by-case approach to be meaningful, representatives of the press and general public 'must be given an opportunity to be heard on the question of their exclusion.'" *Globe Newspaper Co.* v. *Superior Court,* supra, 609 n.25, quoting *Gannett Co.* v. *DePasquale*, 443 U.S. 368, 401, 99 S. Ct. 2898, 61 L. Ed. 2d 608 (1979) (Powell, J., concurring). Except in extraordinary circumstances, the press and public must have a means of learning of the closure or sealing order. See *United States* v. *Haller*, supra, 837 F.2d 87; *In re Knight Publishing Co.*, supra, 235. In *In re the Application of the Herald Co.*, 734 F.2d 93, 102 (2d Cir. 1984), the court stated that ''a motion for courtroom closure should be docketed in the public docket files maintained in the court clerk's office. . . . The motion itself may be filed under seal, when appropriate, by leave of the court . . . .'' (Citation omitted.) See also *In re Knight Publishing Co*., supra, 235; *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474–76 (6th Cir. 1983).

It is intended that the use of pseudonyms in place of the name of a party or parties not be permitted in criminal matters.

HISTORY—2005: Prior to 2005, the third sentence of subsection (d) read: ''The time, date, scope and duration of any such order shall forthwith be reduced to writing and be signed by the judicial authority and be entered by the court clerk in the court file.''

COMMENTARY—2005: As used in subsection (a) above, the words ''Except as otherwise provided by law'' are intended to exempt from the operation of this rule all established procedures for the sealing or ex parte filing, in camera inspection and/or nondisclosure to the public of documents, records and



© Copyrighted by the Secretary of the State of the State of Connecticut

other materials, as required or permitted by statute; e.g., General Statutes §§ 12-242vv (pertaining to taxpayer information), 52-146c et seq. (pertaining to the disclosure of psychiatric records) and 54-56g (pertaining to the pretrial alcohol education program); other rules of practice; e.g., Practice Book Sections 7-18, 13-5 (6)–(8) and 40-13 (c); and/or controlling state or federal case law; e.g., *Matza* v. *Matza*, 226 Conn. 166, 627 A.2d 414 (1993) (establishing a procedure whereby an attorney seeking to withdraw from a case due to his client's anticipated perjury at trial may support his motion to withdraw by filing a sealed affidavit for the court's review).

The above amendment to subsection (d) establishes a mechanism by which the public and the press, who are empowered by this rule to object to pending motions to seal files or limit the disclosure of documents in criminal matters, will receive timely notice of the court's disposition of such motions. General Statutes § 51-164x (c) gives any person affected by a court order sealing a file or limiting the disclosure of a document in a criminal action the right to the review of such order by filing a petition for review with the appellate court within seventy-two hours from the issuance of the order.

The above section shall not apply to motions and orders made pursuant to General Statutes § 54-33c concerning the limitation of the disclosure of affidavits in support of search warrant applications.

### Sec. 42-50. Motion for Judgment of Acquittal; After Mistrial

Upon the declaration of a mistrial pursuant to Sections 42-43 through 42-45, at any time after the close of the state's case in chief, the judicial authority, upon motion of the defendant or upon its own motion, may order the entry of a judgment of acquittal as to any offense charged, or any lesser included offense, for which the evidence would not reasonably permit a finding of guilty beyond a reasonable doubt. The acquittal does not bar prosecution for any offense as to which the judicial authority does not direct an acquittal.

(P.B. 1978-1997, Sec. 898.)

### Sec. 42-51. —Upon Verdict of Guilty

If the jury return a verdict of guilty, the judicial authority, upon motion of the defendant or upon its own motion, shall order the entry of a judgment of acquittal as to any offense specified in the verdict, or any lesser included offense, for which the evidence does not reasonably permit a finding of guilty beyond a reasonable doubt. If the judicial authority directs an acquittal for the offense specified in the verdict, but not for a lesser included offense, it may either:

(1) Modify the verdict accordingly; or

(2) Grant the defendant a new trial as to the lesser included offense.

(P.B. 1978-1997, Sec. 899.)

### Sec. 42-52. —Time for Filing Motion for Judgment of Acquittal

Unless the judicial authority, in the interests of justice, permits otherwise, a motion for a judgment of acquittal shall be made within five days after a mistrial or a verdict or within any further time the judicial authority allows during the five-day period.

(P.B. 1978-1997, Sec. 900.)

### Sec. 42-53. Motion for New Trial; In General

(a) Upon motion of the defendant, the judicial authority may grant a new trial if it is required in the interests of justice. Unless the defendant's noncompliance with these rules or with other requirements of law bars his or her asserting the error, the judicial authority shall grant the motion:

(1) For an error by reason of which the defendant is constitutionally entitled to a new trial; or

(2) For any other error which the defendant can establish was materially injurious to him or her.

(b) If the trial was by the court and without a jury, the judicial authority, with the defendant's consent and instead of granting a new trial, may vacate any judgment entered, receive additional evidence, and direct the entry of a new judgment.

(P.B. 1978-1997, Sec. 902.)

### Sec. 42-54. —Time for Filing Motion for New Trial

Unless otherwise permitted by the judicial authority in the interests of justice, a motion for a new trial shall be made within five days after a verdict or finding of guilty or within any further time the judicial authority allows during the five-day period.

(P.B. 1978-1997, Sec. 903.)

### Sec. 42-55. —Time for Filing Motion for New Trial Based on Newly Discovered Evidence

A request for a new trial on the ground of newly discovered evidence shall be called a petition for a new trial and shall be brought in accordance with General Statutes § 52-270. The judicial authority may grant the petition even though an appeal is pending.

(P.B. 1978-1997, Sec. 904.)

### Sec. 42-56. Motion in Arrest of Judgment

On motion of the defendant, the judicial authority shall arrest judgment if the indictment or information does not charge an offense or if the judicial authority was without jurisdiction of the offense charged. The motion in arrest of judgment shall be made prior to the imposition of sentence.

(P.B. 1978-1997, Sec. 905.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 43

## SENTENCING, JUDGMENT, AND APPEAL


Sec.
43-1. Posttrial Release Following Appeal by Prosecuting Authority
43-2. Posttrial Release Following Conviction
43-3. Presentence Investigation and Report; Waiver; Alternative Incarceration and Plan
43-4. —Scope of Investigation or Assessment
43-5. —Participation of Defense Counsel in Report Preparation
43-6. —Period of Continuance to Complete Report
43-7. —Persons Receiving Report
43-8. —Prohibition against Making Copies
43-9. —Use and Disclosure of Reports
43-10. Sentencing Hearing; Procedures to Be Followed
43-11. —Role at Sentencing of Prosecuting Authority
43-12. —Role of Prosecuting Authority at Sentencing when There Was a Plea Agreement
43-13. —Familiarization with Report by Defense Counsel
43-14. —Correction of Report Indicated by Defense Counsel
43-15. —Undisclosed Plea Agreement
43-16. —Submission of Supplementary Documents by Defense Counsel
43-17. Payment of Fines; Inquiry concerning Ability
43-18. —Incarceration for Failure to Pay
43-19. —Payment and Satisfaction
43-20. —Mittimus
43-21. Reduction of Definite Sentence
43-22. Correction of Illegal Sentence
43-23. Sentence Review; Appearance of Counsel
43-24. —Time for Filing Application for Sentence Review
43-25. —Preparation of Documents by Clerk
43-26. —Additional Material for Sentence Review
43-27. —Hearing on Sentence Review Application
43-28. —Scope of Review
43-29. Revocation of Probation
43-29A. Notice of Motions to Modify or Enlarge Conditions of Probation or Conditional Discharge or Terminate Conditions of Probation or Conditional Discharge
43-30. Notification of Right to Appeal
43-31. Stay of Imprisonment upon Appeal
43-32. Stay of Probation upon Appeal
43-33. Appointment of Initial Counsel for Appeal by Indigent Defendant
43-34. Attorney's Finding That Appeal is Wholly Frivolous; Request by Initial Counsel To Withdraw
43-35. —Submission of Brief
43-36. —Finding That Appeal is Frivolous
43-37. —Finding That Appeal is Not Frivolous
43-38. —Disqualification of Presiding Judge
43-39. Speedy Trial; Time Limitations
43-40. —Excluded Time Periods in Determining Speedy Trial
43-41. —Motion for Speedy Trial; Dismissal
43-42. —Definition of Commencement of Trial
43-43. —Waiver of Speedy Trial Provisions


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 43-1. Posttrial Release Following Appeal by Prosecuting Authority

The defendant shall not be denied liberty pending determination of an appeal by the state from any judgment of acquittal or from any judgment not resulting in a sentence, the effect of which is to terminate prosecution.

(P.B. 1978-1997, Sec. 907.)

### Sec. 43-2. Posttrial Release Following Conviction

(a) A person who has been convicted of any offense and who either is awaiting sentence or has given oral or written notice of his or her intention to appeal or file a petition for certification or a writ of certiorari may be released, subject to General Statutes § 54-95, pending final disposition of his or her case upon sentence or appeal, unless the judicial authority finds custody to be necessary to provide reasonable assurance of the person's appearance in court, upon the first of the following conditions of release found sufficient by the judicial authority to provide such assurance:

(1) His or her execution of a written promise to appear;

(2) His or her execution of a bond without surety in no greater amount than necessary;

(3) His or her execution of a bond with surety in no greater amount than necessary;

(4) His or her deposit of a sum of money equal to the amount called for by the bond required by the judicial authority;

(5) His or her pledge of real property, the equity of which shall be calculated, and be in such an amount, as set forth in Section 38-9.

(b) The judicial authority may order that the bond in effect at that time continue until the imposition of sentence, and it may order an increase in the amount of such bond. It shall also have authority to modify or revoke at any time the terms and conditions of release.

(c) The provisions of Section 38-7 shall apply to condition (4) herein, except that the cash bail



© Copyrighted by the Secretary of the State of the State of Connecticut

shall be deposited with the clerk of the court having jurisdiction of the offense with which such person stands convicted or any assistant clerk of such court who is bonded in the same manner as the clerk or any person or officer authorized to accept bail.

(P.B. 1978-1997, Sec. 908.)

**Sec. 43-3. Presentence Investigation and Report; Waiver; Alternative Incarceration and Plan**

(a) If the defendant is convicted of a crime other than a capital felony, the punishment for which may include imprisonment for more than one year, the judicial authority shall order a presentence investigation, or the supplementation of any existing presentence investigation report. The judicial authority may, in its discretion, order a presentence investigation for a defendant convicted of any crime or offense.

(b) A defendant who is convicted of a crime and is not eligible for sentence review pursuant to General Statutes § 51-195 may, with the consent of the sentencing judge and the prosecuting authority, waive the presentence investigation.

(c) Pursuant to General Statutes § 53a-39a, the judicial authority may, in its discretion, order an assessment for placement in an alternate incarceration program to be conducted by the office of adult probation.

(P.B. 1978-1997, Sec. 910.)

**Sec. 43-4. —Scope of Investigation or Assessment**

(a) Whenever an investigation is required or an assessment is ordered or both, the probation officer shall promptly inquire into the attitude of the complainant or the victim, or of the immediate family where possible in cases of homicide, and the criminal record, social history and present condition of the defendant. Such investigation shall include an inquiry into the circumstances of the offense and any damages suffered by the victim, including medical expenses, loss of earnings and property loss. Such assessment shall include an inquiry into the defendant's prior participation in any release programs and the defendant's attitude about participation in an alternate incarceration program. When it is desirable in the opinion of the judicial authority or the investigating authority, such investigation or assessment shall include a physical and mental examination of the defendant.

(b) If an assessment includes a recommendation for placement in an alternate incarceration program, it shall include, as an attachment, a proposed alternate incarceration plan. A current or updated presentence investigation report may be used in lieu of an alternate incarceration assessment report provided attached thereto is a statement by the investigating authority recommending whether or not the defendant should participate in an alternate incarceration program and any recommendation that the defendant participate includes a proposed alternate incarceration plan.

(P.B. 1978-1997, Sec. 911.)

**Sec. 43-5. —Participation of Defense Counsel in Report Preparation**

Defense counsel, on a prompt request, shall be notified of the time when the defendant shall be interviewed by probation officers regarding a presentence or alternate incarceration assessment report or both for the judicial authority and may be present:

(1) To assist in answering inquiries of the probation officer;

(2) To assist in resolving factual issues and questions;

(3) To protect the defendant against incrimination regarding other pending indictments or investigations; and

(4) To protect the defendant's rights with respect to an appeal of conviction.

(P.B. 1978-1997, Sec. 912.)

**Sec. 43-6. —Period of Continuance to Complete Report**

When it is necessary to continue a case for sentencing, the judicial authority may consider the period of time necessary to complete the investigation or assessment or both and report, and any reasonable request, and shall set a date for sentencing accordingly.

(P.B. 1978-1997, Sec. 913.)

**Sec. 43-7. —Persons Receiving Report**

The presentence investigation or alternate incarceration assessment report or both shall be provided to the judicial authority, and copies thereof shall be provided to the prosecuting authority and to the defendant or his or her counsel in sufficient time for them to prepare adequately for the sentencing hearing, and in any event, no less than twenty-four hours prior to the date of the sentencing. Upon request of the defendant, the sentencing hearing shall be continued for a reasonable time if the judicial authority finds that the defendant or his or her counsel did not receive the presentence investigation or alternate incarceration assessment report or both within such time.

(P.B. 1978-1997, Sec. 915.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 43-8. —Prohibition against Making Copies**

No person shall, without the permission of the judicial authority, make or cause to be made any copy of any presentence investigation or alternate incarceration assessment report except as authorized by Sections 43-7 and 43-9.

(P.B. 1978-1997, Sec. 916.)

**Sec. 43-9. —Use and Disclosure of Reports**

The presentence investigation and alternate incarceration assessment reports shall not be public records and shall not be accessible to the public. They shall be available initially to the parties designated in Section 43-7 for use in the sentencing hearing and in any subsequent proceedings wherein the same conviction may be involved, and they shall be available at all times to the following:

(1) The department of adult probation;

(2) The correctional or mental health institution to which the defendant is committed or may be committed;

(3) The board of parole;

(4) The board of pardons;

(5) The sentence review division of the superior court;

(6) The judicial review council;

(7) Any court of proper jurisdiction where it is relevant to any proceeding before such court. Such court may also order that the report be made available to counsel for the parties for the purpose of such proceeding;

(8) Counsel for the defendant and the prosecuting authority during negotiations relating to other offenses pending against the defendant or subsequently charged against the defendant;

(9) Counsel for the defendant in a sentence review hearing or habeas corpus proceeding upon counsel's request to the department of adult probation;

(10) Counsel for the defendant and the prosecuting authority in connection with extradition proceedings; and

(11) Any other person or agency specified by statute. The prosecuting authority and counsel for the defendant shall retain a copy of the presentence investigation and alternate incarceration reports and may use the same in connection with any matter pertaining to actions by the entities defined in subdivisions (1) through (10) of this section, or for any other purpose for which permission is first obtained from any judicial authority. In all other respects, both the prosecuting authority and counsel for the defendant shall maintain the confidentiality of the information contained in the records. A defendant may obtain a copy of the presentence and alternate incarceration reports under proper application to a judicial authority in the judicial district in which sentence was imposed.

(P.B. 1978-1997, Sec. 917.)

**Sec. 43-10. Sentencing Hearing; Procedures to Be Followed**

Before imposing a sentence or making any other disposition after the acceptance of a plea of guilty or nolo contendere or upon a verdict or finding of guilty, the judicial authority shall, upon the date previously determined for sentencing, conduct a sentencing hearing as follows:

(1) The judicial authority shall afford the parties an opportunity to be heard and, in its discretion, to present evidence on any matter relevant to the disposition, and to explain or controvert the presentence investigation report, the alternate incarceration assessment report or any other document relied upon by the judicial authority in imposing sentence. When the judicial authority finds that any significant information contained in the presentence report or alternate incarceration assessment report is inaccurate, it shall order the office of adult probation to amend all copies of any such report in its possession and in the clerk's file, and to provide both parties with an amendment containing the corrected information.

(2) The judicial authority shall allow the victim and any other person directly harmed by the commission of the crime a reasonable opportunity to make, orally or in writing, a statement with regard to the sentence to be imposed.

(3) The judicial authority shall allow the defendant a reasonable opportunity to make a personal statement in his or her own behalf and to present any information in mitigation of the sentence.

(4) In cases where guilt was determined by a plea, the judicial authority shall, pursuant to Section 39-7, be informed by the parties whether there is a plea agreement, and if so, the substance thereof.

(5) The judicial authority shall impose the sentence in the presence and hearing of the defendant, unless the defendant shall have waived his or her right to be present.

(6) In cases where sentence review is available, the judicial authority shall state on the record, in the presence of the defendant, the reasons for the sentence imposed.

(7) In cases where sentence review is available and where the defendant files an application for such review, the clerk shall promptly notify the court reporter of such application pursuant to Section 43-24 and the court reporter shall file a copy of the transcript of the sentencing hearing with



© Copyrighted by the Secretary of the State of the State of Connecticut

the review division within sixty days from the date the application for review is filed with the clerk.
(P.B. 1978-1997, Sec. 919.)

**Sec. 43-11. —Role at Sentencing of Prosecuting Authority**

The prosecuting authority shall inform the judicial authority of the offenses for which the defendant is to be sentenced, shall give a brief summation of the facts relevant to each offense, shall disclose to the judicial authority any information in the files of the prosecuting authority that is favorable to the defendant and relevant to sentencing and shall state the basis for any recommendation which it chooses to make as to the appropriate sentence.
(P.B. 1978-1997, Sec. 921.)

**Sec. 43-12. —Role of Prosecuting Authority at Sentencing when There Was a Plea Agreement**

Where, as part of a plea agreement, the prosecuting authority has agreed to make representations or recommendations to the judicial authority regarding a defendant, or has made other agreements relating to the disposition of the charges against the defendant, it shall disclose to the judicial authority such representations or recommendations or any other terms of the plea agreement relevant to sentencing.
(P.B. 1978-1997, Sec. 922.)

**Sec. 43-13. —Familiarization with Report by Defense Counsel**

Defense counsel shall familiarize himself or herself with the contents of the presentence or alternate incarceration assessment report or both, including any evaluative summary, and any special medical or psychiatric reports pertaining to the client.
(P.B. 1978-1997, Sec. 924.)

**Sec. 43-14. —Correction of Report Indicated by Defense Counsel**

Defense counsel shall bring to the attention of the judicial authority any inaccuracy in the presentence or alternate incarceration assessment report of which he or she is aware or which the defendant claims to exist.
(P.B. 1978-1997, Sec. 925.)

**Sec. 43-15. —Undisclosed Plea Agreement**

Defense counsel shall disclose to the judicial authority any plea agreement that has not already been disclosed.
(P.B. 1978-1997, Sec. 926.)

**Sec. 43-16. —Submission of Supplementary Documents by Defense Counsel**

Defense counsel may submit such supplementary documents as such counsel thinks appropriate.
(P.B. 1978-1997, Sec. 927.)

**Sec. 43-17. Payment of Fines; Inquiry concerning Ability**

No person shall be incarcerated as a result of failure to pay a fine unless the judicial authority first inquires as to the person's ability to pay the fine.
(P.B. 1978-1997, Sec. 929.)

**Sec. 43-18. —Incarceration for Failure to Pay**

The judicial authority may, upon a finding that the defendant is able to pay the fine and that the nonpayment is wilful, order the defendant incarcerated for nonpayment of the fine.
(P.B. 1978-1997, Sec. 931.)

**Sec. 43-19. —Payment and Satisfaction**

A defendant incarcerated under Section 43-18, for wilful nonpayment of a fine, shall be released upon payment of the fine or when such defendant is otherwise discharged according to law.
(P.B. 1978-1997, Sec. 932.)

**Sec. 43-20. —Mittimus**

When a defendant has been sentenced to a term of imprisonment and ordered to pay a fine, the mittimus shall state that if the fine has not been paid by the time the sentence has been served the defendant may not continue to be incarcerated unless the judicial authority has found that the defendant is able to pay the fine and that the defendant's nonpayment is wilful.
(P.B. 1978-1997, Sec. 932A.)

**Sec. 43-21. Reduction of Definite Sentence**

At any time during the period of a definite sentence of three years or less, the judicial authority may, after a hearing and for good cause shown, reduce the sentence or order the defendant discharged or released on probation or on a conditional discharge for a period not to exceed that to which the defendant could have been sentenced originally.
(P.B. 1978-1997, Sec. 934.)

**Sec. 43-22. Correction of Illegal Sentence**

The judicial authority may at any time correct an illegal sentence or other illegal disposition, or it may correct a sentence imposed in an illegal manner or any other disposition made in an illegal manner.
(P.B. 1978-1997, Sec. 935.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 43-23. Sentence Review; Appearance of Counsel**

It is the responsibility of the counsel of record at the time of sentencing to represent the defendant at the hearing before the sentence review division of the superior court, unless, for exceptional reasons, such counsel is excused by the division.

(P.B. 1978-1997, Sec. 937.)

**Sec. 43-24. —Time for Filing Application for Sentence Review**

In cases where sentence review is available pursuant to General Statutes § 51-195, the defendant may file, within thirty days from the date that sentence is imposed or from the date defendant's suspended sentence is revoked, with the clerk of the court for the judicial district or geographical area in which the judgment was rendered, an application for review of sentence by the review division. The clerk shall notify the review division, the judge who imposed the sentence, the court reporter, and all counsel of record upon the filing of the application for review. The court reporter shall prepare a transcript of the sentencing hearing in accordance with the provisions of Section 43-10.

(P.B. 1978-1997, Sec. 938.)

**Sec. 43-25. —Preparation of Documents by Clerk**

The clerk of the court in which the application is filed shall forward the necessary documents to the review division.

(P.B. 1978-1997, Sec. 939.)

**Sec. 43-26. —Additional Material for Sentence Review**

The defendant, at the time the application for review is filed, may request the clerk to forward to the review division any documents in the possession of the clerk previously presented to the judicial authority at the time of the imposition of sentence.

(P.B. 1978-1997, Sec. 940.)

**Sec. 43-27. —Hearing on Sentence Review Application**

A hearing upon an application filed under Section 43-24 shall be conducted expeditiously upon receipt by the review division of the materials submitted by the clerk under Sections 43-23 through 43-28. The parties may file such briefs or memoranda as are appropriate to assist the division in the discharge of its duties. Counsel for the defendant and the defendant shall address the panel of judges in support of the application. Upon request of the defendant the review division shall hear his or her application while an appeal or collateral review is pending.

(P.B. 1978-1997, Sec. 941.)

**Sec. 43-28. —Scope of Review**

The review division shall review the sentence imposed and determine whether the sentence should be modified because it is inappropriate or disproportionate in the light of the nature of the offense, the character of the offender, the protection of the public interest, and the deterrent, rehabilitative, isolative, and denunciatory purposes for which the sentence was intended.

(P.B. 1978-1997, Sec. 942.)

**Sec. 43-29. Revocation of Probation**

In cases where the revocation of probation is based upon a conviction for a new offense and the defendant is before the court or is being held in custody pursuant to that conviction, the revocation proceeding may be initiated by a motion to the court by a probation officer and a copy thereof shall be delivered personally to the defendant. All other proceedings for revocation of probation shall be initiated by an arrest warrant supported by an affidavit or by testimony under oath showing probable cause to believe that the defendant has violated any of the conditions of the defendant's probation or his or her conditional discharge or by a written notice to appear to answer to the charge of such violation, which notice, signed by a judge of the superior court, shall be personally served upon the defendant by a probation officer and contain a statement of the alleged violation. All proceedings thereafter shall be in accordance with the provisions of Sections 3-6, 3-9 and 37-1 through 38-23. At the revocation hearing, the prosecuting authority and the defendant may offer evidence and cross-examine witnesses. If the defendant admits the violation or the judicial authority finds from the evidence that the defendant committed the violation, the judicial authority may make any disposition authorized by law. The filing of a motion to revoke probation under this section shall interrupt the period of the sentence as of the date of filing until a final determination as to revocation has been made by the judicial authority.

(P.B. 1978-1997, Sec. 943.)

**Sec. 43-29A. Notice of Motions to Modify or Enlarge Conditions of Probation or Conditional Discharge or Terminate Conditions of Probation or Conditional Discharge**

Whenever a motion to modify or enlarge the conditions of probation or conditional discharge is filed, and whenever a motion for termination of a sentence of probation or conditional discharge



© Copyrighted by the Secretary of the State of the State of Connecticut

is filed, such motion shall be served prior to the hearing date upon the opposing party and, if the movant is not a probation officer, the appropriate probation officer, unless otherwise ordered by the judicial authority. Service of said motions shall be made on the defendant by delivering a copy to the defendant personally or by leaving it at his or her usual place of abode. Service of said motions may be made by any probation officer. Service of said motions shall be made on all other parties, and on the appropriate probation officer, in accordance with the provisions of Section 10-12 et seq.

(Adopted June 25, 2001, to take effect Jan. 1, 2002.)

**Sec. 43-30. Notification of Right to Appeal**

Where there has been a conviction after a trial, or where there has been an adverse decision upon an application for a writ of habeas corpus brought by or on behalf of one who has been convicted of a crime, it shall be the duty of the clerk of the court, immediately after the pronouncement of the sentence or the notice of a decision on the application for a writ of habeas corpus, to advise the defendant in writing of such rights as such defendant may have to an appeal, of the time limitations involved, and of the right of an indigent person who is unable to pay the cost of an appeal to apply for a waiver of fees, costs, and expenses and for the appointment of counsel to prosecute the appeal.

(P.B. 1978-1997, Sec. 945.)

**Sec. 43-31. Stay of Imprisonment upon Appeal**

A sentence of imprisonment shall be stayed if an appeal is taken and the defendant is released pursuant to Sections 43-1 and 43-2 pending disposition of the appeal, unless the judicial authority shall order otherwise.

(P.B. 1978-1997, Sec. 947.)

**Sec. 43-32. Stay of Probation upon Appeal**

Upon written motion of the defendant, an order placing the defendant on probation may be stayed if an appeal is taken. If it is not stayed, the judicial authority shall specify when the term of probation shall commence.

(P.B. 1978-1997, Sec. 948.)

**Sec. 43-33. Appointment of Initial Counsel for Appeal by Indigent Defendant**

(a) An indigent defendant who wishes to prosecute his or her appeal may apply to the court from which the appeal is taken for the appointment of counsel to prosecute the defendant's appeal and for a waiver of fees and costs, pursuant to Sections 63-7 and 44-1 through 44-5.

(b) The application for a waiver of costs and fees must be sent for investigation of the applicant's indigence to the public defender's office in the court from which the appeal is taken. The judicial authority shall assign the application for hearing within twenty days after filing unless otherwise ordered by the judicial authority for good cause shown. At least ten days before the hearing, the clerk's office shall notify in writing trial counsel, the state's attorney, the trial public defender's office to which the application had been sent for investigation and the chief of legal services of the public defender's office, of the date of such hearing. The lack of timely notification to any of the above parties shall result in a continuance of the hearing until proper and timely notification has been completed.

(c) The application for the appointment of counsel to prosecute the defendant's appeal shall be assigned to the same date and hearing as the application for waiver of fees, costs and expenses, and the judicial authority shall decide both applications at the same time. If trial counsel is not to be the assigned appellate counsel, the judicial authority shall inform and order trial counsel to cooperate fully with appellate counsel. If the chief of legal services of the public defender's office is to be assigned as appellate counsel, trial counsel shall be deemed to have ''cooperated fully'' if counsel has delivered to the chief of legal services: a complete appellate worksheet, which shall be provided by the chief of legal services; and trial counsel's file or a copy thereof. Failure to fully cooperate with appellate counsel will result in a short continuance of the applications for appellate counsel and for the waiver of fees, costs and expenses until cooperation is completed, or, if full cooperation is not completed within a reasonable time, sanctions against trial counsel may be imposed.

(d) The judicial authority shall act promptly on the applications following the hearing. Upon determination by the judicial authority that a defendant in a criminal case is indigent, the court to which the fees required by statute or rule are to be paid may (1) waive payment by the defendant of fees specified by statute and of taxable costs, and waive the requirement of Sec. 61-6 concerning the furnishing of security for costs upon appeal, (2) order that the necessary expenses of prosecuting the appeal be paid by the state, and (3) appoint appellate counsel and permit the withdrawal of the trial attorney's appearance provided the judicial authority is satisfied that that attorney has cooperated fully with appellate counsel in the preparation of the defendant's appeal.

(P.B. 1978-1997, Sec. 950.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 43-34. Attorney's Finding That Appeal is Wholly Frivolous; Request by Initial Counsel To Withdraw**

When the defendant is represented at trial by the public defender or has counsel appointed to prosecute the appeal under the provisions of Section 43-33 and such public defender or counsel, after a conscientious examination of the case, finds that such an appeal would be wholly frivolous, he or she shall advise the presiding judge and request permission to withdraw from the case.

(P.B. 1978-1997, Sec. 952.)

**Sec. 43-35. —Submission of Brief**

At the time such request is made, counsel shall submit to the presiding judge a brief which refers to anything in the record that might arguably support the appeal. A copy of such brief shall be provided to the defendant, and the defendant shall be further allowed a reasonable time to raise, in writing, additional points in support of the appeal.

(P.B. 1978-1997, Sec. 953.)

**Sec. 43-36. —Finding That Appeal is Frivolous**

The presiding judge shall fully examine the briefs of counsel and of the defendant, and shall review the transcript of the trial. If, after such examination, the presiding judge concludes that the defendant's appeal is wholly frivolous, such judge may grant counsel's motion to withdraw and refuse to appoint new counsel. Before refusing to appoint new counsel, the presiding judge shall make a finding that the appeal is wholly frivolous and shall file a memorandum, setting forth the basis for this finding.

(P.B. 1978-1997, Sec. 954.)

**Sec. 43-37. —Finding That Appeal is Not Frivolous**

If after a full examination pursuant to Section 43-36 the presiding judge concludes that the defendant's appeal is not wholly frivolous, such judge may allow counsel to withdraw and appoint new counsel to represent the defendant, or may order counsel of record to proceed with the appeal.

(P.B. 1978-1997, Sec. 955.)

**Sec. 43-38. —Disqualification of Presiding Judge**

Any presiding judge who was also the trial judge shall refer the matter to the administrative judge in the judicial district for assignment to another judicial authority. If such presiding judge is also the administrative judge, then the matter shall be referred by the presiding judge to the chief administrative judge for criminal matters for assignment to another judicial authority.

(P.B. 1978-1997, Sec. 956.) (Amended June 30, 2003, to take effect Jan. 1, 2004.)

**Sec. 43-39. Speedy Trial; Time Limitations**

(a) Except as otherwise provided herein and in Section 43-40, the trial of a defendant charged with a criminal offense during the period from July 1, 1983, through June 30, 1985, inclusive, shall commence within eighteen months from the filing of the information or from the date of the arrest, whichever is later.

(b) The trial of such defendant shall commence within twelve months from the filing of the information or from the date of the arrest, whichever is later, if the following conditions are met:

(1) the defendant has been continuously incarcerated in a correctional institution of this state pending trial for such offense; and

(2) the defendant is not subject to the provisions of General Statutes § 54-82c.

(c) Except as otherwise provided herein and in Section 43-40, the trial of a defendant charged with a criminal offense on or after July 1, 1985, shall commence within twelve months from the filing of the information or from the date of the arrest, whichever is later.

(d) The trial of such defendant shall commence within eight months from the filing of the information or from the date of the arrest, whichever is later, if the following conditions are met:

(1) the defendant has been continuously incarcerated in a correctional institution of this state pending trial for such offense; and

(2) the defendant is not subject to the provisions of General Statutes § 54-82c.

(e) If an information which was dismissed by the trial court is reinstated following an appeal, the time for trial set forth in subsections (a), (b) and (c) shall commence running from the date of release of the final appellate decision thereon.

(f) If the defendant is to be tried following a mistrial, an order for a new trial, an appeal or collateral attack, the time for trial set forth in subsections (a), (b) and (c) shall commence running from the date the order occasioning the retrial becomes final.

(P.B. 1978-1997, Sec. 956B.)

**Sec. 43-40. —Excluded Time Periods in Determining Speedy Trial**

The following periods of time shall be excluded in computing the time within which the trial of a defendant charged by information with a criminal offense must commence pursuant to Section 43-39:

(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to:



© Copyrighted by the Secretary of the State of the State of Connecticut

(A) delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant;

(B) delay resulting from trial with respect to other charges against the defendant;

(C) delay resulting from any interlocutory appeal;

(D) the time between the commencement of the hearing on any pretrial motion and the issuance of a ruling on such motion;

(E) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement by the judicial authority;

(F) delay resulting from any proceeding under General Statutes §§ 17a-685, 54-56e, 54-56g, 54-56m or any other pretrial diversion program authorized by statute.

(2) Any period of delay resulting from the absence or unavailability of the defendant, counsel for the defendant, or any essential witness for the prosecution or defense. For purposes of this subdivision, a defendant or any essential witness shall be considered absent when such person's whereabouts are unknown and cannot be determined by due diligence. For purposes of this subdivision, a defendant or any essential witness shall be considered unavailable whenever such person's whereabouts are known but his or her presence for trial cannot be obtained by due diligence or he or she resists appearing at or being returned for trial.

(3) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial.

(4) A reasonable period of delay when the defendant has been joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.

(5) Any period of time between the date on which a defendant or counsel for the defendant and the prosecuting authority agree that the defendant will plead guilty or nolo contendere to the charge and the date the judicial authority accepts or rejects the plea agreement.

(6) Any period of time between the date on which the defendant enters a plea of guilty or nolo contendere and the date an order of the judicial authority permitting the withdrawal of the plea becomes final.

(7) The period of delay resulting from a continuance granted by the judicial authority at the personal request of the defendant.

(8) The period of delay resulting from a continuance granted by the judicial authority at the request of the prosecuting authority, if:

(A) the continuance is granted because of the unavailability of evidence material to the state's case, when the prosecuting authority has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at a later date; or

(B) the continuance is granted to allow the prosecuting authority additional time to prepare the state's case and additional time is justified because of the exceptional circumstances of the case.

(9) With respect to a defendant incarcerated in another jurisdiction, the period of time until the defendant's presence for trial has been obtained, provided the prosecuting authority has exercised reasonable diligence (A) in seeking to obtain the defendant's presence for trial upon receipt of a demand from the defendant for trial, and (B) if the defendant has not theretofore demanded trial, in filing a detainer with the official having custody of the defendant requesting that official to advise the defendant of the defendant's right to demand trial.

(10) Other periods of delay occasioned by exceptional circumstances.

(P.B. 1978-1997, Sec. 956C.)

**Sec. 43-41. —Motion for Speedy Trial; Dismissal**

If the defendant is not brought to trial within the applicable time limit set forth in Sections 43-39 and 43-40, and, absent good cause shown, a trial is not commenced within thirty days of the filing of a motion for speedy trial by the defendant at any time after such time limit has passed, the information shall be dismissed with prejudice, on motion of the defendant filed after the expiration of such thirty day period. For the purpose of this section, good cause consists of any one of the reasons for delay set forth in Section 43-40. When good cause for delay exists, the trial shall commence as soon as is reasonably possible. Failure of the defendant to file a motion to dismiss prior to the commencement of trial shall constitute a waiver of the right to dismissal under these rules.

(P.B. 1978-1997, Sec. 956D.)

**Sec. 43-42. —Definition of Commencement of Trial**

For purposes of Sections 43-39 through 43-41, ''commencement of trial'' means the commencement of the voir dire examination in jury cases and the swearing-in of the first witness in nonjury cases.

(P.B. 1978-1997, Sec. 956E.)

**Sec. 43-43. —Waiver of Speedy Trial Provisions**

The provisions of Sections 43-39 through 43-42 may be waived by any defendant in writing or on the record in open court.

(P.B. 1978-1997, Sec. 956F.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 44

## GENERAL PROVISIONS


Sec.
44-1. Right to Counsel; Appointment in Specific Instances
44-2. —Appointment in Other Instances
44-3. —Waiver of Right to Counsel
44-4. —Standby Counsel for Defendant Self-Represented
44-5. —Role of Standby Counsel
44-6. —Standby Counsel for Disruptive Defendant
44-7. Presence of Defendant; Attire of Incarcerated Defendant or Witness
44-8. —When Presence of Defendant is and is Not Required at Trial and Sentencing
44-9. —Obtaining Presence of Unexcused Defendant at Trial or Sentencing
44-10. —Where Presence of Defendant Not Required
44-11. Docketing and Scheduling in General of Criminal Cases
44-12. —Control of Scheduling
44-13. —Scheduling for Proceedings before Trial; Continuances
44-14. —Assignments for Plea in Judicial District Court Location
44-15. —Scheduling at Entry of Plea
44-16. —Scheduling from Trial List
44-17. —Motion to Advance
44-18. —Continuances
44-19. Reference to Trial Referee
44-20. Appointment of Guardian Ad Litem
44-21. Infractions and Violations; When Treated as an Offense
44-22. —Form of Summons and Complaint for Infractions and Violations
44-23. —When Custody Not Required
44-24. —When Custody Required
44-25. —Plea of Nolo Contendere to Infraction or Violation
44-26. —Pleas of Not Guilty to Infraction or Violation
44-27. —Hearing of Infractions, Violations to Which Not Guilty Plea Filed
44-28. —Location of Infractions Bureau and Role of Clerks
44-29. —Powers of Centralized Infractions Bureau
44-30. —Hearing by Magistrates of Infractions and Certain Motor Vehicle Violations
44-31. Motion to Quash Subpoena Pursuant to Inquiry into Commission of Crime
44-32. Fees and Expenses; Return of Subpoenas
44-33. —Indigent Witnesses
44-34. —Fees for Witnesses
44-35. —Officer's Fees on Extradition; Habeas Corpus
44-36. —Fee on Motion to Open Certain Judgments
44-37. Definition of Terms


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 44-1. Right to Counsel; Appointment in Specific Instances

A person who is charged with an offense punishable by imprisonment, or who is charged with violation of probation, or who is a petitioner in any habeas corpus proceeding arising from a criminal matter, or who is accused in any extradition proceeding, and who is unable to obtain counsel by reason of indigency shall be entitled to have counsel represent him or her unless:

(1) The person waives such appointment pursuant to Section 44-3; or

(2) In a misdemeanor case, at the time of the application for the appointment of counsel, the judicial authority decides to dispose of the charge without subjecting the defendant to a sentence involving immediate incarceration or a suspended sentence of incarceration with a period of probation, or it believes that the disposition of the charge at a later date will not result in such a sentence and it makes a statement to that effect on the record. If it appears to the judicial authority at a later date that if convicted the defendant will be subjected to such a sentence, counsel shall be appointed prior to trial or the entry of a plea of guilty or nolo contendere.

(P.B. 1978-1997, Sec. 959.)

### Sec. 44-2. —Appointment in Other Instances

In any other situation in which a defendant is unable to obtain counsel by reason of indigency, and is constitutionally or statutorily entitled to the assistance of counsel, such defendant may request the judicial authority to appoint a public defender in accordance with Section 44-1.

(P.B. 1978-1997, Sec. 960.)

### Sec. 44-3. —Waiver of Right to Counsel

A defendant shall be permitted to waive the right to counsel and shall be permitted to represent himself or herself at any stage of the proceedings, either prior to or following the appointment of counsel. A waiver will be accepted only after the judicial authority makes a thorough inquiry and is satisfied that the defendant:

(1) Has been clearly advised of the right to the assistance of counsel, including the right to the assignment of counsel when so entitled;



© Copyrighted by the Secretary of the State of the State of Connecticut

(2) Possesses the intelligence and capacity to appreciate the consequences of the decision to represent oneself;

(3) Comprehends the nature of the charges and proceedings, the range of permissible punishments, and any additional facts essential to a broad understanding of the case; and

(4) Has been made aware of the dangers and disadvantages of self-representation.

(P.B. 1978-1997, Sec. 961.)

**Sec. 44-4. —Standby Counsel for Defendant Self-Represented**

When a defendant has been permitted to proceed without the assistance of counsel, the judicial authority may appoint standby counsel, especially in cases expected to be long or complicated or in which there are multiple defendants. A public defender or special public defender may be appointed as standby counsel only if the defendant is indigent and qualifies for appointment of counsel under General Statutes § 51-296, except that in extraordinary circumstances the judicial authority, in its discretion, may appoint a special public defender for a defendant who is not indigent.

(P.B. 1978-1997, Sec. 963.)

**Sec. 44-5. —Role of Standby Counsel**

If requested to do so by the defendant, the standby counsel shall advise the defendant as to legal and procedural matters. If there is no objection by the defendant, such counsel may also call the judicial authority's attention to matters favorable to the defendant. Such counsel shall not interfere with the defendant's presentation of the case and may give advice only upon request.

(P.B. 1978-1997, Sec. 964.)

**Sec. 44-6. —Standby Counsel for Disruptive Defendant**

Upon direction of the judicial authority in situations involving a disruptive defendant or one who has been removed under Section 42-46, standby counsel shall enter the case and represent the defendant notwithstanding a previous waiver under Section 44-3. If standby counsel is ordered to represent the defendant, counsel shall be granted reasonable time before proceeding with the trial.

(P.B. 1978-1997, Sec. 965.)

**Sec. 44-7. Presence of Defendant; Attire of Incarcerated Defendant or Witness**

The defendant has the right to be present at the arraignment, at the time of the plea, at evidentiary hearings, at the trial, and at the sentencing hearing, except as provided in Sections 44-7 through 44-10. Whenever present, the defendant shall be seated where he or she can effectively consult with counsel and can see and hear the proceedings. An incarcerated defendant or an incarcerated witness shall not be required during the course of a trial to appear in court in the distinctive attire of a prisoner or convict.

(P.B. 1978-1997, Sec. 967.)

**Sec. 44-8. —When Presence of Defendant is and is Not Required at Trial and Sentencing**

The defendant must be present at the trial and at the sentencing hearing, but, if the defendant will be represented by counsel at the trial or sentencing hearing, the judicial authority may:

(1) Excuse the defendant from being present at the trial or a part thereof or the sentencing hearing if the defendant waives the right to be present;

(2) Direct that the trial or a part thereof or the sentencing hearing be conducted in the defendant's absence if the judicial authority determines that the defendant waived the right to be present; or

(3) Direct that the trial or a part thereof be conducted in the absence of the defendant if the judicial authority has justifiably excluded the defendant from the courtroom because of his or her disruptive conduct, pursuant to Section 42-46.

(P.B. 1978-1997, Sec. 968.)

**Sec. 44-9. —Obtaining Presence of Unexcused Defendant at Trial or Sentencing**

If the defendant is not present at the trial or a part thereof or the sentencing hearing and defendant's absence has not been excused, the judicial authority may issue a capias in accordance with the provisions of Section 38-21.

(P.B. 1978-1997, Sec. 969.)

**Sec. 44-10. —Where Presence of Defendant Not Required**

Unless otherwise ordered by the judicial authority, a defendant need not be present in the following situations:

(1) In proceedings involving a corporation, a corporation being able to appear by counsel for all purposes;

(2) In prosecutions for offenses punishable by a fine in which the defendant pleads guilty or nolo contendere and pays the fine by mail;

(3) At any argument on a question of law or at any conference, except a disposition conference pursuant to Section 39-13;

(4) In proceedings involving a reduction of a sentence under Sections 43-21 and 43-22; and



© Copyrighted by the Secretary of the State of the State of Connecticut

(5) In proceedings in which the defendant otherwise waives his or her right to be present.
(P.B. 1978-1997, Sec. 970.)

**Sec. 44-11. Docketing and Scheduling in General of Criminal Cases**

Upon the return of an indictment or of a summons, or of a warrant previously issued by the judicial authority, or upon receipt of notice of an arrest, the clerk of the court having jurisdiction of the case shall forthwith assign a number to the case, enter it on the criminal docket or on other appropriate documents, and make a file in connection therewith. Such clerk shall immediately notify the prosecuting authority of the number assigned to the case.
(P.B. 1978-1997, Sec. 972.)

**Sec. 44-12. —Control of Scheduling**

The judicial authority, acting through the clerk, shall control the time and the manner of scheduling all proceedings in criminal cases and shall have the cooperation of the prosecuting authority and defense counsel in carrying out their responsibilities under Sections 44-11 and 44-12. The clerk of the court shall file a written report with the court periodically, as directed by the judicial authority, indicating the age and the status of each pending case, including whether the defendant is being held in custody pending trial and, if so, how long he or she has been held in custody. The clerk shall consult with the prosecuting authority and defense counsel in matters of scheduling so that such clerk may be aware of and advise the judicial authority of any factors affecting the orderly movement of cases.
(P.B. 1978-1997, Sec. 973.)

**Sec. 44-13. —Scheduling for Proceedings before Trial; Continuances**

Cases should be promptly assigned for arraignments, motions and other preliminary proceedings so as not unduly to delay the progress of the cases or to exceed time limits for such proceedings set by rule or administrative directive. Ordinarily, continuances for any preliminary proceedings, when allowed under these rules, shall not exceed two weeks.
(P.B. 1978-1997, Sec. 975.)

**Sec. 44-14. —Assignments for Plea in Judicial District Court Location**

Each case pending in a judicial district court location shall be assigned for a plea within two weeks after it is placed on the list of pending cases, unless the judicial authority shall order otherwise.
(P.B. 1978-1997, Sec. 976.)

**Sec. 44-15. —Scheduling at Entry of Plea**

Upon entry of a not guilty plea, the judicial authority shall, whenever feasible, assign a date certain for the trial of such case, and in jury cases, for a disposition conference pursuant to Sections 39-11 through 39-13, and it shall advise all parties that they are to be prepared to proceed to trial or to a disposition conference on that date. If the setting of a definite date at the time of the not guilty plea is not feasible, the case shall be placed on a trial list of pending cases which shall be maintained by the clerk. Cases shall be placed on the trial list in the order in which the not guilty pleas were entered.
(P.B. 1978-1997, Sec. 977.)

**Sec. 44-16. —Scheduling from Trial List**

(a) The judicial authority shall assign for trial on dates certain so much of the trial list as shall be deemed necessary for the proper conduct of the court and shall direct the clerk to distribute a list of the cases so assigned to the counsel of record. Cases shall be assigned for trial in the order in which they appear on the trial list and they should be tried in the order in which they are assigned for trial, except that the judicial authority may depart from the listed order and may give priority in assignment or trial to the following types of cases:

(1) Cases in which the defendant is being held in custody for lack of a bond;

(2) Cases in which the judicial authority has granted a motion for a speedy trial; or

(3) Cases in which the judicial authority reasonably believes that the pretrial liberty of the defendant presents unusual risks over those of other criminal cases.

(b) The judicial authority shall not assign for trial on a date certain a number of cases greater than that which can be reasonably expected to be reached for trial on that date, based on the court's resources for trial and the number and percentage of trials generally conducted.
(P.B. 1978-1997, Sec. 978.)

**Sec. 44-17. —Motion to Advance**

Upon motion of a party and a showing of good cause, the judicial authority may advance a case for trial prior to the time when it would ordinarily be assigned.
(P.B. 1978-1997, Sec. 979.)

**Sec. 44-18. —Continuances**

Except for the defendant's arraignment pursuant to Sections 37-1 through 37-12, continuances may be granted only by the judicial authority or with the judicial authority's explicit approval.
(P.B. 1978-1997, Sec. 981.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 44-19. Reference to Judge Trial Referee**

The judicial authority may, with the written consent of the parties or their attorneys, refer any criminal case to a judge trial referee who shall have and exercise the powers of the superior court in respect to trial, judgment, sentencing and appeal in the case. Any case referred to a trial referee shall be deemed to have been referred for all further proceedings, judgment and sentencing, including matters pertaining to any appeal therefrom unless otherwise ordered before or after the reference.

(P.B. 1978-1997, Sec. 997A.)

**Sec. 44-20. Appointment of Guardian Ad Litem**

(a) In any criminal proceeding involving an abused or neglected minor child, a guardian ad litem shall be appointed. The judicial authority may also appoint a guardian ad litem for a minor involved in any other criminal proceedings, including those in which the minor resides with and is the victim of a person arrested or charged with a criminal offense, those in which the minor resides in the same household as the victim and the defendant, or those in which the minor is the defendant. Unless the judicial authority orders that another person be appointed guardian ad litem, the family relations counselor or family relations caseworker shall be designated as guardian ad litem.

(b) If the guardian ad litem is not the family relations counselor or family relations caseworker, the judicial authority may order compensation for the services rendered in accordance with the established Judicial Branch fee schedule.

(P.B. 1978-1997, Sec. 998.)

**Sec. 44-21. Infractions and Violations; When Treated as an Offense**

Pursuant to subdivision (4) of Section 44-37, infractions and violations are included in the general definition of ''offense,'' and, except as distinguished in Sections 44-21 through 44-29, they are treated as any other offense under these rules.

(P.B. 1978-1997, Sec. 1000.)

**Sec. 44-22. —Form of Summons and Complaint for Infractions and Violations**

In all infractions and violations a summons and complaint shall, insofar as applicable, be used in the form designated in Section 36-7.

(P.B. 1978-1997, Sec. 1002.)

**Sec. 44-23. —When Custody Not Required**

(a) Except for those offenses listed in Section 44-24, and as provided in subsection (b) herein, a resident of the state of Connecticut or of a state that is a signatory with Connecticut of a no-bail compact, who has been arrested for a violation of any statute relating to motor vehicles, shall be issued a summons and complaint, and may, in the discretion of the law enforcement officer, be released without bail on his or her promise to appear.

(b) Any resident of the state of Connecticut who is charged with an infraction or violation payable by mail pursuant to statute, and any resident of a state that is a signatory with Connecticut of a no-bail compact who is charged with an infraction involving a motor vehicle or with a violation of General Statutes § 14-219(e), shall not be taken into custody, but shall be issued a summons and complaint and follow the procedure set forth in Sections 44-25 through 44-27.

(P.B. 1978-1997, Sec. 1004.)

**Sec. 44-24. —When Custody Required**

(a) Any person charged with an infraction or with a violation, whether or not payable by mail pursuant to statute, who is not a resident of the state of Connecticut or of a state that is a signatory with Connecticut of a no-bail compact shall be taken into custody.

(b) In the following offenses, the defendant, whether or not a resident of this state, shall be taken into custody:

(1) Driving while under the influence of intoxicating liquor or drugs;

(2) Using a motor vehicle without the permission of the owner;

(3) Evading responsibility;

(4) Any offenses involving an accident resulting in death; or

(5) Any felonies.

(P.B. 1978-1997, Sec. 1005.)

**Sec. 44-25. —Plea of Nolo Contendere to Infraction or Violation**

Any resident of Connecticut or of a state that is a signatory with Connecticut of a no-bail compact who is charged with any infraction or with any violation which is payable by mail pursuant to statute may pay the penalty, either by mail or in person, to the centralized infractions bureau at the address set forth on the complaint on or before the answer date designated in the complaint or, if the case is pending at a court location, may pay the penalty by mail or in person at such court location. The payment of the fine shall be considered a plea of nolo contendere and shall be inadmissible in any proceeding, criminal or civil, to establish the conduct of the person making such payment, except for any administrative sanctions



© Copyrighted by the Secretary of the State of the State of Connecticut

imposed by the commissioner of motor vehicles pursuant to title 14 of the General Statutes.
(P.B. 1978-1997, Sec. 1007.)

**Sec. 44-26. —Pleas of Not Guilty to Infraction or Violation**

Pleas of not guilty for infractions and for violations which are payable by mail pursuant to statute may be accepted only at the centralized infractions bureau and at those locations authorized by the General Statutes.
(P.B. 1978-1997, Sec. 1008.)

**Sec. 44-27. —Hearing of Infractions, Violations to Which Not Guilty Plea Filed**

(a) Upon entry of a plea of not guilty to an infraction or to a violation which is payable by mail pursuant to statute, the clerk shall file such plea and forthwith transmit the file to the prosecuting authority for review.

(b) Unless a nolle prosequi or a dismissal is entered in the matter within ten days of the filing of a not guilty plea, the clerk shall schedule a hearing and shall send the defendant a written notice of the date, time and place of such hearing.

(c) Hearings shall be conducted in accordance with the criminal rules of evidence and with the provisions of chapter 42 insofar as the provisions of that chapter are applicable.

(d) A nolle prosequi or a dismissal may be entered in the absence of the defendant. In the event a nolle prosequi or a dismissal is entered in the matter, the clerk shall send a written notice of such disposition to any defendant who was not before the court at the time of such disposition. The entry of a nolle prosequi hereunder shall not operate as a waiver of the defendant's right thereafter to seek a dismissal pursuant to Section 39-30.
(P.B. 1978-1997, Sec. 1008A.)

**Sec. 44-28. —Location of Infractions Bureau and Role of Clerks**

(a) There shall be a centralized infractions bureau of the superior court to handle payments or pleas of not guilty with respect to the commission of infractions and of violations which are payable by mail pursuant to statute.

(b) For the purpose of processing such matters which are not finally disposed at the centralized infractions bureau, the principal clerk's office of the superior court in each geographical area shall be the infractions bureau for such geographical area. The judges of the superior court may establish such other bureaus when and where they may deem them necessary and they may designate the clerks or the assistant clerks of the court, or any other appropriate persons, as clerks of such bureaus. If no other person is so designated by the judges, the clerk of the superior court for the geographical area shall be the clerk of each infractions bureau in that geographical area.
(P.B. 1978-1997, Sec. 1010.)

**Sec. 44-29. —Powers of Centralized Infractions Bureau**

Subject to the limitations in Sections 44-25 and 44-26, the centralized infractions bureau shall have the power to accept a plea of nolo contendere and the payment of fines in cases which have been designated by statute as infractions or as violations which are payable by mail.
(P.B. 1978-1997, Sec. 1011.)

**Sec. 44-30. —Hearing by Magistrates of Infractions and Certain Motor Vehicle Violations**

(a) Infractions and motor vehicle violations which may be submitted to a magistrate pursuant to statute may be heard by magistrates in those court locations where a magistrate has been appointed by the chief court administrator, except that magistrates may not conduct jury trials.

(b) Hearings by magistrates shall be conducted in accordance with the criminal rules of evidence and with the provisions of chapter 42 insofar as the provisions of that chapter are applicable. A magistrate shall sign all orders the magistrate issues, such signature to be followed by the word ''magistrate.''

(c) A decision of the magistrate, including any penalty imposed, shall become a judgment of the court if no demand for a trial de novo is filed. Such decision of the magistrate shall become null and void if a timely demand for a trial de novo is filed. A demand for a trial de novo shall be filed with the court clerk within five days of the date the decision was rendered by the magistrate and, if filed by the prosecuting authority, it shall include a certification that a copy thereof has been served on the defendant or his or her attorney, in accordance with the rules of practice.

(d) If the defendant is charged with more than one offense, and not all such offenses are motor vehicle violations within the jurisdiction of a magistrate, a judicial authority shall hear and decide such case.

(e) This section shall be inapplicable at any court location to which a magistrate has not been assigned by the chief court administrator.
(P.B. 1978-1997, Sec. 1011D.)

**Sec. 44-31. Motion to Quash Subpoena Pursuant to Inquiry into Commission of Crime**

(a) Whenever a subpoena has been issued to compel the attendance of a witness or the production of documents at an inquiry conducted by an



© Copyrighted by the Secretary of the State of the State of Connecticut

investigative grand jury, the person summoned may file a motion to quash the subpoena with the chief clerk of the judicial district wherein the investigation is then being conducted. No fees or costs shall be required or assessed.

(b) The motion shall be docketed as a criminal matter. The party filing the motion shall be designated as the plaintiff and the state's attorney for such judicial district shall be designated as the defendant. A prosecuting authority shall appear and defend on behalf of the state's attorney.

(c) Unless otherwise ordered by the judicial authority before whom such hearing shall be conducted, the hearing on the motion to quash shall be conducted in public and the court file on the motion to quash shall be open to public inspection.

(d) The motion shall be heard forthwith by a judicial authority who is not a member of the panel of judges which acted on the application, nor the grand jury in the proceeding. The hearing date and time shall be set by the clerk after consultation with the judicial authority having responsibility for the conduct of criminal business within the judicial district. The clerk shall give notice to the parties of the hearing so scheduled.

(P.B. 1978-1997, Sec. 1012A.)

**Sec. 44-32. Fees and Expenses; Return of Subpoenas**

An officer or an indifferent person serving subpoenas in criminal cases will not be allowed fees for returning the same to the court unless the person returns them in person or actually pays for their return, and then only the sum paid will be allowed, not exceeding the legal fees for returning civil process. No fee shall be paid to any police officer for serving subpoenas.

(P.B. 1978-1997, Sec. 1014.)

**Sec. 44-33. —Indigent Witnesses**

An officer or any other person serving a subpoena or a capias in criminal cases on behalf of the state on witnesses who are indigent and unable to procure the means of traveling to the court will be allowed a reasonable compensation for providing transportation of such witnesses to the court; a reasonable sum will be taxed for the support of such witnesses during their necessary attendance at court.

(P.B. 1978-1997, Sec. 1015.)

**Sec. 44-34. —Fees for Witnesses**

Witnesses in attendance in more cases than one at the same time will be allowed fees for travel and attendance in one case only. The travel of nonresident witnesses will be computed and taxed from the state line on the usual course of travel in all cases where witnesses' fees are not paid under General Statutes § 54-82i or § 54-152.

(P.B. 1978-1997, Sec. 1016.)

**Sec. 44-35. —Officer's Fees on Extradition; Habeas Corpus**

Any officer having charge of a person who is arrested upon an extradition warrant for delivery to another state and required to attend court upon a writ of habeas corpus shall be entitled to receive the same fees and expenses as such officer would receive for presenting a prisoner before the court for trial, and such fees and expenses are to be paid to such officer by the officer of such other state upon the surrender of the prisoner or, if the prisoner is released, they are to be taxed and allowed him or her at the next term of the court in the judicial district or geographical area where such prisoner was held.

(P.B. 1978-1997, Sec. 1017.)

**Sec. 44-36. —Fee on Motion to Open Certain Judgments**

Upon the filing of a motion to open judgment in any case in which the defendant has been charged with violation of a motor vehicle statute and has failed to appear at the time and place assigned for trial or, where applicable, has failed to plead or pay the fine and additional fee by mail, and the judicial authority has reported such failure to the commissioner of motor vehicles, the movant shall pay to the clerk the filing fee prescribed by statute unless such fee has been waived by the judicial authority.

(P.B. 1978-1997, Sec. 1020A.)

**Sec. 44-37. Definition of Terms**

Unless the context clearly requires otherwise:

(1) ''Prosecuting authority'' means any person appointed or otherwise designated or charged generally or specially with the duty of prosecuting persons accused of criminal offenses in any court, and includes, but is not limited to, the chief state's attorney and any deputies or assistants and each state's attorney of the superior court and any deputies or assistants.

(2) ''Public defender'' means any attorney appointed or otherwise designated or charged generally or specially by the court with the duty of representing persons accused of criminal offenses in any court or of representing anyone in habeas corpus proceedings or appeals, and includes, but is not limited to, the chief public defender and any deputies or assistants, and each public defender and any deputies or assistants.

(3) ''Law enforcement officer'' means any person vested by law with a duty to maintain public



© Copyrighted by the Secretary of the State of the State of Connecticut

order or to make arrests for offenses, and includes, but is not limited to, a member of the state police department or an organized local police department, a detective in the division of criminal justice, a sheriff or deputy sheriff, a conservation officer or special conservation officer as defined in General Statutes § 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under General Statutes §§ 29-18, 29-18a or 29-19, or an official of the department of correction authorized by the commissioner of correction to make arrests in a correctional institution or facility. ''Law enforcement officer'' also includes state and judicial marshals, but only where the use of that term in these rules is consistent with the authority given to such marshals by statute.

(4) ''Offense'' means any crime or violation which constitutes a breach of any law of this state or any local law or ordinance of a political subdivision of this state, for which a sentence of a term of imprisonment or a fine, or both, may be imposed, including infractions.

(5) ''Crime'' means a felony or a misdemeanor.

(6) ''Violation'' means an offense for which the only sentence authorized is a fine and which is not expressly designated as an infraction.

(7) ''Felony'' means an offense for which a person may be sentenced to a term of imprisonment in excess of one year.

(8) ''Misdemeanor'' means an offense for which a person may be sentenced to a term of imprisonment of not more than one year.

(9) ''Infraction'' means an act or a failure to act which is designated by the General Statutes as an infraction.

(10) ''Trial'' means that judicial proceeding at which the guilt or innocence of the defendant to the offense or offenses charged is to be determined.

(P.B. 1978-1997, Sec. 1021.) (Amended June 25, 2001, to take effect Jan. 1, 2002.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# RULES OF APPELLATE PROCEDURE

## CHAPTER 60

## GENERAL PROVISIONS RELATING TO APPELLATE RULES AND APPELLATE REVIEW

Sec.
60-1. Rules to Be Liberally Interpreted
60-2. Supervision of Procedure
60-3. Suspension of the Rules
60-4. Definitions
60-5. Review by the Court; Plain Error; Preservation of Claims
60-6. Appellate Jurists Sitting as Superior Court Judges

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

### Sec. 60-1. Rules to Be Liberally Interpreted

The design of these rules being to facilitate business and advance justice, they will be interpreted liberally in any case where it shall be manifest that a strict adherence to them will work surprise or injustice.

(P.B. 1978-1997, Sec. 4182.)

### Sec. 60-2. Supervision of Procedure

The supervision and control of the proceedings on appeal shall be in the court having appellate jurisdiction from the time the appeal is filed, or earlier, if appropriate, and, except as otherwise provided in these rules, any motion the purpose of which is to complete or perfect the trial court record for presentation on appeal shall be made to the court in which the appeal is pending. The court may, on its own motion or upon motion of any party, modify or vacate any order made by the trial court, or a judge thereof, in relation to the prosecution of the appeal. It may also, for example, on its own motion or upon motion of any party, (1) order a judge to take any action necessary to complete the trial court record for the proper presentation of the appeal; (2) when it appears that by reason of omission from the prepared record of matters of record in the trial court the questions of law in the case are not properly presented, order the appellant to cause to be photocopied the portions so omitted; (3) order improper matter stricken from the record or from a brief or appendix; (4) order a stay of any proceedings ancillary to a case on appeal; (5) order the addition to the prepared record of parts of the file necessary to present correctly or fully the matters comprehended by Sections 67-4 and 67-5; (6) order that a party for good cause shown may file a late appeal, petition for certification, brief or any other document, unless the court lacks jurisdiction to allow the late filing; (7) order that a hearing be held to determine whether it has jurisdiction over a pending matter; (8) order an appeal to be dismissed unless the appellant complies with specific orders of the trial court, submits to the process of the trial court, or is purged of contempt of the trial court; (9) remand any pending matter to the trial court for the resolution of factual issues where necessary; (10) correct technical or other minor mistakes in a published opinion which do not affect the rescript.

(P.B. 1978-1997, Sec. 4183.)

### Sec. 60-3. Suspension of the Rules

In the interest of expediting decision, or for other good cause shown, the court in which the appeal is pending may suspend the requirements or provisions of any of these rules in a particular case on motion of a party or on its own motion and may order proceedings in accordance with its direction.

(P.B. 1978-1997, Sec. 4187.)

### Sec. 60-4. Definitions

''Appellant'' shall mean the party, or parties if an appeal is jointly filed, taking the appeal. ''Appellee'' shall mean all other parties in the trial court at the time of judgment, unless after judgment the matter was withdrawn as to them or unless a motion for permission not to participate in the appeal has been granted by the court.

''Counsel of record'' shall also include all parties appearing pro se, and ''court reporter'' shall refer to all court reporters and court reporting monitors.

''Administrative appeal'' shall mean an appeal from a judgment of the superior court concerning the appeal to that court from a decision of any officer, board, commission or agency of the state or of any political subdivision of the state.

''Motion'' should be read to include applications and petitions other than petitions for certification.



© Copyrighted by the Secretary of the State of the State of Connecticut

''Petition'' does not include petitions for certification unless the context clearly requires.

(P.B. 1978-1997, Sec. 4001A) (For additional definitions, see Secs.61-10,62-2 and 76-6.)

**Sec. 60-5. Review by the Court; Plain Error; Preservation of Claims**

The court may reverse or modify the decision of the trial court if it determines that the factual findings are clearly erroneous in view of the evidence and pleadings in the whole record, or that the decision is otherwise erroneous in law.

The court shall not be bound to consider a claim unless it was distinctly raised at the trial or arose subsequent to the trial. The court may in the interests of justice notice plain error not brought to the attention of the trial court.

In jury trials, where there is a motion, argument, or offer of proof or evidence in the absence of the jury, whether during trial or before, pertaining to an issue that later arises in the presence of the jury, and counsel has fully complied with the requirements for preserving any objection or exception to the judge's adverse ruling thereon in the absence of the jury, the matter shall be deemed to be distinctly raised at the trial for purposes of this rule without a further objection or exception provided that the grounds for such objection or exception, and the ruling thereon as previously articulated, remain the same.

If the court deems it necessary to the proper disposition of the cause, it may remand the case for a further articulation of the basis of the trial court's factual findings or decision.

It is the responsibility of the appellant to provide an adequate record for review as provided in Section 61-10.

(P.B. 1978-1997, Sec. 4061.)

**Sec. 60-6. Appellate Jurists Sitting as Superior Court Judges**

Without the permission of the chief justice, the justices of the supreme court and the judges of the appellate court will not, as judges of the superior court, in vacation, or when the superior court is not in session, pass orders which may be the subject of an appeal, unless it appears that there is a necessity for prompt action, and that no other judges having jurisdiction over the matter can conveniently act.

(P.B. 1978-1997, Sec. 4186.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 61

## REMEDY BY APPEAL

Sec.
61-1. Right of Appeal
61-2. Appeal of Judgment on Entire Complaint, Counterclaim or Cross Complaint
61-3. Appeal of Judgment on Part of Complaint, Counterclaim or Cross Complaint That Disposes of All Claims in that Pleading Brought by or against One or More Parties
61-4. Appeal of Judgment That Disposes of At Least One Cause of Action While Not Disposing of Either (1) An Entire Complaint, Counterclaim or Cross Complaint, or (2) All the Causes of Action in a Pleading Brought by or against a Party
61-5. Deferring Appeal until Judgment Rendered That Disposes of Case for All Purposes and as to All Parties
61-6. Appeal of Judgment or Ruling in Criminal Case
61-7. Joint and Consolidated Appeals
61-8. Cross Appeals
61-9. Decisions Subsequent to Filing of Appeal; Amended Appeals
61-10. Responsibility of Appellant to Provide Adequate Record for Review
61-11. Stay of Execution in Noncriminal Cases
61-12. Discretionary Stays
61-13. Stay of Execution in Criminal Case
61-14. Review of Order concerning Stay; When Stay May Be Requested from Court Having Appellate Jurisdiction
61-15. Stay of Execution in Death Penalty Case
61-16. Notification of (1) Bankruptcy Filing, (2) Disposition of Bankruptcy Case, and (3) Order of Bankruptcy Court Granting Relief from Automatic Stay

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 61-1. Right of Appeal

An aggrieved party may appeal from a final judgment, except as otherwise provided by law.

(P.B. 1978-1997, Sec. 4000.)

### Sec. 61-2. Appeal of Judgment on Entire Complaint, Counterclaim or Cross Complaint

When judgment has been rendered on an entire complaint, counterclaim or cross complaint, whether by judgment on the granting of a motion to strike pursuant to Section 10-44, by dismissal pursuant to Section 10-30, by summary judgment pursuant to Section 17-44, or otherwise, such judgment shall constitute a final judgment.

If at the time a judgment referred to in this section is rendered, an undisposed complaint, counterclaim or cross complaint remains in the case, appeal from such a judgment may be deferred (unless the appellee objects as set forth in Section 61-5) until the entire case is concluded by the rendering of judgment on the last such outstanding complaint, counterclaim or cross complaint.

If the judgment disposing of the complaint, counterclaim or cross complaint resolves all causes of action brought by or against a party who is not a party in any remaining complaint, counterclaim, or cross complaint, a notice of intent to appeal in accordance with the provisions of Section 61-5 must be filed in order to preserve the right to appeal such a judgment at the conclusion of the case.

(P.B. 1978-1997, Sec. 4002A.)

### Sec. 61-3. Appeal of Judgment on Part of Complaint, Counterclaim or Cross Complaint That Disposes of All Claims in that Pleading Brought by or against One or More Parties

A judgment disposing of only a part of a complaint, counterclaim, or cross complaint is a final judgment if that judgment disposes of all causes of action in that complaint, counterclaim, or cross complaint brought by or against a particular party or parties.

Such a judgment shall be a final judgment regardless of whether judgment was rendered on the granting of a motion to strike pursuant to Section 10-44, by dismissal pursuant to Section 10-30, by summary judgment pursuant to Section 17-44, or otherwise. The appeal from such judgment may be deferred (unless an objection is filed pursuant to Section 61-5) until the final judgment that disposes of the case for all purposes and as to all parties is rendered. If the appeal from such a judgment is to be deferred, a notice of intent to appeal must be filed in accordance with the provisions of Section 61-5.

A party entitled to appeal under this section may appeal regardless of which party moved for the judgment to be made final.

(P.B. 1978-1997, Sec. 4002B.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 61-4. Appeal of Judgment That Disposes of At Least One Cause of Action While Not Disposing of Either (1) An Entire Complaint, Counterclaim or Cross Complaint, or (2) All the Causes of Action in a Pleading Brought by or against a Party**

(Amended July 23, 1998, to take effect Jan. 1, 1999.)

(a) **Judgment not final unless trial court makes written determination and chief justice or chief judge concurs**

This section applies to a trial court judgment that disposes of at least one cause of action where the judgment does not dispose of either of the following: (1) an entire complaint, counterclaim, or cross complaint, or (2) all the causes of action in a complaint, counterclaim or cross complaint brought by or against a party. If the order sought to be appealed does not meet these exact criteria, the trial court is without authority to make the determination necessary to the order's being immediately appealed.

This section does not apply to a judgment that disposes of an entire complaint, counterclaim, or cross complaint (see Section 61-2); and it does not apply to a trial court judgment that partially disposes of a complaint, counterclaim, or cross complaint, if the order disposes of all the causes of action in that pleading brought by or against one or more parties (see Section 61-3).

When the trial court renders a judgment to which this section applies, such judgment shall not ordinarily constitute an appealable final judgment. Such a judgment shall be considered an appealable final judgment only if the trial court makes a written determination that the issues resolved by the judgment are of such significance to the determination of the outcome of the case that the delay incident to the appeal would be justified, and the chief justice or chief judge of the court having appellate jurisdiction concurs.

If the procedure outlined in this section is followed, such judgment shall be an appealable final judgment, regardless of whether judgment was rendered on the granting of a motion to strike pursuant to Section 10-44, by dismissal pursuant to Section 10-30, by summary judgment pursuant to Section 17-44, or otherwise.

A party entitled to appeal under this section may appeal regardless of which party moved for the judgment to be made final.

(b) **Procedure for obtaining written determination and chief justice's or chief judge's concurrence; when to file appeal**

If the trial court renders a judgment described in this section without making a written determination, any party may file a motion in the trial court for such a determination within the statutory appeal period, or, if there is no applicable statutory appeal period, within twenty days after notice of the partial judgment has been sent to counsel. Papers opposing the motion may be filed within ten days after the filing of the motion.

Within twenty days after notice of such a determination in favor of appealability has been sent to counsel, any party intending to appeal shall submit an original plus three copies of a motion for permission to file an appeal with the clerk of the court having appellate jurisdiction. The motion shall state the reasons why an appeal should be permitted. Papers opposing the motion may be filed within ten days after the filing of the motion. The motion and any opposition papers shall be referred to the chief justice or chief judge to rule on the motion. If the chief justice or chief judge is unavailable or disqualified, the most senior justice or judge who is available and is not disqualified shall rule on the motion.

The appellate clerk shall send notice to the parties of the decision of the chief justice or chief judge on the motion for permission to file an appeal. For purposes of counting the time within which the appeal must be filed, the date of the issuance of notice of the decision on this motion shall be considered the date of issuance of notice of the rendition of the judgment or decision from which the appeal is taken.

(P.B. 1978-1997, Sec. 4002C.) (Amended July 23, 1998, to take effect Jan. 1, 1999.)

**Sec. 61-5. Deferring Appeal until Judgment Rendered That Disposes of Case for All Purposes and as to All Parties**

(a) **When notice of intent to appeal required; procedure for filing**

An appeal of a judgment described in Sections 61-2 or 61-3 may be deferred until the judgment that disposes of the case for all purposes and as to all parties is rendered. In the following two instances only, a notice of intent to appeal must be filed in order to defer the taking of an appeal until the final judgment that disposes of the case for all purposes and as to all parties is rendered:

(1) when the deferred appeal is to be taken from a judgment that not only disposes of an entire complaint, counterclaim or cross complaint but also disposes of all the causes of action brought by or against a party or parties so that that party or parties are not parties to any remaining complaint, counterclaim or cross complaint; or

(2) when the deferred appeal is to be taken from a judgment that disposes of only part of a complaint, counterclaim, or cross complaint but nevertheless disposes of all causes of action in that pleading brought by or against a particular party or parties.



© Copyrighted by the Secretary of the State of the State of Connecticut

In the event that the party aggrieved by a judgment described in (1) or (2) above elects to defer the taking of the appeal until the disposition of the entire case, the aggrieved party must, within the appeal period provided by statute, or, if there is no applicable statutory appeal period, within twenty days after issuance of notice of the judgment described in (1) or (2) above, file in the trial court a notice of intent to appeal the judgment, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with the provisions of Section 62-7.

When a notice of intent to appeal has been filed in accordance with this subsection, an objection to the deferral of the appeal may be made by (1) any party who, after the rendering of judgment on an entire complaint, counterclaim or cross complaint, is no longer a party to any remaining complaint, counterclaim, or cross complaint, or (2) any party who, by virtue of a judgment on a portion of any complaint, counterclaim, or cross complaint, is no longer a party to that complaint, counterclaim, or cross complaint. Objection shall be filed in the trial court, within twenty days of the filing of the notice of intent to appeal, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with the provisions of Section 62-7.

When such a party has filed a notice of objection to the deferral of the appeal, the appeal shall not be deferred, and the appellant shall file the appeal within twenty days of the filing of such notice of objection.

(b) **Effect of failure to file notice of intent to appeal when required; effect of filing notice of intent to appeal when not required**

If an aggrieved party, without having filed a timely notice of intent to appeal, files an appeal claiming that a judgment described in (1) or (2) of subsection (a) of this section was rendered improperly, the issues relating to such earlier judgment will be subject to dismissal as untimely.

The use of the notice of intent to appeal is abolished in all instances except as provided in subsection (a) of this section, which sets forth the two instances in which a notice of intent must be filed. Except as provided in subsection (a), the filing of a notice of intent to appeal will preserve no appeal rights.

(P.B. 1978-1997, Sec. 4002D.)

## Sec. 61-6. Appeal of Judgment or Ruling in Criminal Case

(Amended July 26, 2000, to take effect Jan. 1, 2001.)

(a) **Appeal by defendant**

(1) **Appeal from final judgment**

The defendant may appeal from a conviction for an offense when the conviction has become a final judgment. The conviction becomes a final judgment after imposition of sentence. In cases where a final judgment has been rendered on fewer than all counts in the information or complaint, the defendant may appeal from that judgment at the time it is rendered.

(2) **Appeal of ruling following judgment rendered upon conditional plea of nolo contendere**

(i) **On motion to dismiss or suppress**

When a defendant, prior to the commencement of trial, enters a plea of nolo contendere conditional on the right to take an appeal from the court's denial of the defendant's (a) motion to suppress evidence based on an unreasonable search or seizure, (b) motion to suppress statements and evidence based on the involuntariness of a statement, (c) or motion to dismiss, the defendant after the imposition of sentence may file an appeal within the time prescribed by law. The issue to be considered in such appeal shall be limited to whether it was proper for the court to have denied the motion to suppress or the motion to dismiss. A plea of nolo contendere by a defendant under this subsection shall not constitute a waiver by the defendant of nonjurisdictional defects in the criminal prosecution. The court shall not accept a nolo contendere plea pursuant to this subsection where the denial of the motion to suppress would not have a significant impact upon the disposition of the case in the trial court. The court shall also decline to accept such a nolo contendere plea where the record available for review of the denial of the motion to suppress or motion to dismiss is inadequate for appellate review of the court's determination thereof.

(ii) **On any motion made prior to close of evidence**

With the approval of the court, after a hearing to consider any objections thereto, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right, on appeal from the judgment, to review of the adverse determination of any motion made prior to the close of evidence, which motion must be specified in such written reservation. If the defendant prevails on appeal, the judgment shall be set aside and the defendant shall be allowed to withdraw the conditional plea of guilty or nolo contendere after the case has been remanded to the trial court. A plea of guilty or nolo contendere under this subsection shall not constitute a waiver of nonjurisdictional defects in the criminal prosecution. The court shall not accept a plea of guilty or nolo contendere pursuant to this subsection where the adverse determination of the specified motion would not have a significant impact on the disposition of the



© Copyrighted by the Secretary of the State of the State of Connecticut

case in the trial court. The court shall also decline to accept such a nolo contendere or guilty plea where the record available for review of the ruling upon the specified motion is inadequate for appellate review of the court's determination thereof.

(b) **Appeal by state**

The state, with the permission of the presiding judge of the trial court and as provided by law, may appeal from a final judgment. In cases where an appealable judgment has been rendered on fewer than all counts of the information or complaint, the state may appeal from the judgment at the time it is rendered.

(c) **Appeal from a ruling**

To the extent provided by law, the defendant or the state may appeal from a ruling that is not a final judgment or from an interlocutory ruling deemed to be a final judgment.

(P.B. 1978-1997, Sec. 4003.) (Amended July 26, 2000, to take effect Jan. 1, 2001.)

### Sec. 61-7. Joint and Consolidated Appeals

(a) (1) Two or more plaintiffs or defendants in the same case may appeal jointly or severally. Separate cases heard together and involving at least one common party may as of right be appealed jointly, provided all the trial court docket numbers are shown on the appeal form (JD-SC-28 and JD-SC-29).

(2) Prior to the filing of an appeal the trial court, on motion of any party or on its own motion, may order that a joint appeal be filed in any situation not covered by the preceding paragraph.

(3) In the case of a joint appeal, only one entry fee is required.

(b) (1) The supreme court, on motion of any party or on its own motion may order that appeals pending in the supreme court be consolidated.

(2) When an appeal pending in the supreme court involves the same cause of action, transaction or occurrence as an appeal pending in the appellate court, the supreme court may, on motion of any party or on its own motion, order that the appeals be consolidated in the supreme court. The court may order consolidation at any time before the assignment of the appeals for hearing.

(3) The appellate court, on motion of any party or on its own motion, may order that appeals pending in the appellate court be consolidated.

(4) There shall be no refund of fees if appeals are consolidated.

(c) Whenever appeals are jointly filed or are consolidated, only a single record shall be prepared. In addition, all appellants must file a single, consolidated brief and all appellees must file a single, consolidated brief; provided, however, that any party may file a request in writing to the chief justice or chief judge, as the case may be, for permission to file a separate brief if the joint parties cannot agree upon the contents of the joint brief or to brief issues which are not common to the joint parties.

(P.B. 1978-1997, Sec. 4004.)

### Sec. 61-8. Cross Appeals

Any appellee or appellees aggrieved by the judgment or decision from which the appellant has appealed may jointly or severally file a cross appeal within ten days from the filing of the appeal. Except where otherwise provided, the filing and form of cross appeals, extensions of time for filing them, and all subsequent proceedings shall be the same as though the cross appeal were an original appeal. No entry or record fee need be paid.

(P.B. 1978-1997, Sec. 4005.)

### Sec. 61-9. Decisions Subsequent to Filing of Appeal; Amended Appeals

Should the trial court, subsequent to the filing of the appeal, make a decision which the appellant desires to have reviewed, the appellant shall file an amended appeal form in the trial court within twenty days from the issuance of notice of the decision as provided for in Section 63-1. At the time the amended appeal form is filed, the appellant shall submit a copy thereof, endorsed in accordance with Section 63-3, to the appellate clerk together with any amendments to the documents required by Section 63-4.

No additional fee is required to be paid upon the filing of an amended appeal.

If the amended appeal is filed after the filing of the appellant's brief but before the filing of the appellee's brief, the appellant may move for leave to file a supplemental brief. If the amended appeal is filed after the filing of the appellee's brief, either party may move for such leave. In any event, the court may order that an amended appeal be briefed or heard separately from the original appeal.

Unless the court shall order otherwise, if the appellant has filed a second appeal in the same case, the appeal papers shall be treated as an amended appeal under this rule and in that event there shall be no refund of the fees paid.

(P.B. 1978-1997, Sec. 4006.)

### Sec. 61-10. Responsibility of Appellant to Provide Adequate Record for Review

It is the responsibility of the appellant to provide an adequate record for review. The appellant shall determine whether the entire trial court record is complete, correct and otherwise perfected for presentation on appeal. For purposes of this section,



© Copyrighted by the Secretary of the State of the State of Connecticut

the term ''record'' is not limited to its meaning pursuant to Section 63-4 (a) (2), but includes all trial court decisions, documents and exhibits necessary and appropriate for appellate review of any claimed impropriety.

(P.B. 1978-1997, Sec. 4007.)

### Sec. 61-11. Stay of Execution in Noncriminal Cases

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

(a) **Automatic stay of execution**

Except where otherwise provided by statute or other law, proceedings to enforce or carry out the judgment or order shall be automatically stayed until the time to take an appeal has expired. If an appeal is filed, such proceedings shall be stayed until the final determination of the cause. If the case goes to judgment on appeal, any stay thereafter shall be in accordance with Section 71-6 (motions for reconsideration), Section 84-3 (petitions for certification by the Connecticut supreme court), and Section 71-7 (petitions for certiorari by the United States supreme court).

(b) **Matters in which no automatic stay is available under this rule**

Under this section, there shall be no automatic stay in actions concerning attorneys pursuant to chapter 2 of these rules, in juvenile matters brought pursuant to chapters 26 through 35, or in any administrative appeal except as otherwise provided in this subsection. In addition, no automatic stay shall apply to orders of relief from physical abuse pursuant to General Statutes § 46b-15 or to orders of periodic alimony, support, custody or visitation in domestic relations matters brought pursuant to chapter 25 or to any later modification of such orders.

Unless a court shall otherwise order, any stay that was in effect during the pendency of any administrative appeal in the trial court shall continue until the filing of an appeal or the expiration of the appeal period, or any new appeal period, as provided in Section 63-1. If an appeal is filed, any further stay shall be sought pursuant to Section 61-12.

For purposes of this rule, ''administrative appeal'' means an appeal taken from a final judgment of the trial court or the compensation review board rendered in an appeal from a decision of any officer, board, commission, or agency of the state or of any political subdivision thereof. In addition to appeals taken pursuant to the Uniform Administrative Procedure Act, ''administrative appeal'' includes, among other matters, zoning appeals, teacher tenure appeals, tax appeals and unemployment compensation appeals.

(c) **Termination of stay**

Termination of a stay may be sought in accordance with subsection (d) of this rule. If the judge who tried the case is of the opinion that (1) an extension to appeal is sought, or the appeal is taken, only for delay or (2) the due administration of justice so requires, the judge may at any time after a hearing, upon motion or sua sponte, order that the stay be terminated.

(d) **Motions to terminate stay**

A motion to terminate a stay of execution may be filed before judgment; if it is, it may be ruled upon when judgment is entered. If such a motion is filed before judgment, or after judgment but before an appeal, it shall be filed in triplicate with the clerk of the superior court. If it is filed after an appeal is filed, an original and three copies shall be filed with the appellate clerk, who shall forward the motion to the judge who tried the case. That judge shall file any ruling thereon with the appellate clerk and with the clerk of the trial court where the matter was tried. If the judge who tried the case is unavailable, the motion shall be forwarded to the clerk of the court in the judicial district where the case was tried, who shall assign the motion for a hearing and decision to any judge of the superior court.

(e) **Motions to request stay**

Requests for a stay pending appeal where there is no automatic stay shall be governed by Section 61-12.

(For stays of execution in criminal cases, see Section 61-13; for stays in death penalty cases, see Section 61-15.)

(P.B. 1978-1997, Sec. 4046.) (Amended July 23, 1998, to take effect Jan. 1, 1999; amended July 21, 1999 to take effect Jan. 1, 2000; amended July 26, 2000, to take effect Jan. 1, 2001; amended Oct. 10, 2001, to take effect Jan. 1, 2002; amended May 12, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, in the first sentence of subsection (a), ''appealed from'' was deleted following ''judgment or order.''

COMMENTARY—2005: The first sentence of subsection (a) has been amended by deleting the words ''appealed from'' after the words ''judgment or order.'' This was done because the automatic stay goes into effect before an appeal is taken.

### Sec. 61-12. Discretionary Stays

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

In noncriminal matters in which the automatic stay provisions of Section 61-11 are not applicable and in which there are no statutory stay provisions, any motion for a stay of the judgment or order of the superior court pending appeal shall be made to the judge who tried the case unless that judge is unavailable, in which case the motion may be made to any judge of the superior court. Such a motion may also be filed before judgment and may be ruled upon at the time judgment is rendered unless the court concludes that a further



© Copyrighted by the Secretary of the State of the State of Connecticut

hearing or consideration of such motion is necessary. A temporary stay may be ordered sua sponte or on written or oral motion, ex parte or otherwise, pending the filing or consideration of a motion for stay pending appeal. The motion shall be considered on an expedited basis and the granting of a stay of an order for the payment of money may be conditional on the posting of suitable security.

In the absence of a motion filed under this section, the trial court may order, sua sponte, that proceedings to enforce or carry out the judgment or order be stayed until the time to take an appeal has expired or, if an appeal has been filed, until the final determination of the cause. A party may file a motion to terminate such a stay pursuant to Section 61-11.

(P.B. 1978-1997, Sec. 4047.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 61-13. Stay of Execution in Criminal Case

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

Except as otherwise provided in this rule, a judgment in a criminal case shall be stayed from the time of the judgment until the time to take an appeal has expired, and then, if an appeal is filed, until ten days after its final determination. The stay provisions apply to an appeal from a judgment, to an appeal from a judgment on a petition for a new trial and to a writ of error, where those matters arise from a criminal conviction or sentence. Unless otherwise provided in this rule, all stays are subject to termination under subsection (d).

(a) **Appeal by defendant arising from a sentence**

(1) **Sentence of imprisonment**

A sentence of imprisonment shall be stayed automatically by an appeal, provided the defendant is released on bail.

(2) **Sentence of probation or conditional discharge**

Upon motion by the defendant to the trial court, a sentence of probation or conditional discharge may be stayed if an appeal is taken. If the sentence is stayed, the court shall fix the terms of the stay. If the sentence on appeal is not stayed, the court shall specify when the term of probation shall commence. If the sentence is not stayed and a condition of the sentence is restitution or other payment of money, the court shall order that such payments be made to the clerk of the trial court to be held by said clerk until ten days after final determination of the appeal.

(3) **Sentence of a fine**

A sentence to pay a fine shall be stayed automatically by an appeal, and the stay shall not be subject to termination.

(4) **Sentencing sanctions of restitution and forfeiture**

The execution of a sanction of restitution or forfeiture of property, which was imposed as part of a sentence, shall be stayed automatically by an appeal. Upon motion by the state or upon its own motion, the trial court may issue orders reasonably necessary to ensure compliance with the sanction upon final disposition of the appeal.

(5) **Other sentencing sanctions**

Upon motion by the defendant, other sanctions imposed as part of a sentence, including those imposed under General Statutes §§ 53a-40c, 53a-40e, 54-102b, 54-102g, and 54-260, may be stayed by an appeal. If the sanction is stayed, the trial court may issue orders reasonably necessary to ensure compliance with the sanction upon final disposition of the appeal.

(b) **Appeal by defendant from presentence order**

In an appeal from a presentence order where the defendant claims that an existing right, such as a right not to be tried, will be irreparably lost if the order is not reviewed immediately, the appeal shall stay automatically further proceedings in the trial court.

(c) **Appeal by the state from a judgment**

In an appeal by the state, the appeal shall stay automatically further proceedings in the trial court until ten days after the final determination of the appeal. The defendant shall be released pending determination of an appeal by the state from any judgment not resulting in a sentence, the effect of which is to terminate the entire prosecution.

(d) **Motion for stay or to terminate a stay**

If a motion for a stay or a motion to terminate a stay is filed before the appeal is taken, the original motion and three copies shall be filed with the trial court. After the appeal is taken, the motion and three copies shall be filed in the appellate court; motions filed in the appellate court shall be forwarded by the clerk of the appellate court to the trial court for a decision. If the judge who tried or presided over the case is unavailable, the motion shall be forwarded to the clerk of the court in which the case was tried and shall be assigned for a hearing and decision to any judge of the superior court. Upon hearing and consideration of the motion, the trial court shall decide the motion by filing with the court clerk a written or oral memorandum of decision that shall include the factual and legal basis therefor. If oral, the decision shall be transcribed by the court reporter and signed by the trial court. Pending the filing or consideration of a motion for stay, a temporary stay may be ordered sua sponte or on written or oral motion.



© Copyrighted by the Secretary of the State of the State of Connecticut

In appeals by defendant from a presentence order and appeals by the state from a judgment, the judge who tried the case may terminate any stay, upon motion and hearing, if the judge is of the opinion that (1) an extension to appeal is sought, or the appeal is taken, only for delay, or (2) the due administration of justice so requires.

(For stays of execution in death penalty cases, see Section 61-15.)

(P.B. 1978-1997, Sec. 4048.) (Amended July 21, 1999, to take effect Jan. 1, 2000; amended Oct. 10, 2001, to take effect Jan. 1, 2002.)

**Sec. 61-14. Review of Order concerning Stay; When Stay May Be Requested from Court Having Appellate Jurisdiction**

(Amended July 23, 1998, to take effect Jan. 1, 1999.)

The sole remedy of any party desiring the court to review an order concerning a stay of execution shall be by motion for review under Section 66-6. Execution of an order of the court terminating a stay of execution shall be stayed for ten days from the issuance of notice of the order, and if a motion for review is filed within that period, the order shall be stayed pending decision of the motion, unless the court having appellate jurisdiction rules otherwise.

A motion for extension of time to file a motion for review of a ruling concerning a stay of execution must be filed in the trial court but shall not automatically stay the execution after the ten days has expired, except that the trial judge may order a stay pending a ruling on the motion for extension of time.

A ruling concerning a stay is a judgment in a trial to the court for purposes of Section 64-1, and the trial court making such a ruling shall state its decision, either orally or in writing, in accordance with the requirements of that section.

In any case in which there is no automatic stay of execution and in which the trial court denies, or refuses to rule on, a motion for stay, an aggrieved party may request a stay of execution of the judgment from the court having appellate jurisdiction pending the filing of and ruling upon a motion for review. The request must be filed with the appellate clerk.

(P.B. 1978-1997, Sec. 4049. See also Sec. 66-2 and 66-3.) (Amended July 23, 1998, to take effect Jan. 1, 1999.)

**Sec. 61-15. Stay of Execution in Death Penalty Case**

If the defendant is sentenced to death, the sentence shall be stayed for the period within which to take an appeal. If the defendant has taken an appeal to the supreme or appellate court of this state or to the United States supreme court or brought a writ of error, writ of certiorari, writ of habeas corpus, application for a pardon or petition for a new trial, the taking of the appeal, the making of the application for a writ of certiorari or for a pardon, or the return into court of the writ of error, writ of habeas corpus, or petition for a new trial shall, unless, upon application by the state's attorney and after hearing, the supreme court otherwise orders, stay the execution of the death penalty until the clerk of the court where the trial was had has received notification of the termination of any such proceeding by decision or otherwise, and for thirty days thereafter. Upon application by the defendant, the supreme court may grant a stay of execution to prepare a writ of error, a writ of certiorari, writ of habeas corpus, application for a pardon or petition for a new trial. Upon application by the defendant and after hearing, the supreme court may extend a stay of execution beyond the time limits stated within this rule for good cause shown. No appellate procedure shall be deemed to have terminated until the end of the period allowed by law for the filing of a motion for reconsideration, or, if such motion is filed, until the proceedings consequent thereon are finally determined. When execution is stayed under the provisions of this section, the clerk of the court shall forthwith give notice thereof to the warden of the institution in which such defendant is in custody. If the original judgment of conviction has been affirmed or remains in full force at the time when the clerk has received the notification of the termination of any proceedings by appeal, writ of certiorari, writ of error, writ of habeas corpus, application for a pardon or petition for a new trial, and the day designated for the infliction of the death penalty has then passed or will pass within thirty days thereafter, the defendant shall, within said period of thirty days, upon an order of the court in which the judgment was rendered at a regular or special criminal session thereof, be presented before said court by the warden of the institution in which the defendant is in custody or his deputy, and the court, with the judge assigned to hold the session presiding, shall thereupon designate a day for the infliction of the death penalty and the clerk of the court shall issue a warrant of execution, reciting therein the original judgment, the fact of the stay of execution and the final order of the court, which warrant shall be forthwith served upon the warden or his deputy. (For stays of execution in other criminal cases, see Section 61-13.)

(Adopted July 21, 1999, to take effect Jan. 1, 2000.)

**Sec. 61-16. Notification of (1) Bankruptcy Filing, (2) Disposition of Bankruptcy Case and (3) Order of Bankruptcy Court Granting Relief from Automatic Stay**

(a) If a party to an appeal files a bankruptcy petition, that party shall immediately notify the



© Copyrighted by the Secretary of the State of the State of Connecticut

appellate clerk in writing. The notification shall set forth the date the bankruptcy petition was filed, the bankruptcy court in which the petition was filed, the name of the bankruptcy debtor and the docket number of the bankruptcy case.

(b) Upon resolution of the bankruptcy case, the party who filed for bankruptcy protection shall immediately notify the appellate clerk in writing that the case has been resolved in the bankruptcy court. If the bankruptcy court grants relief from the automatic bankruptcy stay, the party obtaining such relief shall immediately notify the appellate clerk in writing of the termination of the automatic stay.

(Adopted July 24, 2002, to take effect Oct. 1, 2002.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 62

## CHIEF JUDGE, APPELLATE CLERK AND DOCKET: GENERAL ADMINISTRATIVE MATTERS

Sec.
62-1. Chief Judge
62-2. Clerk
62-3. Entry of Cases
62-4. Case to Remain on Docket of Trial Court
62-5. Changes in Parties
62-6. Signature on Papers
62-7. Matters of Form; Filings; Certification to Counsel
62-8. Names of Counsel; Appearance
62-9. Withdrawal of Appearance
62-9A. Hybrid Representation; Removal or Substitution of Counsel in Criminal Appeals
62-10. Files to Be Available to Parties
62-11. Files and Records Not to Be Removed

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 62-1. Chief Judge

(a) The chief justice shall designate one of the judges of the appellate court as chief judge of the appellate court.

(b) With the approval of the chief justice, the chief judge shall (1) schedule such sessions as may be necessary, at such locations as the facilitation of court business requires, (2) designate as many panels as may be necessary, and assign three judges to each panel, and (3) designate a presiding judge for each panel on which the chief judge does not sit.

(P.B. 1978-1997, Sec. 4028.)

### Sec. 62-2. Clerk

The justices of the supreme court shall appoint an appellate clerk who shall be the chief clerk of the supreme court and of the appellate court, but who shall not be the chief clerk of any judicial district. As used in these rules, the clerk of any trial court from which an appeal is taken shall be referred to as the clerk of the trial court.

(P.B. 1978-1997, Sec. 4029.)

### Sec. 62-3. Entry of Cases

The appellate clerk, upon receipt of an appeal, reservation, or writ of error, shall enter the case upon the docket of the court to which the appeal was taken.

(P.B. 1978-1997, Sec. 4031.)

### Sec. 62-4. Case to Remain on Docket of Trial Court

A case that has been appealed shall remain on the docket of the court where it was tried until the appeal is decided or terminated.

(P.B. 1978-1997, Sec. 4032.)

### Sec. 62-5. Changes in Parties

Any change in the parties to an action pending an appeal shall be made in the court in which the appeal is pending. The appellate clerk shall notify the clerk of the trial court of any change.

(P.B. 1978-1997, Sec. 4033.)

### Sec. 62-6. Signature on Papers

All papers including original copies of briefs shall be signed by counsel of record. Each pleading or other document filed shall set forth the signer's telephone and facsimile numbers, mailing address, and, if applicable, the signer's juris number.

(P.B. 1978-1997, Sec. 4030.)

### Sec. 62-7. Matters of Form; Filings; Certification to Counsel

It is the responsibility of counsel of record to submit papers for filing in a timely manner and in the proper form.

The appellate clerk may refuse to accept for filing any papers presented in a form not in compliance with these rules; in refusing, the appellate clerk shall indicate how the papers have failed to comply. The clerk shall stamp any papers refused with the date on which they were received before returning them, and shall retain a copy thereof. Any papers correcting a noncomplying filing shall be deemed to be timely filed if resubmitted to the appellate clerk without delay. The time for responding to any such paper shall not start to run until the correcting paper is filed.

Except for the transcript of evidence or where otherwise indicated, an original and fifteen copies of all papers shall be filed with the appellate clerk. For copies of the initial appeal papers, see Sections 63-3 and 63-4; for copies of papers withdrawing an appeal or writ of error, see Section 63-9; for copies of motions and opposition papers, see Section 66-3 (motions in general), Section 66-1 (extension of time), Section 61-11 (termination of stay of execution), and Section 66-5 (rectification); for copies of briefs, see Section 67-2; for



© Copyrighted by the Secretary of the State of the State of Connecticut

copies of the record, see Section 68-7; for copies of petitions for certification and opposition papers, see Sections 84-4 and 84-6; for copies of certified questions from courts of other jurisdictions, see Section 82-4.

All papers except the transcript and regulations filed pursuant to Section 81-6 shall contain a certification that a copy has been served on each other counsel of record, including the names, addresses and telephone and facsimile numbers of all counsel served. The certification concerning briefs may be signed by counsel of record or the printer on the last page of one of the briefs or on a separate typewritten document filed with the briefs. All service and filing by mail shall be by first class or express United States mail, postage prepaid, or by hand delivery.

If a document must be filed by a certain date under these rules or under any statutory provision, the document must be received by the appellate clerk by the close of business on that date; it is not sufficient that a document be mailed by that date to the appellate clerk unless a rule or statutory provision expressly so computes the time.

The signed original of documents filed pursuant to sections 66-3, 67-2, 81-2, 81-3, 84-5 and 84-6 shall bear an attached certificate indicating that the document is in compliance with all of the requirements of the rule under which it is being filed.

(P.B. 1978-1997, Sec. 4014.) (Amended July 23, 1998, to take effect Jan. 1, 1999; amended July 24, 2002, to take effect Oct. 1, 2002; amended May 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 62-8. Names of Counsel; Appearance

Counsel for all parties in the trial court shall be deemed to have appeared in the appeal unless permission to withdraw has been granted pursuant to Section 62-9 or unless an in lieu of appearance pursuant to Section 3-8 has been filed by other counsel. Counsel who filed the appeal or filed an appearance in the appellate court after the appeal was filed shall be deemed to have appeared in the trial court for the limited purpose of prosecuting or defending the appeal. Unless otherwise provided by statute or rule, counsel who have so appeared shall be entitled to review all trial court docket sheets and files, including sealed files, and shall be entitled to participate in proceedings in the trial court on motions filed in the trial court pursuant to Section 66-1 and motions filed in the appellate court but referred to the trial court for decision. Where counsel did not file the appeal but have appeared in the appellate court, a copy of an appearance form stamped by the appellate clerk's office shall be satisfactory evidence of an appearance in an appeal. This rule shall not be deemed to permit appellate counsel to review records that were sealed as to trial counsel but retained in the trial court file for appellate review.

This rule shall not be deemed to excuse trial counsel with respect to preserving a defendant's right to appeal pursuant to Section 63-7; nor shall this rule prevent trial counsel from moving for a withdrawal of appearance pursuant to Section 62-9.

The appearance of counsel pro hac vice pursuant to Section 2-16 shall be allowed only by permission of the court having jurisdiction over the appeal.

(P.B. 1978-1997, Sec. 4034.) (Amended Sept. 8, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, the second sentence of the first paragraph was deleted, and the current second through fifth sentences of that paragraph were added. The former second sentence read: ''Counsel who files the appeal shall be deemed to have appeared in addition to counsel of record who appeared in the trial court.''

COMMENTARY—2005: This change makes it clear that attorneys who appear on appeal have the same right to review files and participate in appropriate proceedings as do trial counsel.

### Sec. 62-9. Withdrawal of Appearance

(a) An attorney or party whose appearance has been filed shall be deemed to have withdrawn such appearance upon failure to file a written objection within ten days after written notice has been given or mailed to such attorney or party that a new appearance has been filed in lieu of the appearance of such attorney or party in accordance with Section 62-8.

(b) An attorney may, by motion, withdraw his or her appearance for a party after an additional appearance representing the same party has been entered on the docket. A motion to withdraw pursuant to this subsection shall state that an additional appearance has been entered on appeal. The appellate clerk may as of course grant the motion if the additional appearance has been entered.

(c) Except as provided in subsections (a) and (b), no attorney whose appearance has been entered on the docket shall withdraw his or her appearance without leave of the court. A motion for leave to withdraw shall be filed with the appellate clerk in accordance with Sections 66-2 and 66-3. The motion shall include the current address of the party as to whom the attorney seeks to withdraw. No motion for leave to withdraw shall be granted until the court is satisfied that reasonable notice has been given to the party being represented and to other counsel of record. Reasonable notice to the party or parties may be satisfied



© Copyrighted by the Secretary of the State of the State of Connecticut

by filing along with the motion, a certified or registered mail return receipt signed by the individual party or parties represented by the attorney.

(d) A motion for leave to withdraw appearance of appointed appellate counsel pursuant to Section 43-34 shall be filed with the appellate clerk. The form of the motion shall comply with Sections 66-2 and 66-3, except that only an original and one copy shall be filed. The brief accompanying the motion, as required under Section 43-35, shall comply with Section 43-35 in form and substance. The original of the brief and the transcript of the pertinent proceedings shall be filed with the appellate clerk with the motion to withdraw. The motion, brief and transcript shall be referred to the trial court for decision. That decision may be reviewed pursuant to Section 66-6.

(P.B. 1978-1997, Sec. 4035.)

### Sec. 62-9A. Hybrid Representation; Removal or Substitution of Counsel in Criminal Appeals

On appeal, a defendant has no right to self-representation while represented by counsel. If an indigent defendant wishes to replace appointed counsel or remove appointed counsel and appear pro se, in lieu of such counsel, the defendant shall file a motion with the appellate clerk making such request and setting forth the reasons therefor. An original and three copies of the motion shall be filed. A copy of such motion shall be served, in accordance with Section 62-7, upon the attorney sought to be removed or replaced and upon the state.

The appellate clerk shall forward the motion to the trial judge, who shall conduct a hearing and enter appropriate orders consistent with the relevant provisions of chapter 44 of these rules. The decision on the motion shall be filed with the appellate clerk.

(Adopted Sept. 8, 2004, to take effect Jan. 1, 2005.)

### Sec. 62-10. Files to Be Available to Parties

Subject to the provisions of Section 62-11, the clerk of the trial court and the appellate clerk or the appellate messenger having custody of the files, evidence and exhibits in any case shall make them available for the use of any party or counsel to that party, whether or not the file is sealed. This provision applies to counsel who have appeared in either the trial court or the appellate court. This rule shall not be deemed to permit appellate counsel to review records that were sealed as to trial counsel but retained in the trial court file for appellate review.

(P.B. 1978-1997, Sec. 4036.) (Amended Sept. 8, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, at the end of the first sentence, ''whether or not the file is sealed'' was added, and the second and third sentences were added.

COMMENTARY—2005: The rule was amended to clarify that all files, sealed or not, are available to any party to the case or counsel for that party and that this rule applies to both attorneys who have appeared in the trial court and those who have appeared in the appellate court.

### Sec. 62-11. Files and Records Not to Be Removed

No files, records or exhibits in the custody of officers of the court shall be removed from the court except by the appellate clerk, the reporter of judicial decisions or by order or permission of an appellate jurist.

(P.B. 1978-1997, Sec. 4037.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 63

## FILING THE APPEAL; WITHDRAWALS

Sec.
63-1. Time to Appeal
63-2. Expiration of Time Limitations; Counting Days
63-3. Filing Appeal in General; Number of Copies
63-4. Additional Papers to Be Filed by Appellant and Appellee when Filing Appeal
63-5. Fees
63-6. Waiver of Fees, Costs and Security—Civil Cases
63-7. Waiver of Fees, Costs and Security—Criminal Cases
63-8. Ordering and Filing Transcript
63-8A. Electronic Copies of Transcripts
63-9. Filing Withdrawals of Appeals or Writs of Error
63-10. Preargument Conferences

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 63-1. Time to Appeal

(a) **General provisions**

Unless a different time period is provided by statute, an appeal must be filed within twenty days of the date notice of the judgment or decision is given. The appeal period may be extended if permitted by Section 66-1 (a). If circumstances give rise to a new appeal period as provided in subsection (c) of this rule, such new period may be similarly extended as long as no extension of the original appeal period was obtained.

If a motion is filed within the appeal period that might give rise to a new appeal period as provided in subsection (c) of this rule, the appeal may be filed either in the original appeal period, which continues to run, or in the new appeal period.

As used in this rule, ''appeal period'' includes any extension of such period obtained pursuant to Section 66-1 (a).

(b) **When appeal period begins**

If notice of the judgment or decision is given in open court, the appeal period shall begin on that day. If notice is given only by mail, the appeal period shall begin on the day that notice was mailed to counsel and pro se parties of record by the trial court clerk. The failure to give notice of judgment to a nonappearing party shall not affect the running of the appeal period.

In criminal cases where the appeal is from a judgment of conviction, the appeal period shall begin when sentence is pronounced in open court.

In civil jury cases, the appeal period shall begin when the verdict is accepted.

(c) **New appeal period**

(1) **How new appeal period is created**

If a motion is filed within the appeal period that, if granted, would render the judgment, decision or acceptance of the verdict ineffective, either a new twenty-day period or applicable statutory time period for filing the appeal shall begin on the day that notice of the ruling is given on the last such outstanding motion, except as provided for additur or remittitur in the next paragraph.

If a motion for additur or remittitur is filed within the appeal period and granted, a new twenty-day appeal period shall begin upon the earlier of (A) acceptance of the additur or remittitur or (B) expiration of the time set for the acceptance. If the motion is denied, the new appeal period shall begin on the day that notice of the ruling is given.

Motions that, if granted, would render a judgment, decision or acceptance of the verdict ineffective include, but are not limited to, motions that seek: the opening or setting aside of the judgment; a new trial; the setting aside of the verdict; judgment notwithstanding the verdict; reargument of the judgment or decision; collateral source reduction; additur; remittitur; or any alteration of the terms of the judgment.

Motions that do not give rise to a new appeal period include those that seek: clarification or articulation, as opposed to alteration, of the terms of the judgment or decision; a written or transcribed statement of the trial court's decision; or reargument of a motion listed in the previous paragraph.

If, within the appeal period, any motion is filed, pursuant to Section 63-6 or 63-7, seeking waiver of fees, costs and security or appointment of counsel, a new twenty-day appeal period shall begin on the day that notice of the ruling is given on the last such outstanding motion. If a party files, pursuant to Section 66-6, a motion for review of any such motion, the new appeal period shall begin on the day that notice of the ruling is given on the motion for review.

(2) **Who may appeal during new appeal period**

If a new appeal period arises due to the filing of a motion that, if granted, would render a judgment, decision or acceptance of the verdict ineffective, any party may take an appeal during the new



© Copyrighted by the Secretary of the State of the State of Connecticut

appeal period regardless of who filed or prevailed upon such motion. If, however, a new appeal period arises due to the filing of a motion for waiver of fees, costs and security or a motion for appointment of counsel, only the party who filed such motion may take an appeal during the new appeal period.

(3) **What may be appealed during new appeal period**

The new appeal period may be used for appealing the original judgment or decision and/or for appealing any order that gave rise to the new appeal period. Such period may also be used for amending an existing appeal pursuant to Section 61-9 to challenge the ruling that gave rise to the new appeal period. Rulings on motions for waiver of fees, costs and security or motions for appointment of counsel may not be appealed during the new appeal period, but may be challenged by motion for review in accordance with Section 66-6.

(d) **When motion to stay briefing obligations may be filed**

If, after an appeal has been taken but before the appeal period has expired, any motion is filed that, if granted, would render the judgment, decision or acceptance of the verdict ineffective, any party may move to stay the briefing obligations of the parties in accordance with Section 67-12.

(e) **Simultaneous filing of motions**

Any party filing more than one motion that, if granted, would render the judgment, decision or acceptance of the verdict ineffective, shall file such motions simultaneously insofar as simultaneous filing is possible.

(P.B. 1978-1997, Sec. 4009.) (Amended July 21, 1999, to take effect Jan. 1, 2000; amended Sept. 22, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, in the first sentence of subdivision (1) of subsection (c), ''either'' was inserted before ''a new twenty-day period,'' and ''or applicable statutory time period'' was inserted thereafter.

## Sec. 63-2. Expiration of Time Limitations; Counting Days

In determining the last day for filing any papers, the last day shall, and the first day shall not, be counted. Time shall be counted by calendar, not working, days.

When the last day of any limitation of time for filing any paper under these rules or an order of the court falls on a day when the office of the trial court or of the appellate clerk is not required to be open, the paper may be filed on the next day when such office is required so to be open.

(P.B. 1978-1997, Sec. 4010.)

## Sec. 63-3. Filing Appeal in General; Number of Copies

The original appeal form shall be filed with the clerk of the trial court accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with the provisions of Section 62-7.

At the time the appeal is filed, the appellant shall, as set forth in Section 63-5, pay to the clerk of the trial court all required fees.

The clerk of the trial court shall endorse on the original appeal form the date and time of filing and the receipt, or waiver, of fees. In addition, in non-criminal matters, the trial court clerk shall, without cost, provide the appellant with a copy of the docket sheet (DS1) listing the counsel for all parties. The trial court clerk shall photocopy the endorsed appeal form and return a copy of it to the appellant, who shall file it forthwith, together with the docket sheet and the papers required by Section 63-4, with the appellate clerk. The clerk of the trial court shall also send a copy of the endorsed appeal form to the trial judge and, in criminal matters, to the office of the chief state's attorney, appellate bureau.

The appellate clerk, upon receipt of the copy of the endorsed appeal form from the appellant, shall docket the appeal, affix to the copy received the docket number assigned to the appeal and send one copy to the trial judge and one copy to each party to the appeal and, in criminal matters, to the office of the chief state's attorney, appellate bureau.

(P.B. 1978-1997, Sec. 4012.)

## Sec. 63-4. Additional Papers to Be Filed by Appellant and Appellee when Filing Appeal

(a) At the time the appellant sends a copy of the endorsed appeal form and the docket sheet to the appellate clerk, the appellant shall also send the appellate clerk an original and one copy of the following:

(1) A preliminary statement of the issues intended for presentation on appeal. If any appellee wishes to (A) present for review alternate grounds upon which the judgment may be affirmed, (B) present for review adverse rulings or decisions of the court which should be considered on appeal in the event the appellant is awarded a new trial, or (C) claim that a new trial rather than a directed judgment should be ordered if the appellant is successful on the appeal, that appellee shall file a preliminary statement of issues within twenty days from the filing of the appellant's preliminary statement of the issues.

Whenever the failure to identify an issue in a preliminary statement of issues prejudices an



© Copyrighted by the Secretary of the State of the State of Connecticut

opposing party, the court may refuse to consider such issue.

(2) A preliminary designation of the specific pleadings in the trial court case file which the appellant deems necessary to include in the record including their dates of filing in the trial court, and, if applicable, their number as listed on the docket sheet. If any other party objects to the inclusion of any pleadings in the trial court case file designated by the appellant or deems it necessary to include other pleadings in the record, that party may, within twenty days from the filing of the appellant's designation of the record, file an objection to the designation of the appellant, or file a designation of those other pleadings deemed necessary. No portion of the transcript of evidence shall be designated for inclusion in the record. Any objection or proposed supplemental designation shall be reviewed by the appellate clerk pursuant to Section 68-3. The appellant shall file a revised designation of the specific pleadings at the time the brief of the appellant is filed.

(3) A certificate stating that no transcript is deemed necessary, or a copy of the transcript order acknowledgement form (JD-ES-38) with section I thereof completed, filed with the official reporter pursuant to Section 63-8. If any other party deems any other parts of the transcript necessary that party shall, within twenty days from the filing of the appellant's transcript papers, file a copy of the order form (JD-ES-38) which that party has placed in compliance with Section 63-8.

If the appellant is to rely on transcript delivered prior to the taking of the appeal, an order form (JD-ES-38) shall be filed stating that an electronic version of a previously delivered transcript has been ordered. The detailed statement of the transcript to be relied on required by Section 63-8 also must be filed. If any other party deems any other parts of the transcript necessary, and those parts have not been delivered at the time of the taking of the appeal, that party shall have twenty days to order those additional parts. If any other party is to rely on transcript delivered prior to the taking of the appeal, an order form (JD-ES-38) shall be filed within twenty days stating that an electronic version of a previously delivered transcript has been ordered.

(4) A docketing statement containing the following information to the extent known or reasonably ascertainable by the appellant: (A) the names and addresses of all parties to the appeal and their trial and appellate counsel and the names and addresses of all persons having a legal interest in the cause on appeal sufficient to raise a substantial question whether a judge should be disqualified from participating in the decision on the case by virtue of that judge's personal or financial interest in any such persons; (B) the case names and docket numbers of all pending appeals to the supreme court or appellate court which arise from substantially the same controversy as the cause on appeal, or involve issues closely related to those presented by the appeal; (C) whether there were exhibits in the trial court; and (D) in criminal cases, whether or not the defendant is incarcerated as a result of the proceedings in which the appeal is being taken. If additional information is or becomes known to, or is reasonably ascertainable by the appellee, the appellee shall file a docketing statement supplementing the information required to be provided by the appellant.

(5) In all noncriminal matters, a preargument conference statement.

(6) Except for (A) habeas corpus matters based on criminal convictions, (B) pre- and postjudgment orders in matters claiming dissolution of marriage, legal separation or annulment, (C) prejudgment remedies under chapter 903a of the General Statutes and (D) actions of foreclosure of title to real property, in all noncriminal cases a draft judgment file prepared in the form prescribed by Section 6-2 et seq. If any appellee disagrees in any respect with the draft judgment file, that appellee shall file either a statement specifying the disagreement or a separate draft judgment file within twenty days of the filing of the appellant's draft. The appellate clerk shall transmit the appellant's draft judgment file and any disagreeing statements or other drafts to the trial court clerk. The trial court clerk shall, within twenty days of receipt of such documents and, if necessary, after consultation with the judge who tried the case, file the original judgment file, sending copies, in the manner prescribed by Section 68-1, to the appellate clerk. The appellate clerk shall send copies to all counsel of record on the appeal. Any objections to the form of the judgment file may thereafter be raised only by a motion for rectification under Section 66-5.

If the trial court clerk fails to file the original judgment file within twenty days as required, the appellant may file with the appellate clerk a notice that the judgment file has not been so filed. The appellate clerk shall notify the trial court clerk and the trial judge of the pending appeal and the fact that the disagreement over the judgment file has not been resolved, after which the trial court clerk shall promptly file the judgment file as prescribed above.

(7) Except for habeas corpus matters based on criminal convictions, in all noncriminal cases where the constitutionality of a state statute has been challenged, a notice identifying the statute, the name and address of the party challenging



© Copyrighted by the Secretary of the State of the State of Connecticut

it, and whether the statute's constitutionality was upheld by the trial court. The appellate clerk shall send a copy of such notice to the Attorney General.

(8) In matters in which documents are under seal, conditionally or otherwise, or limited as to disclosure, a copy of the time, date, scope and duration of sealing order form (JD-CL-76) shall be attached to the appeal form. (See Section 77-2.)

(b) Except as otherwise provided, a party may as of right file amendments to the preliminary statement of issues or the designation of the pleadings in the trial court case file at any time until that party's brief is filed. Amendments to the docketing statement may be filed at any time. Amendments to the transcript statement may be made only with leave of the court. If leave to file such an amendment is granted, the adverse party shall have the right to move for permission to file a supplemental brief and for an extension of time. Amendments to the preargument conference statement shall not be presented in writing but may be presented orally at the preargument conference, if one is held.

(c) Failure to comply with this rule shall be deemed as sufficient reason to schedule a case for sanctions under Section 85-3 or for dismissal under Section 85-1.

(P.B. 1978-1997, Sec. 4013.) (Amended April 3, 2002, to take effect Nov.1, 2002; amended Oct. 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 63-5. Fees

At the time of filing the appeal, the appellant, or one of the appellants, shall, unless the appeal is taken by the state, or the costs have been waived pursuant to Section 63-6 or 63-7, pay to the clerk of the trial court the fees provided by statute. Security for costs is not required to take an appeal, but security may at any time, on motion and notice to the appellant, be ordered by the court. Such security shall be filed with the trial court.

(P.B. 1978-1997, Sec. 4015.)

### Sec. 63-6. Waiver of Fees, Costs and Security—Civil Cases

If a party in any case where fees and costs may lawfully be waived is indigent and desires to appeal, that party may, within the time provided by the rules for taking an appeal, make written application, to the court to which the fees required by statute or rule are to be paid, for relief from payment of fees, costs and expenses. The application must be under oath and recite, or it must be accompanied by an affidavit reciting, the grounds upon which the applicant proposes to appeal and the facts concerning the applicant's financial status.

The judicial authority shall assign the request for waiver of fees, costs and expenses for a hearing within twenty days of its filing and shall act promptly on the application following the hearing. Where a request arises out of a habeas corpus proceeding, the request shall be handled pursuant to Section 63-7.

If the court is satisfied that the applicant is indigent and entitled to an appeal because of a statutory or constitutional right to court appointed counsel or allowing an indigent party to appeal without payment of fees, costs and expenses, the court may (1) waive payment by the applicant of fees specified by statute and of taxable costs, and waive the requirement of Section 63-5 concerning the furnishing of security for costs upon appeal, and (2) order that the necessary expenses of prosecuting the appeal be paid by the state. Before incurring any expense in excess of $100, including the expense of obtaining a transcript of the necessary proceedings or testimony, counsel for the applicant shall obtain the permission of the judge who presided at the applicant's trial. The judge shall authorize a transcript at state expense only of the portions of testimony or proceedings which may be pertinent to the issues on appeal.

The sole remedy of any party desiring the court to review an order concerning the waiver of fees, costs and security shall be by motion for review under Section 66-6.

(P.B. 1978-1997, Sec. 4017.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 63-7. Waiver of Fees, Costs and Security—Criminal Cases

Any defendant in a criminal case who is indigent and desires to appeal, and has not previously been determined to be indigent, may, within the time provided by the rules for taking an appeal, make written application to the court to which the fees required by statute or rule are to be paid, for relief from payment of fees, costs and expenses. The application must be under oath and recite, or it must be accompanied by an affidavit reciting, the grounds upon which the applicant proposes to appeal and the facts concerning the applicant's financial status.

The application must be sent to the public defender's office for investigation. The judicial authority shall assign the request for waiver of fees, costs and expenses for hearing within twenty days after filing, and the trial counsel, the trial public defender's office to which the application had been sent for investigation and the chief of legal services of the public defender's office shall be notified in writing by the clerk's office of the date of such hearing.



© Copyrighted by the Secretary of the State of the State of Connecticut

The judicial authority shall act promptly on the application following the hearing. Upon determination by the judicial authority that a defendant in a criminal case is indigent, the court to which the fees required by statute or rule are to be paid may (1) waive payment by the defendant of fees specified by statute and of taxable costs, and waive the requirement of Section 63-5 concerning the furnishing of security for costs upon appeal, (2) order that the necessary expenses of prosecuting the appeal be paid by the state, and (3) appoint appellate counsel and permit the withdrawal of the trial attorney's appearance provided the judicial authority is satisfied that that attorney has cooperated fully with appellate counsel in the preparation of the defendant's appeal as set forth in Section 43-33.

When the judicial authority has appointed an attorney in private practice to represent the defendant upon appeal, the attorney shall obtain the approval of the judicial authority who presided at the trial before incurring any expense in excess of $100, including the expense of obtaining a transcript of the necessary proceedings or testimony. The judicial authority shall authorize a transcript at state expense only of the portions of proceedings or testimony which may be pertinent to the issues on appeal.

The sole remedy of any defendant desiring the court to review an order concerning the waiver of fees, costs and security or the appointment of counsel shall be by motion for review under Section 66-6.

(P.B. 1978-1997, Sec. 4018.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 63-8. Ordering and Filing Transcript

(a) On or before the date of filing the appeal, the appellant shall, subject to Section 63-6 or 63-7 if applicable, order, using Form JD-ES-38, from the official reporter a transcript and an electronic version of a transcript of the parts of the proceedings not already on file which the appellant deems necessary for the proper presentation of the appeal. Such order shall specify the case name, docket number, judge's name(s), and hearing date(s), and include a detailed statement describing the parts of the proceedings of which a transcript has been ordered, for example, ''the voir dire on Monday, May 25, 1995,'' or ''the entire sentencing proceeding before Smith, J., on June 4, 1995.'' If any other party deems other parts of the transcript necessary, that party shall, within twenty days from the filing of the appeal, similarly order those parts, and an electronic version of those parts, in writing from the official reporter.

(b) A party must make satisfactory arrangements for payment of the costs of the transcript, pursuant to guidelines established by the chief court administrator. After those arrangements have been made, the official reporter shall send the party who ordered the transcript a written acknowledgment of the order, including an estimate of the date of delivery of, and the number of pages in, the transcript. The ordering party shall file it forthwith with the appellate clerk with certification pursuant to Section 62-7 to all counsel of record. The official reporter shall also immediately send copies of the acknowledgment to the chief court administrator and the appellate clerk. If the final portion of the transcript cannot be delivered on or before the estimated delivery date on the acknowledgment, the official reporter will, not later than the next business day, issue to the ordering party an amended transcript order acknowledgment form (JD-ES-38A) with a revised estimated delivery date and shall also immediately send copies of the amended acknowledgment form to the chief court administrator and the appellate clerk. The ordering party shall file the amended acknowledgment form forthwith with the appellate clerk with certification pursuant to Section 62-7 to all counsel of record.

(c) The official reporter shall cause each court reporter involved in the production of the transcript to prepare a certificate of delivery stating the number of pages in the transcript and the date of its delivery to the party who ordered it, and a certificate stating that an electronic version of the transcript has been produced and delivered in accordance with section 63-8A. If delivery is by mail, the transcript, including the electronic version of the transcript, shall be mailed first class certified, return receipt requested. The date of mailing is the date of delivery. If delivery is manual, the court reporter shall obtain a receipt acknowledging delivery. The date of the receipt is the date of delivery. Each court reporter shall forward the certificates of delivery to the official reporter with a copy to the chief court administrator. Upon receipt of all the certificates of delivery, the official reporter shall forward to the appellate clerk, with copies to the chief court administrator and the party who ordered the transcript, including an electronic transcript, a certificate of completion stating the total number of pages in the entire transcript and the date of final delivery of the transcript.

(d) Upon receipt of the certificate of completion from the official reporter, counsel who ordered the transcript shall file a certification that a paper copy of the certificate of completion has been sent to



© Copyrighted by the Secretary of the State of the State of Connecticut

all counsel of record in accordance with Section 62-7.

(e) (1) The appellant is required, either before or simultaneously with the filing of the appellant's brief, to file with the appellate clerk one unmarked, nonreturnable copy of the transcript, including a copy of the court reporter's certification page, ordered pursuant to subsection (a).

(2) All other parties are likewise required, either before or simultaneously with the filing of their briefs, to file those additional portions ordered pursuant to subsection (a) but shall not include the portions already filed by the appellant.

(3) The party filing the transcript shall provide the appellate clerk and all opposing counsel with a list of the number, and inclusive dates, of the volumes being filed. Form JD-CL-62, or one similar to it, should be used to satisfy this subsection.

(P.B. 1978-1997, Sec. 4019.) (Amended April 3, 2002, to take effect Nov. 1, 2002.)

### Sec. 63-8A. Electronic Copies of Transcripts

(a) Any party ordering a transcript of evidence as part of an appeal, a writ of error, or a motion for review shall, at the same time, order from the court reporter an electronic version of the transcript. If the party already has the transcript to be submitted to the court, the party shall order an electronic version of the transcript within the period specified by these rules for the ordering of a transcript.

(b) Whenever an electronic transcript is ordered in accordance with this section, the court reporter shall produce, on disks provided by the official court reporter, an electronic version of the transcript in Rich Text File (rtf) format.

(c) The court reporter shall file a disk containing the electronic version of the transcript with the appropriate court and with the ordering party, together with a certification that the electronic version of the transcript is accurate and a certificate of delivery.

(d) The electronic version of the transcript shall be filed with the court and delivered to the ordering party at the same time as the paper copy is delivered to the ordering party, provided that if only an electronic version of the transcript is ordered, the electronic version shall be filed and delivered within ten days of its order unless a different time period is specified by the court.

(Adopted Sept. 12, 2002, to take effect Nov. 1, 2002.)

### Sec. 63-9. Filing Withdrawals of Appeals or Writs of Error

A withdrawal of an appeal or writ of error shall be filed with the appellate clerk, who shall send a copy to the trial judge and the clerk of the trial court.

Prior to oral argument, an appeal or writ of error may be withdrawn as of right; thereafter it may be withdrawn only on motion to the court in which the appeal is pending.

Unless an appeal or writ of error is withdrawn on the consent of the appellee without costs, costs shall be taxed as if the trial court judgment had been affirmed.

(P.B. 1978-1997, Sec. 4038.)

### Sec. 63-10. Preargument Conferences

The chief justice or the chief judge or a designee may, in cases deemed appropriate, direct the appellate clerk to schedule conferences of the parties in advance of oral argument. The chief justice may designate a judge trial referee or senior judge to preside at a conference. The scheduling of or attendance at a preargument conference shall not affect the duty of the parties to adhere to the times set for the filing of briefs. Failure of counsel to attend a preargument conference may result in the imposition of sanctions under Section 85-2. Unless other arrangements have been approved in advance by the conference judge, parties shall be present at the conference site and available for consultation. When a party against whom a claim is made is insured, an insurance adjuster for such insurance company shall be available by telephone at the time of such preargument conference unless the conference judge, in his or her discretion, requires the attendance of the adjuster at the conference. The conference proceedings shall not be brought to the attention of the court by the presiding officer or any of the parties unless the conference results in a final disposition of the appeal.

The following matters may be considered:

(1) Possibility of settlement;

(2) Simplification of issues;

(3) Amendments to the preliminary statement of issues;

(4) Transfer to the supreme court;

(5) Timetable for the filing of briefs;

(6) En banc review; and

(7) Such other matters as the conference judge shall consider appropriate.

All matters scheduled for a preargument conference before a judge trial referee are referred to that official by the chief court administrator pursuant to General Statutes § 52-434a, which vests judge trial referees with the same powers and jurisdiction as superior court judges and senior judges, including the power to implement settlements by opening and modifying judgments.

(P.B. 1978-1997, Sec. 4103.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 64

## PROCEDURE CONCERNING MEMORANDUM OF DECISION

Sec.
64-1. Statement of Decision by Trial Court; When Required; How Stated; Contents
Sec.
64-2. Exceptions to Section 64-1

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 64-1. Statement of Decision by Trial Court; When Required; How Stated; Contents

(Amended July 23, 1998, to take effect Jan. 1, 1999.)

(a) The court shall state its decision either orally or in writing, in all of the following: (1) in rendering judgments in trials to the court in civil and criminal matters, including rulings regarding motions for stay of executions, (2) in ruling on aggravating and mitigating factors in capital penalty hearings conducted to the court, (3) in ruling on motions to dismiss under Section 41-8, (4) in ruling on motions to suppress under Section 41-12, (5) in granting a motion to set aside a verdict under Section 16-35, and (6) in making any other rulings that constitute a final judgment for purposes of appeal under Section 61-1, including those that do not terminate the proceedings. The court's decision shall encompass its conclusion as to each claim of law raised by the parties and the factual basis therefor. If oral, the decision shall be recorded by a court reporter and, if there is an appeal, the trial court shall create a memorandum of decision for use in the appeal by ordering a transcript of the portion of the proceedings in which it stated its oral decision. The transcript of the decision shall be signed by the trial judge and filed in the trial court clerk's office.

This section does not apply in small claims actions and to matters listed in Section 64-2.

(b) If the trial judge fails to file a memorandum of decision or sign a transcript of the oral decision in any case covered by subsection (a), the appellant may file with the appellate clerk a notice that the decision has not been filed in compliance with subsection (a). The notice shall specify the trial judge involved and the date of the ruling for which no memorandum of decision was filed. The appellate clerk shall promptly notify the trial judge of the filing of the appeal and the notice. The trial court shall thereafter comply with subsection (a).

(P.B. 1978-1997, Sec. 4059.) (Amended July 23, 1998, to take effect Jan. 1, 1999.)

### Sec. 64-2. Exceptions to Section 64-1

(a) In any uncontested matter where no aspect of the matter is in dispute, in any pendente lite family relations matter whether contested or uncontested, or in any dismissal under Section 14-3, the oral or written decision as provided in Section 64-1 is not required. The trial clerk shall, however, promptly notify the trial judge of the filing of the appeal.

(b) Within twenty days from the filing of an appeal from a contested pendente lite order or from a dismissal under Section 14-3 in which an oral or written decision has not been made pursuant to subsection (a), each party to the appeal shall file a brief with the trial court discussing the legal and factual issues in the matter. Within twenty days after the briefs have been filed by the parties, the court shall file a written memorandum of decision stating the factual basis for its decision on the issues in the matter and its conclusion as to each claim of law raised by the parties.

(P.B. 1978-1997, Sec. 4060.)

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 65

## TRANSFER OF CASES

Sec.
65-1. Transfer of Cases by Supreme Court
65-2. Motion for Transfer from Appellate Court to Supreme Court
65-3. Transfer of Petitions for Review of Bail Orders from Appellate Court to Supreme Court
65-4. Transfer of Matters Brought to Wrong Court

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 65-1. Transfer of Cases by Supreme Court

When, pursuant to General Statutes § 51-199(c), the supreme court (1) transfers to itself a cause in the appellate court, or (2) transfers a cause or a class of causes from itself to the appellate court, the appellate clerk shall notify all parties and the clerk of the trial court that the appeal has been transferred. A case so transferred shall be entered upon the docket of the court to which it has been transferred. There shall be no fee on such transfer. The appellate clerk may require the parties to take such steps as may be necessary to make the appeal conform to the rules of the court to which it has been transferred, for example, supply the court with additional copies of the record and the briefs.

(P.B. 1978-1997, Sec. 4023.)

### Sec. 65-2. Motion for Transfer from Appellate Court to Supreme Court

After the filing of an appeal in the appellate court, but in no event after the case has been assigned for hearing, any party may move for transfer to the supreme court. The motion, addressed to the supreme court, shall specify, in accordance with provisions of Section 66-2, the reasons why the party believes that the supreme court should hear the appeal directly. A copy of the memorandum of decision of the trial court, if any, shall be attached to the motion. The filing of a motion for transfer shall not stay proceedings in the appellate court.

If, at any time before the final determination of an appeal, the appellate court is of the opinion that the appeal is appropriate for supreme court review, the appellate court may file a brief statement of the reasons why transfer is appropriate. The supreme court shall treat the statement as a motion to transfer and shall promptly decide whether to transfer the case to itself.

(P.B. 1978-1997, Sec. 4024; 4135.)

### Sec. 65-3. Transfer of Petitions for Review of Bail Orders from Appellate Court to Supreme Court

Whenever a petition for review of an order of the superior court concerning release is filed in the appellate court pursuant to General Statutes § 54-63g in any case on appeal to the supreme court or where the defendant could appeal to the supreme court if convicted, such petition shall be transferred to the supreme court pursuant to the exercise of the supreme court's transfer jurisdiction under General Statutes § 51-199(c) for review of such order.

(P.B. 1978-1997, Sec. 4025.)

### Sec. 65-4. Transfer of Matters Brought to Wrong Court

Any appeal or cause brought to the supreme court or the appellate court which is not properly within the jurisdiction of the court to which it is brought shall not be dismissed for the reason that it was brought to the wrong court but shall be transferred by the appellate clerk to the court with jurisdiction and entered on its docket. Any timely filed appeal or cause transferred shall be considered timely filed in the appropriate court. The appellate clerk shall notify all parties and the clerk of the trial court that the appeal or cause has been transferred. In the event that an appeal or cause is so transferred, no additional fees or security for costs will be due.

(P.B. 1978-1997, Sec. 4027.)

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 66

## MOTIONS AND OTHER PROCEDURES


| Sec. | |
|---|---|
| 66-1. | Extension of Time |
| 66-2. | Motions, Petitions and Applications; Supporting Memoranda |
| 66-3. | Motion Procedures and Filing |
| 66-4. | Hearings on Motions |
| 66-5. | Motion for Rectification; Motion for Articulation |
| 66-6. | Motion for Review; In General |
| 66-7. | Motion for Review of Motion for Rectification of Appeal or Articulation |
| 66-8. | Motion to Dismiss |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 66-1. Extension of Time

(a) Except as otherwise provided in these rules, the judge who tried the case may, for good cause shown, extend the time limit provided for filing the appeal, except that such extension shall be of no effect if the time within which the appeal must be taken is set by statute and is a time limit that the legislature intended as a limit on the subject matter jurisdiction of the court to which the appeal is taken. In no event shall the trial judge extend the time for filing the appeal to a date which is more than twenty days from the expiration date of the appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, the party seeking to appeal shall have no less than ten days from issuance of notice of denial of the motion to file the appeal.

For extensions of time to file a cross appeal, see Section 61-8; to file a petition for certification to the supreme court, see Section 84-7; to file a petition for certification to the appellate court, see Section 81-5.

(b) If an appeal has been filed, the time provided for taking any step necessary to prosecute or defend the appeal may be extended by the court in which the appeal is pending.

(c) (1) Extensions shall be granted only upon a written motion filed with the clerk of the trial court, in the case of a preappeal motion, and with the appellate clerk, in the case of a postappeal motion. The motion, only an original of which need be filed, should set forth the reason for the requested extension, and shall be accompanied by a certification that complies with Section 62-7, but also indicates that a copy of the motion has been mailed to each of the movant's clients. The moving party shall also include a statement as to whether the other parties consent or object to the motion. A motion for extension of time to file a brief must specify the current status of the brief or preparations therefor, indicate the estimated date of completion, and, in criminal cases, state whether the defendant is incarcerated as a result of the proceeding in which the appeal has been taken.

(2) The appellate clerk is authorized to grant or deny motions for extension of time promptly upon their filing. Motions for extension of time to complete any step necessary to prosecute or defend the appeal, to move for or oppose a motion for reconsideration, or to petition for or oppose a petition for certification will not be granted except for good cause. Claims of good cause shall be raised promptly after the cause arises.

(3) An opposing party who objects to a motion for extension of time filed pursuant to (b) above shall file an objection with reasons in support thereof with the appellate clerk within five days from the filing of the motion.

(4) A motion for extension of time shall be filed at least ten days before the expiration of the time limit sought to be extended or, if the cause for such extension arises during the ten day period, as soon as reasonably possible after such cause has arisen. No motion under this rule shall be granted unless it is filed before the time limit sought to be extended by such motion has expired.

(5) Any action by the trial court judge pursuant to (a) above or the appellate clerk pursuant to (c) (2) above is reviewable pursuant to Section 66-6.

(P.B. 1978-1997, Sec. 4040.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 66-2. Motions, Petitions and Applications; Supporting Memoranda

(a) Motions, petitions and applications shall be specific. No motion, petition or application will be considered unless it clearly sets forth in separate paragraphs appropriately captioned: (1) a brief history of the case; (2) the specific facts upon which the moving party relies; and (3) the legal grounds upon which the moving party relies. A



© Copyrighted by the Secretary of the State of the State of Connecticut

separate memorandum of law may but need not be filed. If the moving party intends to file a memorandum of law in support of the motion, petition or application, however, such memorandum shall be filed with the motion, petition or application. A party intending to oppose a motion, petition or application shall file a brief statement clearly setting forth in separate paragraphs appropriately captioned the factual and legal grounds for opposition within ten days after the filing of the motion, petition or application. If an opposing party chooses to file a memorandum of law in opposition to a motion, petition or application, that party shall do so within ten days after the filing of the motion, petition or application. Responses to memoranda in opposition are not permitted.

(b) Except with special permission of the appellate clerk, the motion, petition or application and memorandum of law taken together shall not exceed ten pages, and the memorandum of law in opposition thereto shall not exceed ten pages.

(c) Where counsel for the moving party certifies that all other parties to the appeal have consented to the granting of the motion, petition or application, the motion, petition or application may be submitted to the court immediately upon filing, and may be acted upon without awaiting expiration of the time for filing opposition papers. Notice of such consent certification shall be indicated on the first page of the document.

(d) Motions which are not dispositive of the appeal may be ruled upon by one or more members of the court subject to review by a full panel upon a motion for reconsideration pursuant to Section 71-5.

(P.B. 1978-1997, Sec. 4041.)

### Sec. 66-3. Motion Procedures and Filing

Except as otherwise provided, the original and fifteen copies of motions, petitions, applications, memoranda of law and stipulations brought to the court shall be filed with the appellate clerk. All papers shall contain a certification that a copy has been served on each other counsel of record in accordance with the provisions of Section 62-7. No motion or other paper mentioned above shall be filed after expiration of the time for its filing, and no amendment to any of these filings shall be filed, except on written motion and by consent of the court. Motions shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in motions: arial and univers. Each page of a motion, petition, application, memorandum of law, stipulation and opposition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. A certificate shall be attached to the signed original paper, indicating that it is in compliance with all the provisions of this section.

(P.B. 1978-1997, Sec. 4042.) (Amended Oct. 16, 2002, to take effect Jan. 1, 2003; amended May 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 66-4. Hearings on Motions

Hearings on motions will be assigned only upon order of the court and only in exceptional cases.

(P.B. 1978-1997, Sec. 4043.)

### Sec. 66-5. Motion for Rectification; Motion for Articulation

A motion seeking corrections in the transcript or the trial court record or seeking an articulation or further articulation of the decision of the trial court shall be called a motion for rectification or a motion for articulation, whichever is applicable. Any motion filed pursuant to this section shall state with particularity the relief sought.

Except in cases where the trial court was a three judge court, an original and three copies of such motion shall be filed with the appellate clerk. Where the trial court was a three judge court, an original and five copies of such motion shall be filed. Any other party may oppose the motion by filing an original and three or five copies of an opposition with the appellate clerk within ten days of the filing of the motion for rectification or articulation.

The appellate clerk shall forward the motion for rectification or articulation and the opposition, if any, to the trial judge who decided, or presided over, the subject matter of the motion for rectification or articulation for a decision on the motion. If any party requests it and it is deemed necessary by the trial court, the trial court shall hold a hearing at which arguments may be heard, evidence taken or a stipulation of counsel received and approved. The trial court may make such corrections or additions as are necessary for the proper presentation of the issues raised or for the proper presentation of questions reserved. The trial judge shall file the decision on the motion with the appellate clerk.

Nothing herein is intended to affect the existing practice with respect to opening and correcting judgments and the records on which they are based. The trial judge shall file any such order changing the judgment or the record with the appellate clerk.



© Copyrighted by the Secretary of the State of the State of Connecticut

Corrections made before the record is prepared shall be included in it. If the record has been prepared, the appellate clerk may prepare a supplemental record, to be distributed in the same way as the original record.

The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court's decision on the motion filed pursuant to this section or any other correction or addition ordered by the trial court during the pendency of the appeal shall be by motion for review under Section 66-7.

Upon the filing of a timely motion pursuant to Section 66-1, the appellate clerk may extend the time for filing briefs until after the trial court has ruled on a motion made pursuant to this section or until a motion for review under Section 66-7 is decided.

Any motion for rectification or articulation shall be filed within thirty-five days after the delivery of the last portion of the transcripts or, if none, after the filing of the appeal, or, if no memorandum of decision was filed before the filing of the appeal, after the filing of the memorandum of decision. If the court, sua sponte, sets a different deadline from that provided in Section 67-3 for filing the appellant's brief, a motion for rectification or articulation shall be filed ten days prior to the deadline for filing the appellant's brief, unless otherwise ordered by the court. The filing deadline may be extended for good cause. No motion for rectification or articulation shall be filed after the filing of the appellant's brief except for good cause shown.

A motion for further articulation may be filed by any party within twenty days after issuance of notice of the filing of an articulation by the trial judge. A motion for extension of time to file a motion for articulation shall be filed in accordance with Section 66-1.

(P.B. 1978-1997, Sec. 4051.) (Amended July 21, 1999, to take effect Jan. 1, 2000; amended July 24, 2002, to take effect Oct. 1, 2002.)

### Sec. 66-6. Motion for Review; In General

The court may, on written motion for review stating the grounds for the relief sought, modify or vacate any order made by the trial court under Section 66-1 (a), any action by the appellate clerk under Section 66-1 (c) (2), any order made by the trial court, or by the workers' compensation commissioner in cases arising under General Statutes § 31-290a (b), relating to the perfecting of the record for an appeal or the procedure of prosecuting or defending against an appeal, or any order made by the trial court concerning a stay of execution in a case on appeal. All petitions for review of bail shall be filed in the appellate court. Motions for review shall be filed within ten days from the issuance of notice of the order sought to be reviewed. Motions for review of the clerk's taxation of costs under judgments of the court having appellate jurisdiction shall be governed by Section 71-3.

If a motion for review of a decision depends on a transcript of evidence or proceedings taken by a court reporter, the moving party shall file with the motion either a transcript or a copy of the transcript order form (JD-ES-38). The opposing party may, within one week after the transcript or the copy of the order form is filed by the moving party, file either a transcript of additional evidence or a copy of the order form. Parties filing or ordering a transcript shall order an electronic version of the transcript in accordance with section 63-8A.

(P.B. 1978-1997, Sec. 4053.) (Amended April 3, 2002, to take effect Nov. 1, 2002.)

### Sec. 66-7. Motion for Review of Motion for Rectification of Appeal or Articulation

Any party aggrieved by the action of the trial judge as regards rectification of the appeal or articulation under Section 66-5 may, within ten days of the issuance of notice of the order sought to be reviewed, make a written motion for review to the court, to be filed with the appellate clerk, and the court may, upon such a motion, direct any action it deems proper. If the motion depends upon a transcript of evidence or proceedings taken by a court reporter, the procedure set forth in Section 66-6 shall be followed. Corrections which the court makes or orders made pursuant hereto shall be included in the prepared record in the same way in which, under Section 66-5, corrections made by the trial judge are included.

(P.B. 1978-1997, Sec. 4054.)

### Sec. 66-8. Motion to Dismiss

Any claim that an appeal or writ of error should be dismissed, whether based on lack of jurisdiction, failure to file papers within the time allowed or other defect, shall be made by a motion to dismiss the appeal or writ. Any such motion must be filed in accordance with Sections 66-2 and 66-3 within ten days after the filing of the appeal or the return day of the writ, or if the ground alleged subsequently occurs, within ten days after it has arisen, provided that a motion based on lack of jurisdiction may be filed at any time. The court may on its own motion order that an appeal be dismissed for lack of jurisdiction.

(P.B. 1978-1997, Sec. 4056.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 67

## BRIEFS


| Sec. | |
|---|---|
| 67-1. | Brief and Appendix |
| 67-2. | Format; Copies |
| 67-3. | Page Limitations; Time for Filing Briefs |
| 67-4. | The Appellant's Brief; Contents and Organization |
| 67-5. | The Appellee's Brief; Contents and Organization |
| 67-6. | Statutory (§ 53a-46b) Review of Death Sentences |
| 67-7. | The Amicus Curiae Brief |
| 67-8. | The Appendix |
| 67-9. | Citation of Unreported Decisions |
| 67-10. | Citation of Supplemental Authorities after Brief is Filed |
| 67-11. | Table of Authorities; Citation of Cases |
| 67-12. | Stay of Briefing Obligations upon Filing of Certain Motions after Appeal is Taken |
| 67-13. | Briefs in Family and Juvenile Matters and Other Matters involving Minor Children |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 67-1. Brief and Appendix

In any brief or appendix, the plaintiff and defendant shall be referred to as such rather than as appellant and appellee, wherever it is possible to do so; on a reservation the plaintiff below shall be regarded as the appellant.

Each brief shall contain a concise statement of the principal issue or issues involved in the appeal. The statement ordinarily should not exceed one page in length and should be on a page by itself. The court may refuse to receive a brief not complying with this requirement.

The evidence referred to in the brief, and in the appendix if one is filed, will be deemed to embrace all testimony produced at the trial material to the issues on the appeal, although the court may, if sufficient cause appears, consult the transcript of evidence on file or the trial court case file to supplement or explain the evidence.

Any party to an appeal from an administrative agency who claims that the record before the agency does not support its decision, shall include in such party's brief or in the appendix thereto such portions of the record or evidence returned by the agency but not included in the record as that party deems material to such claim. If such portions of the record or evidence have already been included in another party's brief or appendix, inclusion in a second brief is not necessary, and reference to such already-filed brief or appendix will be sufficient. Any other party may include or refer to in that party's brief, reply brief or appendix such additional portions of the record or the evidence as such party deems material. The portions of the record returned by the agency contained in the record before the court and in an appendix to a brief, supplemented by such papers returned by the agency as are of such a nature that they cannot be conveniently photocopied, will be deemed to embrace all of the record returned by the agency material to the issues on the appeal. The court may, however, consult any of the papers returned by the agency to supplement or explain the portions contained in the record and briefs.

(P.B. 1978-1997, Sec. 4064.)

### Sec. 67-2. Format; Copies

Original briefs and appendices shall be typewritten or clearly photocopied from a typewritten original on white 8 1/2 by 11 inch paper. Unless ordered otherwise, the brief shall be copied on one side of the page only. The brief shall be fully double spaced; footnotes and block quotations may, however, be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in briefs: arial and univers.

If constitutional provisions, statutes, ordinances, regulations or portions of the transcript are contained in an appendix, they may be reproduced in their original form so long as the document is not reduced to less than 75 percent of its original form.

Each page of a brief or appendix shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch.

Pages shall be numbered in the center of the bottom of the page.

Briefs and appendices shall be firmly bound 1/4 inch from the left side, at points approximately 1/4, 1/2 and 3/4 of the length of the page, so as to make an easily opened volume.

Any request for deviation from the above requirements shall be addressed to the appellate clerk.

If the appeal is in the supreme court, the original and twenty-five legible photocopies of each brief and appendix shall be filed with the appellate clerk, accompanied by certification of service attached to the original brief only that a copy



© Copyrighted by the Secretary of the State of the State of Connecticut

thereof has been sent to each counsel of record and to any trial judge who rendered a decision which is the subject matter of the appeal, in compliance with Section 62-7. If the appeal is in the appellate court, the original and fifteen legible photocopies of each brief and appendix shall be filed with the appellate clerk, accompanied by certification of service attached to the original brief only that a copy thereof has been sent to each counsel of record and to any trial judge who rendered a decision which is the subject matter of the appeal, in compliance with Section 62-7. See Section 65-1 for cases subsequently transferred. Every brief shall designate on the front page the name, telephone and facsimile numbers of the individual counsel who is to argue the appeal. The plaintiff and defendant shall be referred to as such rather than as appellant and appellee, wherever it is possible to do so. For the purposes of this rule, on a reservation the plaintiff below shall be regarded as the appellant.

An appendix of any length may be reproduced on both sides of a page; an appendix, however, in excess of fifty numbered pages must be reproduced on both sides of a page. In addition, an appendix in excess of one hundred numbered pages must be separately bound.

Briefs and separately-bound appendices shall have a suitable front cover of heavy paper in the color indicated: briefs for appellants and plaintiffs in error, light blue; briefs for appellees and defendants in error, pink; reply briefs, white; briefs for amicus curiae, light green. Covers of briefs filed for cross appeals shall be of the same color as indicated for that party on the original appeal briefs. A back cover is not necessary; however, if one is used, it must be white.

Briefs and separately-bound appendices must bear on the cover, in the following order, from the top of the page: (1) the name of this court; (2) the number of the case; (3) the name of this case as it appears in the judgment file of the trial court; (4) the nature of the brief (e.g., brief of the defendant-appellant; brief of the plaintiff-appellee on the appeal and of the plaintiff-cross appellant on the cross appeal); (5) the name, address and, if they are different from arguing counsel's telephone and facsimile numbers, the telephone and facsimile numbers of the party's counsel of record, and of the arguing counsel, if different. The foregoing shall be displayed in the upper case of an arial or univers typeface of 12 point or larger size. A certificate shall be attached to the signed, original brief, indicating that the brief complies with all the provisions of this rule.

(P.B. 1978-1997, Sec. 4064A.) (Amended June 7, 2001, to take effect Sept. 1, 2001.)

**Sec. 67-3. Page Limitations; Time for Filing Briefs**

Except as otherwise ordered, the brief of the appellant shall not exceed thirty-five pages and shall be filed within forty-five days after the delivery date of the transcript ordered by the appellant. In cases where no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, the appellant's brief shall be filed within forty-five days of the filing of the appeal.

Any party whose interest in the judgment will not be affected by the appeal and who intends not to file a brief shall inform the appellate clerk of this intent prior to the deadline for the filing of the appellee's brief. In the case of multiple appellees, an appellee who supports the position of the appellant shall meet the appellant's time schedule for filing a brief.

Except as otherwise ordered, the brief of the appellee shall not exceed thirty-five pages, and shall be filed within thirty days after the filing of the appellant's brief or the delivery date of the portions of the transcript ordered only by that appellee, whichever is later.

The appellant may within twenty days after the filing of the appellee's brief file a reply brief which shall not exceed fifteen pages.

Where there is a cross appeal, the brief of the cross appellant shall be combined with the brief of the appellee and this brief shall not exceed fifty pages, and shall be filed at the time the appellee's brief is due. The brief of the cross appellee shall be combined with the appellant's reply brief, if any, and this brief shall not exceed forty pages and shall be filed within thirty days after the filing of the original appellee's brief. The cross appellant may within twenty days after the filing of the cross appellee's brief file a cross appellant's reply brief which shall not exceed fifteen pages.

Where cases are consolidated or a joint appeal has been filed, the brief of the appellants and that of the appellees shall not exceed the page limitations specified above.

All page limitations shall be exclusive of appendices, the statement of issues, the table of authorities, the table of contents, if any, and, in the case of an amicus brief, the statement of the interest of the amicus curiae required by Section 67-7. The last page of a brief shall likewise not be counted if it contains only the signature of counsel of record.

Briefs shall not exceed the page limitations set forth herein except by permission of the chief justice or chief judge. Requests for permission to exceed the page limitations shall be made by letter, filed with the appellate clerk, stating both the



© Copyrighted by the Secretary of the State of the State of Connecticut

compelling reason for the request and the number of additional pages sought.

Where a claim relies on the state constitution as an independent ground for relief, the clerk shall, upon request by letter, grant an additional five pages for the appellant and appellee briefs, and an additional two pages for the reply brief, which pages are to be used for the state constitutional argument only.

(P.B. 1978-1997, Sec. 4064B.)

**Sec. 67-4. The Appellant's Brief; Contents and Organization**

The appellant's brief shall contain the following:

(a) A concise statement setting forth, in separately numbered paragraphs, without detail or discussion, the principal issue or issues involved in the appeal, with appropriate references to the page or pages of the brief where the issue is discussed, pursuant to subsection (d) hereof. The court may refuse to receive a brief not complying with this requirement. Such statement shall be deemed in replacement of and shall supersede the preliminary statement of issues.

(b) A table of authorities cited in the brief, with references to the page or pages of the brief where the citations to those authorities appear. Citations shall be in the form provided in Section 67-11.

(c) A statement of the nature of the proceedings and of the facts of the case bearing on the issues raised. The statement of facts shall be in narrative form, shall be supported by appropriate references to the page or pages of the transcript or to the document upon which the party relies, and shall not be unnecessarily detailed or voluminous.

(d) The argument, divided under appropriate headings into as many parts as there are points to be presented, with appropriate references to the statement of facts or to the page or pages of the transcript or to the relevant document. The argument on each point shall include a separate, brief statement of the standard of review the appellant believes should be applied.

(1) When error is claimed in the trial court's refusal to charge the jury as requested, the party claiming such error shall include in the brief of that party or the appendix thereto a verbatim statement of the relevant portions of the charge as requested and as given by the court and any relevant exceptions to the charge as given and shall recite in narrative form any evidence which it is claimed would entitle that party to the charge as requested, with appropriate references to the page or pages of the transcript.

(2) When error is claimed in the charge to the jury, the brief or appendix shall include a verbatim statement of all relevant portions of the charge and all relevant exceptions to the charge. Unless essential to review of a claimed error, a verbatim statement of the entire charge to the jury should not be included in the brief or appendix. Evidence relevant to the claimed error shall be recited in narrative form with appropriate references to the page or pages of the transcript.

(3) When error is claimed in any evidentiary ruling in a court or jury case, the brief or appendix shall include a verbatim statement of the following: the question or offer of exhibit; the objection and the ground on which it was based; the ground on which the evidence was claimed to be admissible; the answer, if any; and the ruling.

(4) When error is claimed in any other ruling in a court or jury case, the brief or appendix shall include the pertinent motion or pleading as well as any other pertinent documents which are a part of the trial court case file but are not included in the record.

(5) When the basis of an evidentiary or other ruling referred to in subsection (d) (3) or (d) (4) cannot be understood without knowledge of the evidence or proceeding which preceded or followed the ruling, a brief narrative or verbatim statement of the evidence or proceeding should be made. A verbatim excerpt from the transcript should not be used if a narrative statement will suffice. When the same ruling is repeated, the brief should contain only a single ruling unless the other rulings are further illustrative of the rule which determined the action of the trial court or establish the materiality or harmfulness of the error claimed. The statement of rulings in the brief shall include appropriate references to the page or pages of the transcript.

(e) The text of the pertinent portions of any constitutional provision, statute, ordinance or regulation at issue or upon which the appellant relies. Such text need not be included in the brief if it is included in the appendix to the appellant's brief.

(f) In appeals filed pursuant to Section 81-4, a statement identifying the version of the land use regulations filed with the appellate clerk.

The brief shall be organized in the following order: table of contents; statement of issues; table of authorities; if the appeal was filed pursuant to Section 81-4, statement identifying version of land use regulations filed with the appellate clerk; if amicus, statement of interest of the amicus curiae; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

(P.B. 1978-1997, Sec. 4064C.) (Amended July 21, 1999, to take effect Jan. 1, 2000; amended July 24, 2002, to take effect Oct. 1, 2002.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 67-5. The Appellee's Brief; Contents and Organization**

The brief of the appellee shall contain, in a form corresponding to that stated in the preceding section, the following:

(a) A counter statement of any issue involved as to which the appellee disagrees with the statement of the appellant or a statement of any other grounds which were properly raised by an appellee under Section 63-4. Such statement shall be deemed in replacement of and shall supersede the preliminary statement of the issues.

(b) A table of authorities cited in the brief, with references to the page or pages of the brief where the citations to those authorities appear. Citations shall be in the form provided in Section 67-11.

(c) A counter statement of any fact as to which the appellee disagrees with the statement of the appellant. The counter statement of facts shall be in narrative form and shall be supported by appropriate references to the page or pages of the transcript or to the relevant document upon which the appellee relies. An appellee may not rely on any fact unless it is set forth in the appellee's counter statement of facts or in the appellant's statement of facts or is incorporated in any brief of the parties in accordance with Section 67-4 (d) or with subsection (d) hereof.

(d) The argument of the appellee, divided as provided in Section 67-4 (d). The argument on each point shall include a separate, brief statement of the standard of review the appellee believes should be applied. The argument may augment or take exception to the appellant's presentation of rulings or the charge by reference to any relevant part of the court's charge or any other evidence in narrative or verbatim form which is relevant to such question, with appropriate references to the statements of facts or to the page or pages of the transcript or to the relevant document.

(e) Claims, if any, directed to any rulings or decisions of the trial court adverse to the appellee. These may be made in the manner provided in Section 67-4 (d) (3).

(f) The text of the pertinent portions of any constitutional provision, statute, ordinance or regulation at issue or upon which the appellee relies. Such text need not be included in the brief if it is included in the appellant's brief or appendix or in the appendix to the appellee's brief.

(g) In appeals filed pursuant to Section 81-4, a statement as to whether the appellee disputes the applicability of the version of the land use regulations filed with the appellate clerk. If the appellee disputes the applicability of such regulations, it shall set forth its basis for maintaining that such regulations do not apply.

The brief shall be organized in the following order: table of contents; statement of issues; table of authorities; if amicus, statement of interest of the amicus curiae; statement of facts; argument; conclusion and statement of relief requested; signature; and certification pursuant to Section 62-7.

(h) When the appellee is also the cross appellant, the issues on the cross appeal shall be briefed in accordance with Section 67-4. In such a case, the briefs shall clearly label which sections of the brief refer to the appeal and which refer to the cross appeal.

(P.B. 1978-1997, Sec. 4064D.) (Amended July 21, 1999, to take effect Jan. 1, 2000; amended July 24, 2002, to take effect Oct. 1, 2002.)

**Sec. 67-6. Statutory (§ 53a-46b) Review of Death Sentences**

(a) When a sentence of death has been imposed upon a defendant, following a conviction of a capital felony in violation of General Statutes § 53a-54b and the hearing upon imposition of the death penalty pursuant to General Statutes § 53a-46a, the briefs of the parties shall include a discussion of the issues set forth in General Statutes § 53a-46b (b), to wit, whether (1) the sentence was the product of passion, prejudice or any other arbitrary factor; (2) the evidence fails to support the finding of an aggravating circumstance specified in subsection (h) of § 53a-46a; and (3) the sentence is excessive or disproportionate to the penalty imposed in similar cases, considering both the circumstances of the crime and the character and record of the defendant.

(b) For the purpose of reviewing the issue of disproportionality pursuant to General Statutes § 53a-46b (b), the briefs of the parties shall contain appendices setting forth the circumstances of the crimes that are claimed to be similar to that of which the defendant has been convicted and the characters and records of the defendants involved therein so far as these are ascertainable from the transcripts of those trials and hearings on the imposition of the death penalty or may be judicially noticed. Only those capital felony cases that have been prosecuted in this state after October 1, 1973, and in which hearings on the imposition of the death penalty have taken place, whether or not the death penalty has been imposed, shall be deemed eligible for consideration as ''similar cases,'' unless the court, on application of a party claiming that the resulting pool of eligible cases is inadequate for disproportionality review, shall modify this limitation in a particular



© Copyrighted by the Secretary of the State of the State of Connecticut

case. Any such application shall identify the additional case or cases claimed to be similar and set forth, in addition to the circumstances of the crime and the character and record of the defendant involved, the provisions of the applicable statutes pertaining to the imposition of the death penalty with citations of pertinent decisions interpreting such provisions.

Any such application shall be filed within thirty days after the delivery date of the transcript ordered by the appellant, or, if no transcript is required or the transcript has been received by the appellant prior to the filing of the appeal, such application shall be filed within thirty days after filing the appeal.

(P.B. 1978-1997, Sec. 4064E.)

### Sec. 67-7. The Amicus Curiae Brief

A brief of an amicus curiae in cases before the court on the merits may be filed only with the permission of the court. An application for permission to appear as amicus curiae and to file a brief shall be filed within twenty days after the filing of the brief of the party, if any, whom the applicant intends to support, and if there is no such party then the application shall be filed no later than twenty days after the filing of the appellee's brief.

The application shall state concisely the nature of the applicant's interest and the reasons why a brief of an amicus curiae should be allowed. The length of the brief shall not exceed ten pages unless a specific request is made for a brief of more than that length. The amicus application should specifically set forth reasons to justify the filing of a brief in excess of ten pages. A party served with an application may within ten days after the filing of the application file an objection concisely stating the reasons therefor.

All briefs filed under this section shall comply with the applicable provisions of this chapter and shall set forth the interest of the amicus curiae.

An amicus curiae may argue orally only when a specific request for such permission is granted by the court in which the appeal is pending.

Except for habeas corpus matters based on criminal convictions, if an appeal in a noncriminal matter involves an attack on the constitutionality of a state statute, the attorney general may appear and file a brief amicus curiae as of right. Notice of the attorney general's intention to appear and file a brief shall be given to the appellate clerk and all parties no later than the date on which the brief of the party the attorney general supports is filed, and the attorney general's brief will be due twenty days after the filing of the brief of the party the attorney general supports.

(P.B. 1978-1997, Sec. 4064F.)

### Sec. 67-8. The Appendix

No appendix is required in either a court or a jury case, except where an opinion is cited which is not officially published, in which case the text of the opinion must be included in the appendix. An appendix may be used to excerpt lengthy exhibits or quotations from the transcripts, or to comply with the provisions of Section 67-4 subsections (d) or (e). To reproduce a full transcript or lengthy exhibit when an excerpt would suffice is a misuse of an appendix. If use of any appendix is indicated, all materials must be included in a single appendix.

An appendix shall be paginated separately from the brief, and may be bound with it or separately. Where, however, binding the brief and appendix together would affect the integrity of the binding or where the appendix exceeds one hundred numbered pages, the appendix and brief shall be bound separately. Pages of an appendix shall be numbered consecutively and be preceded by the letter ''A'' (e.g., A1 . . . A25 . . . A53).

An appendix shall have at its beginning a table of contents of any papers in it and shall also have an index of the names of witnesses whose testimony is cited within it. If any part of the testimony of a witness is omitted, this shall be indicated by asterisks. After giving the name of a witness, the party who called that witness shall be designated and it shall be stated whether the testimony quoted was given on direct, cross or other examination.

(P.B. 1978-1997, Sec. 4064G.)

### Sec. 67-9. Citation of Unreported Decisions

A decision not officially reported may be cited before the court only if the person making reference to it provides the court and opposing counsel with copies of the decision. If it is cited in a brief, a copy of the text of the decision must be included in the appendix to the brief.

(P.B. 1978-1997, Sec. 4064H.)

### Sec. 67-10. Citation of Supplemental Authorities after Brief is Filed

When pertinent and significant authorities come to the attention of a party after the party's brief has been filed, or after oral argument but before decision, a party may promptly advise the appellate clerk of such supplemental authorities, by letter, with a copy certified to all counsel of record in accordance with Section 62-7. The clerk shall be provided with an original and seven copies of the letter. The letter shall set forth the citations of the authorities. If the authority is an unreported decision, a copy of the text of the decision must accompany the letter. The letter shall concisely and without argument state the relevance of the



© Copyrighted by the Secretary of the State of the State of Connecticut

supplemental citations and shall include, where applicable, reference to the pertinent page(s) of the brief. Any response shall be made promptly and shall be similarly limited.

(P.B. 1978-1997, Sec. 4064J.) (Amended July 23, 1998, to take effect Jan. 1, 1999.)

**Sec. 67-11. Table of Authorities; Citation of Cases**

(a) In the table of authorities, citations to state cases shall be to the official reporter first, if available, followed by the regional reporter. Citations to cases from jurisdictions having no official reporter shall identify the court rendering the decision. Citations to opinions of the United States Supreme Court shall be to the United States Reports, if therein; otherwise, such citations shall be to the Supreme Court Reporter, the Lawyer's Edition, or United States Law Week, in that order of preference.

(b) In the argument portion of a brief, citations to Connecticut cases shall be to the official reporter only. Citations to other state cases may be to either the official reporter or the regional reporter. United States Supreme Court cases should be cited as they appear in the table of authorities.

(c) If a case is not available in print and is available on an electronic database, such as LEXIS, Westlaw, CaseBase or LOIS, the case shall be cited to that database. In the table of authorities, citations to such cases shall include the case name; docket number; name of the database and, if applicable, numeric identifiers unique to the database; court name; and full date of the disposition of the case. Screen, page or paragraph numbers shall be preceded by an asterisk. In the argument portion of a brief, such cases shall be cited only by name and database. If such a case is published in a print reporter after the filing of the party's brief, but prior to the case on appeal being orally argued or submitted for decision on the record and briefs, the party who cited the unreported case shall, by letter, inform the chief clerk of the print citation of that case.

(Adopted July 21, 1999, to take effect Jan. 1, 2000.)

**Sec. 67-12. Stay of Briefing Obligations upon Filing of Certain Motions after Appeal is Taken**

As provided in Section 63-1, if, after an appeal has been taken but before the appeal period has expired, a motion is filed that would render the judgment, decision or acceptance of the verdict ineffective, any party may move to stay the briefing obligations of the parties. The chief clerk may grant such motions for up to sixty days. Any further request for stay must be made by motion to the appellate court having jurisdiction prior to the expiration of the stay granted by the chief clerk. Such request must describe the status of the motion in the trial court and must demonstrate that a resolution of the motion is being actively pursued. After all such motions have been decided by the trial court, the appellant shall, within ten days of notice of the ruling on the last such outstanding motion, file a statement with the appellate clerk that such motions have been decided, together with a copy of the decisions on any such motions. The filing of such statement shall reinstate the appellate obligations of the parties, and the date of notice of the ruling on the last outstanding motion shall be treated as the date of the filing of the appeal for the purpose of briefing pursuant to Section 67-3.

(Adopted July 21, 1999, to take effect Jan. 1, 2000.)

**Sec. 67-13. Briefs in Family and Juvenile Matters and Other Matters involving Minor Children**

In family and juvenile matters and other matters involving minor children, counsel for the minor child and/or counsel for the guardian ad litem shall, within ten days of the filing of the appellee's brief, file either: (1) a brief, (2) a statement adopting the brief of either the appellant or an appellee, or (3) a detailed statement that the factual or legal issues on appeal do not implicate the child's interests.

(Adopted Nov. 4, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2005: This rule ensures that the child's legal interest will be represented in the appeal and that the brief or statement of the child is filed prior to the filing of the appellant's reply brief.



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 68

## RECORD

Sec.
68-1. Responsibilities of Trial Court Clerk regarding Copying Case File and Additions to Case File Made after Appeal is Taken; Exhibits and Lodged Records
68-2. Record Preparation
68-3. Record Contents
68-4. Record Format
68-5. Record where More than One Appeal
68-6. Record where Several Cases Present Same Question
68-7. Record Filing
68-8. Supplements
68-9. Evidence Not to Be Included in Record
68-10. Record in Administrative Appeals; Exceptions
68-11. Decision to Be Part of Record

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 68-1. Responsibilities of Trial Court Clerk regarding Copying Case File and Additions to Case File Made after Appeal is Taken; Exhibits and Lodged Records

(Amended July 23, 1998 to take effect Jan. 1, 1999.)

Within ten days of the filing of an appeal, the clerk of the trial court shall prepare and forward to the appellate clerk two complete copies of the case file, including the docket sheets (DS1 and DS2) and all written requests to charge. No omissions may be made from the case file except upon the authorization of the appellate clerk. The appellate clerk may direct the clerk of the trial court to prepare and forward a case file in any other instance in which it is needed. The clerk of the trial court shall forward to the appellate clerk two copies of all additions made to the case file after the initial preparation and transmittal of the case file.

Each document of the case file must be numbered and the file must include a table of contents listing each item entered in the file according to its number.

In an appeal from an administrative agency, the papers returned by the agency to the trial court, even though annexed to and incorporated by reference in the answer, shall accompany the copies of the file but need not be included in the copies of the file.

All exhibits in the trial court are deemed exhibits on appeal and are deemed in the custody of the appellate clerk while the appeal is pending. The appellate clerk shall notify the clerk of the trial court of the exhibits required by the court in which the appeal is pending. It shall be the responsibility of the clerk of the trial court to transmit those exhibits within ten days of assignment to the appellate clerk. The provisions of this paragraph shall apply to records lodged pursuant to Section 7-4C.

(P.B. 1978-1997, Sec. 4084.) (Amended July 24, 2002, to take effect Oct. 1, 2002; amended Oct. 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 68-2. Record Preparation

As soon as possible after the filing of the appellant's brief, the appellate clerk shall prepare and certify the record for use upon the hearing in the court having appellate jurisdiction of any case the file of which has been delivered to or prepared by such clerk.

Upon certification of the record by the appellate clerk, the appellant shall cause the record to be photocopied in accordance with these rules.

(P.B. 1978-1997, Sec. 4085.)

### Sec. 68-3. Record Contents

The appellate clerk, in preparing the record, must study the case with sufficient care, must study the revised designation of specific pleadings, submitted pursuant to Section 63-4 (a) (2), and the brief of the appellant, and may confer with counsel, and, if necessary, with the clerk of the trial court, to determine what part of the case file should become the record. The appellate clerk should include nothing in the record which is not necessary for the proper presentation of the statement of issues or for the proper presentation of questions reserved.

No officer's return or exhibit, except as provided herein, shall be photocopied unless it is at issue in the appeal. The record returned to the trial court by an administrative agency shall, even though incorporated by reference in a pleading, not be photocopied except to the extent provided in Section 68-10. In the discretion of the appellate clerk, exhibits annexed to a pleading may be photocopied so far as they are relevant to any issue presented in the appeal and are not excessive in length.

(P.B. 1978-1997, Sec. 4086.) (Amended Oct. 10, 2001, to take effect Jan. 1, 2002.)



© Copyrighted by the Secretary of the State of the State of Connecticut

**Sec. 68-4. Record Format**

Cases brought to the supreme or appellate court otherwise than by writ of error shall be entitled as they were in the judgment of the trial court.

The date when each paper contained in the record was filed must be stated.

The appellant shall prepare a table of contents giving the title or nature of each paper in its order as photocopied.

The record shall be photocopied on white 8 1/2 by 11 inch paper.

The cover of the record shall be yellow.

(P.B. 1978-1997, Sec. 4087.)

**Sec. 68-5. Record where More than One Appeal**

In the discretion of the appellate clerk where more than one appeal is taken in a case, such clerk may prepare only one record.

(P.B. 1978-1997, Sec. 4090.)

**Sec. 68-6. Record where Several Cases Present Same Question**

In the discretion of the appellate clerk where several cases are pending in which the same question of law is presented, whether between the same or different parties, such clerk may prepare only one record of the pleadings, exhibits, or other papers which are part of the record in more than one of the cases may be included in only one of them, with suitable references to the record in that case made in the records in the other cases.

(P.B. 1978-1997, Sec. 4091.)

**Sec. 68-7. Record Filing**

Within twenty days of the certification of the record by the appellate clerk pursuant to Section 68-2, the appellant shall file the record in accordance with the instructions which accompany it, with a certification attached to the original record only that a copy thereof has been sent to each counsel of record and any trial judge who rendered a decision that is being challenged on appeal.

(P.B. 1978-1997, Sec. 4092.) (Amended Nov. 4, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, at the end of the rule, ''and any trial judge who rendered a decision that is being challenged on appeal'' was added.

**Sec. 68-8. Supplements**

After the record has been filed, the appellate clerk shall distribute to each appellate jurist a copy of any supplement to the record.

(P.B. 1978-1997, Sec. 4093.)

**Sec. 68-9. Evidence Not to Be Included in Record**

Evidence of witnesses before a court, including evidence necessary upon an appeal from the denial of a motion to set aside a nonsuit, evidence taken before a committee or state referee and filed in court in connection with exceptions to a report, and, except as hereinafter provided, evidence taken before an administrative officer or board and filed in court in connection with a petition or an appeal, or admitted at a hearing shall not be placed in the record except as it is made a part of a pleading, or of a finding or report in explanation of a ruling made in the course of a hearing, but it may be presented in the brief as provided in Sections 67-1, 67-4 and 67-5. The reproduction of evidence taken before an administrative agency shall be governed by Section 68-10, and the reproduction of evidence contained in exhibits annexed to pleadings shall be governed by Section 68-3.

(P.B. 1978-1997, Sec. 4094.)

**Sec. 68-10. Record in Administrative Appeals; Exceptions**

(a) Except as provided in subsection (b), in appeals from administrative agencies, the record shall include the part of the return of the administrative agency which identifies the papers returned to the trial court, and also such of the papers returned as consist of (1) the application or appeal to the agency; (2) the notice of hearing and the affidavit of publication, if they are in issue on the appeal; and (3) any minutes or decision showing the action taken by the agency, the reasons assigned for that action, and any findings and conclusions of fact made by the agency. The record shall also contain such other portions of the returned record as the judge who tried the case shall order included or as the appellate clerk finds is needed for the proper presentation of any of the issues on the appeal but in no event, unless the judge who tried the case directs otherwise, the testimony before the agency or the documentary evidence offered at its hearings. Relevant portions of the record before the agency returned by it to the trial court but not included in the record should be reproduced in the brief as provided in Sections 67-1, 67-4 and 67-5.

(b) Subsection (a) shall not apply to the following administrative appeals:

(1) Appeals from municipal boards of tax review taken pursuant to General Statutes §§ 12-117a and 12-119.

(2) Appeals from municipal assessors taken pursuant to General Statutes § 12-103.

(3) Appeals from the commissioner of revenue services.

(4) Appeals from the insurance commissioner taken pursuant to General Statutes § 38a-139.



© Copyrighted by the Secretary of the State of the State of Connecticut

(5) Any other appeal in which the parties received a trial de novo in the superior court.

The record in these matters shall be prepared pursuant to the rules for the preparation of the record in ordinary civil actions.

(P.B. 1978-1997, Sec. 4095.)

**Sec. 68-11. Decision to Be Part of Record**

The oral or written decision shall become a part of the record on appeal. See Sections 64-1 and 64-2.

(P.B. 1978-1997, Sec. 4096.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 69

## ASSIGNMENT OF CASES FOR ARGUMENT

Sec.
69-1. Printed Docket
69-2. Cases Ready for Assignment
69-3. Time for Assignments; Order of Assignment

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

### Sec. 69-1. Printed Docket

The appellate clerk shall periodically prepare a printed docket of all pending cases which are not on a current assignment list for oral argument and which appear to be ready for assignment under Section 69-2 or have been ordered to be heard by the court and shall send a copy to each appellate jurist, to each counsel appearing in the cases entered on the printed docket, and to the reporter of judicial decisions.

(P.B. 1978-1997, Sec. 4100.)

### Sec. 69-2. Cases Ready for Assignment

Cases will be considered ready for assignment when the record and all briefs of all parties, including reply briefs, have been filed or, if the record has been filed, the time for filing reply briefs has expired. Any case ready for assignment may be assigned pursuant to Section 69-3. After notice to counsel of a date and time to be heard, the chief justice, the chief judge, or a designee may order the assignment for oral argument of any appeal, notwithstanding the fact that the case on appeal does not appear on the printed docket.

Cases may be assigned for argument on a standby basis in which event counsel will be notified at least forty-eight hours before the time scheduled for oral argument that the standby case is to be heard.

If a case scheduled for oral argument, whether on standby basis or not, is settled or withdrawn for any reason, counsel for the appellant shall notify the appellate clerk of that fact promptly and shall not wait until the time scheduled for oral argument.

(P.B. 1978-1997, Sec. 4101.) (Amended July 23, 1998, to take effect Jan. 1, 1999.)

### Sec. 69-3. Time for Assignments; Order of Assignment

Assignments of cases for oral argument ordinarily will be made in the order in which the cases become ready for argument pursuant to Section 69-2. Requests for variations from this order, stating the reason therefor, shall be made by letter certified pursuant to Section 62-7, addressed to the appellate clerk and delivered, mailed or sent by facsimile to the clerk's office in time for the appellate clerk to receive it at least two working days on which the clerk's office is required to be open before assignments are made.

Assignments for oral argument in the supreme court and appellate court shall take precedence over all other judicial branch assignments.

The appellate clerk will forthwith mail copies of the assignment list to all counsel of record.

(P.B. 1978-1997, Sec. 4104.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 70

## ARGUMENTS AND MEDIA COVERAGE OF COURT PROCEEDINGS


| Sec. | |
|---|---|
| 70-1. | Right to Oral Argument |
| 70-2. | When Oral Argument Not Required |
| 70-3. | Order of Argument |
| 70-4. | Time Allowed for Oral Argument; Who May Argue |
| 70-5. | Points to Be Argued |
| 70-6. | Reconsideration when Court Evenly Divided |
| 70-7. | Consideration En Banc and Reargument En Banc |
| 70-8. | Special Sessions |
| 70-9. | Cameras and Electronic Media; In General |
| 70-10. | Cameras and Electronic Media; Coverage of Supreme and Appellate Court Proceedings by News Media |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 70-1. Right to Oral Argument

(a) Oral argument will be allowed as of right in all appeals except in civil cases where:

(1) the appeal is frivolous; or

(2) the dispositive issue or set of issues has been recently authoritatively decided; or

(3) the facts and legal arguments are adequately presented in the briefs and record and the decisional process would not be significantly aided by oral argument.

(b) When the court determines that a civil case is appropriate for disposition without oral argument, or on an abbreviated time schedule, notice will be sent to counsel. Any party may request a hearing on the court's determination by letter addressed to the appellate clerk stating briefly the reasons why oral argument is appropriate, and shall do so within seven days of the issuance of the court's notice. The matter will be set down for a motion calendar at which time the parties may be heard briefly on whether oral argument should be allowed.

(P.B. 1978-1997, Sec. 4106.)

### Sec. 70-2. When Oral Argument Not Required

With the permission of the court, counsel may, after a case has been assigned for a hearing, submit it for decision on the record and briefs only, without oral argument.

(P.B. 1978-1997, Sec. 4102.)

### Sec. 70-3. Order of Argument

Counsel for the appellant or plaintiff in error will be entitled to open and close the argument. On a reservation, the plaintiff will open and close, unless the court otherwise directs, except in suits for the construction of wills or of interpleader, when the court will fix the order of argument. If there are cross appeals, the original appellant will open and close unless the court otherwise orders for cause shown. If there are consolidated appeals, the parties in the appeal filed first in the trial court will argue first unless the court otherwise orders.

(P.B. 1978-1997, Sec. 4107.)

### Sec. 70-4. Time Allowed for Oral Argument; Who May Argue

The time occupied in the argument of any case shall not exceed one-half hour on each side, without special leave of the court, granted before the argument begins. The time thus limited and allowed may be apportioned among counsel on the same side of a case as they may choose. The court may terminate the argument whenever in its judgment further argument is unnecessary.

Except by special permission of the presiding jurist, which permission must be obtained prior to the date assigned for hearing, no more than one counsel shall present oral argument for any one party to the appeal.

No argument shall be allowed any party who has not filed a brief or who has not joined in the brief of another party.

(P.B. 1978-1997, Sec. 4108.)

### Sec. 70-5. Points to Be Argued

(a) Oral argument should clarify and focus arguments in the written briefs. The court discourages oral argument read from a prepared text and lengthy quotations from legal precedents, the transcript, or the record.

(b) Counsel should assume that the court has read the briefs in advance of oral argument. No points made in briefs will be considered waived because not argued orally. Rebuttal argument shall be confined to the points presented by the argument of opposing counsel.

(P.B. 1978-1997, Sec. 4109.)

### Sec. 70-6. Reconsideration when Court Evenly Divided

When the court is evenly divided as to the result, the court shall reconsider the case, with or without



© Copyrighted by the Secretary of the State of the State of Connecticut

oral argument, with an odd number of justices or judges.

(P.B. 1978-1997, Sec. 4111.)

### Sec. 70-7. Consideration En Banc and Reargument En Banc

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

(a) Before a case is assigned for oral argument, the chief justice or the chief judge may order, on the motion of a party or sua sponte, that a case be heard en banc.

(b) After argument but before decision, the entire court may order that the case be considered en banc with or without further oral argument or with or without supplemental briefs. The justices or judges who did not hear oral argument shall have available to them the tapes or a transcript of the oral argument before participating in the decision.

(c) After decision, the entire court may order, on the motion of a party pursuant to Section 71-5 or sua sponte, that reargument be heard en banc.

(P.B. 1978-1997, Sec. 4112.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 70-8. Special Sessions

The supreme court will be deemed in special session whenever the justices meet for consultation; but the presence of the clerk or a judicial marshal will not be required, unless specially directed.

(P.B. 1978-1997, Sec. 4115.) (Amended Oct. 10, 2001, to take effect Jan. 1, 2002.)

### Sec. 70-9. Cameras and Electronic Media; In General

Except as otherwise provided by these rules, or as ordered by the appellate jurists, broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions is prohibited.

(P.B. 1978-1997, Sec. 4116A.) (Amended Feb. 19, 2003, to take effect Jan. 1, 2004.)

### Sec. 70-10. Cameras and Electronic Media; Coverage of Supreme and Appellate Court Proceedings by News Media

(Amended Feb. 19, 2003, to take effect Jan. 1, 2004.)

(a) The broadcasting, televising, recording or photographing of court proceedings by news media in the courtroom will be allowed subject to the limitations set forth herein.

(b) Any member of the news media seeking permission to broadcast, televise, record or photograph a court proceeding appearing on a printed docket of the court, excluding any hearing on a motion, shall, not later than two weeks before the term for which such printed docket is prepared, file a written request with the appellate clerk and at the same time shall send by certified mail a copy of such written request to each counsel or pro se party of record. Endorsed on the request filed with the appellate clerk shall be a certification of such mailing. If any counsel or pro se party of record wishes to be excluded from any broadcasting, televising, recording or photographing in a court proceeding appearing on a printed docket of the court, he or she shall file a written request with the appellate clerk not later than six days before the term for which such printed docket is prepared. The request shall set forth in detail the reasons why the request should be granted. The printed docket shall indicate the dates by which requests for coverage and requests for exclusion must be filed. The appellate clerk shall refer any such requests to the appellate jurists for review and their decision on the requests shall be final. Before the appellate jurists approve of any request for coverage, they shall be satisfied that the permitted coverage will not interfere with the rights of the parties to a fair hearing. The right, however, to permit or to exclude coverage, whether partially or totally, at any time in the interests of the administration of justice shall remain with the appellate jurists.

(c) Generally, no broadcasting, televising, recording or photographing of any proceedings in appeals taken from trial court judgments in the following cases shall be permitted:

(1) Family relations matters as defined in General Statutes § 46b-1;

(2) Cases involving trade secrets;

(3) Cases involving sexual offense charges;

(4) Cases which were closed to the public to comply with the provisions of state law.

(d) No broadcasting, televising, recording or photographic equipment permitted under these rules shall be operated during a recess.

(e) No audio broadcasting or audio recording of conferences in the courtroom among members of the court, between cocounsel or between counsel and client shall be permitted.

(f) (1) Only one television camera operator, utilizing one portable mounted television camera, shall be permitted in the courtroom. The television camera and operator shall be positioned only in such location in the courtroom as shall be designated by the appellate jurists. To the extent possible, that location shall provide access to optimum coverage. While court proceedings are in progress, the television camera operator shall operate the television camera only in that designated location. Videotape recording equipment and other equipment which are not component parts of a



© Copyrighted by the Secretary of the State of the State of Connecticut

television camera shall be located outside the courtroom.

(2) Only one still camera photographer, carrying not more than two still cameras with not more than one lens for each camera, shall be permitted in the courtroom. The still camera photographer shall be positioned only in such location in the courtroom as shall be designated by the court. To the extent possible, that location shall provide access to optimum coverage. While court proceedings are in progress, the still camera photographer shall photograph court proceedings only from that location.

(3) Only one audio system for television, broadcasting and recording purposes shall be permitted in the courtroom. Audio pickup for such purposes shall be accomplished from the existing audio system in the court facility. If there is no technically suitable audio system in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the appellate jurists.

(g) No broadcasting, televising, recording or photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film or lenses may be changed within the courtroom, provided that it is done in a quiet and unobtrusive manner.

(h) Only still camera, television and audio equipment which does not produce distracting sound or light shall be employed to cover the proceeding. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom.

(i) Participating members of the broadcasting, televising, recording and photographic media shall make their respective pooling arrangements, including the establishment of necessary procedures and selection of pool representatives, without calling upon the appellate jurists to mediate any dispute as to the appropriate media representative or equipment for a particular proceeding. If any such medium shall not agree on equipment, procedures and personnel, the appellate jurists shall not permit that medium to have coverage.

(j) Except as provided by these rules, established restrictions upon broadcasting, televising, recording and photographing in areas adjacent to courtrooms shall remain in full force.

(k) The conduct of all attorneys with respect to publicity shall be governed by Disciplinary Rule 3.6 of the Rules of Professional Conduct.

(P.B. 1978-1997, Sec. 4116B.) (Amended Feb. 19, 2003, to take effect Jan. 1, 2004.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 71

## APPELLATE JUDGMENTS AND OPINIONS

Sec.
71-1. Appellate Judgment Files
71-2. Costs Included in Judgments
71-3. Motion to Reconsider Costs
71-4. Opinions; Rescripts; Notice
71-5. Motions for Reconsideration; Motions for Reconsideration En Banc
71-6. Stay of Proceedings
71-7. Stays of Execution Pending Decision by United States Supreme Court

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 71-1. Appellate Judgment Files

Judgments of the court may be embodied in judgment files, to be drawn upon request and signed by the appellate clerk. Unless the court otherwise directs, its judgments and orders shall be deemed to have been rendered or made on the date they appear in the Connecticut Law Journal, and the judgments or orders shall be entered as of that date.

(P.B. 1978-1997, Sec. 4117.)

### Sec. 71-2. Costs Included in Judgments

Except as otherwise provided herein, in all appeals or writs of error which go to judgment in the supreme or appellate court including an order for a new trial, costs shall be taxed to the prevailing party by the appellate clerk, in the absence of special order to the contrary by the court. On all reservations the mandate which follows the opinion of the court will specify what costs shall be taxed. A bill of costs shall be filed with the appellate clerk no more than thirty days after the notice of the appellate decision, or, of the denial of a motion for reconsideration, or, of the denial of a petition for certification by the supreme court of this state, whichever is latest.

(P.B. 1978-1997, Sec. 4118.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 71-3. Motion to Reconsider Costs

Any party may within ten days after the issuance of the decision on the taxation of costs file a written motion, in accordance with the provisions of Sections 66-2 and 66-3, that the court review the clerk's taxation of costs under its judgment. Any such motion must be submitted without oral argument.

(P.B. 1978-1997, Sec. 4119.)

### Sec. 71-4. Opinions; Rescripts; Notice

(a) After the court hands down an opinion in any case other than a case involving a question certified from a federal court, the reporter of judicial decisions shall send a copy of the opinion and the original rescript to the clerk of the trial court and shall send a copy of the rescript to the appellate clerk. Notice of the decision of the court shall be deemed to have been given, for all purposes, on the official release date that appears in the court's opinion.

(b) Notices of decisions upon motions and of orders of the court shall be given by the appellate clerk to the clerk of the trial court and to all counsel of record.

(c) The opinions of the court in the bound volumes of the Connecticut Reports and the Connecticut Appellate Reports are the official opinions. The appellate clerk is authorized to furnish official copies of those opinions and, until the bound volumes are published, of the opinions as they appear in the Connecticut Law Journal.

(P.B. 1978-1997, Sec. 4120.)

### Sec. 71-5. Motions for Reconsideration; Motions for Reconsideration En Banc

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

A motion for reconsideration will not be entertained unless filed with the appellate clerk, accompanied by a receipt showing that the fee was paid or waived, within ten days from the date when the decision or any order being challenged is officially released. The fee may be paid to the clerk of any trial court in the state.

The motion for reconsideration shall state briefly the grounds for requesting reconsideration.

A party may also request reconsideration en banc by placing ''en banc'' in the caption of the motion and requesting such relief as an alternative to reconsideration by the panel.

Whenever reconsideration en banc is sought, the motion shall state briefly why reconsideration en banc is necessary (for example, to secure or maintain uniformity of decision or because of the importance of the decision) and shall also state



© Copyrighted by the Secretary of the State of the State of Connecticut

the names of the decisions, if any, with which the decision conflicts. A motion for reconsideration shall be treated as a motion for reconsideration en banc when any member of the court which decided the matter will not be available, within a reasonable time, to act on the motion for reconsideration.

(P.B. 1978-1997, Sec. 4121.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 71-6. Stay of Proceedings

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

Unless the chief justice or chief judge shall otherwise direct, any stay of proceedings which was in effect during the pendency of the appeal shall continue until the time for filing a motion for reconsideration has expired, and, if a motion is filed, until twenty days after its disposition, and, if it is granted, until the appeal is finally determined. If no stay of proceedings was in effect during the pendency of the appeal and the decision of the court having appellate jurisdiction would change the position of any party from its position during the pendency of the appeal, all proceedings to enforce or carry out the decision of the court having appellate jurisdiction shall be stayed until the time for filing a motion for reconsideration has expired, and, if a motion is filed, until twenty days after its disposition, and, if it is granted, until the appeal is finally determined. (See also Section 61-11.)

(P.B. 1978-1997, Sec. 4123.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

### Sec. 71-7. Stays of Execution Pending Decision by United States Supreme Court

When a case has gone to judgment in the state supreme court and a party to the action wishes to obtain a stay of execution pending a decision in the case by the United States supreme court, that party shall, within twenty days of the judgment, file a motion for stay with the state supreme court. The filing of the motion shall operate as a stay pending the state supreme court's decision thereon.

When the state supreme court has denied a petition for certification from the appellate court, any stay in existence at the time of such denial shall remain in effect for twenty days. Any party to the action wishing to extend such stay of execution or to otherwise obtain a stay of execution pending a decision in the case by the United States supreme court shall file a motion for stay with the appellate court. The filing of the motion shall operate as a stay pending the appellate court's decision thereon.

(P.B. 1978-1997, Sec. 4050.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 72

## WRITS OF ERROR


| Sec. | | Sec. | |
|---|---|---|---|
| 72-1. | Writs of Error; In General | 72-3. | Applicable Procedure |
| 72-2. | Form | 72-4. | Applicability of Rules |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 72-1. Writs of Error; In General

(a) Writs of error for errors in matters of law only may be brought from a final judgment of the superior court to the supreme court in the following cases: (1) a decision binding on an aggrieved nonparty; (2) a summary decision of criminal contempt; (3) a denial of transfer of a small claims action to the regular docket; and (4) as otherwise necessary or appropriate in aid of its jurisdiction and agreeable to the usages and principles of law.

(b) No writ of error may be brought in any civil or criminal proceeding for the correction of any error where (1) the error might have been reviewed by process of appeal, or by way of certification, or (2) the parties, by failure timely to seek a transfer or otherwise, have consented to have the case determined by a court or tribunal from whose judgment there is no right of appeal or opportunity for certification.

(P.B. 1978-1997, Sec. 4143.) (Amended Nov. 19, 2003, to take effect Jan. 1, 2004).

### Sec. 72-2. Form

The writ shall contain in numbered paragraphs the facts upon which the petitioner relies, a statement of the relief claimed, and the necessary security for costs.

(P.B. 1978-1997, Sec. 4143A.)

### Sec. 72-3. Applicable Procedure

(a) Upon payment in the trial court of the filing fee, the writ, if in proper form, shall be allowed and signed by a judge or clerk of the court in which the judgment or decree was rendered. The writ shall be presented for signature within twenty days of the date notice of the judgment or decision complained of is given but shall be signed by the judge or clerk even if not presented in a timely manner. Failure without cause to present the writ in a timely manner may be ground for dismissal of the writ by the supreme court.

(b) The writ shall be served and returned as other civil process, except that (1) the writ shall be served at least ten days before the return day, and (2) shall be returned to the appellate clerk at least one day before the return day. The return days of the supreme court are any Tuesday not less than twelve nor more than thirty days after the writ is signed.

(c) If the writ is brought against a judge of the superior court to contest a summary decision of criminal contempt by that judge, the defendant in error shall be the superior court. In all other writs of error, the writ shall bear the caption of the underlying action in which the judgment or decision was rendered. All parties to the underlying action shall be served in accordance with chapter 8 of these rules.

(d) The writ shall be deemed filed the day it is returned. The appellate clerk shall forthwith give notice to all parties of the filing of the writ.

(e) Within twenty days after filing the writ, the plaintiff in error shall file with the appellate clerk two copies of such documents as are necessary to present the claims of error made in the writ, including pertinent pleadings, memoranda of decision and judgment file, accompanied by a certification that a copy thereof has been served on each counsel of record in accordance with Section 62-7.

(f) In the event a transcript is necessary, the plaintiff in error shall follow the procedure set forth in Sections 63-8 and 63-8A.

(g) Within ten days of the filing by the plaintiff in error of the documents referred to in subsections (e) and (f) of this rule, the defendant in error may file two copies of such additional documents as are necessary to defend the action.

(h) Answers or other pleas shall not be filed in response to any writ of error.

(P.B. 1978-1997, Sec. 4144.) (Amended Nov. 19, 2003, to take effect Jan. 1, 2004.)

TECHNICAL CHANGE—2005: In 2005, in subsection (a), the words ''and if presented for signature within two weeks after the rendition of the judgment or decree complained of'' were deleted from the first sentence following ''proper form''. That language should have been deleted as of January 1, 2004, in accordance with a notice published in the Connecticut Law Journal of December 2, 2003, but it was inadvertently included in the 2004 Connecticut Practice Book.

### Sec. 72-4. Applicability of Rules

Except as otherwise provided by statute or rule, the prosecution and defense of a writ of error shall be in accordance with the rules for appeals.

(P.B. 1978-1997, Sec. 4145.) (Amended Nov. 19, 2003, to take effect Jan. 1, 2004).



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 73

# RESERVATIONS

Sec.
73-1. Procedure; Form

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

## Sec. 73-1. Procedure; Form

(a) Any reservation shall be taken to the supreme court or to the appellate court from those cases in which an appeal could have been taken directly to the supreme court, or to the appellate court, respectively, had judgment been rendered. Reservations in cases where the proper court for the appeal cannot be determined prior to judgment shall be taken directly to the supreme court.

(b) All questions presented for advice shall be specific and shall be phrased so as to require a Yes or No answer.

(c) Before any question shall be reserved by any court, counsel shall file in that court a stipulation which shall clearly and fully state the question or questions upon which advice is desired; that their present determination by the appellate court having jurisdiction would be in the interest of simplicity, directness and economy in judicial action, the grounds for such allegation being particularly stated; that the answers to the questions will determine, or are reasonably certain to enter into the final determination of the case; and that the parties request that the questions be reserved for the advice of the appellate court having jurisdiction. The stipulation shall also designate the specific pleadings in the trial court case file which are necessary for the presentation of the question or questions sought to be reserved and shall state the undisputed facts which are essential for determination of the question or questions sought to be reserved. With the stipulation the parties shall file a joint docketing statement in the format specified in Section 63-4(a) (4) for regular appeals.

(d) Upon the ordering of a reservation by the superior court, the clerk of the trial court shall send notice of the reservation to the appellate clerk and to all parties of record. The date of issuance of this notice shall be deemed the filing date of the appeal for purposes of the brief filing deadlines of Section 67-3. No entry fee shall be paid to the superior court and no costs shall be taxed in favor of any party. With the notice of reservation, the clerk of the trial court shall send to the appellate clerk two copies each of the stipulation, its accompanying joint docketing statement, the superior court's order of reservation, and the docket sheet (DS1) listing the counsel for all parties.

(e) The court will not entertain a reservation for its advice upon questions of law arising in any action unless the question or questions presented are such as are, in the opinion of the court, reasonably certain to enter into the decision of the case, and it appears that their present determination would be in the interest of simplicity, directness and economy of judicial action.

(f) The advice of the appellate court on a reservation may be reviewed by the supreme court only upon the granting of certification as provided in chapter 84.

(P.B. 1978-1997, Sec. 4147.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 74

## APPEALS FROM JUDICIAL REVIEW COUNCIL


| Sec. | | Sec. | |
|---|---|---|---|
| 74-1. | Time to Take; Form; Filing; Costs | 74-5. | Parties |
| 74-2. | Papers to Be Filed | 74-6. | Applicability of Rules |
| 74-3. | Costs and Security Not Required | 74-7. | Action on Recommendation when No Appeal |
| 74-4. | Decision of Council; Remand by Supreme Court | 74-8. | Initiation of Action by Supreme Court |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 74-1. Time to Take; Form; Filing; Costs

Appeals from decisions of the judicial review council shall be taken within twenty days from the date the decision appealed from is received by the respondent judge.

The appeal shall be directed to and filed with the supreme court and shall be accompanied by a certification that a copy thereof has been served on the chair or executive director of the judicial review council in accordance with the provisions of Section 62-7. No fee shall be required to be paid. The appellate clerk shall docket the appeal, note thereon the date and time of the filing, affix the docket number assigned to the appeal and send a copy to the judicial review council and to each appearing party.

(P.B. 1978-1997, Sec. 4150.)

### Sec. 74-2. Papers to Be Filed

The respondent judge shall submit, as set forth in Section 61-5, to the appellate clerk at the time the appeal is filed:

(a) a copy of the decision of the judicial review council appealed from, and

(b) the submissions required by Section 63-4.

(P.B. 1978-1997, Sec. 4151.)

### Sec. 74-3. Costs and Security Not Required

Statutory fees, taxable costs and the requirement for furnishing security for costs are waived.

(P.B. 1978-1997, Sec. 4152.)

### Sec. 74-4. Decision of Council; Remand by Supreme Court

The judicial review council shall state its decision in writing on the issues of the case and, if there are factual issues, the factual basis for its decision. The judicial review council shall state in its decision its conclusion as to each claim of law raised by the parties. If the supreme court deems it necessary to the proper disposition of the cause, it may remand the case to the judicial review council for clarification of the basis for its decision.

(P.B. 1978-1997, Sec. 4153.)

### Sec. 74-5. Parties

The parties shall be referred to as the judicial review council and the respondent.

(P.B. 1978-1997, Sec. 4154.)

### Sec. 74-6. Applicability of Rules

All proceedings subsequent to the filing of the appeal shall be governed by the rules applicable to appeals and appeals from administrative agencies.

(P.B. 1978-1997, Sec. 4155.)

### Sec. 74-7. Action on Recommendation when No Appeal

In the event that the respondent judge does not appeal a decision by the judicial review council to recommend to the supreme court such judge's suspension or removal, the council shall, at the expiration of the time to appeal, forward to the appellate clerk a certified copy of its decision together with those parts of the record and transcript as it deems necessary for a proper consideration of its recommendation.

The appellate clerk shall note the date of filing on the documents, notify the chief justice that they have been filed, and prepare sufficient copies for the members of the supreme court. That court shall, as soon as practicable, review the filed documents and render a decision on the recommendation of the council.

(P.B. 1978-1997, Sec. 4156.)

### Sec. 74-8. Initiation of Action by Supreme Court

In the event that the supreme court, on its own motion, wishes to initiate proceedings against a judge, it shall refer the matter to the judicial review council or, if the judge to be investigated is a member of that council, to a committee of three state referees for investigation and hearing.

The council or the committee shall render a decision pursuant to Section 74-4 and forward a copy of its decision to the respondent judge and to the appellate clerk.



© Copyrighted by the Secretary of the State of the State of Connecticut

The decision may be appealed by the respondent judge pursuant to the provisions of this chapter. If the respondent judge fails to appeal within the time provided, the decision shall be final, unless it was rendered by a committee or contains a recommendation for suspension or removal of the judge, in which case, at the expiration of the time to appeal, the council or committee shall file pertinent parts of the record and transcript with the appellate clerk pursuant to Section 74-7 and the supreme court shall render a decision thereon.

(P.B. 1978-1997, Sec. 4157.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 75

## APPEALS FROM COUNCIL ON PROBATE JUDICIAL CONDUCT


| Sec. | | Sec. | |
|---|---|---|---|
| 75-1. | Time to Take; Form; Filing; Costs | 75-4. | Decision of Council; Remand by Supreme Court |
| 75-2. | Papers to Be Filed | 75-5. | Parties |
| 75-3. | Costs and Security Not Required | 75-6. | Applicability of Rules |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 75-1. Time to Take; Form; Filing; Costs

Appeals from decisions of the council on probate judicial conduct to reprimand or censure shall be taken within twenty days from the date that notice of the reprimand or censure is received by the respondent judge.

The appeal shall be directed to and filed with the supreme court, and shall be accompanied by a certification that a copy thereof has been served on the chair or secretary of the council on probate judicial conduct in accordance with the provisions of Section 62-7. No fee shall be required to be paid. The appellate clerk shall docket the appeal, note on the form the date and time of the filing, affix the docket number assigned to the appeal and send a copy to the council on probate judicial conduct and to each appearing party.

(P.B. 1978-1997, Sec. 4159.)

### Sec. 75-2. Papers to Be Filed

The appellant shall submit, as set forth in Section 62-7, to the appellate clerk at the time the appeal is filed:

(a) a copy of the decision of the council on probate judicial conduct appealed from, and

(b) the submissions required by Section 63-4.

(P.B. 1978-1997, Sec. 4160.)

### Sec. 75-3. Costs and Security Not Required

Statutory fees, taxable costs and the requirement for furnishing security for costs are waived.

(P.B. 1978-1997, Sec. 4161.)

### Sec. 75-4. Decision of Council; Remand by Supreme Court

The council on probate judicial conduct shall state its decision in writing on the issues of the case. Within two weeks of receipt of notice of an appeal, the council shall file a finding of fact and conclusions therefrom. If the supreme court deems it necessary to the proper disposition of the cause, it may remand the case to the council on probate judicial conduct for clarification of the basis of its decision.

(P.B. 1978-1997, Sec. 4162.)

### Sec. 75-5. Parties

The parties shall be referred to as the council on probate judicial conduct and the respondent.

(P.B. 1978-1997, Sec. 4163.)

### Sec. 75-6. Applicability of Rules

All proceedings subsequent to the filing of the appeal shall be governed by the rules applicable to appeals and appeals from administrative agencies.

(P.B. 1978-1997, Sec. 4164.)

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 76

## APPEALS IN WORKERS' COMPENSATION CASES


| Sec. | | Sec. | |
|---|---|---|---|
| 76-1. | Applicability of Rules | 76-4. | Fees and Costs |
| 76-2. | Filing Appeal | 76-5. | Reservation of Case |
| 76-3. | Record; Preparation of Case File; Exhibits | 76-6. | Definitions |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 76-1. Applicability of Rules

Except as otherwise noted in Sections 76-2 through 76-6, the practice and procedure for appeals to the appellate court (1) from a decision of the compensation review board (board), or (2) from a decision of a workers' compensation commissioner acting pursuant to General Statutes § 31-290a(b) (§ 31-290a commissioner), shall conform to the rules of practice governing other appeals.

(P.B. 1978-1997, Sec. 4165.)

### Sec. 76-2. Filing Appeal

The appeal shall be filed with the appellate clerk accompanied by a certification that a copy thereof has been served on each party of record and on the board or the § 31-290a commissioner, as appropriate, in accordance with the provisions of Section 62-7.

The appellate clerk shall stamp or note on the appeal the date and time of filing, shall docket the appeal, shall affix to the appeal the docket number assigned to it, and shall send one copy to the board or the § 31-290a commissioner, as appropriate, and one copy to each appearing party.

(P.B. 1978-1997, Sec. 4165.1.)

### Sec. 76-3. Record; Preparation of Case File; Exhibits

Within ten days of the issuance of notice of the filing of an appeal, the board or the § 31-290a commissioner, as appropriate, shall cause to be filed with the appellate clerk two complete copies of the case file. No omissions may be made from the case file except upon the authorization of the appellate clerk. Each document of the case file must be numbered and the file must include a table of contents listing each item entered in the file according to its number.

All exhibits before the board or the § 31-290a commissioner are deemed exhibits on appeal. The appellate clerk shall notify the board or the § 31-290a commissioner of the exhibits required by the court. It shall be the responsibility of the board or the § 31-290a commissioner to transmit those exhibits promptly to the appellate clerk.

(P.B. 1978-1997, Sec. 4165.2.)

### Sec. 76-4. Fees and Costs

On appeals from the board or the § 31-290a commissioner, or upon the reservation of a workers' compensation case by the compensation review board, no entry fee shall be paid, and no costs shall be taxed in favor of either party provided that if an appeal is found by the court either to be frivolous or to be taken for the purpose of vexation or delay, the court may tax costs in its discretion against the person so taking the appeal.

(P.B. 1978-1997, Sec. 4165.4.)

### Sec. 76-5. Reservation of Case

When, in any case arising under the provisions of this chapter, the compensation review board is of the opinion that the decision involves principles of law which are not free from reasonable doubt and which public interest requires shall be determined by the appellate court, in order that a definite rule be established applicable to future cases, the compensation review board may, on its own motion and without any agreement or act of the parties or their counsel, reserve such case for the opinion of the appellate court. Upon a reservation so made, no costs or fees shall be taxed in favor of either party. Upon the filing of such a reservation, the question shall come before the appellate court as though an appeal had been taken, and that court shall thereupon reserve the case for the opinion of the supreme court in the manner herein indicated; but if, in the opinion of the appellate court, the principles of law involved in the decision are in fact free from reasonable doubt and the public interest does not in fact require that they be determined by the supreme court, the appellate court may, in its discretion, hear and determine the controversy as in other cases. Any reservation under this rule may be transferred to the supreme



© Copyrighted by the Secretary of the State of the State of Connecticut

court on its own motion pursuant to General Statutes § 51-199 (c) or on the motion of any party pursuant to Section 65-2.

(P.B. 1978-1997, Sec. 4165.5.) (Amended July 21, 1999, to take effect Jan. 1, 2000.)

**Sec. 76-6. Definitions**

With regard to appeals from the board or the § 31-290a commissioner, references in the rules of appellate procedure to trial court or trial judge shall, where applicable, be deemed to mean the individuals who comprised the board which rendered the decision from which the appeal was taken, or the § 31-290a commissioner, as appropriate.

(P.B. 1978-1997, Sec. 4165.6; see also Sec. 60-4)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 77

## PROCEDURES CONCERNING COURT CLOSURE AND SEALING ORDERS OR ORDERS LIMITING THE DISCLOSURE OF FILES, AFFIDAVITS, DOCUMENTS OR OTHER MATERIAL

(Amended Oct. 15, 2003, to take effect Jan. 1, 2004.)

Sec.
77-1. Expedited Review of an Order concerning Court Closure, or an Order that Seals or Limits the Disclosure of Files, Affidavits, Documents or Other Material

Sec.
77-2. Sealing Orders; Treatment of Lodged Records

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 77-1. Expedited Review of an Order concerning Court Closure, or an Order that Seals or Limits the Disclosure of Files, Affidavits, Documents or Other Material

(Amended July 21, 1999, to take effect Jan. 1, 2000.)

(a) Except as provided in subsection (b), any person affected by a court order which prohibits the public or any person from attending any session of court, or any order that seals or limits the disclosure of files, affidavits, documents or other material on file with the court or filed in connection with a court proceeding, may seek review of such order by filing an original and fifteen copies of a petition for review with the appellate court within seventy-two hours after the issuance of the order. The petition shall fully comply with Sections 66-2 and 66-3. The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate court. An appendix containing the information or complaint, the answer, all motions pertaining to the matter, the opinion or orders of the trial court sought to be reviewed, a list of all parties with the names, addresses, telephone and facsimile numbers and, if applicable, the juris number of their counsel, the names of all judges who participated in the case, and a transcript order acknowledgment form (JD-ES-38), shall be attached to each copy of the petition.

Any person filing a petition for review pursuant to this rule shall serve a copy of the petition and appendix upon (1) all parties to the case and (2) any nonparty who sought the closure order or order sealing or limiting disclosure by facsimile or hand delivery on the same day as the petition is filed. Any party or nonparty who sought such order may file a written response within ninety-six hours after the filing of the petition for review. Failure to file a written response shall not preclude that party or nonparty who sought the order under review from participating in the hearing on the petition.

The filing of any petition for review of a court order which prohibits the public or any person from attending any session of court shall stay the order until the final determination of the review. The filing of any petition for review of an order that seals or limits the disclosure of files, affidavits, documents or other material on file with the court shall not stay the order during the review.

The appellate court shall hold an expedited hearing on any petition for review on the fifth business day next following the day upon which the certificate of completion provided for by Section 63-8 (c) has been filed with the appellate clerk. After such hearing the appellate court may affirm, modify or vacate the order reviewed.

(b) This section shall not apply to court orders concerning any session of court conducted pursuant to General Statutes §§ 46b-11, 46b-49, 46b-122, 54-76h, and any order issued pursuant to a rule that seals or limits the disclosure of any affidavit in support of an arrest warrant, or any other provision of the General Statutes under which the court is authorized to close proceedings.

(P.B. 1978-1997, Sec. 4166.) (Amended July 21, 1999, and December 13, 1999, to take effect Jan. 1, 2000.)

### Sec. 77-2. Sealing Orders; Treatment of Lodged Records

(a) When, by order of the trial court or by operation of statute, a trial court file is sealed or is subject to limited disclosure, all filings with the appellate clerk in that matter shall be treated similarly unless otherwise ordered by the court having appellate jurisdiction. Any sealing or limitation on disclosure ordered by the trial court or required by operation of statute as to any affidavit, docu-



© Copyrighted by the Secretary of the State of the State of Connecticut

ment or other material filed in the trial court shall continue throughout the appellate process.

(b) If a claim is raised on appeal challenging the denial of a motion to seal or limit disclosure pursuant to Section 7-4B (d), a lodged record shall remain conditionally under seal in the court having appellate jurisdiction and shall be treated as an exhibit pursuant to the provisions of Section 68-1.

(Adopted Oct. 15, 2003, to take effect Jan. 1, 2004.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 78

## REVIEW OF GRAND JURY RECORD OR FINDING ORDER

Sec.
78-1. Review of an Order concerning Disclosure of Grand Jury Record or Finding

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

**Sec. 78-1. Review of an Order concerning Disclosure of Grand Jury Record or Finding**

Any person aggrieved by an order of a panel or an investigatory grand jury pursuant to General Statutes § 54-47g may seek review of such order by filing a petition for review with the appellate court within seventy-two hours after the issuance of the order. The filing of any such petition for review shall stay the order until the final determination of the petition. The appellate court shall hold an expedited hearing on such petition. After such hearing, the appellate court may affirm, modify or vacate the order reviewed.

(P.B. 1978-1997, Sec. 4166A.)

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 79

## APPEALS IN JUVENILE MATTERS

Sec.
79-1. Time to Take; Form; Filing; Costs
79-2. Clerk's Duties
79-3. Inspection of Records
79-4. Hearings; Confidentiality
79-5. Briefs

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

### Sec. 79-1. Time to Take; Form; Filing; Costs

Appeals from judgments of the superior court in juvenile matters shall be taken within twenty days from the issuance of notice of the rendition of the judgment from which the appeal is taken.

The appeal shall be filed with the clerk in charge of juvenile matters with sufficient copies so that the clerk may distribute copies as required by Section 79-2.

An appellant who is indigent may make written application to the court before which the juvenile matter was heard for waiver of fees as provided in Section 63-6 or 63-7.

(P.B. 1978-1997, Sec. 4166B.)

### Sec. 79-2. Clerk's Duties

In addition to the clerk's duties as specified in Section 63-3, the clerk of the superior court in charge of juvenile matters shall also send a copy of the endorsed appeal form and the docket sheet to the commissioner of children and families, to the petitioner upon whose application the proceedings in the superior court were instituted, unless such party is the appellant, to any person or agency having custody of any child who is a subject of the proceeding, and to all other interested persons; and if the addresses of any such persons do not appear of record, such juvenile clerk shall call the matter to the attention of a judge of the superior court who shall make such an order of notice as such judge deems advisable.

(P.B. 1978-1997, Sec. 4166B.1.)

### Sec. 79-3. Inspection of Records

The records and papers of any juvenile matter shall be open for inspection only to counsel of record and to others having a proper interest therein only upon order of the court. The name of the child or youth involved in any appeal from a juvenile matter shall not appear on the record of the appeal.

(P.B. 1978-1997, Sec. 4166B.2.)

### Sec. 79-4. Hearings; Confidentiality

(a) For the purpose of maintaining confidentiality, upon the hearing of an appeal from a juvenile matter, the court may exclude any person from the court whose presence is unnecessary.

(b) All proceedings shall be conducted in a manner that will preserve the anonymity of the child or youth.

(P.B. 1978-1997, Sec. 4166B.3.) (Amended Oct. 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 79-5. Briefs

Briefing in juvenile matters shall be in accordance with the general rules for briefing appeals, except that a brief or statement in accordance with Section 67-13 shall be filed by counsel for the minor child and/or counsel for the guardian ad litem within ten days of the filing of the appellee's brief.

(Adopted Nov. 4, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2005: This rule is intended to highlight the special requirement of Section 67-13 that applies to juvenile matters.



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 80

## APPEALS IN HABEAS CORPUS PROCEEDINGS FOLLOWING CONVICTION

Sec.
80-1. Certification to Appeal; Procedure on Appeal

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 80-1. Certification to Appeal; Procedure on Appeal

In any habeas corpus proceeding where the party desiring to appeal is required by statute to petition the trial court for certification that a question is involved in the decision which ought to be reviewed by the appellate court, the petition for such certification shall be made to the judge who tried the case or, if such judge is unavailable, a judge of the superior court designated by the chief court administrator, within ten days after the case is decided. The appeal shall be filed within twenty days from the issuance of the notice of decision on the petition for certification, unless an application for waiver of fees, costs and security is filed pursuant to Section 63-6, in which event the appeal shall be filed within twenty days from the decision on the application.

(P.B. 1978-1997, Sec. 4166C.) (Amended July 23, 1998, to take effect Jan. 1, 1999; amended May 12, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, in the first sentence, ‘‘, if such judge is unavailable, a judge of the superior court designated by the chief court administrator’’ was substituted for ‘‘a judge of the supreme or appellate court.’’

COMMENTARY—2005: These changes were made to conform to the language of General Statutes § 52-470, as amended by 2002 Public Acts, No. 02-132.

---



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 81

## APPEALS TO APPELLATE COURT BY CERTIFICATION FOR REVIEW IN ACCORDANCE WITH GENERAL STATUTES CHAPTERS 124 AND 440


| Sec. | | Sec. | |
|---|---|---|---|
| 81-1. | Petition; Where to File; Time to File; Service; Fee | 81-4. | Proceedings after Certification by Appellate Court |
| 81-2. | Form of Petition | 81-5. | Extensions of Time |
| 81-3. | Statement in Opposition to Petition | 81-6. | Filing of Regulations |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 81-1. Petition; Where to File; Time to File; Service; Fee

(a) A petition for certification in accordance with chapters 124 and 440 of the General Statutes shall be filed by the party aggrieved by the decision of the trial court in the trial court within twenty days from the issuance of notice of the decision of the trial court. If within this period a timely motion is filed which, if granted, would render the trial court judgment ineffective, as, for example, a motion for a new trial, then the twenty days shall run from the issuance of notice of the decision thereon.

The petitioner shall file the original and one copy of the petition with, and pay a filing fee to, the clerk of the trial court. The clerk shall endorse on the original petition the date and time of filing and the receipt, or waiver, of fees. The clerk shall return the original endorsed petition to the petitioner, who shall promptly file it, together with ten additional copies, with the appellate clerk. The petitioner shall serve a copy upon every other party in the manner set forth in Section 62-7.

(b) Any other party aggrieved by the decision of the trial court may file a cross petition within ten days of the filing of the original petition. The filing of cross petitions, including the payment of the fee, service pursuant to Section 62-7, the form of the cross petition, and all subsequent proceedings shall be the same though the cross petition were an original petition.

(c) The filing of a petition or cross petition by one party shall be deemed to be a filing on behalf of that party only.

(P.B. 1978-1997, Sec. 4142.) (Amended Sept. 22, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, the current subsection (b) was added, what had been subsection (b) became subsection (c), and in subsection (c) ''or cross petition'' was inserted.

COMMENTARY—2005: Subsection (b) was added to this rule to provide for the filing of cross petitions to the appellate court. The procedure in the new subsection parallels the existing procedure for filing cross petitions to the supreme court.

### Sec. 81-2. Form of Petition

(a) A petition for certification shall contain the following sections in the order indicated here:

(1) A statement of the questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail.

(2) A statement of the basis for certification identifying the specific reasons why the appellate court should allow the extraordinary relief of certification. These reasons may include but are not limited to the following:

(A) The court below has decided a question of substance not theretofore determined by the supreme court or the appellate court or has decided it in a way probably not in accord with applicable decisions of the supreme court or the appellate court.

(B) The decision under review is in conflict with other decisions of the court below.

(C) The court below has so far departed from the accepted and usual course of judicial proceedings, or has so far sanctioned such a departure by any other court, as to call for an exercise of the appellate court's supervision.

(D) A question of great public importance is involved.

(3) A summary of the case containing the facts material to the consideration of the questions presented, reciting the disposition of the matter in the trial court, and describing specifically how the trial court decided the questions presented for review in the petition.

(4) A concise argument amplifying the reasons relied upon to support the petition. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

(5) An appendix containing the opinion or order of the trial court sought to be reviewed, a copy of the order on any motion which would stay or extend the time period for filing the petition, and a list of all parties to the appeal in the trial court



© Copyrighted by the Secretary of the State of the State of Connecticut

with the names, addresses, telephone and facsimile numbers, and, if applicable, the juris numbers of their counsel.

(b) The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate clerk. The petition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in petitions: arial and univers. Each page of a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. A certificate shall be attached to the signed, original petition, indicating that it is in compliance with all the provisions of this rule.

(P.B. 1978-1997, Sec. 4142.1.) (Amended July 23, 1998, to take effect Jan. 1, 1999; amended Jan. 17, 2002, to take effect April 15, 2002; amended May 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 81-3. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition in the trial court, any party may file a statement in opposition to the petition. The original statement in opposition, together with ten additional copies, shall be filed with the appellate clerk. The statement shall disclose any reasons why certification should not be granted by the appellate court and shall be presented in a manner which is responsive, in form and content, to the petition it opposes. The statement in opposition shall not exceed ten pages in length, except with special permission of the appellate clerk. The statement in opposition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in the statement in opposition: arial and univers. Each page of statement in opposition to a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. A certificate shall be attached to the signed, original statement in opposition, indicating that it is in compliance with all the provisions of this rule.

No separate memorandum of law in support of the statement in opposition will be accepted by the appellate clerk.

(b) The statement in opposition shall be served in the manner set forth in Section 62-7.

(c) No motion to dismiss a petition for certification will be accepted by the appellate clerk. Any objection to the jurisdiction of the court to entertain the petition shall be included in the statement in opposition.

(P.B. 1978-1997, Sec. 4142.2.) (Amended Jan. 17, 2002, to take effect April 15, 2002; amended May 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 81-4. Proceedings after Certification by Appellate Court

Within twenty days from the issuance of notice of certification, the petitioner, who shall be considered the appellant, shall file the appeal in the manner provided by Section 63-3, take all other steps as may be required by Section 63-4, and in accordance with Section 63-5 shall pay the appropriate fees and give security. The clerk of the trial court must forward the case file to the appellate clerk in accordance with Section 68-1. Except as otherwise noted in Section 81-6, all proceedings subsequent to the filing of the appeal shall be governed by the rules applicable to appeals and appeals from administrative agencies.

(P.B. 1978-1997, Sec. 4142.3.) (Amended July 24, 2002, to take effect Oct. 1, 2002.)

### Sec. 81-5. Extensions of Time

Motions for extensions of time for purposes of filing a petition for certification or a statement in opposition thereto shall be filed with the appellate clerk and shall be governed by Section 66-1.

(P.B. 1978-1997, Sec. 4142.4.)

### Sec. 81-6. Filing of Regulations.

The appellant's brief shall be filed simultaneously with one complete copy of the local land use regulations that were in effect at the time of the hearing that gave rise to the agency action or ruling in dispute. The regulations shall be certified by the local zoning or equivalent official as having been in effect at the time of the hearing. The appellant need not serve a copy of such regulations on other counsel of record.

(Adopted July 24, 2002, to take effect Oct. 1, 2002.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 82

## CERTIFIED QUESTIONS FROM COURTS OF OTHER JURISDICTIONS

(Amended Nov. 4, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: Prior to 2005, the title of this chapter was "**CERTIFIED QUESTIONS FROM FEDERAL COURTS**."


| Sec. | |
|---|---|
| 82-1. | In General |
| 82-2. | Method of Initiating [Repealed] |
| 82-3. | Contents of Certification Request |
| 82-4. | Preparation of Certification Request |
| 82-5. | Receipt; Costs of Certification |
| 82-6. | Briefs and Argument |
| 82-7. | Opinion |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 82-1. In General

The supreme court may answer questions of law certified to it by a court of the United States or by the highest court of another state, as defined in General Statutes § 51-199b, or by the highest court of a tribe of Native Americans recognized by federal law when requested by the certifying court if the answer may be determinative of an issue in pending litigation in the certifying court and if there is no controlling appellate decision, constitutional provision or statute of this state.

(P.B. 1978-1997, Sec. 4168.) (Amended Nov. 4, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: Prior to 2005, this section read: "The supreme court may answer questions of law certified to it by the supreme court of the United States, a court of appeals of the United States or a United States district court when requested by the certifying court if there are involved in any proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court of this state."

COMMENTARY—2005: This rule has been amended in conformity with the Uniform Certification of Questions of Law Act, General Statutes § 51-199b.

### Sec. 82-2. Method of Initiating

[Repealed as of Jan. 1, 2005.]

HISTORY—2005: At the time of its repeal, this section read:

"These rules may be invoked by request of any of the courts referred to in Section 82-1 upon the court's own motion or upon the motion of any party to the cause.

"(P.B. 1978-1997, Sec. 4169.)"

COMMENTARY—2005: This rule has been repealed because it is duplicative of the procedure set forth in Section 82-1.

### Sec. 82-3. Contents of Certification Request

A certification request shall set forth: (1) The questions of law to be answered; (2) a finding or stipulation approved by the court setting forth all facts relevant to answering the questions certified and showing fully the nature of the controversy in which the questions arose; (3) that the receiving court may reformulate the questions; and (4) the names and addresses of counsel of record and pro se parties.

The questions presented should be such as will be determinative of the case, and it must appear that their present determination would be in the interest of simplicity, directness and economy of judicial action.

All questions presented shall be specific and shall be phrased so as to require a Yes or No answer, wherever possible.

(P.B. 1978-1997, Sec. 4170.) (Amended Nov. 4, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: In 2005, subdivisions (3) and (4) were added to the first paragraph.

COMMENTARY—2005: This rule has been amended in conformity with the Uniform Certification of Questions of Law Act, General Statutes § 51-199b.

### Sec. 82-4. Preparation of Certification Request

The certification request shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the supreme court by the clerk of the certifying court under its official seal. The certification request shall be submitted together with eight copies thereof and also eight copies of any briefs or other documents relating to the questions certified. Upon receipt of the certification request, the appellate clerk shall notify the parties who shall be allowed a period of ten days from the date of mailing such notice to file objections to the acceptance of the certification request. The supreme court shall either preliminarily accept or decline the certification request. An order of preliminary acceptance shall not prevent the supreme court from rejecting the certification if it should later appear to have been improvidently ordered.

The supreme court may decline to answer the questions certified whenever it appears that the



© Copyrighted by the Secretary of the State of the State of Connecticut

questions have been improperly framed, the necessary facts have not been fully set forth, or, for any other reason, certification has been improvidently ordered. The supreme court may also request the certifying court to provide additional facts required for a decision upon the questions certified, and also to clarify such questions when necessary. The supreme court may require the original or copies of all or of any portion of the record before the certifying court to be filed with the certification order, if, in the opinion of the supreme court, the record or portion thereof may be necessary in answering the questions.

(P.B. 1978-1997, Sec. 4171.)

### Sec. 82-5. Receipt; Costs of Certification

Upon issuance of an order of preliminary acceptance, the appellate clerk shall docket the order, affix to the order the docket number assigned, and shall send notice of issuance of such order, with the docket number assigned, to the certifying court and to all parties. Within twenty days of receipt of such notice, the fees and costs shall be paid equally by the parties, unless otherwise ordered by the certifying court in its order of certification. In addition, within twenty days of preliminary acceptance, the parties shall file a docketing statement in the format specified in Section 63-4(a)(4). No security or recognizance shall be required, and no costs shall be taxed in favor of either party.

(P.B. 1978-1997, Sec. 4172.)

### Sec. 82-6. Briefs and Argument

The plaintiff in the court that requested certification shall be deemed the appellant, and the defendant in such court shall be deemed the appellee for purposes of these rules, unless otherwise ordered by the court.

Briefs filed by the parties shall conform to the rules here. The time for filing briefs shall commence from the mailing of notice of preliminary acceptance of the certification order.

Oral argument shall be as provided for by the rules here, unless otherwise ordered by the court.

(P.B. 1978-1997, Sec. 4173.) (Amended Nov. 4, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: Prior to 2005, the first paragraph of this section read: ‘‘ The plaintiff in the district court or the appellant in the court of appeals or United States supreme court shall be deemed the appellant, and the defendant in the district court or the appellee in the court of appeals or United States supreme court shall be deemed the appellee for purposes of these rules, unless otherwise ordered by the court.’’

COMMENTARY—2005: This rule has been amended in conformity with the Uniform Certification of Questions of Law Act, General Statutes § 51-199b.

### Sec. 82-7. Opinion

Upon publication thereof, the written opinion of the supreme court in response to the question or questions certified shall be sent by the appellate clerk to the certifying court. Unless otherwise ordered by the supreme court, official notification to counsel of record shall be the publication of the opinion in the Connecticut Law Journal.

(P.B. 1978-1997, Sec. 4174.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 83

## CERTIFICATION PURSUANT TO GENERAL STATUTES § 52-265a IN CASES OF SUBSTANTIAL PUBLIC INTEREST


| Sec. | | Sec. | |
|---|---|---|---|
| 83-1. | Application; In General | 83-3. | Application Denied |
| 83-2. | Application Granted | 83-4. | Unavailability of Chief Justice |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

### Sec. 83-1. Application; In General

Prior to filing an appeal pursuant to General Statutes § 52-265a, the party seeking to appeal shall, within two weeks of the issuance of the order or decision of the superior court, submit an original plus three copies of an application for certification by the chief justice (1) stating the question of law on which the appeal is to be based, (2) describing the substantial public interest that is alleged to be involved, and (3) explaining why delay may work a substantial injustice.

Using an expeditious delivery method such as overnight mail or facsimile or other electronic medium, the party submitting the application shall provide the trial judge, the trial court clerk, and all counsel of record with a copy of the application. This requirement is in addition to the customary certification requirements of Section 62-7.

(P.B. 1978-1997, Sec. 4177.) (Amended July 26, 2000, to take effect Jan. 1, 2001.)

### Sec. 83-2. Application Granted

If any application is certified pursuant to General Statutes § 52-265a by the chief justice, the usual rules of procedure shall apply except as modified by the supreme court pursuant to Sections 60-2 or 60-3. The party certified to appeal shall have such additional time as the order of certification allows to file the appeal.

(P.B. 1978-1997, Sec. 4178.)

### Sec. 83-3. Application Denied

If an application pursuant to General Statutes § 52-265a is denied by the chief justice, the denial shall be deemed to terminate all proceedings relating to the appeal.

(P.B. 1978-1997, Sec. 4179.)

### Sec. 83-4. Unavailability of Chief Justice

If the chief justice is unavailable or disqualified, the most senior associate justice who is available and is not disqualified shall rule on the application for certification.

(P.B. 1978-1997, Sec. 4180.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 84

## APPEALS TO SUPREME COURT BY CERTIFICATION FOR REVIEW


| Sec. | |
|---|---|
| 84-1. | Certification by Supreme Court |
| 84-2. | Basis for Certification |
| 84-3. | Stay of Execution |
| 84-4. | Petition; Time to File; Where to File; Service; Fee |
| 84-5. | Form of Petition |
| 84-6. | Statement in Opposition to Petition |
| 84-7. | Extensions of Time |
| 84-8. | Grant or Denial of Certification |
| 84-9. | Proceedings after Certification; Appeals Deemed Pending |
| 84-10. | Record |
| 84-11. | Papers to Be Filed by Appellant and Appellee |
| 84-12. | Applicability of Rules |


*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 84-1. Certification by Supreme Court

An appeal may be taken to the supreme court upon the final determination of an appeal in the appellate court where the supreme court, upon petition of an aggrieved party, certifies the case for review.

(P.B. 1978-1997, Sec. 4126.)

### Sec. 84-2. Basis for Certification

Certification by the supreme court on petition by a party is not a matter of right but of sound judicial discretion and will be allowed only where there are special and important reasons therefor. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of the reasons which will be considered:

(1) Where the appellate court has decided a question of substance not theretofore determined by the supreme court or has decided it in a way probably not in accord with applicable decisions of the supreme court.

(2) Where the decision under review is in conflict with other decisions of the appellate court.

(3) Where the appellate court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by any other court, as to call for an exercise of the supreme court's supervision.

(4) Where a question of great public importance is involved.

(5) Where the judges of the appellate panel are divided in their decision or, though concurring in the result, are unable to agree upon a common ground of decision.

(P.B. 1978-1997, Sec. 4127.)

### Sec. 84-3. Stay of Execution

In any action in which a stay of proceedings was in effect during the pendency of the appeal, or, if no stay of proceedings was in effect, in which the decision of the appellate court would change the position of any party from its position during the pendency of the appeal, proceedings to enforce or carry out the judgment shall be stayed until the time to file the petition has expired. If a petition by a party is filed, the proceedings shall be stayed until the supreme court acts on the petition and, if the petition is granted, until the final determination of the cause; but if the presiding judge of an appellate panel which heard the case is of the opinion that the certification proceedings have been taken only for delay or that the due administration of justice so requires, such presiding judge may, up to the time the supreme court acts upon the petition, upon motion order that the stay be terminated. If such presiding judge is unavailable, the most senior judge on such panel who is available may act upon such a motion for termination of the stay.

(P.B. 1978-1997, Sec. 4128.)

### Sec. 84-4. Petition; Time to File; Where to File; Service; Fee

(a) A petition for certification shall be filed by the petitioner within twenty days of (1) the date the opinion is officially released as set forth in Section 71-4, or (2) the issuance of notice of any order or judgment finally determining a cause in the appellate court, whichever is earlier. If within this period a timely motion is filed which, if granted, would render the appellate court order or judgment ineffective, as, for example, a motion for reconsideration, or if within this period an application for waiver of fees is filed, then the twenty days shall run from the issuance of notice of the decision thereon.

Except in workers' compensation cases, the petitioner for certification shall file the original and one copy of the petition with, and pay a filing fee to, the clerk of the trial court except that no fee shall be required in cases where a waiver of fees, costs and expenses under Section 63-6 or 63-7



© Copyrighted by the Secretary of the State of the State of Connecticut

was previously granted. The fee may be paid to the clerk of any trial court in the state. The clerk shall endorse on the original petition the date and time of filing and the receipt, or waiver, of fees. The clerk shall return the original endorsed petition to the petitioner, who shall promptly send it, together with ten additional copies, to the appellate clerk. The petitioner shall serve a copy upon every other party in the manner set forth in Section 62-7 and, if the fee was paid at a location other than the original trial court, then the petitioner shall also serve a copy upon the clerk of the original trial court.

In workers' compensation cases the petitioner shall file the original and ten copies with the appellate clerk. The petitioner shall serve a copy upon every other party in the manner set forth in Section 62-7, and upon the trial commissioner in a General Statutes § 31-290a appeal and upon the compensation review board in an appeal from that board. No fee is required in workers' compensation cases.

(b) Any other party aggrieved by the judgment of the appellate court may file a cross petition within ten days of the filing of the original petition. The filing of cross petitions, including the payment of the fee, service pursuant to Section 62-7, the form of the cross petition, and all subsequent proceedings shall be the same as though the cross petition were an original petition.

(c) The filing of a petition or cross petition by one party shall not be deemed to be a filing on behalf of any other party.

(P.B. 1978-1997, Sec. 4129.) (Amended July 23, 1998, to take effect Jan. 1, 1999; amended July 21, 1999, to take effect Jan. 1, 2000; amended Oct. 10, 2001, to take effect Jan. 1, 2002.)

### Sec. 84-5. Form of Petition

(a) A petition for certification shall contain the following sections in the order indicated here:

(1) A statement of the questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The supreme court will ordinarily consider only those questions squarely raised, subject to any limitation in the order granting certification.

(2) A statement of the basis for certification identifying the specific reasons, including but not limited to those enumerated in Section 84-2, why the supreme court should allow the extraordinary relief of certification.

(3) A summary of the case containing the facts material to the consideration of the questions presented, reciting the disposition of the matter in the appellate court, and describing specifically how the appellate court decided the questions presented for review in the petition.

(4) A concise argument amplifying the reasons relied upon to support the petition. No separate memorandum of law in support of the petition will be accepted by the appellate clerk.

(5) An appendix containing:

(A) the opinion or order of the appellate court sought to be reviewed,

(B) if the opinion or order of the appellate court was a summary affirmance or dismissal, a copy of the trial court's memorandum of decision that was entered in connection with the claim raised by the petitioner before the appellate court, or, if no memorandum was filed, a copy of the trial court's ruling on the matter,

(C) a copy of the order on any motion which would stay or extend the time period for filing the petition,

(D) a list of all parties to the appeal in the appellate court with the names, addresses, telephone and facsimile numbers, and if applicable, the juris numbers of their trial and appellate counsel.

The appendix may be reproduced on both sides of a page.

(b) The petition shall not exceed ten pages in length, exclusive of the appendix, except with special permission of the appellate clerk. The petition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in petitions: arial and univers. Each page of a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. A certificate shall be attached to the signed, original petition, indicating that it is in compliance with all the provisions of this rule.

(P.B. 1978-1997, Sec. 4130.) (Amended July 23, 1998, to take effect Jan. 1, 1999; amended Jan. 17, 2002, to take effect April 15, 2002; amended May 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 84-6. Statement in Opposition to Petition

(a) Within ten days of the filing of the petition in the trial court, any party may file a statement in opposition to the petition. The original statement in opposition, together with ten additional copies, shall be filed with the appellate clerk. The statement in opposition shall disclose any reasons why certification should not be granted by the supreme court and shall be presented in a manner which is responsive, in form and content, to the petition it opposes. The statement in opposition shall not exceed ten pages in length except with special permission of the appellate clerk.



© Copyrighted by the Secretary of the State of the State of Connecticut

The statement in opposition shall be typewritten and fully double spaced, and shall not exceed three lines to the vertical inch or twenty-seven lines to the page. Footnotes and block quotations may be single spaced. Only the following two typefaces, of 12 point or larger size, are approved for use in the statement in opposition: arial and univers. Each page of a statement in opposition to a petition shall have as a minimum the following margins: top, 1 inch; left, 1 and 1/4 inch; right, 1/2 inch; and bottom, 1 inch. A certificate shall be attached to the signed, original statement in opposition, indicating that it is in compliance with all the provisions of this rule.

No separate memorandum of law in support of the statement in opposition will be accepted by the appellate clerk.

(b) The statement in opposition shall be served in the manner set forth in Section 62-7.

(c) No motion to dismiss a petition for certification will be accepted by the appellate clerk. Any objection to the jurisdiction of the court to entertain the petition shall be included in the statement in opposition.

(P.B. 1978-1997, Sec. 4131.) (Amended Jan.17, 2002, to take effect April 15, 2002; amended May 15, 2003, to take effect Jan. 1, 2004.)

### Sec. 84-7. Extensions of Time

Motions for extensions of time for purposes of filing a petition for certification or a statement in opposition thereto shall be filed with the appellate clerk and shall be governed by Section 66-1.

(P.B. 1978-1997, Sec. 4132.)

### Sec. 84-8. Grant or Denial of Certification

A petition by a party shall be granted on the affirmative vote of three or more justices of the supreme court. Upon the determination of any petition, the appellate clerk shall enter an order granting or denying the certification in accordance with the determination of the court and shall send notice of the court's order to the clerk of the trial court and to counsel.

(P.B. 1978-1997, Sec. 4136.)

### Sec. 84-9. Proceedings after Certification; Appeals Deemed Pending

Whenever certification is granted by the supreme court, the cause shall be deemed pending on appeal in the supreme court and the appellate clerk shall enter the case upon the docket. Where a petition has been granted, the petitioner shall be considered the appellant. The appellant shall pay the filing fee to the clerk of any trial court within twenty days from the issuance of notice of certification. No fee shall be required, however, in workers' compensation cases or in cases where a waiver of fees, costs and expenses under Sections 63-6 or 63-7 was previously granted. The appellant shall certify to all other counsel and to the clerk of the trial court from which the cause arose that the fees have been paid or that no fees were required. Security for costs is not required to take an appeal pursuant to a grant of certification, but security may at any time, on motion and notice to the appellant, be ordered by the supreme court. Such security, if ordered, shall be filed with the trial court. The appellant shall also file with the appellate clerk the docketing statement required by Section 63-4(a)(4). The appellant's brief shall be filed within forty-five days from the issuance of notice of certification, and thereafter the time limits for filing the appellee's brief and the reply brief, if any, shall be in accordance with Section 67-3.

The issues which the appellant may present are limited to those raised in the petition for certification, except where the issues are further limited by the order granting certification.

(P.B. 1978-1997, Sec. 4138.) (Amended July 24, 2002, to take effect Oct. 1, 2002.)

### Sec. 84-10. Record

Those portions of the record on appeal to the appellate court relevant to the issue certified by the supreme court shall constitute the record on appeal to the supreme court and shall be prepared and distributed in the same manner as in other appeals to the supreme court. In addition, the record shall include the appellate court order or decision on the order granting certification and, to the extent the appellate clerk deems appropriate, any papers subsequently filed pursuant to Section 84-11.

The argument, if any, before the appellate court shall not be considered part of the record on appeal to the supreme court, except upon motion by a party showing special and important reasons therefor.

(P.B. 1978-1997, Sec. 4139.)

### Sec. 84-11. Papers to Be Filed by Appellant and Appellee

(a) Upon the granting of certification, the appellee may present for review alternative grounds upon which the judgment may be affirmed provided those grounds were raised and briefed in the appellate court. Any party to the appeal may also present for review adverse rulings or decisions which should be considered on the appeal in the event of a new trial, provided that such party has raised such claims in the appellate court. If such alternative grounds for affirmation or adverse rulings or decisions to be considered in the event of a new trial were not raised in the appellate court, the party seeking to raise them



© Copyrighted by the Secretary of the State of the State of Connecticut

in the supreme court must move for special permission to do so prior to the filing of that party's brief. Such permission will be granted only in exceptional cases where the interests of justice so require.

(b) Any party may also present for review any claim that the relief afforded by the appellate court in its judgment should be modified, provided such claim was raised in the appellate court either in such party's brief or upon a motion for reconsideration.

(c) Any party desiring to present alternative grounds for affirmance, adverse rulings or decisions in the event of a new trial or a claim concerning the relief ordered by the appellate court shall file a statement thereof within fourteen days from the issuance of notice of certification. Parties shall not file other Section 63-4 papers on a certified appeal without permission of the supreme court.

(P.B. 1978-1997, Sec. 4140.) (Amended July 28, 1999, to take effect Jan. 1, 2000.)

### Sec. 84-12. Applicability of Rules

The rules governing other appeals shall, so far as applicable, and to the extent they have not been modified by this chapter, be the rules for all proceedings subsequent to the granting of certification.

(P.B. 1978-1997, Sec. 4141.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 85

## SANCTIONS

Sec.
85-1. Lack of Diligence in Prosecuting or Defending Appeal
85-2. Other Actions Subject to Sanctions
85-3. Procedure on Sanctions

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

### Sec. 85-1. Lack of Diligence in Prosecuting or Defending Appeal

If a party shall fail to prosecute an appeal with proper diligence, the court may dismiss the appeal with costs. If a party shall fail to defend against an appeal with proper diligence, the court may set aside in whole or in part the judgment under attack, with costs, and direct the entry of an appropriate final judgment by the trial court against the party guilty of the failure. If that party is a defendant in the action, the directed judgment may be in the nature of a judgment by default for such amount as may, upon a hearing in damages, be found to be due. If that party is a plaintiff in the action, the directed judgment may be one dismissing the action as to that plaintiff, and the judgment shall operate as an adjudication upon the merits. The statutory provisions regarding the opening of judgments of nonsuit and by default shall not apply to a judgment directed under the provisions of this rule.

(P.B. 1978-1997, Sec. 4184A.)

### Sec. 85-2. Other Actions Subject to Sanctions

Actions which may result in the imposition of sanctions include, but are not limited to, the following:

(1) Failure to comply with rules and orders of the court.

(2) Filing of any papers which unduly delay the progress of an appeal.

(3) Presentation of unnecessary or unwarranted motions or opposition to motions.

(4) Presentation of unnecessary or unwarranted issues on appeal.

(5) Presentation of a frivolous appeal or frivolous issues on appeal.

(6) Presentation of a frivolous defense or defenses on appeal.

(7) Failure to attend preargument settlement conferences.

(8) Disregard of rules governing withdrawal of appeals.

(9) Repeated failures to meet deadlines.

Offenders will be subject, at the discretion of the court, to appropriate discipline, including the prohibition against appearing in the court or filing any papers in the court for a reasonable and definite period of time, the imposition of a fine pursuant to General Statutes § 51-84, and costs and payment of expenses, together with attorney's fees to the opposing party.

The sanction of prohibition against filing any papers in the court shall not prevent an offender from filing a motion for reconsideration of that sanction within seven days.

Offenders subject to such discipline include both counsel and pro se parties and, if appropriate, parties represented by counsel.

(P.B. 1978-1997, Sec. 4184B.)

### Sec. 85-3. Procedure on Sanctions

Sanctions may be imposed by the court, on its own motion, or on motion by any party to the appeal. A motion for sanctions may be filed at any time. A hearing at which any party may be heard shall be held before the imposition of any sanction.

(P.B. 1978-1997, Sec. 4184C.)



© Copyrighted by the Secretary of the State of the State of Connecticut

# CHAPTER 86

## RULES CHANGES; EFFECTIVE DATE; APPLICABILITY

Sec.
86-1. Publication of Rules; Effective Date
Sec.
86-2. Rule Changes; Applicability to Pending Appeals

*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

---

### Sec. 86-1. Publication of Rules; Effective Date

Each rule hereafter adopted by the justices of the supreme court and the judges of the appellate court shall be promulgated by being published once in the Connecticut Law Journal. The rule shall become effective at such date as the justices and judges shall prescribe, but not less than sixty days after its promulgation. The justices and judges may waive the sixty day provision if they deem that circumstances require that a rule or a change in an existing rule be adopted expeditiously.

(P.B. 1978-1997, Sec. 4188.) (Amended May 12, 2004, to take effect Jan. 1, 2005.)

HISTORY—2005: The last sentence was added in 2005.

COMMENTARY—2005: The new language regarding the waiver of the sixty day provision tracks the language of Section 1-9 (a), which applies to superior court rules.

### Sec. 86-2. Rule Changes; Applicability to Pending Appeals

Whenever a new rule is adopted or a change is made to an existing rule, the new rule or rule change shall apply to all appeals pending on the effective date of the new rule or rule change and to all appeals filed thereafter. Appellate papers filed prior to the effective date of any new rule or rule change need not be refiled.

Any difficulty occasioned by the application of a new rule or rule change to appeals taken prior to the effective date thereof shall be resolved in the spirit of Section 60-1.

(P.B. 1978-1997, Sec. 4189.) (Amended July 26, 2000, to take effect Jan. 1, 2001.)

---



© Copyrighted by the Secretary of the State of the State of Connecticut

## REFERENCE TABLE

Rules in the Practice Book of 1978 as amended* to Rules in the Practice Book of 1998. The numbers in the center column are the temporary rule numbers assigned in the Connecticut Law Journal (CLJ) of July 29, 1997.

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 1 | | 1-1 |
| None | 1A | 1-2 |
| 2 | | 1-3 |
| 3 | | 1-4 |
| 4 | | 1-5 |
| 5 | | 1-6 |
| 5A | | 1-7 |
| 6 | | 1-8 |
| 7 | | 1-9 |
| 7A Title | | None |
| 7B | | 1-10 |
| 7C | | 1-11 |
| 8 | | 2-1 |
| 9 | | 2-2 |
| 10 Title | | None |
| 11 | | 2-3 |
| 12 | | 2-4 |
| 13 | | 2-5 |
| 14 | | 2-6 |
| 15A | | 2-7 |
| 16 | | 2-8 |
| 17 | | 2-9 |
| 18 | | 2-10 |
| 18A | | 2-11 |
| 19 | | 2-12 |
| 20 Title | | None |
| 21 | | 2-13 |
| 22 | | 2-14 |
| 23 | | 2-15 |
| 24 | | 2-16 |
| 24A Title | | None |
| 24B | | 2-17 |
| 24C | | 2-18 |
| 24D | | 2-19 |
| 24E | | 2-20 |
| 24F | | 2-21 |
| 25 | | 2-22 |
| 26 | | 2-23 |
| 26A | | 2-24 |
| 26B | | 2-25 |
| 27 | | 2-26 |
| 27A | | 2-27 |
| 27A.1 | | 2-28 |
| 27B | | 2-29 |
| 27C Title | | None |
| 27D | | 2-30 |
| 27E | | 2-31 |
| 27F | | 2-32 |
| 27G | | 2-33 |
| 27H | | 2-34 |
| 27J | | 2-35 |
| 27M | | 2-36 |
| 27M.1 | | 2-37 |
| 27N | | 2-38 |
| 28 Title | | None |
| 28A | | 2-39 |
| 28B | | 2-40 |
| 28B.1 | | 2-41 |
| 28C | | 2-42 |
| 28D | | 2-43 |
| 29 | | 2-44 |
| 30 | | 2-45 |
| 30A | | 2-46 |
| 31 | | 2-47 |
| 31A | | 2-48 |
| 31B | | 2-49 |
| 32 | | 2-50 |
| 34 | | 2-51 |
| 35 | | 2-52 |
| 36 | | 2-53 |
| 36A | | 2-54 |
| 37 | | 2-55 |
| 38 Title | | None |
| 39 | | 2-56 |
| 40 | | 2-57 |
| 41 | | 2-58 |
| 42 | | 2-59 |
| 44 | | 2-60 |
| 45 | | 2-61 |
| 46 | | 2-62 |
| 46A | | 2-63 |
| 46B | | 2-64 |
| 46C | | 2-65 |
| 47 | | 2-66 |
| 48 | | 2-67 |
| 48A | | None |
| 49 | | 8-1 |
| 50 | | 8-2 |
| 51 | | 8-3 |
| 52 | | 8-4 |
| 53 | | 8-5 |
| 54 | | 8-6 |
| 55 | | 8-7 |
| 56 | | 8-8 |
| 57 | | 8-9 |
| 58 | | 8-10 |
| 59 | | 8-11 |
| 60 | | 8-12 |
| 63 Title | | None |
| 64(a) | 7P | 3-1 |
| 64(b) | 7Q | 3-2 |
| 64(b) | 7R | 3-3 |
| 64(c) | 7S | 3-4 |
| None | 7T | 3-5 |
| None | 7U | 3-6 |
| None | 7V | 3-7 |
| 65 | 7W | 3-8 |
| 68 | 7CC | 3-14 |
| 69 | 7DD | 3-15 |
| 70 | 7EE | 3-16 |

* Rules repealed prior to 1995 are not represented in this table.



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 71 | 7FF | 3-17 |
| 72 | 7GG | 3-18 |
| 73 | 7HH | 3-19 |
| 74 | 7II | 3-20 |
| 75 | 7JJ | 3-21 |
| 76 | 7Z | 3-11 |
| 77 | 7X | 3-9 |
| 77(d) | 7Y | 3-10 |
| 78 | 7AA | 3-12 |
| 79 | 7BB | 3-13 |
| 80 | | 9-1 |
| 81 | | 9-2 |
| 82 Title | | None |
| 83 | | 9-3 |
| 84 | | 9-4 |
| 84A | | 9-5 |
| 85 | | 9-6 |
| 86 Title | | None |
| 87 | | 9-7 |
| 88 | | 9-8 |
| 89 | | 9-9 |
| 90 | | 9-10 |
| 91 | | 9-11 |
| 92 | | 9-12 |
| 93 | | 9-13 |
| 94 | | 9-14 |
| 95 | | 9-15 |
| 96 | | 9-16 |
| 97 | | 9-17 |
| 98 Title | | None |
| 99 | | 9-18 |
| 100 | | 9-19 |
| 101 | | 9-20 |
| 102 | | 9-21 |
| 103 | | 9-22 |
| 104 | | 9-23 |
| 105 | | 9-24 |
| 106 | | 9-25 |
| 107 Title | | None |
| 108 | | 10-1 |
| 109 | | 10-2 |
| 109A | | 10-3 |
| 110 | | 10-4 |
| 111 | | 10-5 |
| 112 | | 10-6 |
| 113 | | 10-7 |
| 114 | | 10-8 |
| 115 | | 10-9 |
| 116 | | 10-10 |
| 117 | | 10-11 |
| 118 | 7KK | 4-1 |
| 119 | 7LL | 4-2 |
| 120 Title | | None |
| 121 | | 10-12 |
| 122 | | 10-13 |
| 123 | | 10-14 |
| 124 | | 10-15 |
| 125 | | 10-16 |
| 126 | | 10-17 |
| 127 | 7MM | 4-3 |
| 128 | | 10-18 |
| 129 | | 10-19 |
| 130 Title | | None |
| 131 | | 10-20 |
| 132 Title | | None |
| 133 | | 10-21 |
| 134 | | 10-22 |
| 135 | | 10-23 |
| 136 | | 10-24 |
| 137 | | 10-25 |
| 138 | | 10-26 |
| 139 | | 10-27 |
| 140 | | 10-28 |
| 141 | | 10-29 |
| 142 | | 10-30 |
| 143 | | 10-31 |
| 144 | | 10-32 |
| 145 | | 10-33 |
| 146 | | 10-34 |
| 147 | | 10-35 |
| 148 | | 10-36 |
| 149 | | 10-37 |
| 150 | | 10-38 |
| 151 Title | | None |
| 152 | | 10-39 |
| 153 | | 10-40 |
| 154 | | 10-41 |
| 155 | | 10-42 |
| 156 | | 10-43 |
| 157 | | 10-44 |
| 158 | | 10-45 |
| 159 Title | | None |
| 160 | | 10-46 |
| 161 | | 10-47 |
| 162 | | 10-48 |
| 163 | | 10-49 |
| 164 | | 10-50 |
| 165 | | 10-51 |
| 166 | | 10-52 |
| 167 | | 10-53 |
| 168 | | 10-54 |
| 169 | | 10-55 |
| 170 Title | | None |
| 171 | | 10-56 |
| 172 | | 10-57 |
| 173 | | 10-58 |
| 174 Title | | None |
| 175 | | 10-59 |
| 176 | | 10-60 |
| 177 | | 10-61 |
| 178 | | 10-62 |
| 179 | | 10-63 |
| 180 | | 10-64 |
| 181 | | 10-65 |
| 182 | | 10-66 |
| 183 | | 10-67 |
| 184 Title | | None |
| 185 | | 10-68 |
| 186 | | 10-69 |
| 187 | | 10-70 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 189 | | 10-71 |
| 190 | | 10-72 |
| 191 | | 10-73 |
| 192 | | 10-74 |
| 193 | | 10-75 |
| 194 | | 10-76 |
| 195 | | 10-77 |
| 195A | | 10-78 |
| 195B | | 10-79 |
| 196 | | 11-1 |
| 197 | | 11-2 |
| 198 | | 11-3 |
| 199 | | 11-4 |
| 200 | | 11-5 |
| 201 | | 11-6 |
| 202 | | 11-7 |
| 202A | | 11-8 |
| 203 | | 11-9 |
| 204 | | 11-10 |
| 204A | | 11-11 |
| 204B | | 11-12 |
| 205 Title | | None |
| 206 | | 11-13 |
| 207 | | 11-14 |
| 208 | | 11-15 |
| 209 | | 11-16 |
| 210 | | 11-17 |
| 211 | | 11-18 |
| 211A | | 11-19 |
| 211B | | 11-20 |
| 212 | | 12-1 |
| 213 | | 12-2 |
| 215 | | 12-3 |
| 216 | | 13-1 |
| 217 Title | | None |
| 218 | | 13-2 |
| 219 | | 13-3 |
| 220 | | 13-4 |
| 221 | | 13-5 |
| 222 Title | | None |
| 223 | | 13-6 |
| 224 | | 13-7 |
| 225 | | 13-8 |
| 226 Title | | None |
| 227 | | 13-9 |
| 228 | | 13-10 |
| 229 | | 13-11 |
| 230 | | 13-12 |
| 230A | | 13-13 |
| 231 | | 13-14 |
| 232 | | 13-15 |
| 233 | | 13-16 |
| 234 | | 13-17 |
| 235 | | 13-18 |
| 236 | | 13-19 |
| 236A | | 13-20 |
| 236B | | 13-21 |
| 237 Title | | None |
| 238 | | 13-22 |
| 239 | | 13-23 |
| 240 | | 13-24 |
| 241 | | 13-25 |
| 242 Title | | None |
| 243 | | 13-26 |
| 244 | | 13-27 |
| 245 | | 13-28 |
| 246 | | 13-29 |
| 247 | | 13-30 |
| 248 | | 13-31 |
| 249 | | 13-32 |
| 250 | 7CCC | 7-1 |
| 250A | | 14-1 |
| 250B | | 14-2 |
| 251 | | 14-3 |
| 252 Title | | None |
| 253 | | None |
| 254 | | 14-4 |
| 255 | | 14-5 |
| 256 | | 14-6 |
| 257 | | 14-7 |
| 258 | | 14-8 |
| 259 | | 14-9 |
| 260 | | 14-10 |
| 262 Title | | None |
| 263 | | 14-11 |
| 264 | | 14-12 |
| 265 | | 14-13 |
| 267 | | None |
| 268 | | 14-14 |
| 269 Title | | None |
| 270 | | 14-15 |
| 271 | | 14-16 |
| 272 | | None |
| 273 | | 14-17 |
| 274 | | 14-18 |
| 274A | | 14-19 |
| 276 | | 14-20 |
| 277 | | 14-21 |
| 278 | | 14-22 |
| 279 | | 14-23 |
| 280 | | 14-24 |
| 281 | | 14-25 |
| 282 | | None |
| 283 | | 15-1 |
| 284 | | 15-2 |
| 284A | | 15-3 |
| 285A | 7NN | 5-1 |
| 286 | 7PP | 5-3 |
| 287 | 7QQ | 5-4 |
| 288 | 7RR | 5-5 |
| 289 | 7SS | 5-6 |
| 290 | | 15-4 |
| 291 | 7TT | 5-7 |
| 292 Title | | None |
| 293 | 7UU | 5-8 |
| 294 | 7VV | 5-9 |
| 295 | | 15-5 |
| 296 | | 15-6 |
| 297 | | 15-7 |
| 299 | 7D | 1-12 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 300 | 7F | 1-13 |
| 301 | | None |
| 302 | | 15-8 |
| 303 | | 16-4(c) |
| 303A | | 16-1 |
| None | 303B | 16-2 |
| None | 303C | 16-3 |
| 304 | | 16-4 |
| None | 304A | 16-5 |
| 305 | | 16-6 |
| 305A | | 16-7 |
| None | 305B | 16-8 |
| 306 | | 16-9 |
| 307 | | 16-10 |
| 308 | | 16-11 |
| None | 308A | 16-12 |
| 309 | | 16-13 |
| 309A | | 16-14 |
| 309B | | 16-15 |
| None | 309C | 16-16 |
| 311 | | 16-17 |
| 312 | | 16-18 |
| 313 | | 16-19 |
| 314 Title | | None |
| 315 | | 16-20 |
| 316 | | 16-21 |
| 317 | | 16-22 |
| 318 | | 16-23 |
| 318A | | 16-24 |
| None | 318B | 16-25 |
| None | 318C | 16-26 |
| None | 318D | 16-27 |
| None | 318E | 16-28 |
| None | 318F | 16-29 |
| None | 318G | 16-30 |
| None | 318H | 16-31 |
| None | 318I | 16-32 |
| None | 318J. | 16-33 |
| None | 318K | 16-34 |
| 319 Title | | None |
| 320 | | 16-35 |
| 320A | | 16-36 |
| 321 | | 16-37 |
| 322 | | 16-38 |
| 323 | | 17-1 |
| 324 | | 17-2 |
| 325 | | 17-3 |
| 326 | | 17-4 |
| 327 | | 17-5 |
| 328 | | 17-6 |
| 329 | | None |
| 330 | | None |
| 331 Title | | None |
| 332 | | 17-7 |
| 333 | | 17-8 |
| 334 | | 17-9 |
| 334A | 7XX | 6-1 |
| 335 Title | | None |
| 336 | 7YY | 6-2 |
| 337 | 7ZZ | 6-3 |

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 338 | 7AAA | 6-4 |
| 339 | 7BBB | 6-5 |
| 340 | | 17-10 |
| 341 Title | | None |
| 342 | | 17-11 |
| 343 | | 17-12 |
| 344 | | 17-13 |
| 345 Title | | None |
| 346 | | 17-14 |
| 347 | | 17-15 |
| 348 | | 17-16 |
| 349 | | 17-17 |
| 350 | | 17-18 |
| 351 | | 17-19 |
| 352 | | 17-20 |
| 353 | | 17-21 |
| 354 | | 17-22 |
| 355 Title | | None |
| 356 | | 17-23 |
| 357 | | 17-24 |
| 358 | | 17-25 |
| 359 | | 17-26 |
| 360 | | 17-27 |
| 360A | | None |
| 361 | | 17-28 |
| 362 | | 17-29 |
| 362A | | 17-30 |
| 363 | | 17-31 |
| 363A | | 17-32 |
| 364 | | 17-33 |
| 365 Title | | None |
| 367 | | 17-34 |
| 368 | | 17-35 |
| 369 | | 17-36 |
| 370 | | None |
| 371 | | 17-37 |
| 372 | | 17-38 |
| 373 | | 17-39 |
| 374 | | 17-40 |
| 375 | | 17-41 |
| 376 | | 17-42 |
| 377 | | 17-43 |
| 378 Title | | None |
| 379 | | 17-44 |
| 380 | | 17-45 |
| 381 | | 17-46 |
| 382 | | 17-47 |
| 383 | | 17-48 |
| 384 | | 17-49 |
| 385 | | 17-50 |
| 386 | | 17-51 |
| 387 | | 17-52 |
| 387A | | 17-53 |
| 388 Title | | None |
| 389 | | 17-54 |
| 390 | | 17-55 |
| 391 | | 17-56 |
| 392 | | 17-57 |
| 393 | | 17-58 |
| 394 | | 17-59 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 395 | 7DDD | 7-2 |
| 395A | | 7-19 |
| 396 | 7EEE | 7-3 |
| 397 | 7FFF | 7-4 |
| 397A | | 7-20 |
| 397B | 7TTT | 7-18 |
| 398 | 7GGG | 7-5 |
| 399 | 7HHH | 7-6 |
| 400 | 7III | 7-7 |
| 401 | | 7-21 |
| 402 | 7JJJ | 7-8 |
| 403 | 7KKK | 7-9 |
| 403A Title | | None |
| 403B | 7LLL | 7-10 |
| 403C | 7MMM | 7-11 |
| 403D | 7NNN | 7-12 |
| 403E | 7OOO | 7-13 |
| 403F | 7PPP | 7-14 |
| 403G | 7QQQ | 7-15 |
| 403H | 7RRR | 7-16 |
| 405 | 7SSS | 7-17 |
| 406 | | None |
| 407 | | 18-1 |
| 408 | | None |
| 409 | | 18-2 |
| 410 | | 18-3 |
| 411 | | 18-4 |
| 412 | | 18-5 |
| 413 | | 18-6 |
| 414 | | 18-7 |
| 415 | | 18-8 |
| 416 | | 18-9 |
| 417 | | 18-10 |
| 418 | | 18-11 |
| 419 | | 18-12 |
| 420 | | 18-13 |
| 421 | | 18-14 |
| 422 | | 18-15 |
| 423 | | 18-16 |
| 424 | | 18-17 |
| 425 | | 18-18 |
| 427 | | 18-19 |
| 428 | | 19-1 |
| 429 | | 19-2 |
| 430 | | 19-3 |
| 430A | | 19-4 |
| 431 | | 19-5 |
| 432 | | 19-6 |
| 433 | | 19-7 |
| 434 | | 19-8 |
| 435 | | 19-9 |
| 436 | | 19-10 |
| 437 | | 19-11 |
| 438 | | 19-12 |
| 439 | | 19-13 |
| 440 | | 19-14 |
| 441 | | 19-15 |
| 442 | | 19-16 |
| 443 | | 19-17 |
| 444 | | 19-18 |
| 445 | | 19-19 |
| 446 | | 20-1 |
| 447 | | 20-2 |
| 448 | | 20-3 |
| 449 | | 20-4 |
| 450 | | 20-5 |
| 451 | | 20-6 |
| 452 Title | | None |
| 453 | 1201 | 25-2 |
| 454 | 1207 | 25-7 |
| 455 | 1208 | 25-8 |
| 456 | 1209 | 25-9 |
| 457 | 1210 | 25-10 |
| 458 | 1255 | 25-53 |
| 459 | | None |
| 460 | | None |
| 461 | 1229 | 25-28 |
| 462 | 1230 | 25-29 |
| 463 | 1231 | 25-30 |
| 464 | 1227 | 25-26 |
| 464A | 1236 | 25-35 |
| 465 Title | | None |
| 466 | | None |
| 467 | | None |
| 468 | | None |
| 469 | | None |
| 470 | | None |
| 471 | | None |
| 472 | 1237 | 25-36 |
| 473 | 1238 | 25-37 |
| 474 | | None |
| 475 | | None |
| 476 | 1259 | 25-57 |
| 477 | 1260 | 25-58 |
| 478 | 1261 | 25-59 |
| 479 | 1262 | 25-60 |
| 479A | 1267 | 25-65 |
| 479B | 1268 | 25-66 |
| 481 | 1269 | 25-67 |
| 481A | 1271 | 25-69 |
| 484 | 1264 | 25-62 |
| 484A | 1265 | 25-63 |
| 484B | 1266 | 25-64 |
| 484C | 1270 | 25-68 |
| 485 | | 21-1 |
| 486 | | 21-2 |
| 487 | | 21-3 |
| 488 | | 21-4 |
| 489 | | 21-5 |
| 490 | | 21-6 |
| 491 Title | | None |
| 492 | | 21-7 |
| 493 | | 21-8 |
| 494 | | 21-9 |
| 495 | | 21-10 |
| 496 | | 21-11 |
| 497 | | 21-12 |
| 498 | | 21-13 |
| 499 | | 21-14 |
| 500 | | 21-15 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 501 | | 21-16 |
| 502 | | 21-17 |
| 503 | | 21-18 |
| 504 Title | | None |
| 505 | | 21-19 |
| 506 | | 21-20 |
| 507 | | 21-21 |
| 508 | | 21-22 |
| 509 | | 21-23 |
| 510 | | 21-24 |
| 511A | | 22-1 |
| 511B | | 22-2 |
| 514 | | 22-3 |
| 515 Title | | None |
| 515A | | 22-4 |
| 516 | | 22-5 |
| 516A | | 22-6 |
| 518 | | 22-7 |
| 518A | | 22-8 |
| 519 | | 22-9 |
| 525 | | 23-1 |
| 525A | | 23-2 |
| 525B | | 23-3 |
| 525C | | 23-4 |
| 525D | | 23-5 |
| 525E | | 23-6 |
| 525F | | 23-7 |
| 525G | | 23-8 |
| 525H | | 23-9 |
| 525I | | 23-10 |
| 525J | | 23-11 |
| 525K | | 23-12 |
| 526 | | 23-16 |
| 526A | | 23-17 |
| None | 526L | 23-13 |
| None | 526M | 23-14 |
| None | 526N | 23-15 |
| 527 | | 23-18 |
| 528 | | 23-19 |
| 528A | | 23-20 |
| 529 | | 23-21 |
| 529A | | 23-22 |
| 529B | | 23-23 |
| 529C | | 23-24 |
| 529D | | 23-25 |
| 529E | | 23-26 |
| 529F | | 23-27 |
| 529G | | 23-28 |
| 529H | | 23-29 |
| 529I | | 23-30 |
| 529J | | 23-31 |
| 529K | | 23-32 |
| 529L | | 23-33 |
| 529M | | 23-34 |
| 529N | | 23-35 |
| 529O | | 23-36 |
| 529P | | 23-37 |
| 529Q | | 23-38 |
| 529R | | 23-39 |
| 529S | | 23-40 |

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 529T | | 23-41 |
| 529U | | 23-42 |
| 530 | | None |
| 531 | | None |
| 532 | | None |
| 533 | | None |
| 534 | | None |
| 535 | | None |
| 536 | | None |
| 537 Title | | None |
| 538 | | 23-43 |
| 539 | | 23-44 |
| 540 Title | | None |
| 541 | | 23-45 |
| 542 | | 23-46 |
| 543 | | 23-47 |
| 544 | | 23-48 |
| 545 | | 23-49 |
| 546 | | 23-50 |
| 546A | | 23-51 |
| 546B Title | | None |
| 546C | | 23-52 |
| 546D | | 23-53 |
| 546E | | 23-54 |
| 546F | | 23-55 |
| 546G | | 23-56 |
| 546H | | 23-57 |
| 546J | | 23-58 |
| 546K | | 23-59 |
| 546L Title | | None |
| 546M | | 23-60 |
| 546N | | 23-61 |
| 546O | | 23-62 |
| 546P | | 23-63 |
| 546Q | | 23-64 |
| 546R | | 23-65 |
| 546S | | 23-66 |
| 546T | | 23-67 |
| 547 | | 24-1 |
| 548 | | 24-2 |
| 549 | | 24-3 |
| 550 | | 24-4 |
| 551 | | 24-5 |
| 552 | | 24-6 |
| 553 | | 24-7 |
| 555 Title | | None |
| 556 | | 24-8 |
| 557 | | 24-9 |
| 559 | | 24-10 |
| 561 | | 24-11 |
| 562 | | 24-12 |
| 563 | | 24-13 |
| 564 | | 24-14 |
| 565 | | 24-15 |
| 566 Title | | None |
| 567 | | 24-16 |
| 568 | | 24-17 |
| 569 | | 24-18 |
| 570 | | 24-19 |
| 571 | | 24-20 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 572 | | 24-21 |
| 573 Title | | None |
| 574 | | 24-22 |
| 575 | | 24-23 |
| 576 Title | | None |
| 577 | | 24-24 |
| 578 | | 24-25 |
| 579 | | 24-26 |
| 580 | | 24-27 |
| 581 | | 24-28 |
| 582 | | 24-29 |
| 583 | | 24-30 |
| 584 | | 24-31 |
| 585 | | 24-32 |
| 589 Title | | None |
| 590 | | 24-33 |
| 592 Title | | None |
| 593 | | 36-1 |
| 593A | | 36-2 |
| 594 | | 36-3 |
| 595 | | 36-4 |
| 596 | | 36-5 |
| 597 | | 36-6 |
| 598 Title | | None |
| 599 | | 36-7 |
| 600 Title | | None |
| 601 | | 36-8 |
| 602 | | 36-9 |
| 603 | | 36-10 |
| 604 Title | | None |
| 615 Title | | None |
| 616 | | 36-11 |
| 617 | | 36-12 |
| 618 | | 36-13 |
| 619 | | 36-14 |
| 620 | | 36-15 |
| 621 Title | | None |
| 622 | | 36-16 |
| 623 | | 36-17 |
| 624 | | 36-18 |
| 625 | | 36-19 |
| 626 | | 36-20 |
| 627 | | 36-21 |
| 628 | | 36-22 |
| 629 | | None |
| 630 | | None |
| 631 | | None |
| 632 | | None |
| 633 | | None |
| 634 Title | | None |
| 635 | | 37-1 |
| 635A | | 37-2 |
| 636 Title | | None |
| 637 | | 37-3 |
| 638 | | 37-4 |
| 639 Title | | None |
| 640 | | 37-5 |
| 641 | | 37-6 |
| 642 Title | | None |
| 643 | | 37-7 |
| 644 | | 37-8 |
| 645 | | 37-9 |
| 646 Title | | None |
| 647 | | 37-10 |
| 648 | | 37-11 |
| 649 Title | | None |
| 650 | | 37-12 |
| 652 Title | | None |
| 653 Title | | None |
| 654 | | 38-1 |
| 655 Title | | None |
| 656 | | 38-2 |
| 657 | | 38-3 |
| 658 | | 38-4 |
| 659 | | 38-5 |
| 660 Title | | None |
| 661 | | 38-6 |
| 662 Title | | None |
| 663 | | 38-7 |
| 664 | | 38-8 |
| 665 | | 38-9 |
| 666 | | 38-10 |
| 668 | | 38-11 |
| 669 | | 38-12 |
| 670 | | None |
| 671 Title | | None |
| 672 Title | | None |
| 673 | | 38-13 |
| 674 | | 38-14 |
| 675 | | 38-15 |
| 675A | | 38-16 |
| 676 | | 38-17 |
| 677 | | 38-18 |
| 680 Title | | None |
| 681 Title | | None |
| 682 | | 38-19 |
| 683 | | 38-20 |
| 684 | | 38-21 |
| None | 684A | 38-22 |
| 685 | | 38-23 |
| 686 Title | | None |
| 687 | | 39-1 |
| 688 | | 39-2 |
| 689 | | 39-3 |
| 690 | | 39-4 |
| 691 Title | | None |
| 692 | | 39-5 |
| 693 | | 39-6 |
| 694 | | 39-7 |
| 695 Title | | None |
| 696 | | 39-8 |
| 697 | | 39-9 |
| 698 | | 39-10 |
| 699 Title | | None |
| 700 | | 39-11 |
| 701 | | 39-12 |
| 702 | | 39-13 |
| 703 Title | | None |
| 704 | | 39-14 |
| 705 | | 39-15 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 706 | | 39-16 |
| 707 | | 39-17 |
| 708 Title | | None |
| 709 | | 39-18 |
| 710 Title | | None |
| 711 | | 39-19 |
| 712 | | 39-20 |
| 713 | | 39-21 |
| 714 Title | | None |
| 715 | | 39-22 |
| 716 | | 39-23 |
| 717 | | 39-24 |
| 718 | | 39-25 |
| 719 Title | | None |
| 720 | | 39-26 |
| 721 | | 39-27 |
| 722 | | 39-28 |
| 723 Title | | None |
| 724 Title | | None |
| 725 | | 39-29 |
| 726 | | 39-30 |
| 727 | | 39-31 |
| 728 | | 39-32 |
| 730 | | 39-33 |
| 731 Title | | None |
| 732 | | 40-1 |
| 733 | | 40-2 |
| 734 | | 40-3 |
| 735 | | 40-4 |
| 735A | | 40-5 |
| 736 Title | | None |
| 737 | | 40-6 |
| 737A | | 40-7 |
| 737B | | 40-8 |
| 738 | | 40-9 |
| 739 | | 40-10 |
| 740 Title | | None |
| 741 | | 40-11 |
| 742 | | 40-12 |
| 743 | | 40-13 |
| 744 | | None |
| 745 | | None |
| 746 | | 40-14 |
| 747 | | None |
| 748 Title | | None |
| 749 | | 40-15 |
| 750 | | None |
| 751 Title | | None |
| 752 | | None |
| 753 | | None |
| 754 | | 40-16 |
| 755 | | None |
| 756 Title | | None |
| 757 Title | | None |
| 758 | | 40-17 |
| 759 | | 40-18 |
| 760 | | 40-19 |
| 760A | | 40-20 |
| 761 | | None |
| 762 Title | | None |
| 763 | | 40-21 |
| 764 | | 40-22 |
| 765 | | 40-23 |
| 766 | | None |
| 767 | | 40-24 |
| 768 | | 40-25 |
| 769 | | 40-26 |
| 769A | | 40-27 |
| 770 | | 40-28 |
| 771 | | 40-29 |
| 772 | | 40-30 |
| 773 | | 40-31 |
| 774 | | None |
| 775 Title | | None |
| 776 | | 40-32 |
| 777 | | 40-33 |
| 778 | | 40-34 |
| 779 | | 40-35 |
| 780 | | 40-36 |
| 781 | | 40-37 |
| 782 | | 40-38 |
| 783 | | 40-39 |
| 784 Title | | None |
| 785 | | 40-40 |
| 786 | | 40-41 |
| 787 | | 40-42 |
| 788 | | 40-43 |
| 789 Title | | None |
| 790 Title | | None |
| 791 | | 40-44 |
| 792 | | 40-45 |
| 793 | | 40-46 |
| 794 | | 40-47 |
| 795 | | 40-48 |
| 796 | | 40-49 |
| 797 | | 40-50 |
| 798 | | 40-51 |
| 799 | | 40-52 |
| 800 | | 40-53 |
| 801 | | 40-54 |
| 802 | | 40-55 |
| 803 | | 40-56 |
| 804 | | 40-57 |
| 805 | | 40-58 |
| 806 Title | | None |
| 807 | | 41-1 |
| 808 | | 41-2 |
| 809 | | 41-3 |
| 810 | | 41-4 |
| 811 | | 41-5 |
| 812 | | 41-6 |
| 813 | | 41-7 |
| 814 Title | | None |
| 815 | | 41-8 |
| 816 | | 41-9 |
| 817 | | 41-10 |
| 818 | | 41-11 |
| 820 Title | | None |
| 821 | | 41-12 |
| 822 | | 41-13 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 823 | | 41-14 |
| 824 | | 41-15 |
| 825 | | 41-16 |
| 826 | | 41-17 |
| 827 Title | | None |
| 828 | | 41-18 |
| 829 | | 41-19 |
| 830 Title | | None |
| 831 | | 41-20 |
| 832 | | 41-21 |
| 833 | | 41-22 |
| 834 Title | | None |
| 835 | | 41-23 |
| 836 | | 41-24 |
| 837 | | 41-25 |
| 838 Title | | None |
| 839 | | 42-1 |
| 840 | | 42-2 |
| 841 | | 42-3 |
| 842 | | 42-4 |
| 843 | | 42-5 |
| 844 | | 42-6 |
| 845 | | 42-7 |
| 845A | | 42-8 |
| 845B | | 42-9 |
| 846 Title | | None |
| 846A | | 42-10 |
| 847 | | 42-11 |
| 848 | | 42-12 |
| 849 | | 42-13 |
| 850 | | 42-14 |
| 850A | 7RR | 5-5 |
| 850B | | 42-15 |
| 851 Title | | None |
| 852 | | 42-16 |
| 853 | | 42-17 |
| 854 | | 42-18 |
| 854A | | 42-19 |
| 855 | | 42-20 |
| 856 | | 42-21 |
| 857 | | 42-22 |
| 858 | | 42-23 |
| 859 Title | | None |
| 860 | | 42-24 |
| 861 | | 42-25 |
| 862 Title | | None |
| 863 | | 42-26 |
| 864 | | 42-27 |
| 865 | | 42-28 |
| 866 Title | | None |
| 867 | | 42-29 |
| 868 | | 42-30 |
| 869 | | 42-31 |
| 870 | | 42-32 |
| 871 | | 42-33 |
| 872 | | 42-34 |
| 873 Title | | None |
| 874 | | 42-35 |
| 875 | 7QQ | 5-4 |
| 876 | | 42-36 |

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 877 | | None |
| 878 Title | | None |
| 879 | | 42-37 |
| 880 | | 42-38 |
| 881 | | 42-39 |
| 882 Title | | None |
| 883 | | 42-40 |
| 884 | | 42-41 |
| 885 | | 42-42 |
| 886 Title | | None |
| 887 | | 42-43 |
| 888 | | 42-44 |
| 889 | | 42-45 |
| 890 Title | | None |
| 891 Title | | None |
| 892 | | 42-46 |
| 893 | | 42-47 |
| 894 | | 42-48 |
| 895 | | 42-49 |
| 896 Title | | None |
| 897 Title | | None |
| 898 | | 42-50 |
| 899 | | 42-51 |
| 900 | | 42-52 |
| 901 Title | | None |
| 902 | | 42-53 |
| 903 | | 42-54 |
| 904 | | 42-55 |
| 905 | | 42-56 |
| 906 Title | | None |
| 907 | | 43-1 |
| 908 | | 43-2 |
| 909 Title | | None |
| 910 | | 43-3 |
| 911 | | 43-4 |
| 912 | | 43-5 |
| 913 | | 43-6 |
| 914 Title | | None |
| 915 | | 43-7 |
| 916 | | 43-8 |
| 917 | | 43-9 |
| 918 Title | | None |
| 919 | | 43-10 |
| 920 Title | | None |
| 921 | | 43-11 |
| 922 | | 43-12 |
| 923 Title | | None |
| 924 | | 43-13 |
| 925 | | 43-14 |
| 926 | | 43-15 |
| 927 | | 43-16 |
| 928 Title | | None |
| 929 | | 43-17 |
| 930 Title | | None |
| 931 | | 43-18 |
| 932 | | 43-19 |
| 932A | | 43-20 |
| 933 Title | | None |
| 934 | | 43-21 |
| 935 | | 43-22 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 936 Title | | None |
| 937 | | 43-23 |
| 938 | | 43-24 |
| 939 | | 43-25 |
| 940 | | 43-26 |
| 941 | | 43-27 |
| 942 | | 43-28 |
| 943 | | 43-29 |
| 944 | | None |
| 945 | | 43-30 |
| 946 Title | | None |
| 947 | | 43-31 |
| 948 | | 43-32 |
| 949 Title | | None |
| 950 | | 43-33 |
| 951 Title | | None |
| 952 | | 43-34 |
| 953 | | 43-35 |
| 954 | | 43-36 |
| 955 | | 43-37 |
| 956 | | 43-38 |
| 956A Title | | None |
| 956B | | 43-39 |
| 956C | | 43-40 |
| 956D | | 43-41 |
| 956E | | 43-42 |
| 956F | | 43-43 |
| 957 Title | | None |
| 958 Title | | None |
| 959 | | 44-1 |
| 960 | | 44-2 |
| 961 | | 44-3 |
| 962 Title | | None |
| 963 | | 44-4 |
| 964 | | 44-5 |
| 965 | | 44-6 |
| 966 Title | | None |
| 967 | | 44-7 |
| 968 | | 44-8 |
| 969 | | 44-9 |
| 970 | | 44-10 |
| 971 Title | | None |
| 972 | | 44-11 |
| 973 | | 44-12 |
| 974 Title | | None |
| 975 | | 44-13 |
| 976 | | 44-14 |
| 977 | | 44-15 |
| 978 | | 44-16 |
| 979 | | 44-17 |
| 980 Title | | None |
| 981 | | 44-18 |
| 982 | | None |
| 983 | 7WW | 5-10 |
| 984 Title | | None |
| 985 | 7F | 1-14 |
| 986 | 7G | 1-15 |
| 987 Title | | None |
| 988 | 7H | 1-16 |
| 989 | 7I | 1-17 |
| 990 Title | | None |
| 991 | 7J | 1-18 |
| 992 | 7K | 1-19 |
| 993 | 7L | 1-20 |
| 994 | 7M | 1-21 |
| 995 Title | | None |
| 996 | 7N | 1-22 |
| 997 | 7O | 1-23 |
| 997A | | 44-19 |
| 998 | | 44-20 |
| 999 Title | | None |
| 1000 | | 44-21 |
| 1002 | | 44-22 |
| 1003 Title | | None |
| 1004 | | 44-23 |
| 1005 | | 44-24 |
| 1006 Title | | None |
| 1007 | | 44-25 |
| 1008 | | 44-26 |
| 1008A | | 44-27 |
| 1009 Title | | None |
| 1010 | | 44-28 |
| 1011 | | 44-29 |
| 1011A Title | | None |
| 1011D | | 44-30 |
| 1011E | 7TTT | 7-18 |
| 1012A | | 44-31 |
| 1013 Title | | None |
| 1014 | | 44-32 |
| 1015 | | 44-33 |
| 1016 | | 44-34 |
| 1017 | | 44-35 |
| 1018 | | None |
| 1019 | | None |
| 1020 | | None |
| 1020A | | 44-36 |
| 1021 | | 44-37 |
| 1023.1 | | 26-1 |
| 1024.1(1) | | 27-1 |
| 1024.1(2) | | 27-2 |
| 1025.1(1) | | 27-3 |
| 1025.1(2) | | 27-4 |
| 1025.1(3) | | 27-5 |
| 1025.1(4) | | 27-5 |
| 1025.1(5) | | 27-7 |
| 1025.1(6) | | 27-7 |
| 1025.1(7) | | 27-8 |
| 1025.1(8) | | 27-6 |
| 1025.1(9) | | 27-6 |
| 1026.1 | | 28-1 |
| 1027.1(1) | | 29-1 |
| 1027.1(2) | | 29-1 |
| 1027.1(3) | | 29-2 |
| 1027.1(4) | | 29-2 |
| 1030.1(1) | | 30-1 |
| 1030.1(2) | | 30-2 |
| 1030.1(3) | | 30-3 |
| 1030.1(4) | | 30-4 |
| 1031.1(1) | | 30-5 |
| 1031.1(2) | | 30-6 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 1031.1(3) | | 30-7 |
| 1031.1(4) | | 30-8 |
| 1032.1(1) | | 30-9 |
| 1032.1(2), (3) | | 30-10 |
| 1032.1(4) | | 30-11 |
| 1033.1(1) | | 31-1 |
| 1033.1(2) | | 31-1 |
| 1033.1(3) | | 31-1 |
| 1033.1(4) | | 31-2 |
| 1033.1(5) | | 31-3 |
| 1033.1(6) | | 31-4 |
| 1034.1(1) | | 31-5 |
| 1034.1(2) | | 31-6 |
| 1034.1(3) | | 31-6 |
| 1034.1(4) | | 31-7 |
| 1030.1(5) | | 31-8 |
| 1030.1(6) | | 31-9 |
| 1035.1 | | 31-10 |
| 1036.1 | | 31-11 |
| 1037.1 | | 31-12 |
| 1038.1 | | 31-13 |
| 1040.1(1) | | 32-1 |
| 1040.1(2) | | 32-1 |
| 1040.1(3) | | 32-2 |
| 1040.1(4) | | 32-2 |
| 1040.1(5) | | 32-3 |
| 1040.1(6) | | 32-4 |
| 1040.1(7) | | 32-5 |
| 1041.1(1) | | 32-6 |
| 1041.1(2) | | 32-7 |
| 1041.1(3) | | 32-8 |
| 1041.1(4) | | 32-9 |
| 1042.1(1) | | 33-1 |
| 1042.1(2) | | 33-1 |
| 1042.1(3) | | 33-2 |
| 1042.1(4) | | 33-3 |
| 1042.1(5) | | 33-4 |
| 1042.1(6) | | 33-3 |
| 1043.1(1) | | 33-5 |
| 1043.1(2) | | 33-5 |
| 1043.1(3) | | 33-6 |
| 1043.1(4) | | 33-7 |
| 1044.1 | | 33-8 |
| 1045.1(1) | | 33-9 |
| 1045.1(2) | | 33-10 |
| 1045.1(3) | | 33-11 |
| 1046.1 | | 33-12 |
| 1047.1 | | 33-13 |
| 1048.1 | | 34-1 |
| 1049.1 | | 34-2 |
| 1050.1 | | 34-3 |
| 1051.1 | | 34-4 |
| 1055.1 | | 35-1 |
| 1056.1 | | None |
| 1057.1 | | 35-2 |
| 1058.1 | | 35-3 |
| 1059.1 | | 35-4 |
| 1060.1 | | 35-5 |
| 1061.1 | | None |
| 1062.1 | | None |

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| None | 1200 | 25-1 |
| [453] | 1201 | 25-2 |
| None | 1202 | 25-3 |
| None | 1203 | 25-4 |
| None | 1204 | 25-5 |
| None | 1205 | 25-6 |
| [454] | 1207 | 25-7 |
| [455] | 1208 | 25-8 |
| [456] | 1209 | 25-9 |
| [457] | 1210 | 25-10 |
| None | 1211 | 25-11 |
| None | 1212 | 25-12 |
| None | 1213 | 25-13 |
| None | 1214 | 25-14 |
| None | 1215 | 25-15 |
| None | 1217 | 25-16 |
| None | 1218 | 25-17 |
| None | 1219 | 25-18 |
| None | 1220 | 25-19 |
| None | 1221 | 25-20 |
| None | 1222 | 25-21 |
| None | 1223 | 25-22 |
| None | 1224 | 25-23 |
| None | 1225 | 25-24 |
| None | 1226 | 25-25 |
| [464] | 1227 | 25-26 |
| None | 1228 | 25-27 |
| [461] | 1229 | 25-28 |
| [462] | 1230 | 25-29 |
| [463] | 1231 | 25-30 |
| None | 1232 | 25-31 |
| None | 1233 | 25-32 |
| None | 1234 | 25-33 |
| None | 1235 | 25-24 |
| [464A] | 1236 | 25-35 |
| [472] | 1237 | 25-36 |
| [473] | 1238 | 25-37 |
| None | 1239 | 25-38 |
| None | 1240 | 25-39 |
| None | 1242 | 25-40 |
| None | 1243 | 25-41 |
| None | 1244 | 25-42 |
| None | 1245 | 25-43 |
| None | 1246 | 25-44 |
| None | 1247 | 25-45 |
| None | 1248 | 25-46 |
| None | 1249 | 25-47 |
| None | 1250 | 25-48 |
| None | 1251 | 25-49 |
| None | 1252 | 25-50 |
| None | 1253 | 25-51 |
| None | 1254 | 25-52 |
| [458] | 1255 | 25-53 |
| None | 1256 | 25-54 |
| None | 1257 | 25-55 |
| None | 1258 | 25-56 |
| [476] | 1259 | 25-57 |
| [477] | 1260 | 25-58 |
| [478] | 1261 | 25-59 |
| [479] | 1262 | 25-60 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| None | 1263 | 25-61 |
| [484] | 1264 | 25-62 |
| [484A] | 1265 | 25-63 |
| [484B] | 1266 | 25-64 |
| [479A] | 1267 | 25-65 |
| [479B] | 1268 | 25-66 |
| [481] | 1269 | 25-67 |
| [484C] | 1270 | 25-68 |
| [481A] | 1271 | 25-69 |
| 4000 | | 61-1 |
| 4001A | | 60-4 |
| 4002A | | 61-2 |
| 4002B | | 61-3 |
| 4002C | | 61-4 |
| 4002D | | 61-5 |
| 4003 | | 61-6 |
| 4004 | | 61-7 |
| 4005 | | 61-8 |
| 4006 | | 61-9 |
| 4007 | | 61-10 |
| 4009 | | 63-1 |
| 4010 | | 63-2 |
| 4011 Title | | None |
| 4012 | | 63-3 |
| 4013 | | 63-4 |
| 4014 | | 62-7 |
| 4015 | | 63-5 |
| 4016 Title | | None |
| 4017 | | 63-6 |
| 4018 | | 63-7 |
| 4019 | | 63-8 |
| 4022 Title | | None |
| 4023 | | 65-1 |
| 4024 | | 65-2 |
| 4025 | | 65-3 |
| 4026 | | None |
| 4027 | | 65-4 |
| 4028 | | 62-1 |
| 4029 | | 62-2 |
| 4030 | | 62-6 |
| 4031 | | 62-3 |
| 4032 | | 62-4 |
| 4033 | | 62-5 |
| 4034 | | 62-8 |
| 4035 | | 62-9 |
| 4036 | | 62-10 |
| 4037 | | 62-11 |
| 4038 | | 63-9 |
| 4040 | | 66-1 |
| 4041 | | 66-2 |
| 4042 | | 66-3 |
| 4043 | | 66-4 |
| 4045 Title | | None |
| 4046 | | 61-11 |
| 4047 | | 61-12 |
| 4048 | | 61-13 |
| 4049 | | 61-14 |
| 4050 | | 71-7 |
| 4051 | | 66-5 |
| 4052 Title | | None |
| 4053 | | 66-6 |
| 4054 | | 66-7 |
| 4055 | | None |
| 4056 | | 66-8 |
| 4058 Title | | None |
| 4059 | | 64-1 |
| 4060 | | 64-2 |
| 4061 | | 60-5 |
| 4064 | | 67-1 |
| 4064A | | 67-2 |
| 4064B | | 67-3 |
| 4064C | | 67-4 |
| 4064D | | 67-5 |
| 4064E | | 67-6 |
| 4064F. | | 67-7 |
| 4064G | | 67-8 |
| 4064H | | 67-9 |
| 4064J. | | 67-10 |
| 4065 through 4078 | | None |
| 4083 Title | | None |
| 4084 | | 68-1 |
| 4085 | | 68-2 |
| 4086 | | 68-3 |
| 4087 | | 68-4 |
| 4090 | | 68-5 |
| 4091 | | 68-6 |
| 4092 | | 68-7 |
| 4093 | | 68-8 |
| 4094 | | 68-9 |
| 4095 | | 68-10 |
| 4096 | | 68-11 |
| 4100 | | 69-1 |
| 4101 | | 69-2 |
| 4102 | | 70-2 |
| 4103 | | 63-10 |
| 4104 | | 69-3 |
| 4106 | | 70-1 |
| 4107 | | 70-3 |
| 4108 | | 70-4 |
| 4109 | | 70-5 |
| 4111 | | 70-6 |
| 4112 | | 70-7 |
| 4115 | | 70-8 |
| 4116A | | 70-9 |
| 4116B | | 70-10 |
| 4117 | | 71-1 |
| 4118 | | 71-2 |
| 4119 | | 71-3 |
| 4120 | | 71-4 |
| 4121 | | 71-5 |
| 4123 | | 71-6 |
| 4126 | | 84-1 |
| 4127 | | 84-2 |
| 4128 | | 84-3 |
| 4129 | | 84-4 |
| 4130 | | 84-5 |
| 4131 | | 84-6 |
| 4132 | | 84-7 |
| 4135 | | 65-2 |
| 4136 | | 84-8 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B. 1978-1997 Sec. | CLJ | P.B. 1998 Sec. |
|---|---|---|
| 4138 | | 84-9 |
| 4139 | | 84-1 |
| 4140 | | 84-11 |
| 4141 | | 84-12 |
| 4142 | | 81-1 |
| 4142.1 | | 81-2 |
| 4142.2 | | 81-3 |
| 4142.3 | | 81-4 |
| 4142.4 | | 81-5 |
| 4143 | | 72-1 |
| 4143A | | 72-2 |
| 4144 | | 72-3 |
| 4145 | | 72-4 |
| 4147 | | 73-1 |
| 4150 | | 74-1 |
| 4151 | | 74-2 |
| 4152 | | 74-3 |
| 4153 | | 74-4 |
| 4154 | | 74-5 |
| 4155 | | 74-6 |
| 4156 | | 74-7 |
| 4157 | | 74-8 |
| 4159 | | 75-1 |
| 4160 | | 75-2 |
| 4161 | | 75-3 |
| 4162 | | 75-4 |
| 4163 | | 75-5 |
| 4164 | | 75-6 |
| 4165 | | 76-1 |
| 4165.1 | | 76-2 |
| 4165.2 | | 76-3 |
| 4165.4 | | 76-4 |
| 4165.5 | | 76-5 |
| 4165.6 | | 76-6 |
| 4166 | | 77-7 |
| 4166A | | 78-1 |
| 4166B | | 79-1 |
| 4166B.1 | | 79-2 |
| 4166B.2 | | 79-3 |
| 4166B.3 | | 79-4 |
| 4166C | | 80-1 |
| 4168 | | 82-1 |
| 4169 | | 82-2 |
| 4170 | | 82-3 |
| 4171 | | 82-4 |
| 4172 | | 82-5 |
| 4173 | | 82-6 |
| 4174 | | 82-7 |
| 4177 | | 83-1 |
| 4178 | | 83-2 |
| 4179 | | 83-3 |
| 4180 | | 83-4 |
| 4182 | | 60-1 |
| 4183 | | 60-2 |
| 4184A | | 85-1 |
| 4184B | | 85-2 |
| 4184C | | 85-3 |
| 4185 | | 60-5 |
| 4186 | | 60-6 |
| 4187 | | 60-3 |
| 4188 | | 86-1 |
| 4189 | | 86-2 |



© Copyrighted by the Secretary of the State of the State of Connecticut

## REFERENCE TABLE

Rules in the Practice Book of 1998 from Rules in the Practice Book of 1978 as amended.* The numbers in the center column are the temporary rule numbers assigned in the Connecticut Law Journal (CLJ) of July 29, 1997.

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 1-1 | | 1 |
| 1-2 | 1A | None |
| 1-3 | | 2 |
| 1-4 | | 3 |
| 1-5 | | 4 |
| 1-6 | | 5 |
| 1-7 | | 5A |
| 1-8 | | 6 |
| 1-9 | | 7 |
| 1-10 | | 7B |
| 1-11 | | 7C |
| 1-12 | 7D | 299 |
| 1-13 | 7F | 300 |
| 1-14 | 7F | 985 |
| 1-15 | 7G | 986 |
| 1-16 | 7H | 988 |
| 1-17 | 7I | 989 |
| 1-18 | 7J | 991 |
| 1-19 | 7K | 992 |
| 1-20 | 7L | 993 |
| 1-21 | 7M | 994 |
| 1-22 | 7N | 996 |
| 1-23 | 7O | 997 |
| 2-1 | | 8 |
| 2-2 | | 9 |
| 2-3 | | 11 |
| 2-4 | | 12 |
| 2-5 | | 13 |
| 2-6 | | 14 |
| 2-7 | | 15A |
| 2-8 | | 16 |
| 2-9 | | 17 |
| 2-10 | | 18 |
| 2-11 | | 18A |
| 2-12 | | 19 |
| 2-13 | | 21 |
| 2-14 | | 22 |
| 2-15 | | 23 |
| 2-16 | | 24 |
| 2-17 | | 24B |
| 2-18 | | 24C |
| 2-19 | | 24D |
| 2-20 | | 24E |
| 2-21 | | 24F |
| 2-22 | | 25 |
| 2-23 | | 26 |
| 2-24 | | 26A |
| 2-25 | | 26B |
| 2-26 | | 27 |
| 2-27 | | 27A |
| 2-28 | | 27A.1 |
| 2-29 | | 27B |
| 2-30 | | 27D |
| 2-31 | | 27E |
| 2-32 | | 27F |
| 2-33 | | 27G |
| 2-34 | | 27H |
| 2-35 | | 27J |
| 2-36 | | 27M |
| 2-37 | | 27M.1 |
| 2-38 | | 27N |
| 2-39 | | 28A |
| 2-40 | | 28B |
| 2-41 | | 28B.1 |
| 2-42 | | 28C |
| 2-43 | | 28D |
| 2-44 | | 29 |
| 2-45 | | 30 |
| 2-46 | | 30A |
| 2-47 | | 31 |
| 2-48 | | 31A |
| 2-49 | | 31B |
| 2-50 | | 32 |
| 2-51 | | 34 |
| 2-52 | | 35 |
| 2-53 | | 36 |
| 2-54 | | 36A |
| 2-55 | | 37 |
| 2-56 | | 39 |
| 2-57 | | 40 |
| 2-58 | | 41 |
| 2-59 | | 42 |
| 2-60 | | 44 |
| 2-61 | | 45 |
| 2-62 | | 46 |
| 2-63 | | 46A |
| 2-64 | | 46B |
| 2-65 | | 46C |
| 2-66 | | 47 |
| 2-67 | | 48 |
| 3-1 | 7P | 64(a) |
| 3-2 | 7Q | 64(b) |
| 3-3 | 7R | 64(b) |
| 3-4 | 7S | 64(c) |
| 3-5 | 7T | None |
| 3-6 | 7U | None |
| 3-7 | 7V | None |
| 3-8 | 7W | 65 |
| 3-9 | 7X | 77 |
| 3-10 | 7Y | 77(d) |
| 3-11 | 7Z | 76 |
| 3-12 | 7AA | 78 |
| 3-13 | 7BB | 79 |
| 3-14 | 7CC | 68 |
| 3-15 | 7DD | 69 |
| 3-16 | 7EE | 70 |
| 3-17 | 7FF | 71 |
| 3-18 | 7GG | 72 |
| 3-19 | 7HH | 73 |
| 3-20 | 7II | 74 |

* Rules repealed prior to 1995 are not represented in this table.



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 3-21 | 7JJ | 75 |
| 4-1 | 7KK | 118 |
| 4-2 | 7LL | 119 |
| 4-3 | 7MM | 127 |
| 5-1 | 7NN | 285A |
| 5-2 | | None |
| 5-3 | 7PP | 286 |
| 5-4 | 7QQ | 287 |
| 5-4 | 7QQ | 875 |
| 5-5 | 7RR | 288 |
| 5-5 | 7RR | 850A |
| 5-6 | 7SS | 289 |
| 5-7 | 7TT | 291 |
| 5-8 | 7UU | 293 |
| 5-9 | 7VV | 294 |
| 5-10 | 7WW | 983 |
| 6-1 | 7XX | 334A |
| 6-2 | 7YY | 336 |
| 6-3 | 7ZZ | 337 |
| 6-4 | 7AAA | 338 |
| 6-5 | 7BBB | 339 |
| 7-1 | 7CCC | 250 |
| 7-2 | 7DDD | 395 |
| 7-3 | 7EEE | 396 |
| 7-4 | 7FFF | 397 |
| 7-5 | 7GGG | 398 |
| 7-6 | 7HHH | 399 |
| 7-7 | 7III | 400 |
| 7-8 | 7JJJ | 402 |
| 7-9 | 7KKK | 403 |
| 7-10 | 7LLL | 403B |
| 7-11 | 7MMM | 403C |
| 7-12 | 7NNN | 403D |
| 7-13 | 7OOO | 403E |
| 7-14 | 7PPP | 403F |
| 7-15 | 7QQQ | 403G |
| 7-16 | 7RRR | 403H |
| 7-17 | 7SSS | 405 |
| 7-18 | 7TTT | 397B |
| 7-18 | 7TTT | 1011E |
| 7-19 | | 395A |
| 7-20 | | 397A |
| 7-21 | | 401 |
| 8-1 | | 49 |
| 8-2 | | 50 |
| 8-3 | | 51 |
| 8-4 | | 52 |
| 8-5 | | 53 |
| 8-6 | | 54 |
| 8-7 | | 55 |
| 8-8 | | 56 |
| 8-9 | | 57 |
| 8-10 | | 58 |
| 8-11 | | 59 |
| 8-12 | | 60 |
| 9-1 | | 80 |
| 9-2 | | 81 |
| 9-3 | | 83 |
| 9-4 | | 84 |
| 9-5 | | 84A |
| 9-6 | | 85 |
| 9-7 | | 87 |
| 9-8 | | 88 |
| 9-9 | | 89 |
| 9-10 | | 90 |
| 9-11 | | 91 |
| 9-12 | | 92 |
| 9-13 | | 93 |
| 9-14 | | 94 |
| 9-15 | | 95 |
| 9-16 | | 96 |
| 9-17 | | 97 |
| 9-18 | | 99 |
| 9-19 | | 100 |
| 9-20 | | 101 |
| 9-21 | | 102 |
| 9-22 | | 103 |
| 9-23 | | 104 |
| 9-24 | | 105 |
| 9-25 | | 106 |
| 10-1 | | 108 |
| 10-2 | | 109 |
| 10-3 | | 109A |
| 10-4 | | 110 |
| 10-5 | | 111 |
| 10-6 | | 112 |
| 10-7 | | 113 |
| 10-8 | | 114 |
| 10-9 | | 115 |
| 10-10 | | 116 |
| 10-11 | | 117 |
| 10-12 | | 121 |
| 10-13 | | 122 |
| 10-14 | | 123 |
| 10-15 | | 124 |
| 10-16 | | 125 |
| 10-17 | | 126 |
| 10-18 | | 128 |
| 10-19 | | 129 |
| 10-20 | | 131 |
| 10-21 | | 133 |
| 10-22 | | 134 |
| 10-23 | | 135 |
| 10-24 | | 136 |
| 10-25 | | 137 |
| 10-26 | | 138 |
| 10-27 | | 139 |
| 10-28 | | 140 |
| 10-29 | | 141 |
| 10-30 | | 142 |
| 10-31 | | 143 |
| 10-32 | | 144 |
| 10-33 | | 145 |
| 10-34 | | 146 |
| 10-35 | | 147 |
| 10-36 | | 148 |
| 10-37 | | 149 |
| 10-38 | | 150 |
| 10-39 | | 152 |
| 10-40 | | 153 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 10-41 | | 154 |
| 10-42 | | 155 |
| 10-43 | | 156 |
| 10-44 | | 157 |
| 10-45 | | 158 |
| 10-46 | | 160 |
| 10-47 | | 161 |
| 10-48 | | 162 |
| 10-49 | | 163 |
| 10-50 | | 164 |
| 10-51 | | 165 |
| 10-52 | | 166 |
| 10-53 | | 167 |
| 10-54 | | 168 |
| 10-55 | | 169 |
| 10-56 | | 171 |
| 10-57 | | 172 |
| 10-58 | | 173 |
| 10-59 | | 175 |
| 10-60 | | 176 |
| 10-61 | | 177 |
| 10-62 | | 178 |
| 10-63 | | 179 |
| 10-64 | | 180 |
| 10-65 | | 181 |
| 10-66 | | 182 |
| 10-67 | | 183 |
| 10-68 | | 185 |
| 10-69 | | 186 |
| 10-70 | | 187 |
| 10-71 | | 189 |
| 10-72 | | 190 |
| 10-73 | | 191 |
| 10-74 | | 192 |
| 10-75 | | 193 |
| 10-76 | | 194 |
| 10-77 | | 195 |
| 10-78 | | 195A |
| 10-79 | | 195B |
| 11-1 | | 196 |
| 11-2 | | 197 |
| 11-3 | | 198 |
| 11-4 | | 199 |
| 11-5 | | 200 |
| 11-6 | | 201 |
| 11-7 | | 202 |
| 11-8 | | 202A |
| 11-9 | | 203 |
| 11-10 | | 204 |
| 11-11 | | 204A |
| 11-12 | | 204B |
| 11-13 | | 206 |
| 11-14 | | 207 |
| 11-15 | | 208 |
| 11-16 | | 209 |
| 11-17 | | 210 |
| 11-18 | | 211 |
| 11-19 | | 211A |
| 11-20 | | 211B |
| 12-1 | | 212 |
| 12-2 | | 213 |
| 12-3 | | 215 |
| 13-1 | | 216 |
| 13-2 | | 218 |
| 13-3 | | 219 |
| 13-4 | | 220 |
| 13-5 | | 221 |
| 13-6 | | 223 |
| 13-7 | | 224 |
| 13-8 | | 225 |
| 13-9 | | 227 |
| 13-10 | | 228 |
| 13-11 | | 229 |
| 13-12 | | 230 |
| 13-13 | | 230A |
| 13-14 | | 231 |
| 13-15 | | 232 |
| 13-16 | | 233 |
| 13-17 | | 234 |
| 13-18 | | 235 |
| 13-19 | | 236 |
| 13-20 | | 236A |
| 13-21 | | 236B |
| 13-22 | | 238 |
| 13-23 | | 239 |
| 13-24 | | 240 |
| 13-25 | | 241 |
| 13-26 | | 243 |
| 13-27 | | 244 |
| 13-28 | | 245 |
| 13-29 | | 246 |
| 13-30 | | 247 |
| 13-31 | | 248 |
| 13-32 | | 249 |
| 14-1 | | 250A |
| 14-2 | | 250B |
| 14-3 | | 251 |
| 14-4 | | 254 |
| 14-5 | | 255 |
| 14-6 | | 256 |
| 14-7 | | 257 |
| 14-8 | | 258 |
| 14-9 | | 259 |
| 14-10 | | 260 |
| 14-11 | | 263 |
| 14-12 | | 264 |
| 14-13 | | 265 |
| 14-14 | | 268 |
| 14-15 | | 270 |
| 14-16 | | 271 |
| 14-17 | | 273 |
| 14-18 | | 274 |
| 14-19 | | 274A |
| 14-20 | | 276 |
| 14-21 | | 277 |
| 14-22 | | 278 |
| 14-23 | | 279 |
| 14-24 | | 280 |
| 14-25 | | 281 |
| 15-1 | | 283 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 15-2 | | .284 |
| 15-3 | | .284A |
| 15-4 | | .290 |
| 15-5 | | .295 |
| 15-6 | | .296 |
| 15-7 | | .297 |
| 15-8 | | .302 |
| 16-1 | | .303A |
| 16-2 | .303B | .None |
| 16-3 | .303C | .None |
| 16-4(a), (b) | | .304 |
| 16-4(c) | | .303 |
| 16-5 | .304A | .None |
| 16-6 | | .305 |
| 16-7 | | .305A |
| 16-8 | .305B | .None |
| 16-9 | | .306 |
| 16-10 | | .307 |
| 16-11 | | .308 |
| 16-12 | .308A | .None |
| 16-13 | | .309 |
| 16-14 | | .309A |
| 16-15 | | .309B |
| 16-16 | .309C | .None |
| 16-17 | | .311 |
| 16-18 | | .312 |
| 16-19 | | .313 |
| 16-20 | | .315 |
| 16-21 | | .316 |
| 16-22 | | .317 |
| 16-23 | | .318 |
| 16-24 | | .318A |
| 16-25 | .318B | .None |
| 16-26 | .318C | .None |
| 16-27 | .318D | .None |
| 16-28 | .318E | .None |
| 16-29 | .318F. | .None |
| 16-30 | .318G | .None |
| 16-31 | .318H | .None |
| 16-32 | .318I | .None |
| 16-33 | .318J. | .None |
| 16-34 | .318K | .None |
| 16-35 | | .320 |
| 16-36 | | .320A |
| 16-37 | | .321 |
| 16-38 | | .322 |
| 17-1 | | .323 |
| 17-2 | | .324 |
| 17-3 | | .325 |
| 17-4 | | .326 |
| 17-5 | | .327 |
| 17-6 | | .328 |
| 17-7 | | .332 |
| 17-8 | | .333 |
| 17-9 | | .334 |
| 17-10 | | .340 |
| 17-11 | | .342 |
| 17-12 | | .343 |
| 17-13 | | .344 |
| 17-14 | | .346 |
| 17-15 | | .347 |
| 17-16 | | .348 |
| 17-17 | | .349 |
| 17-18 | | .350 |
| 17-19 | | .351 |
| 17-20 | | .352 |
| 17-21 | | .353 |
| 17-22 | | .354 |
| 17-23 | | .356 |
| 17-24 | | .357 |
| 17-25 | | .358 |
| 17-26 | | .359 |
| 17-27 | | .360 |
| 17-28 | | .361 |
| 17-29 | | .362 |
| 17-30 | | .362A |
| 17-31 | | .363 |
| 17-32 | | .363A |
| 17-33 | | .364 |
| 17-34 | | .367 |
| 17-35 | | .368 |
| 17-36 | | .369 |
| 17-37 | | .371 |
| 17-38 | | .372 |
| 17-39 | | .373 |
| 17-40 | | .374 |
| 17-41 | | .375 |
| 17-42 | | .376 |
| 17-43 | | .377 |
| 17-44 | | .379 |
| 17-45 | | .380 |
| 17-46 | | .381 |
| 17-47 | | .382 |
| 17-48 | | .383 |
| 17-49 | | .384 |
| 17-50 | | .385 |
| 17-51 | | .386 |
| 17-52 | | .387 |
| 17-53 | | .387A |
| 17-54 | | .389 |
| 17-55 | | .390 |
| 17-56 | | .391 |
| 17-57 | | .392 |
| 17-58 | | .393 |
| 17-59 | | .394 |
| 18-1 | | .407 |
| 18-2 | | .409 |
| 18-3 | | .410 |
| 18-4 | | .411 |
| 18-5 | | .412 |
| 18-6 | | .413 |
| 18-7 | | .414 |
| 18-8 | | .415 |
| 18-9 | | .416 |
| 18-10 | | .417 |
| 18-11 | | .418 |
| 18-12 | | .419 |
| 18-13 | | .420 |
| 18-14 | | .421 |
| 18-15 | | .422 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 18-16 | | .423 |
| 18-17 | | .424 |
| 18-18 | | .425 |
| 18-19 | | .427 |
| 19-1 | | .428 |
| 19-2 | | .429 |
| 19-3 | | .430 |
| 19-4 | | .430A |
| 19-5 | | .431 |
| 19-6 | | .432 |
| 19-7 | | .433 |
| 19-8 | | .434 |
| 19-9 | | .435 |
| 19-10 | | .436 |
| 19-11 | | .437 |
| 19-12 | | .438 |
| 19-13 | | .439 |
| 19-14 | | .440 |
| 19-15 | | .441 |
| 19-16 | | .442 |
| 19-17 | | .443 |
| 19-18 | | .444 |
| 19-19 | | .445 |
| 20-1 | | .446 |
| 20-2 | | .447 |
| 20-3 | | .448 |
| 20-4 | | .449 |
| 20-5 | | .450 |
| 20-6 | | .451 |
| 21-1 | | .485 |
| 21-2 | | .486 |
| 21-3 | | .487 |
| 21-4 | | .488 |
| 21-5 | | .489 |
| 21-6 | | .490 |
| 21-7 | | .492 |
| 21-8 | | .493 |
| 21-9 | | .494 |
| 21-10 | | .495 |
| 21-11 | | .496 |
| 21-12 | | .497 |
| 21-13 | | .498 |
| 21-14 | | .499 |
| 21-15 | | .500 |
| 21-16 | | .501 |
| 21-17 | | .502 |
| 21-18 | | .503 |
| 21-19 | | .505 |
| 21-20 | | .506 |
| 21-21 | | .507 |
| 21-22 | | .508 |
| 21-23 | | .509 |
| 21-24 | | .510 |
| 22-1 | | .511A |
| 22-2 | | .511B |
| 22-3 | | .514 |
| 22-4 | | .515A |
| 22-5 | | .516 |
| 22-6 | | .516A |
| 22-7 | | .518 |
| 22-8 | | .518A |
| 22-9 | | .519 |
| 23-1 | | .525 |
| 23-2 | | .525A |
| 23-3 | | .525B |
| 23-4 | | .525C |
| 23-5 | | .525D |
| 23-6 | | .525E |
| 23-7 | | .525F |
| 23-8 | | .525G |
| 23-9 | | .525H |
| 23-10 | | .525I |
| 23-11 | | .525J |
| 23-12 | | .525K |
| 23-13 | .526L | .None |
| 23-14 | .526M | .None |
| 23-15 | .526N | .None |
| 23-16 | | .526 |
| 23-17 | | .526A |
| 23-18 | | .527 |
| 23-19 | | .528 |
| 23-20 | | .528A |
| 23-21 | | .529 |
| 23-22 | | .529A |
| 23-23 | | .529B |
| 23-24 | | .529C |
| 23-25 | | .529D |
| 23-26 | | .529E |
| 23-27 | | .529F |
| 23-28 | | .529G |
| 23-29 | | .529H |
| 23-30 | | .529I |
| 23-31 | | .529J |
| 23-32 | | .529K |
| 23-33 | | .529L |
| 23-34 | | .529M |
| 23-35 | | .529N |
| 23-36 | | .529O |
| 23-37 | | .529P |
| 23-38 | | .529Q |
| 23-39 | | .529R |
| 23-40 | | .529S |
| 23-41 | | .529T |
| 23-42 | | .529U |
| 23-43 | | .538 |
| 23-44 | | .539 |
| 23-45 | | .541 |
| 23-46 | | .542 |
| 23-47 | | .543 |
| 23-48 | | .544 |
| 23-49 | | .545 |
| 23-50 | | .546 |
| 23-51 | | .546A |
| 23-52 | | .546C |
| 23-53 | | .546D |
| 23-54 | | .546E |
| 23-55 | | .546F |
| 23-56 | | .546G |
| 23-57 | | .546H |
| 23-58 | | .546J |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 23-59 | | 546K |
| 23-60 | | 546M |
| 23-61 | | 546N |
| 23-62 | | 546O |
| 23-63 | | 546P |
| 23-64 | | 546Q |
| 23-65 | | 546R |
| 23-66 | | 546S |
| 23-67 | | 546T |
| 24-1 | | 547 |
| 24-2 | | 548 |
| 24-3 | | 549 |
| 24-4 | | 550 |
| 24-5 | | 551 |
| 24-6 | | 552 |
| 24-7 | | 553 |
| 24-8 | | 556 |
| 24-9 | | 557 |
| 24-10 | | 559 |
| 24-11 | | 561 |
| 24-12 | | 562 |
| 24-13 | | 563 |
| 24-14 | | 564 |
| 24-15 | | 565 |
| 24-16 | | 567 |
| 24-17 | | 568 |
| 24-18 | | 569 |
| 24-19 | | 570 |
| 24-20 | | 571 |
| 24-21 | | 572 |
| 24-22 | | 574 |
| 24-23 | | 575 |
| 24-24 | | 577 |
| 24-25 | | 578 |
| 24-26 | | 579 |
| 24-27 | | 580 |
| 24-28 | | 581 |
| 24-29 | | 582 |
| 24-30 | | 583 |
| 24-31 | | 584 |
| 24-32 | | 585 |
| 24-33 | | 590 |
| 25-1 | 1200 | None |
| 25-2 | 1201 | 453 |
| 25-3 | 1202 | None |
| 25-4 | 1203 | None |
| 25-5 | 1204 | None |
| 25-6 | 1205 | None |
| 25-7 | 1207 | 454 |
| 25-8 | 1208 | 455 |
| 25-9 | 1209 | 456 |
| 25-10 | 1210 | 457 |
| 25-11 | 1211 | None |
| 25-12 | 1212 | None |
| 25-13 | 1213 | None |
| 25-14 | 1214 | None |
| 25-15 | 1215 | None |
| 25-16 | 1217 | None |
| 25-17 | 1218 | None |
| 25-18 | 1219 | None |
| 25-19 | 1220 | None |
| 25-20 | 1221 | None |
| 25-21 | 1222 | None |
| 25-22 | 1223 | None |
| 25-23 | 1224 | None |
| 25-24 | 1225 | None |
| 25-25 | 1226 | None |
| 25-26 | 1227 | 464 |
| 25-27 | 1228 | None |
| 25-28 | 1229 | 461 |
| 25-29 | 1230 | 462 |
| 25-30 | 1231 | 463 |
| 25-31 | 1232 | None |
| 25-32 | 1233 | None |
| 25-33 | 1234 | None |
| 25-34 | 1235 | None |
| 25-35 | 1236 | 464A |
| 25-36 | 1237 | 472 |
| 25-37 | 1238 | 473 |
| 25-38 | 1239 | None |
| 25-39 | 1240 | None |
| 25-40 | 1242 | None |
| 25-41 | 1243 | None |
| 25-42 | 1244 | None |
| 25-43 | 1245 | None |
| 25-44 | 1246 | None |
| 25-45 | 1247 | None |
| 25-46 | 1248 | None |
| 25-47 | 1249 | None |
| 25-48 | 1250 | None |
| 25-49 | 1251 | None |
| 25-50 | 1252 | None |
| 25-51 | 1253 | None |
| 25-52 | 1254 | None |
| 25-53 | 1255 | 458 |
| 25-54 | 1256 | None |
| 25-55 | 1257 | None |
| 25-56 | 1258 | None |
| 25-57 | 1259 | 476 |
| 25-58 | 1260 | 477 |
| 25-59 | 1261 | 478 |
| 25-60 | 1262 | 479 |
| 25-61 | 1263 | None |
| 25-62 | 1264 | 484 |
| 25-63 | 1265 | 484A |
| 25-64 | 1266 | 484B |
| 25-65 | 1267 | 479A |
| 25-66 | 1268 | 479B |
| 25-67 | 1269 | 481 |
| 25-68 | 1270 | 484C |
| 25-69 | 1271 | 481A |
| 26-1 | | 1023.1 |
| 27-1 | | 1024.1(1) |
| 27-2 | | 1024.1(2) |
| 27-3 | | 1025.1(1) |
| 27-4 | | 1025.1(2) |
| 27-5 | | 1025.1(3) |
| 27-5 | | 1025.1(4) |
| 27-6 | | 1025.1(8) |
| 27-6 | | 1025.1(9) |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 27-7 | | 1025.1(5) |
| 27-7 | | 1025.1(6) |
| 27-8 | | 1025.1(7) |
| 28-1 | | 1026.1 |
| 29-1 | | 1027.1(1) |
| 29-1 | | 1027.1(2) |
| 29-2 | | 1027.1(3) |
| 29-2 | | 1027.1(4) |
| 30-1 | | 1030.1(1) |
| 30-2 | | 1030.1(2) |
| 30-3 | | 1030.1(3) |
| 30-4 | | 1030.1(4) |
| 30-5 | | 1031.1(1) |
| 30-6 | | 1031.1(2) |
| 30-7 | | 1031.1(3) |
| 30-8 | | 1031.1(4) |
| 30-9 | | 1032.1(1) |
| 30-10 | | 1032.1(2) |
| 30-10 | | 1032.1(3) |
| 30-11 | | 1032.1(4) |
| 31-1 | | 1033.1(1) |
| 31-1 | | 1033.1(2) |
| 31-1 | | 1033.1(3) |
| 31-2 | | 1033.1(4) |
| 31-3 | | 1033.1(5) |
| 31-4 | | 1033.1(6) |
| 31-5 | | 1034.1(1) |
| 31-6 | | 1034.1(2) |
| 31-6 | | 1034.1(3) |
| 31-7 | | 1034.1(4) |
| 31-8 | | 1034.1(5) |
| 31-9 | | 1034.1(6) |
| 31-10 | | 1035.1 |
| 31-11 | | 1036.1 |
| 31-12 | | 1037.1 |
| 31-13 | | 1038.1 |
| 32-1 | | 1040.1(1) |
| 32-1 | | 1040.1(2) |
| 32-2 | | 1040.1(3) |
| 32-2 | | 1040.1(4) |
| 32-3 | | 1040.1(5) |
| 32-4 | | 1040.1(6) |
| 32-5 | | 1040.1(7) |
| 32-6 | | 1041.1(1) |
| 32-7 | | 1041.1(2) |
| 32-8 | | 1041.1(3) |
| 32-9 | | 1041.1(4) |
| 33-1 | | 1042.1(1) |
| 33-1 | | 1042.1(2) |
| 33-2 | | 1042.1(3) |
| 33-3 | | 1042.1(4) |
| 33-3 | | 1042.1(6) |
| 33-4 | | 1042.1(5) |
| 33-5 | | 1043.1(1) |
| 33-5 | | 1043.1(2) |
| 33-6 | | 1043.1(3) |
| 33-7 | | 1043.1(4) |
| 33-8 | | 1044.1 |
| 33-9 | | 1045.1(1) |
| 33-10 | | 1045.1(2) |
| 33-11 | | 1045.1(3) |
| 33-12 | | 1046.1 |
| 33-13 | | 1047.1 |
| 34-1 | | 1048.1 |
| 34-2 | | 1049.1 |
| 34-3 | | 1050.1 |
| 34-4 | | 1051.1 |
| 35-1 | | 1055.1 |
| 35-2 | | 1057.1 |
| 35-3 | | 1058.1 |
| 35-4 | | 1059.1 |
| 35-5 | | 1060.1 |
| 36-1 | | 593 |
| 36-2 | | 593A |
| 36-3 | | 594 |
| 36-4 | | 595 |
| 36-5 | | 596 |
| 36-6 | | 597 |
| 36-7 | | 599 |
| 36-8 | | 601 |
| 36-9 | | 602 |
| 36-10 | | 603 |
| 36-11 | | 616 |
| 36-12 | | 617 |
| 36-13 | | 618 |
| 36-14 | | 619 |
| 36-15 | | 620 |
| 36-16 | | 622 |
| 36-17 | | 623 |
| 36-18 | | 624 |
| 36-19 | | 625 |
| 36-20 | | 626 |
| 36-21 | | 627 |
| 36-22 | | 628 |
| 37-1 | | 635 |
| 37-2 | | 635A |
| 37-3 | | 637 |
| 37-4 | | 638 |
| 37-5 | | 640 |
| 37-6 | | 641 |
| 37-7 | | 643 |
| 37-8 | | 644 |
| 37-9 | | 645 |
| 37-10 | | 647 |
| 37-11 | | 648 |
| 37-12 | | 650 |
| 38-1 | | 654 |
| 38-2 | | 656 |
| 38-3 | | 657 |
| 38-4 | | 658 |
| 38-5 | | 659 |
| 38-6 | | 661 |
| 38-7 | | 663 |
| 38-8 | | 664 |
| 38-9 | | 665 |
| 38-10 | | 666 |
| 38-11 | | 668 |
| 38-12 | | 669 |
| 38-13 | | 673 |
| 38-14 | | 674 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 38-15 | | .675 |
| 38-16 | | .675A |
| 38-17 | | .676 |
| 38-18 | | .677 |
| 38-19 | | .682 |
| 38-20 | | .683 |
| 38-21 | | .684 |
| 38-22 | .684A | .None |
| 38-23 | | .685 |
| 39-1 | | .687 |
| 39-2 | | .688 |
| 39-3 | | .689 |
| 39-4 | | .690 |
| 39-5 | | .692 |
| 39-6 | | .693 |
| 39-7 | | .694 |
| 39-8 | | .696 |
| 39-9 | | .697 |
| 39-10 | | .698 |
| 39-11 | | .700 |
| 39-12 | | .701 |
| 39-13 | | .702 |
| 39-14 | | .704 |
| 39-15 | | .705 |
| 39-16 | | .706 |
| 39-17 | | .707 |
| 39-18 | | .709 |
| 39-19 | | .711 |
| 39-20 | | .712 |
| 39-21 | | .713 |
| 39-22 | | .715 |
| 39-23 | | .716 |
| 39-24 | | .717 |
| 39-25 | | .718 |
| 39-26 | | .720 |
| 39-27 | | .721 |
| 39-28 | | .722 |
| 39-29 | | .725 |
| 39-30 | | .726 |
| 39-31 | | .727 |
| 39-32 | | .728 |
| 39-33 | | .730 |
| 40-1 | | .732 |
| 40-2 | | .733 |
| 40-3 | | .734 |
| 40-4 | | .735 |
| 40-5 | | .735A |
| 40-6 | | .737 |
| 40-7 | | .737A |
| 40-8 | | .737B |
| 40-9 | | .738 |
| 40-10 | | .739 |
| 40-11 | | .741 |
| 40-12 | | .742 |
| 40-13 | | .743 |
| 40-14 | | .746 |
| 40-15 | | .749 |
| 40-16 | | .754 |
| 40-17 | | .758 |
| 40-18 | | .759 |
| 40-19 | | .760 |
| 40-20 | | .760A |
| 40-21 | | .763 |
| 40-22 | | .764 |
| 40-23 | | .765 |
| 40-24 | | .767 |
| 40-25 | | .768 |
| 40-26 | | .769 |
| 40-27 | | .769A |
| 40-28 | | .770 |
| 40-29 | | .771 |
| 40-30 | | .772 |
| 40-31 | | .773 |
| 40-32 | | .776 |
| 40-33 | | .777 |
| 40-34 | | .778 |
| 40-35 | | .779 |
| 40-36 | | .780 |
| 40-37 | | .781 |
| 40-38 | | .782 |
| 40-39 | | .783 |
| 40-40 | | .785 |
| 40-41 | | .786 |
| 40-42 | | .787 |
| 40-43 | | .788 |
| 40-44 | | .791 |
| 40-45 | | .792 |
| 40-46 | | .793 |
| 40-47 | | .794 |
| 40-48 | | .795 |
| 40-49 | | .796 |
| 40-50 | | .797 |
| 40-51 | | .798 |
| 40-52 | | .799 |
| 40-53 | | .800 |
| 40-54 | | .801 |
| 40-55 | | .802 |
| 40-56 | | .803 |
| 40-57 | | .804 |
| 40-58 | | .805 |
| 41-1 | | .807 |
| 41-2 | | .808 |
| 41-3 | | .809 |
| 41-4 | | .810 |
| 41-5 | | .811 |
| 41-6 | | .812 |
| 41-7 | | .813 |
| 41-8 | | .815 |
| 41-9 | | .816 |
| 41-10 | | .817 |
| 41-11 | | .818 |
| 41-12 | | .821 |
| 41-13 | | .822 |
| 41-14 | | .823 |
| 41-15 | | .824 |
| 41-16 | | .825 |
| 41-17 | | .826 |
| 41-18 | | .828 |
| 41-19 | | .829 |
| 41-20 | | .831 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 41-21 | | .832 |
| 41-22 | | .833 |
| 41-23 | | .835 |
| 41-24 | | .836 |
| 41-25 | | .837 |
| 42-1 | | .839 |
| 42-2 | | .840 |
| 42-3 | | .841 |
| 42-4 | | .842 |
| 42-5 | | .843 |
| 42-6 | | .844 |
| 42-7 | | .845 |
| 42-8 | | .845A |
| 42-9 | | .845B |
| 42-10 | | .846A |
| 42-11 | | .847 |
| 42-12 | | .848 |
| 42-13 | | .849 |
| 42-14 | | .850 |
| 42-15 | | .850B |
| 42-16 | | .852 |
| 42-17 | | .853 |
| 42-18 | | .854 |
| 42-19 | | .854A |
| 42-20 | | .855 |
| 42-21 | | .856 |
| 42-22 | | .857 |
| 42-23 | | .858 |
| 42-24 | | .860 |
| 42-25 | | .861 |
| 42-26 | | .863 |
| 42-27 | | .864 |
| 42-28 | | .865 |
| 42-29 | | .867 |
| 42-30 | | .868 |
| 42-31 | | .869 |
| 42-32 | | .870 |
| 42-33 | | .871 |
| 42-34 | | .872 |
| 42-35 | | .874 |
| 42-36 | | .876 |
| 42-37 | | .879 |
| 42-38 | | .880 |
| 42-39 | | .881 |
| 42-40 | | .883 |
| 42-41 | | .884 |
| 42-42 | | .885 |
| 42-43 | | .887 |
| 42-44 | | .888 |
| 42-45 | | .889 |
| 42-46 | | .892 |
| 42-47 | | .893 |
| 42-48 | | .894 |
| 42-49 | | .895 |
| 42-50 | | .898 |
| 42-51 | | .899 |
| 42-52 | | .900 |
| 42-53 | | .902 |
| 42-54 | | .903 |
| 42-55 | | .904 |
| 42-56 | | .905 |
| 43-1 | | .907 |
| 43-2 | | .908 |
| 43-3 | | .910 |
| 43-4 | | .911 |
| 43-5 | | .912 |
| 43-6 | | .913 |
| 43-7 | | .915 |
| 43-8 | | .916 |
| 43-9 | | .917 |
| 43-10 | | .919 |
| 43-11 | | .921 |
| 43-12 | | .922 |
| 43-13 | | .924 |
| 43-14 | | .925 |
| 43-15 | | .926 |
| 43-16 | | .927 |
| 43-17 | | .929 |
| 43-18 | | .931 |
| 43-19 | | .932 |
| 43-20 | | .932A |
| 43-21 | | .934 |
| 43-22 | | .935 |
| 43-23 | | .937 |
| 43-24 | | .938 |
| 43-25 | | .939 |
| 43-26 | | .940 |
| 43-27 | | .941 |
| 43-28 | | .942 |
| 43-29 | | .943 |
| 43-30 | | .945 |
| 43-31 | | .947 |
| 43-32 | | .948 |
| 43-33 | | .950 |
| 43-34 | | .952 |
| 43-35 | | .953 |
| 43-36 | | .954 |
| 43-37 | | .955 |
| 43-38 | | .956 |
| 43-39 | | .956B |
| 43-40 | | .956C |
| 43-41 | | .956D |
| 43-42 | | .956E |
| 43-43 | | .956F |
| 44-1 | | .959 |
| 44-2 | | .960 |
| 44-3 | | .961 |
| 44-4 | | .963 |
| 44-5 | | .964 |
| 44-6 | | .965 |
| 44-7 | | .967 |
| 44-8 | | .968 |
| 44-9 | | .969 |
| 44-10 | | .970 |
| 44-11 | | .972 |
| 44-12 | | .973 |
| 44-13 | | .975 |
| 44-14 | | .976 |
| 44-15 | | .977 |
| 44-16 | | .978 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 44-17 | | .979 |
| 44-18 | | .981 |
| 44-19 | | .997A |
| 44-20 | | .998 |
| 44-21 | | .1000 |
| 44-22 | | .1002 |
| 44-23 | | .1004 |
| 44-24 | | .1005 |
| 44-25 | | .1007 |
| 44-26 | | .1008 |
| 44-27 | | .1008A |
| 44-28 | | .1010 |
| 44-29 | | .1011 |
| 44-30 | | .1011D |
| 44-31 | | .1012A |
| 44-32 | | .1014 |
| 44-33 | | .1015 |
| 44-34 | | .1016 |
| 44-35 | | .1017 |
| 44-36 | | .1020A |
| 44-37 | | .1021 |
| 60-1 | | .4182 |
| 60-2 | | .4183 |
| 60-3 | | .4187 |
| 60-4 | | .4001A |
| 60-5 | | .4061 |
| 60-5 | | .4185 |
| 60-6 | | .4186 |
| 61-1 | | .4000 |
| 61-2 | | .4002A |
| 61-3 | | .4002B |
| 61-4 | | .4002C |
| 61-5 | | .4002D |
| 61-6 | | .4003 |
| 61-7 | | .4004 |
| 61-8 | | .4005 |
| 61-9 | | .4006 |
| 61-10 | | .4007 |
| 61-11 | | .4046 |
| 61-12 | | .4047 |
| 61-13 | | .4048 |
| 61-14 | | .4049 |
| 62-1 | | .4028 |
| 62-2 | | .4029 |
| 62-3 | | .4031 |
| 62-4 | | .4032 |
| 62-5 | | .4033 |
| 62-6 | | .4030 |
| 62-7 | | .4014 |
| 62-8 | | .4034 |
| 62-9 | | .4035 |
| 62-10 | | .4036 |
| 62-11 | | .4037 |
| 63-1 | | .4009 |
| 63-2 | | .4010 |
| 63-3 | | .4012 |
| 63-4 | | .4013 |
| 63-5 | | .4015 |
| 63-6 | | .4017 |
| 63-7 | | .4018 |
| 63-8 | | .4019 |
| 63-9 | | .4038 |
| 63-10 | | .4103 |
| 64-1 | | .4059 |
| 64-2 | | .4060 |
| 65-1 | | .4023 |
| 65-2 | | .4024, 4135 |
| 65-3 | | .4025 |
| 65-4 | | .4027 |
| 66-1 | | .4040 |
| 66-2 | | .4041 |
| 66-3 | | .4042 |
| 66-4 | | .4043 |
| 66-5 | | .4051 |
| 66-6 | | .4053 |
| 66-7 | | .4054 |
| 66-8 | | .4056 |
| 67-1 | | .4064 |
| 67-2 | | .4064A |
| 67-3 | | .4064B |
| 67-4 | | .4064C |
| 67-5 | | .4064D |
| 67-6 | | .4064E |
| 67-7 | | .4064F |
| 67-8 | | .4064G |
| 67-9 | | .4064H |
| 67-10 | | .4064J |
| 68-1 | | .4084 |
| 68-2 | | .4085 |
| 68-3 | | .4086 |
| 68-4 | | .4087 |
| 68-5 | | .4090 |
| 68-6 | | .4091 |
| 68-7 | | .4092 |
| 68-8 | | .4093 |
| 68-9 | | .4094 |
| 68-10 | | .4095 |
| 68-11 | | .4096 |
| 69-1 | | .4100 |
| 69-2 | | .4101 |
| 69-3 | | .4104 |
| 70-1 | | .4106 |
| 70-2 | | .4102 |
| 70-3 | | .4107 |
| 70-4 | | .4108 |
| 70-5 | | .4109 |
| 70-6 | | .4111 |
| 70-7 | | .4112 |
| 70-8 | | .4115 |
| 70-9 | | .4116A |
| 70-10 | | .4116B |
| 71-1 | | .4117 |
| 71-2 | | .4118 |
| 71-3 | | .4119 |
| 71-4 | | .4120 |
| 71-5 | | .4121 |
| 71-6 | | .4123 |
| 71-7 | | .4050 |
| 72-1 | | .4143 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| P.B.1998 Sec. | CLJ Sec. | P.B. 1978-1997 Sec. |
|---|---|---|
| 72-2 | | 4143A |
| 72-3 | | 4144 |
| 72-4 | | 4145 |
| 73-1 | | 4147 |
| 74-1 | | 4150 |
| 74-2 | | 4151 |
| 74-3 | | 4152 |
| 74-4 | | 4153 |
| 74-5 | | 4154 |
| 74-6 | | 4155 |
| 74-7 | | 4156 |
| 74-8 | | 4157 |
| 75-1 | | 4159 |
| 75-2 | | 4160 |
| 75-3 | | 4161 |
| 75-4 | | 4162 |
| 75-5 | | 4163 |
| 75-6 | | 4164 |
| 76-1 | | 4165 |
| 76-2 | | 4165.1 |
| 76-3 | | 4165.2 |
| 76-4 | | 4165.4 |
| 76-5 | | 4165.5 |
| 76-6 | | 4165.6 |
| 77-1 | | 4166 |
| 78-1 | | 4166A |
| 79-1 | | 4166B |
| 79-2 | | 4166B.1 |
| 79-3 | | 4166B.2 |
| 79-4 | | 4166B.3 |
| 80-1 | | 4166C |
| 81-1 | | 4142 |
| 81-2 | | 4142.1 |
| 81-3 | | 4142.2 |
| 81-4 | | 4142.3 |
| 81-5 | | 4142.4 |
| 82-1 | | 4168 |
| 82-2 | | 4169 |
| 82-3 | | 4170 |
| 82-4 | | 4171 |
| 82-5 | | 4172 |
| 82-6 | | 4173 |
| 82-7 | | 4174 |
| 83-1 | | 4177 |
| 83-2 | | 4178 |
| 83-3 | | 4179 |
| 83-4 | | 4180 |
| 84-1 | | 4126 |
| 84-2 | | 4127 |
| 84-3 | | 4128 |
| 84-4 | | 4129 |
| 84-5 | | 4130 |
| 84-6 | | 4131 |
| 84-7 | | 4132 |
| 84-8 | | 4136 |
| 84-9 | | 4138 |
| 84-10 | | 4139 |
| 84-11 | | 4140 |
| 84-12 | | 4141 |
| 85-1 | | 4184A |
| 85-2 | | 4184B |
| 85-3 | | 4184C |
| 86-1 | | 4188 |
| 86-2 | | 4189 |



© Copyrighted by the Secretary of the State of the State of Connecticut

## TABLE OF PRACTICE BOOK CHANGES*

| | Action Taken | Effective Date |
|---|---|---|
| *Rules of Prof. Conduct* | | |
| Rule 1.16 | am | Jan. 1, 2002 |
| Rule 3.6 | am | Jan. 1, 2003 |
| Rule 5.5 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2003 |
| *Code, Jud. Conduct* | | |
| Canon 3 | am | Jan. 1, 1999; |
| | int. | Jan. 1, 2000; |
| | am | Jan. 1, 2001; |
| | am | Jan. 1, 2002 |
| Canon 4 | am | Jan. 1, 1999 |
| Canon 5 | am | Jan. 1, 1999 |
| *P.B. Section* | | |
| 1-1. | am | Jan. 1, 2001 |
| 1-13A | ad | Jan. 1, 2000 |
| 1-14 | am | Jan. 1, 2000 |
| 1-15 | rp | Jan. 1, 2000 |
| 1-16 (title) | am | Jan. 1, 2000 |
| 1-16 | am | Jan. 1, 2000 |
| 1-17 | am | Jan. 1, 2000 |
| 1-18 | am | Jan. 1, 2000 |
| 1-19 (title) | am | Jan. 1, 2000 |
| 1-19 | am | Jan. 1, 2000 |
| 1-20 (title) | am | Jan. 1, 2000 |
| 1-20 | am | Jan. 1, 2000 |
| 1-21 (title) | am | Jan. 1, 2000 |
| 1-21 | am | Jan. 1, 2000 |
| 1-21A | ad | Jan. 1, 2000 |
| 2-1. | am | Sept. 1, 1998 |
| 2-11 | am | Sept. 1, 1998 |
| 2-13 | am | Jan. 1, 2000 |
| 2-16 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-20 | am | Sept. 1, 1998 |
| 2-27 | am | Jan. 1, 2002; |
| | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-28 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-29 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-31 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-32 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2000; |
| | am | July 1, 2003; |
| | def & am | Jan. 1, 2004; |
| | am | Jan. 1, 2005 |
| 2-34 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-34A | ad | July 1, 2003; |
| | def & am | Jan. 1, 2004; |
| | am | Jan. 1, 2005 |
| 2-35 | am | Jan. 1, 2000; |
| | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-36 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-37 | am | Jan. 1, 2000 |
| 2-38 | am | Sept. 1, 1998; |
| | am | Jan. 1, 2000; |
| | am | July 1, 2003; |
| | def & am | Jan. 1, 2004 |
| 2-39 | am | Sept. 1, 1998; |
| | am | Jan. 1, 2002; |
| | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-40 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-41 | am | Sept. 1, 1998; |
| | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-42 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-47 | am | July 1, 2003; |
| | def | Jan. 1, 2004; |
| | am | Jan. 1, 2005 |
| 2-48 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-50 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-52 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-53 | am | Jan. 1, 2001; |
| | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-54 | am | Jan. 1, 2000 |
| 2-55 | int | Nov. 17, 1999; |
| | am | Jan. 1, 2000 |
| 2-56 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-58 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-59 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-64 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |
| 2-68 | ad | Jan. 1, 1999 |
| 2-69 | ad | Jan. 1, 1999 |
| 2-70 | ad | Jan. 1, 1999; |
| | int | Nov. 17,1999; |
| | am | Jan. 1, 2000 |
| | am | July 13, 2004 |
| 2-71 | ad | Jan. 1, 1999 |
| 2-72 | ad | Jan. 1, 1999 |
| 2-73 | ad | Jan. 1, 1999 |
| 2-74 | ad | Jan. 1, 1999 |
| 2-75 | ad | Jan. 1, 1999 |
| 2-76 | ad | Jan. 1, 1999 |
| 2-77 | ad | Jan. 1, 1999 |
| 2-78 | ad | Jan. 1, 1999 |
| 2-79 | ad | Jan. 1, 1999 |
| 2-80 | ad | Jan. 1, 1999 |
| 2-81 | ad | Jan. 1, 1999 |
| 2-82 | am | July 1, 2003; |
| | def | Jan. 1, 2004 |

*This table is designed to reflect, at a glance, changes made in the Practice Book since its effective date of October 1, 1997. The first and third columns indicate the sections changed or added and the effective dates thereof. Under ''Action Taken,'' in the second column, the abbreviations signify: ad (adopted); am (amended); def (deferred until); int (interim) and rp (repealed).



© Copyrighted by the Secretary of the State of the State of Connecticut

| | Action Taken | Effective Date |
|---|---|---|
| 2-83 | ad | July 1, 2003; |
| | def & int | Jan. 1, 2004 |
| 3-10 | am | Jan. 1, 2001; |
| | am | Jan. 1, 2002; |
| | am | Jan. 1, 2005 |
| 3-16 | am | Jan. 1, 2000 |
| 4-1. | am | Jan. 1, 2002 |
| 4-4. | ad | Jan. 1, 1999 |
| 4-5. | ad | Jan. 1, 2001 |
| 4-6. | ad | Jan. 1, 2001 |
| 6-1. | am | Jan. 1, 2000 |
| 6-4. | am | Jan. 1, 2003 |
| 6-5. | am | Jan. 1, 2002; |
| | am | July 1, 2003 |
| 7-4A | ad | July 1, 2003 |
| 7-4B | ad | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 7-4C | ad | July 1, 2003 |
| 7-10 | am | Jan. 1, 1999 |
| 7-11 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2000; |
| | am | Jan. 1, 2004 |
| 7-13 (title) | am | Jan. 1, 1999 |
| 7-13 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2004 |
| 7-17 | am | Oct. 1, 2003 |
| | am | July 13, 2004 |
| 8-1. | am | Jan. 1, 2000; |
| | am | Jan. 1, 2005 |
| 10-13 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2005 |
| 10-14 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2005 |
| 10-30 (title) | am | Jan. 1, 2004 |
| 10-30 | am | Jan. 1, 2004; |
| | am | Jan. 1, 2005 |
| 10-39 | am | Jan. 1, 2000 |
| 10-40 (title) | am | Jan. 1, 2004; |
| 10-40 | am | Jan. 1, 2004; |
| | am | Jan. 1, 2005 |
| 10-44 | am | Jan. 1, 2004 |
| 11-13 | am | Jan. 1, 2003 |
| 11-18 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2005 |
| 11-20 (title) | am | July 1, 2003 |
| 11-20 | am | Jan. 1, 2000; |
| | am | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 11-20A | ad | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 11-21 | ad | Jan. 1, 1999 |
| 12-3 | am | Jan. 1, 1999 |
| 13-6 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2002 |
| 13-7 | am | Jan. 1, 2000 |
| 13-8 | am | Jan. 1, 2002 |
| 13-9 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2002 |
| 13-10 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2002 |
| 13-27 | am | Jan. 1, 2001 |
| 13-28 | am | Jan. 1, 2005 |
| 13-30 | am | Jan. 1, 2001; |
| | am | Jan. 1, 2004; |

| | Action Taken | Effective Date |
|---|---|---|
| | am | Jan. 1, 2005 |
| 14-1 | am | Jan. 1, 2005 |
| 14-2 (title) | am | Jan. 1, 2003 |
| 14-2 | am | Jan. 1, 2003 |
| 14-3 | am | Jan. 1, 2003 |
| 14-7 | am | Jan. 1, 2005 |
| 14-25 | am | Jan. 1, 2003 |
| 16-5 | am | Jan. 1, 2005 |
| 16-31 | am | Jan. 1, 2001 |
| 16-33 | am | Jan. 1, 1999 |
| 16-36 | int | June 28, 1999; |
| | am | Jan. 1, 2000 |
| 17-4A | ad | Jan. 1, 2001 |
| 17-11 | am | Jan. 1, 2003 |
| 17-14 | am | Jan. 1, 2003 |
| 17-15 | am | Jan. 1, 2003 |
| 17-16 | am | Jan. 1, 2003 |
| 17-24 | am | Jan. 1, 1999 |
| 17-20 | am | Jan. 1, 2005 |
| 17-30 (title) | am | Jan. 1, 2001 |
| 17-30 | am | Jan. 1, 2001 |
| 17-33 | am | Jan. 1, 2003 |
| 17-36 | am | Jan. 1, 1999 |
| 17-45 (title) | am | Jan. 1, 2004 |
| 17-45 | am | Jan. 1, 2001; |
| | am | Jan. 1, 2004; |
| | am | Jan. 1, 2005 |
| 17-53 | am | Jan. 1, 2001; |
| | am | Jan. 1, 2002 |
| 17-55 | am | Jan. 1, 2000 |
| 17-56 | am | Jan. 1, 2000 |
| 18-1 | am | Jan. 1, 2002 |
| 19-1 | am | Jan. 1, 2000 |
| 19-2A | ad | Jan. 1, 2000 |
| 19-3 (title) | am | Jan. 1, 2000 |
| 19-3 | am | Jan. 1, 2003 |
| 19-6 | am | Jan. 1, 2000 |
| 19-7 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2000 |
| 19-8 | am | Jan. 1, 2000 |
| 19-9 | am | Jan. 1, 2000 |
| 19-10 | am | Jan. 1, 2000 |
| 19-11 | am | Jan. 1, 2000 |
| 19-12 | rp | Jan. 1, 2000 |
| 19-13 | rp | Jan. 1, 2000 |
| 19-14 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2001 |
| 19-15 | am | Jan. 1, 2000 |
| 19-16 | am | Jan. 1, 2000 |
| 19-17 | am | Jan. 1, 2000 |
| 19-18 | am | Jan. 1, 2000 |
| 20-2 | am | Jan. 1, 2002 |
| 21-4 | am | Jan. 1, 2002 |
| 21-12 | am | Jan. 1, 2002 |
| 21-14 | am | Jan. 1, 2002 |
| 22-1 | am | Sept. 1, 1998; |
| | am | Jan. 1, 2002 |
| 23-22 | am | Jan. 1, 2002 |
| 23-40 | am | Jan. 1, 2000 |
| 23-44 | am | Jan. 1, 2002 |
| 23-53 | am | Jan. 1, 1999 |
| 23-60 | am | Jan. 1, 1999 |
| 23-61 | am | Jan. 1, 1999 |
| 23-63 | am | Jan. 1, 1999 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| | Action Taken | Effective Date |
|---|---|---|
| 23-65 | am | Jan. 1, 1999 |
| 23-66 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2000; |
| | am | Jan. 1, 2003 |
| 23-67 | am | Jan. 1, 2003 |
| 24-1 | am | Jan. 1, 2001 |
| 24-2 (title) | am | Jan. 1, 2001 |
| 24-2 | am | Jan. 1, 2001 |
| 24-4 | am | Jan. 1, 1999 |
| 24-6 | am | Jan. 1, 2001; |
| | am | Jan. 1, 2002 |
| 24-7 (title) | am | Jan. 1, 2001 |
| 24-7 | am | Jan. 1, 2001 |
| 24-8 | am | Jan. 1, 2001 |
| 24-9 | am | Jan. 1, 2001 |
| 24-10 (title) | am | Jan. 1, 2001 |
| 24-10 | am | Jan. 1, 2001 |
| 24-11 | am | Jan. 1, 2001 |
| 24-13 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2001 |
| 24-14 | am | Jan. 1, 2001 |
| 24-15 | am | Jan. 1, 2001 |
| 24-16 (title) | am | Jan. 1, 2001 |
| 24-16 | am | Jan. 1, 2001 |
| 24-17 | am | Jan. 1, 2001 |
| 24-18 | rp | Jan. 1, 2001 |
| 24-19 | am | Jan. 1, 2001 |
| 24-20 (title) | am | Jan. 1, 2001 |
| 24-20 | am | Jan. 1, 2001 |
| 24-20A | ad | Jan. 1, 2001 |
| 24-21 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2001 |
| 24-22 | am | Jan. 1, 2001 |
| 24-24 | am | Jan. 1, 2001 |
| 24-27 | am | Jan. 1, 2001 |
| 24-29 (title) | am | Jan. 1, 2001 |
| 24-29 | am | Jan. 1, 2001 |
| 24-30 | am | Jan. 1, 2001; |
| | am | Jan. 1, 2002; |
| | am | Jan. 1, 2004 |
| 24-31 | am | Jan. 1, 2001 |
| 24-32 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2003 |
| 24-33 | am | Jan. 1, 2000 |
| 25-1 | am | Jan. 1, 2000 |
| 25-2 | am | Jan. 1, 2002 |
| 25-3 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2001 |
| 25-4 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2001 |
| 25-5 (title) | am | Jan. 1, 2000 |
| 25-5 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2000 |
| 25-7 (title) | am | Jan. 1, 2000 |
| 25-7 | am | Jan. 1, 2000 |
| 25-9 | am | Jan. 1, 2000 |
| 25-10 | am | Jan. 1, 2000 |
| 25-23 | am | July 1, 2003 |
| 25-27 | am | Jan. 1, 2000 |
| 25-28 | am | Jan. 1, 2000 |
| 25-30 | am | Jan. 1, 2003 |
| 25-32 | am | Jan. 1, 1999 |
| 25-50 | am | Jan. 1, 2000 |
| 25-55 | am | Jan. 1, 2000 |
| 25-57 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2002 |
| 25-58 | am | Jan. 1, 2000 |
| 25-59 (title) | am | July 1, 2003; |
| 25-59 | am | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 25-59A | ad | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 25-67 | am | Jan. 1, 1999 |
| 26-1 | am | Jan. 1, 2003 |
| 27-1 | am | Jan. 1, 2003 |
| 27-2 | rp | Jan. 1, 2003 |
| 27-3 | rp | Jan. 1, 2003 |
| 27-4 | am | Jan. 1, 2003 |
| 27-4A | ad | Jan. 1, 2003 |
| 27-5 | am | Jan. 1, 2003 |
| 27-6 | am | Jan. 1, 2003 |
| 27-7 | am | Jan. 1, 2003 |
| 27-8 | rp | Jan. 1, 2003 |
| 27-8A | ad | Jan. 1, 2003 |
| 28-1 | rp | Jan. 1, 2003 |
| 29-1 (title) | am | Jan. 1, 2003 |
| 29-1 | am | Jan. 1, 2003 |
| 29-1A | ad | Jan. 1, 2003 |
| 29-1B | ad | Jan. 1, 2003 |
| 29-2 | am | Jan. 1, 2003 |
| 30-1 | rp | Jan. 1, 2003 |
| 30-1A | ad | Jan. 1, 2003 |
| 30-2 | rp | Jan. 1, 2003 |
| 30-3 | am | Jan. 1, 2003 |
| 30-4 | am | Jan. 1, 2003 |
| 30-5 | am | Jan. 1, 2003 |
| 30-6 | am | Jan. 1, 2003 |
| 30-7 | am | Jan. 1, 2003 |
| 30-8 | am | Jan. 1, 2003 |
| 30-9 | am | Jan. 1, 2003 |
| 30-10 (title) | am | Jan. 1, 2003 |
| 30-10 | am | Jan. 1, 2003 |
| 30a-1 | ad | Jan. 1, 2003 |
| 30a-2 | ad | Jan. 1, 2003 |
| 30a-3 (title) | am | Jan. 1, 2004 |
| 30a-3 | ad | Jan. 1, 2003; |
| | am | Jan. 1, 2004 |
| 30a-4 | ad | Jan. 1, 2003 |
| 30a-5 | ad | Jan. 1, 2003 |
| 30a-6 | ad | Jan. 1, 2003 |
| 30a-7 | ad | Jan. 1, 2003 |
| 30a-8 | ad | Jan. 1, 2003 |
| 31-1 | rp | Jan. 1, 2003 |
| 31-2 | rp | Jan. 1, 2003 |
| 31-3 | rp | Jan. 1, 2003 |
| 31-4 | rp | Jan. 1, 2003 |
| 31-5 | rp | Jan. 1, 2003 |
| 31-6 | rp | Jan. 1, 2003 |
| 31-7 | rp | Jan. 1, 2003 |
| 31-8 | rp | Jan. 1, 2003 |
| 31-9 | rp | Jan. 1, 2003 |
| 31-10 | rp | Jan. 1, 2003 |
| 31-11 | rp | Jan. 1, 2003 |
| 31-12 | rp | Jan. 1, 2003 |
| 31-13 | rp | Jan. 1, 2003 |
| 31a-1 | ad | Jan. 1, 2003 |
| 31a-2 | ad | Jan. 1, 2003 |
| 31a-3 | ad | Jan. 1, 2003 |



© Copyrighted by the Secretary of the State of the State of Connecticut

| | Action Taken | Effective Date |
|---|---|---|
| 31a-4 | ad | Jan. 1, 2003 |
| 31a-5 | ad | Jan. 1, 2003 |
| 31a-6 | ad | Jan. 1, 2003 |
| 31a-7 | ad | Jan. 1, 2003 |
| 31a-8 | ad | Jan. 1, 2003 |
| 31a-9 | ad | Jan. 1, 2003 |
| 31a-10 | ad | Jan. 1, 2003 |
| 31a-11 | ad | Jan. 1, 2003 |
| 31a-12 | ad | Jan. 1, 2003 |
| 31a-13 | ad | Jan. 1, 2003 |
| 31a-14 | ad | Jan. 1, 2003 |
| 31a-15 | ad | Jan. 1, 2003 |
| 31a-16 | ad | Jan. 1, 2003 |
| 31a-17 | ad | Jan. 1, 2003 |
| 31a-18 | ad | Jan. 1, 2003 |
| 31a-19 | ad | Jan. 1, 2003 |
| 32-1 | rp | Jan. 1, 2003 |
| 32-2 | rp | Jan. 1, 2003 |
| 32-3 | rp | Jan. 1, 2003 |
| 32-4 | rp | Jan. 1, 2003 |
| 32-5 | rp | Jan. 1, 2003 |
| 32-6 | rp | Jan. 1, 2003 |
| 32-7 | rp | Jan. 1, 2003 |
| 32-8 | rp | Jan. 1, 2003 |
| 32-9 | rp | Jan. 1, 2003 |
| 32a-1 | ad | Jan. 1, 2003 |
| 32a-2 | ad | Jan. 1, 2003 |
| 32a-3 | ad | Jan. 1, 2003 |
| 32a-4 | ad | Jan. 1, 2003 |
| 32a-5 | ad | Jan. 1, 2003 |
| 32a-6 | ad | Jan. 1, 2003 |
| 32a-7 | ad | Jan. 1, 2003 |
| 32a-8 | ad | Jan. 1, 2003 |
| 33-1 | rp | Jan. 1, 2003 |
| 33-2 | rp | Jan. 1, 2003 |
| 33-3 | rp | Jan. 1, 2003 |
| 33-4 | rp | Jan. 1, 2003 |
| 33-5 | rp | Jan. 1, 2003 |
| 33-6 | rp | Jan. 1, 2003 |
| 33-7 | rp | Jan. 1, 2003 |
| 33-8 | rp | Jan. 1, 2003 |
| 33-9 | rp | Jan. 1, 2003 |
| 33-10 | rp | Jan. 1, 2003 |
| 33-11 | rp | Jan. 1, 2003 |
| 33-12 | rp | Jan. 1, 2003 |
| 33-13 | rp | Jan. 1, 2003 |
| 33a-1 | ad | Jan. 1, 2003 |
| 33a-2 | ad | Jan. 1, 2003 |
| 33a-3 | ad | Jan. 1, 2003 |
| 33a-4 | ad | Jan. 1, 2003 |
| 33a-5 | ad | Jan. 1, 2003 |
| 33a-6 | ad | Jan. 1, 2003 |
| 33a-7 | ad | Jan. 1, 2003 |
| 33a-8 | ad | Jan. 1, 2003 |
| 34-1 | rp | Jan. 1, 2003 |
| 34-2 | rp | Jan. 1, 2003 |
| 34-3 | rp | Jan. 1, 2003 |
| 34-4 | rp | Jan. 1, 2003 |
| 34a-1 | ad | Jan. 1, 2003 |
| 34a-2 | ad | Jan. 1, 2003 |
| 34a-3 | ad | Jan. 1, 2003 |
| 34a-4 | ad | Jan. 1, 2003 |
| 34a-5 | ad | Jan. 1, 2003 |
| 34a-6 | ad | Jan. 1, 2003 |
| 34a-7 | ad | Jan. 1, 2003 |
| 34a-8 | ad | Jan. 1, 2003 |
| 34a-9 | ad | Jan. 1, 2003 |
| 34a-10 | ad | Jan. 1, 2003 |
| 34a-11 | ad | Jan. 1, 2003 |
| 34a-12 | ad | Jan. 1, 2003 |
| 34a-13 | ad | Jan. 1, 2003 |
| 34a-14 | ad | Jan. 1, 2003 |
| 34a-15 | ad | Jan. 1, 2003 |
| 34a-16 | ad | Jan. 1, 2003 |
| 34a-17 | ad | Jan. 1, 2003 |
| 34a-18 | ad | Jan. 1, 2003 |
| 34a-19 | ad | Jan 1, 2003 |
| 34a-20 | ad | Jan. 1, 2003 |
| 34a-21 | ad | Jan. 1, 2003 |
| 34a-22 | ad | Jan. 1, 2003 |
| 34a-23 | ad | Jan. 1, 2003 |
| 35-1 | rp | Jan. 1, 2003 |
| 35-2 | rp | Jan. 1, 2003 |
| 35-3 | rp | Jan. 1, 2003 |
| 35-4 | rp | Jan. 1, 2003 |
| 35-5 | rp | Jan. 1, 2003 |
| 35a-1 | ad | Jan. 1, 2003 |
| 35a-2 | ad | Jan. 1, 2003 |
| 35a-3 | ad | Jan. 1, 2003 |
| 35a-4 | ad | Jan. 1, 2003 |
| 35a-5 | ad | Jan. 1, 2003 |
| 35a-6 | ad | Jan. 1, 2003 |
| 35a-7 | ad | Jan. 1, 2003 |
| 35a-8 | ad | Jan. 1, 2003 |
| 35a-9 | ad | Jan. 1, 2003 |
| 35a-10 | ad | Jan. 1, 2003 |
| 35a-11 | ad | Jan. 1, 2003 |
| 35a-12 | ad | Jan. 1, 2003 |
| 35a-13 | ad | Jan. 1, 2003 |
| 35a-14 | ad | Jan. 1, 2003 |
| 35a-15 | ad | Jan. 1, 2003 |
| 35a-16 | ad | Jan. 1, 2003 |
| 35a-17 | ad | Jan. 1, 2003 |
| 35a-18 | ad | Jan. 1, 2003 |
| 35a-19 | ad | Jan. 1, 2003 |
| 35a-20 | ad | Jan. 1, 2003 |
| 35a-21 | ad | Jan. 1, 2003 |
| 36-2 | am | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 38-3 | am | Jan. 1, 1999 |
| 38-9 | am | Jan. 1, 2004 |
| 42-10 | am | Jan. 1, 2002 |
| 42-19 | am | Jan. 1, 2002 |
| 42-49 (title) | am | July 1, 2003 |
| 42-49 | am | Jan. 1, 2000; |
| | am | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 42-49A | ad | July 1, 2003; |
| | am | Jan. 1, 2005 |
| 43-29A | ad | Jan. 1, 2002 |
| 43-38 | am | Jan. 1, 2004 |
| 44-37 | am | Jan. 1, 2002 |
| 61-4 (title) | am | Jan. 1, 1999 |
| 61-4 | am | Jan. 1, 1999 |
| 61-6 (title) | am | Jan. 1, 2001 |
| 61-6 | am | Jan. 1, 2001 |
| 61-11 (title) | am | Jan. 1, 2000 |
| 61-11 | am | Jan. 1, 2000; |



© Copyrighted by the Secretary of the State of the State of Connecticut

| | Action Taken | Effective Date |
|---|---|---|
| | am | Jan. 1, 2001; |
| | am | Jan. 1, 2002; |
| | am | Jan. 1, 2005 |
| 61-12 (title) | am | Jan. 1, 2000 |
| 61-12 | am | Jan. 1, 2000 |
| 61-13 (title) | am | Jan. 1, 2000 |
| 61-13 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2002 |
| 61-14 (title) | am | Jan. 1, 1999 |
| 61-14 | am | Jan. 1, 1999 |
| 61-15 | ad | Jan. 1, 2000 |
| 61-16 | am | Oct. 1, 2002 |
| 62-7 | am | Jan. 1, 1999; |
| | am | Oct. 1, 2002; |
| | am | Jan. 1, 2004 |
| 62-8 | am | Jan. 1, 2005 |
| 62-9a | ad | Jan. 1, 2005 |
| 62-10 | am | Jan. 1, 2005 |
| 63-1 | am | Jan. 1, 2000; |
| | am | Jan. 1, 2005 |
| 63-4 | am | Nov. 1, 2002; |
| | am | Jan. 1, 2004 |
| 63-6 | am | Jan. 1, 2000 |
| 63-7 | am | Jan. 1, 2000 |
| 63-8 | am | Nov. 1, 2002 |
| 63-8A | ad | Nov. 1, 2002 |
| 63-10 | am | Jan. 1, 2000 |
| 64-1 | am | Jan. 1, 1999 |
| 66-1 | am | Jan. 1, 2000 |
| 66-3 | am | Jan. 1, 2003; |
| | am | Jan. 1, 2004 |
| 66-5 | am | Jan. 1, 2000; |
| | am | Oct. 1, 2002 |
| 66-6 | am | Nov. 1, 2002 |
| 67-2 | am | Sept. 1, 2001 |
| 67-4 | am | Jan. 1, 2000; |
| | am | Oct. 1, 2002 |
| 67-5 | am | Jan. 1, 2000; |
| | am | Oct. 1, 2002 |
| 67-11 | ad | Jan. 1, 2000 |
| 67-12 | ad | Jan. 1, 2000 |
| 67-13 | ad | Jan. 1, 2005 |
| 68-1 (title) | am | Jan. 1, 1999 |
| 68-1 | am | Jan. 1, 1999; |
| | am | Oct. 1, 2002; |
| | am | Jan. 1, 2004 |
| 68-3 | am | Jan. 1, 2002 |
| 68-7 | am | Jan. 1, 2005 |
| 69-2 | am | Jan. 1, 1999 |
| 70-7 (title) | am | Jan. 1, 2000 |

| | Action Taken | Effective Date |
|---|---|---|
| 70-7 | am | Jan. 1, 2000 |
| 70-8 | am | Jan. 1, 2002 |
| 70-9 | am | Jan. 1, 2004 |
| 70-10 (title) | am | Jan. 1, 2004 |
| 70-10 | am | Jan. 1, 2004 |
| 71-2 | am | Jan. 1, 2000 |
| 71-5 (title) | am | Jan. 1, 2000 |
| 71-5 | am | Jan. 1, 2000 |
| 71-6 (title) | am | Jan. 1, 2000 |
| 71-6 | am | Jan. 1, 2000 |
| 71-7 | am | Jan. 1, 2000 |
| 72-1 | am | Jan 1, 2004 |
| 72-3 | am | Jan. 1, 2004 |
| 72-4 | am | Jan. 1, 2004 |
| 76-5 | am | Jan. 1, 2000 |
| 77-1 | am | Jan. 1, 2000 |
| 77-2 | ad | Jan. 1, 2004 |
| 79-4 | am | Jan. 1, 2004 |
| 79-5 | ad | Jan. 1, 2005 |
| 80-1 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2005 |
| 81-1 | am | Jan. 1, 2005 |
| 81-2 | am | Jan. 1, 1999; |
| | am | April 15, 2002; |
| | am | Jan. 1, 2004 |
| 81-3 | am | April 15, 2002; |
| | am | Jan. 1, 2004 |
| 81-4 | am | Oct. 1, 2002 |
| 81-6 | am | Oct. 1, 2002 |
| 82-1 | am | Jan. 1, 2005 |
| 82-2 | rp | Jan. 1, 2005 |
| 82-3 | am | Jan. 1, 2005 |
| 82-6 | am | Jan. 1, 2005 |
| 83-1 | am | Jan. 1, 2001 |
| 84-4 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2000 |
| 84-5 | am | Jan. 1, 1999; |
| | am | Jan. 1, 2002; |
| | am | April 15, 2002; |
| | am | Jan. 1, 2004 |
| 84-6 | am | April 15, 2002; |
| | am | Jan. 1, 2004 |
| 84-9 | am | Oct. 1, 2002 |
| 84-11 | am | Jan. 1, 2000 |
| 86-1 | am | Jan. 1, 2005 |
| 86-2 | am | Jan. 1, 2001 |
| Form 201 | am | Jan. 1, 2005 |
| Form 202 | am | Jan. 1, 2005 |
| Form 204 | am | Jan. 1, 2005 |
| Form 205 | am | Jan. 1, 2005 |



© Copyrighted by the Secretary of the State of the State of Connecticut

## STATUTES NOTED

Wherever a statute has been mentioned in the rules in this volume, it is noted in this table. The abbreviation Ch. signifies chapter, and the abbreviation P.A. signifies Public Act.


| *Statutes* | *P.B. 2005* |
|---|---|
| P.A. 01-142 | 26-1 |
| 1-23 | 16-3 |
| | 16-8 |
| | 42-11 |
| | 42-14 |
| 1-25 | 16-3 |
| | 16-8 |
| | 42-11 |
| | 42-14 |
| Ch. 54 | 14-5 |
| Ch. 124 | 81-1 |
| Ch. 124 through 134 | 14-5 |
| 12-103 | 14-7 |
| | 68-10 |
| | 81-1 |
| 12-117a | 14-7 |
| | 68-10 |
| 12-119 | 14-7 |
| | 68-10 |
| Title 14 | 44-25 |
| 14-219(e) | 44-23 |
| 17a-28 | 34a-20 |
| 17a-75 | 31a-15 |
| 17a-101g | 35a-14 |
| 17a-110(b) | 26-1 |
| 17a-111(b) | 26-1 |
| 17a-111b | 35a-15 |
| 17a-274(b), (g), (h) | 31a-15 |
| 17a-685 | 43-40 |
| | 7-11 |
| 17b-27 | 33a-7 |
| Ch. 440 | 81-1 |
| 26-5 | 44-37 |
| 29-18 | 44-37 |
| 29-18a | 44-37 |
| 29-19 | 44-37 |
| 31-290a | 76-1 |
| | 76-2 |
| | 76-3 |
| | 76-4 |
| | 76-6 |
| | 84-4 |
| 31-290a(b) | 66-6 |
| | 76-1 |
| Ch. 669 | 24-6 |
| 38a-139 | 14-7 |
| | 68-10 |
| 45a-186 to 45a-193 | 10-76 |
| 45a-611 | 35a-19 |
| 45a-612 | 35a-19 |
| 45a-619 | 35a-19 |
| 45a-757 | 7-14 |
| 46a-33a | 16-1 |
| | 42-10 |
| 46b-1 | 1-11 |
| | 25-1 |
| | 70-10 |
| 46b-11 | 77-1 |
| 46b-15 | 4-5 |
| | 7-11 |
| | 25-1 |
| | 61-11 |
| 46b-49 | 77-1 |
| 46b-115 | 25-57 |
| 46b-120 | 26-1 |
| | 27-4A |
| 46b-121 | 26-1 |
| | 34a-1 |
| 46b-122 | 77-1 |
| 46b-127 | 31a-12 |
| 46b-128 | 29-1A |
| | 29-2 |
| 46b-128(b) | 30-10 |
| 46b-129 | 4-5 |
| | 35a-5 |
| 46b-129(k) | 26-1 |
| | 35a-17 |
| 46b-129a(2) | 33a-7 |
| 46b-133 | 30-1A |
| 46b-133(a), (b), (c) | 29-1A |
| 46b-133(d) | 30-6 |
| 46b-133(f) | 30-10 |
| 46b-133b | 26-1 |
| 46b-136 | 33a-7 |
| 46b-140 | 31a-15 |
| 46b-141 | 26-1 |
| 46b-149 | 29-1B |
| 46b-149(d) | 29-2 |
| 46b-150f | 29-1B |
| Ch. 815y | 33a-7 |
| 46b-172a | 26-1 |
| 46b-180 through 46b-211 | 7-11 |
| 46b-212 through 46b-213v | 7-11 |
| 46b-215a | 25-67 |
| 46b-215b | 25-67 |
| 46b-220 through 46b-223 | 2-46 |
| 46b-231 | 25-66 |
| 47-33 | 9-1 |
| 47a-14h | 7-11 |
| 47a-68 | 1-7 |
| | 24-4 |
| 51-27a | 24-4 |
| 51-52 | 7-2 |
| 51-52a(b) | 7-9 |
| 51-59 | 7-17 |
| 51-81b | 2-55 |
| 51-84 | 5-10 |
| | 85-2 |
| 51-88 | 2-33 |
| | 2-34A |
| | 2-63 |
| 51-189 | 20-3 |
| 51-190a | 20-4 |
| 51-193l | 1-1 |




© Copyrighted by the Secretary of the State of the State of Connecticut

| *Statutes* | *P.B. 2005* |
|---|---|
| 51-195 | 43-3 |
| | 43-24 |
| 51-197a | 24-28 |
| 51-197b | 14-6 |
| 51-199(c) | 65-1 |
| | 65-3 |
| | 76-5 |
| 51-199b | 82-1 |
| 51-296 | 23-26 |
| | 44-4 |
| 51-297(g) | 37-6 |
| 51-345 | 24-4 |
| 51-346 | 24-4 |
| 51-347 | 24-4 |
| 51-347b | 12-1 |
| | 12-3 |
| 52-11 | 9-24 |
| 52-52 | 11-7 |
| 52-69 | 9-1 |
| 52-73a | 9-25 |
| 52-78 | 9-12 |
| 52-86 | 3-13 |
| 52-87 | 9-1 |
| 52-88 | 9-2 |
| 52-91 | 10-20 |
| 52-97 | 10-21 |
| 52-99 | 10-5 |
| 52-101 | 9-3 |
| 52-102 | 9-6 |
| 52-106 | 9-11 |
| 52-107 | 9-18 |
| 52-108 | 9-19 |
| 52-109 | 9-20 |
| 52-110 | 9-21 |
| 52-114 | 10-53 |
| 52-115 | 10-73 |
| 52-117 | 10-71 |
| 52-118 | 10-72 |
| 52-119 | 10-18 |
| 52-128 | 10-59 |
| 52-130 | 10-60 |
| 52-131 | 10-67 |
| 52-136 | 10-65 |
| 52-137 | 10-63 |
| 52-138 | 10-64 |
| 52-139 to 52-142 | 10-54 |
| 52-143 | 32a-2 |
| 52-178 | 13-26 |
| 52-185 | 8-3 |
| | 8-5 |
| 52-186 | 8-6 |
| 52-187 | 8-8 |
| 52-188 | 8-9 |
| 52-189 | 8-10 |
| | 20-3 |
| 52-190 | 8-11 |
| 52-190a | 13-2 |
| 52-192a | 17-18 |
| 52-193 | 17-11 |
| 52-194 | 17-12 |
| 52-195 | 17-13 |
| 52-195b(b)(2) | 23-2 |
| | 23-3 |
| 52-196 | 14-23 |
| 52-200 | 13-18 |
| 52-205 | 15-1 |
| 52-208 | 5-6 |
| 52-209 | 15-7 |
| 52-212 | 17-43 |
| 52-215 | 14-10 |
| 52-216 | 16-9 |
| 52-216a | 16-36 |
| 52-216b | 16-19 |
| 52-218 | 16-10 |
| 52-219 | 16-11 |
| 52-221 | 17-34 |
| 52-223 | 16-17 |
| 52-225 | 17-2 |
| 52-225a | 10-78 |
| | 16-35 |
| | 16-36 |
| 52-225b | 10-78 |
| 52-226 | 17-7 |
| 52-227 | 17-1 |
| 52-228 | 17-3 |
| 52-231 | 17-5 |
| 52-235a | 17-59 |
| 52-257 | 8-6 |
| | 18-16 |
| | 18-18 |
| 52-263 | 6-1 |
| 52-265a | 83-1 |
| | 83-2 |
| | 83-3 |
| 52-270 | 31a-11 |
| | 42-55 |
| Ch. 903a | 63-4 |
| 52-278d | 13-13 |
| 52-278e | 13-13 |
| 52-278i | 13-13 |
| 52-307 | 13-13 |
| 52-308 | 13-13 |
| 52-380a | 10-69 |
| 52-417 | 23-1 |
| 52-418 | 23-1 |
| 52-419 | 23-1 |
| 52-434 | 1-1 |
| | 19-3 |
| 52-434a | 63-10 |
| 52-470(b) | 80-1 |
| 52-504 | 20-2 |
| 52-506 | 21-4 |
| 52-513 | 21-17 |
| 52-549z | 19-3 |
| | 23-66 |
| 52-549aa | 23-66 |
| 52-591 | 14-6 |
| 52-592 | 14-6 |
| 52-593 | 14-6 |
| 53a-39a | 43-3 |
| 53a-40c | 61-13 |
| 53a-40e | 61-13 |
| 53a-46a | 67-6 |
| 53a-46b(b) | 67-6 |




© Copyrighted by the Secretary of the State of the State of Connecticut

| *Statutes* | *P.B. 2005* |
|---|---|
| 53a-54b | 67-6 |
| 53a-54d | 27-4A |
| 53a-60 through 53a-60c | 38-4 |
| 53a-70 | 7-11 |
| 53a-70a | 7-11 |
| 53a-72a | 38-4 |
| 53a-72b | 38-4 |
| 53a-86 | 38-4 |
| 53a-87 | 38-4 |
| 53a-95 | 38-4 |
| 53a-103 | 38-4 |
| 53a-103a | 38-4 |
| 53a-114 | 38-4 |
| 53a-122 | 38-4 |
| 53a-123 | 38-4 |
| 53a-136 | 38-4 |
| 53a-152 | 38-4 |
| 53a-153 | 38-4 |
| 53a-216 | 38-4 |
| 54-1b | 37-3 |
| 54-2a | 38-1 |
| 54-33c | 7-13 |
| | 42-49 |
| 54-36h | 7-11 |

| *Statutes* | *P.B. 2005* |
|---|---|
| Ch. 959a | 41-14 |
| 54-46a | 41-9 |
| 54-47g | 78-1 |
| 54-56d | 42-39 |
| 54-56e | 43-40 |
| 54-56f | 38-4 |
| 54-56g | 43-40 |
| 54-56m | 43-40 |
| 54-63g | 65-3 |
| 54-64b | 37-3 |
| 54-66 | 38-9 |
| 54-66(b) | 38-9 |
| 54-76h | 42-49 |
| | 77-1 |
| 54-82c | 43-39 |
| 54-82i | 40-44 |
| | 44-34 |
| 54-95 | 43-2 |
| 54-102b | 61-13 |
| 54-102g | 61-13 |
| 54-152 | 44-34 |
| 54-221 | 30a-6 |
| Ch. 964 | 38-18 |
| 54-260 | 61-13 |




© Copyrighted by the Secretary of the State of the State of Connecticut

**ADDITUR**
Motion for 16-35

**ADMINISTRATIVE APPEALS**
Briefing schedule 14-7
Civil rules, applicability of 14-6
Definition 14-5, 60-4

**ADMISSIONS**
See **DISCOVERY AND DEPOSITIONS—CIVIL; PLEADINGS, CIVIL ACTIONS**

**ADMISSION TO PRACTICE**
See **ATTORNEYS, Admission to Practice**

**ALIMONY**
See **FAMILY MATTERS**

**ALTERNATE INCARCERATION PROGRAM**
See **CRIMINAL PROCEDURE**

**ALTERNATIVE DISPUTE RESOLUTION** 23-67

**AMENDMENT OF PLEADINGS**
See **PLEADINGS—CIVIL ACTIONS**

**AMICUS CURIAE**
Appellate brief of 67-7

**ANNULMENT**
See **FAMILY MATTERS**

**ANSWER**
See **PLEADINGS—CIVIL ACTIONS**

**APPEARANCE AND ARRAIGNMENT—CRIMINAL MATTERS**
See also **APPEARANCES—IN GENERAL**
Appearance after pretrial release 38-6
Arraignment, timing 37-1
Constitutional rights, advisement of 37-3, 37-4
Indigency, investigation of 37-5
Information and materials to be provided to defendant 37-2
Public defender, appointment 37-6
Reference to, investigation of indigency 37-5
Detention prior to arraignment, trial, sentencing, limit on 38-18
Disposition conference 39-11—39-17
Dispositions without trial, miscellaneous 39-33
Nolle prosequi, see **CRIMINAL PROCEDURE, Nolle prosequi**
Plea, see **CRIMINAL PROCEDURE, Pleas**
Probable cause, determination of where defendant in custody 37-12

**APPEARANCES—IN GENERAL**
Appeal, appearance by counsel 62-8
Criminal appeals, hybrid representation prohibited 62-9A
Criminal appeals, removal or substitution of counsel 62-9A
Trial court files and motions, review of and participation in by appellate counsel 62-8, 62-10
Withdrawal of appearance 62-9
Bail or detention hearing only, appearances for 3-6
Civil and family cases, appearance for plaintiff 3-1

**APPEARANCES—IN GENERAL** — (Cont)
Consequence of filing 3-7
Creditor, when allowed to appear and defend 3-13
Duration of appearance 3-9
Electronic filing 4-4
Family matters 25-6
Failure to appear, consequences of 25-51, 25-52
Filing with clerk, copies 3-4
Form and signing of 3-3
Habeas corpus
Appearance by petitioner in court 23-40
By interactive audiovisual device 23-40
Counsel, appointment of 23-26
Motion for leave to withdraw appearance 23-41
Judicial action on 23-42
Legal interns 3-14
Activities of 3-17
Certification of 3-18
Legal internship committee 3-19
Out-of-state interns 3-21
Requirements and limitations 3-16
Supervision of legal interns 3-15
Unauthorized practice 3-20
Motion to withdraw 3-10
Name, composition or membership of firm or professional corporation, notice of change of 3-12
Plaintiff, appearance for 3-1
Pro hac vice appearance 2-16
Represented party, appearance for 3-8
Service of appearances on other parties—when required 3-5
Several parties, appearance for 3-11
Time to file appearance 3-2
Withdrawal of appearance 3-9
Writ or complaint, appearance for plaintiff 3-1

**APPELLATE COURT**
See generally **APPELLATE PROCEDURE**

**APPELLATE PROCEDURE**
See also **CRIMINAL PROCEDURE, Appeal**; **JUVENILE MATTERS, Appeal**
Additions to case file 68-1
Administrative appeal, definition 60-4
Amended appeals 61-9
Amicus curiae
Briefs 67-7
Appeal form, filing 63-3
Additional papers to be filed 63-4 (a)
Amendment of papers 63-4 (b)
Withdrawal of appeal 63-9
Appeal period, generally 63-1 (a) and (b)
Briefing obligations, stay of 67-12
Motion for 63-1 (d)
Calculation of time, in general 63-2
Motions that delay commencement of 11-11
New appeal period, how created 63-1 (c) (1)
Simultaneous filing required of motions that render judgment or decision ineffective 63-1 (e)
What may be appealed during 63-1 (c) (3)
Who may appeal during 63-1 (c) (2)
Appeal, right to 61-1



© Copyrighted by the Secretary of the State of the State of Connecticut

**APPELLATE PROCEDURE** — (Cont)
Appearance by counsel 62-8
Criminal appeals, hybrid representation prohibited 62-9A
Criminal appeals, removal or substitution of counsel 62-9A
Trial court files and motions, review of and participation in by appellate counsel 62-8, 62-10
Withdrawal of appearance 62-9
Appellant, definition 60-4
Brief of, contents and organization 67-4
Responsibility to provide adequate record for review 60-5
Appellate clerk 62-2
Assignment list, mailing to counsel of record 69-3
Docketing of cases 62-3
Ready case docket, printing and distributing 69-1
Exhibits, to be transmitted to appellate clerk by trial court clerk 68-1
Extension of time motions, action on 66-1
Judgment files, preparation of 71-1
Notice of decisions on motions and of orders to be given by appellate clerk 71-4
Notification of bankruptcy petition and of resolution 61-16
Notification of trial court clerk of change in parties 62-5
Ready cases, printing and distributing docket of 69-1
Record, responsibilities in preparation of 68-2, 68-3, 68-5—68-8
Taxation of costs 71-2
Motion to reconsider 71-3
Appellee, definition 60-4
Brief of, contents and organization 67-5
Appendix, in general 67-1, 67-8
Applications
Filing procedures 66-3
Form 66-2, 66-3
Memoranda, supporting and opposing 66-2
Argument, see Oral argument this title
Articulation, remand for 60-5
Motion for 66-5
Review of decision on 66-7
Assignment of cases for argument 69-2
Order of assignment 69-3
Precedence of supreme and appellate court assignments 69-3
Ready cases 69-2
Authorities, table of in briefs 67-11
Automatic stay pending appeal, noncriminal cases 61-11 (a)
Automatic stay not available 61-11 (b)
Criminal cases, stays in 61-13
Death cases, stays in 61-15
Discretionary stay, motion for 61-12
Review of order concerning stay 61-14
Bankruptcy, notification to appellate clerk 61-16
Briefs, in general 67-1
Amended appeals 61-9
Amicus curiae briefs 67-7
Appellant's brief, contents and organization 67-4
Appellee's brief, contents and organization 67-5
Certification concerning 62-7
Citation of cases, form 67-11
Consolidated or joint appeals 61-7
Copies 67-2
Death sentences, statutory review of, briefs 67-6
Family matters 67-13
Format 67-2
Juvenile matters 67-13, 79-5
Land use regulations, statement as to 67-4, 67-5
Copy to be filed with brief 81-6

**APPELLATE PROCEDURE** — (Cont)
Briefs, in general 67-1 — (Cont)
Motion to stay briefing obligations 63-1 (d)
Page limitations 67-3
Stay of briefing obligations 67-12
Supplemental authorities, citation after filing of brief 67-10
Supplemental briefs 61-9
On amendment of transcript statement 63-4 (b)
Table of authorities 67-11
Time for filing 67-3
Unreported decisions, citation of 67-9
Cameras and electronic media 70-9, 70-10
Case citations in briefs, form 67-11
Case file, preparation of 68-1
Additions to after appeal taken 68-1
Certification
Filed papers, certification of 62-7
For review by appellate court, see Petitions for certification, this title
For review by supreme court, see Petitions for certification, this title
General Statutes § 52-265a, application for certification pursuant to, in general 83-1
Application denied 83-3
Application granted 83-2
Unavailability of chief justice 83-4
Habeas corpus 80-1
Certified questions from courts of other jurisdictions, in general 82-1
Briefs and argument 82-6
Certification request, contents of 82-3
Preparation of 82-4
Docketing after preliminary acceptance 82-5
Fees and costs 82-5
Opinion on 82-7
Chief justice or chief judge
Action by, on motion for permission to appeal judgment not disposing all claims by or against party 61-4
Designation of appellate panels and presiding judges by chief judge 62-1
Designation of chief judge by chief justice 62-1
Permission to exceed page limitations of briefs 67-3
Scheduling of sessions by chief judge 62-1
Citation of cases in briefs 67-11
Citation of unreported decisions 67-9
Claims to be preserved 60-5
Clerk, appellate, see Appellate clerk, this title
Clerk, trial court, responsibilities after appeal filed 68-1
Compensation review board, reservation of cases by 76-5
Conditional plea of guilty or nolo contendere
Appeal from denial of motion to suppress or to dismiss 61-6 (a) (2) (i)
Reservation of right to appeal 61-6 (a) (2) (ii)
Confidentiality of hearings, juvenile matters 79-4
Connecticut Law Journal date as date of judgment or order 71-1
Connecticut Reports and Connecticut Appellate Reports, official opinions contained in 71-4
Consolidation of appeals 61-7
Briefs 67-3
Constitutionality of statute, statement in appeal of challenge to 63-4 (a)
Control of proceedings on appeal 60-2
Copies of filed papers, in general 62-7
Of appeal 63-3
Of briefs 67-2



© Copyrighted by the Secretary of the State of the State of Connecticut

**APPELLATE PROCEDURE** — (Cont)
Costs
Certified questions from federal courts 82-5
Judicial review council, costs waived in appeals from 74-3
Probate judicial conduct, costs waived in appeals from decisions of council on 75-3
Security for 63-5
Waiver, civil cases 63-6
Waiver, criminal cases 63-7
Taxation of 71-2
Motion to reconsider 71-3
Workers' compensation appeals 76-4
Counsel
Appearance by 62-8
Assignment list, mailing to counsel of record 69-3
Counsel of record, definition 60-4
Hybrid representation prohibited in criminal appeals 62-9A
Notification to counsel of intended disposition of case without argument 70-1
Removal or substitution of in criminal appeals 62-9A
Trial court files, review of 62-8, 62-10
Trial court motions, participation by appellate counsel 62-8
Withdrawal of 62-9
Court closure order, expedited review of 77-1
Court reporter, definition 60-4
Criminal cases
Appeal by defendant 61-6 (a)
Appeal by state 61-6 (b)
Interlocutory ruling, appeal from 61-6 (c)
Stays in 61-13
Cross appeals 61-8
Briefs 67-3
Cross petition for certification 81-1, 84-4
Death sentences, statutory review of, briefs 67-6
Stay of 61-15
Decision of trial court, statement of 64-1
Defendant, reference to in brief 67-1
Deferral of appeal where undisposed complaint, counterclaim or cross complaint remains 61-2
Notice of intent to appeal 61-2, 61-5 (a)
Failure to file, consequences 61-5 (b)
Objection to deferral of appeal 61-5 (a)
Definitions 60-4
Diligence, lack in prosecuting or defending appeal 85-1
Dismiss, motion to 66-8
Docket
Certified questions from federal courts 82-5
Entry of cases on by appellate clerk 62-3
Ready case docket, printing and distribution of 69-1
Transfer of cases between supreme court and appellate court 65-1
Motion for transfer from appellate court to supreme court 65-2
Trial court docket, appealed cases to remain on 62-4
Docketing statement, filing with appeal 63-4 (a)
Amendment 63-4 (b)
Documents, form and contents 62-6, 62-7
Certification 62-7
Copies, number of 62-7
Filing and service 62-7
Time limitations, calculation 63-2
Timely submission 62-7
En banc consideration and reconsideration of cases 70-7
Reconsideration, motion for en banc 71-5

**APPELLATE PROCEDURE** — (Cont)
Evidence and exhibits
Availability to parties 62-10
Removal 62-11
Transmitting exhibits to appellate clerk 68-1
Expedited review, court closure order or order sealing or limiting disclosure 77-1
Family matters, briefs 67-13
Family support magistrates, appeal from 25-66
Federal courts, certified questions from, see Certified questions from federal courts, this title
Fees
Appeal, fees on filing, in general 63-5
Certification for review by supreme court, fees on 84-4
Statement that fees paid or not required 84-9
Certified questions from federal courts 82-5
Entry fee, cross appeal 61-8
Entry fee, joint appeal 61-7
Judicial review council, fees waived in appeals from 74-3
Probate judicial conduct, fees waived in appeals from decisions of council on 75-3
Waiver, civil cases 63-6
Waiver, criminal cases 63-7
Workers' compensation appeals 76-4
Files
Availability to parties 62-10
Case file, preparation of 68-1
Removal 62-11
Filing appeal 63-3; see also 63-1 and 63-2 on appeal period and calculating time
Additional papers to be filed 63-4 (a)
Amendment of 63-4 (b)
Final judgment, right to appeal from 61-1
What constitutes 61-2
Deferral of appeal 61-2, 61-3
Notice of intent to appeal 61-5 (a)
Failure to file, consequences 61-5 (b)
Objection to deferral 61-5 (a)
Judgment disposing of part of complaint, counterclaim or cross complaint
All claims by or against party in particular pleading disposed 61-3
All claims by or against party not disposed, motion for permission to appeal 61-4
Further articulation, remand for 60-5
General Statutes § 52-265a, application for certification pursuant to, in general 83-1
Application denied 83-3
Application granted 83-2
Unavailability of chief justice 83-4
Grand jury order, review of 78-1
Habeas corpus, certification to appeal 80-1
Hearings on motions 66-4
Joint appeals 61-7
Briefs 67-3
Judges and justices sitting as superior court judges 60-6
Judgment file, draft judgment file, filing with appeal 63-4 (a)
Judgments, appealability, see Final judgment, right to appeal from, this title
Judgments in appellate proceedings
Connecticut Law Journal date as date of judgment or order 71-1
Costs, taxation of 71-2
Motion to reconsider 71-3
Judgment files, preparation by appellate clerk 71-1



© Copyrighted by the Secretary of the State of the State of Connecticut

**APPELLATE PROCEDURE** — (Cont)
Judicial review council, appeals from, in general 74-1
Appellate rules, applicability of 74-6
Decision of council statement of 74-4
Fees, costs and security waived 74-3
Initiation of proceedings by supreme court 74-8
Papers to be filed 74-2
Parties, proper form of reference 74-5
Recommendation by council, action on by supreme court where no appeal 74-7
Juvenile matters appeals, in general, time for filing 35a-21, 79-1
Briefs 67-13, 79-5
Confidentiality
Hearings 79-4
Records and papers 79-3
Juvenile clerk, duties of 79-2
Land use regulations
Copy to be filed with brief 81-6
Statement as to applicable version 67-4, 67-5
Liberal interpretation of rules 60-1
Memorandum of decision by trial court 64-1
Exceptions to requirement 64-2
Inclusion in record 68-11
Motions
Articulation, motion for 66-5
Costs, motion to reconsider 71-3
Decisions on motions, notice of to be given by appellate clerk 71-4
Definition of motion 60-4
Delaying commencement of appeal period 11-11, 63-1 (c) (1)
Simultaneous filing of motions required 63-1 (e)
Dismiss, motion to 66-8
Extension of time 66-1
Petitions for certification 81-5
Filed after appeal that stays appeal period 63-1 (c)
Filing procedures 66-3
Form 66-2, 66-3
Hearings on 66-4
Memorandum in support or opposition 66-2
Nonautomatic stay pending appeal, motion for 61-12
Permission to appeal where all claims by or against party not disposed of, motion for 61-4
Rectification, motion for 66-5
Review, motion for 66-6
Review of decision on motion for articulation or rectification 66-7
Review of order concerning stay, motion for 61-14
Terminate stay pending appeal, motion for 61-11
Transfer from appellate court to supreme court 65-2
Nolo contendere, appeal from denial of motion to suppress or dismiss after conditional plea of 61-6 (a) (2)
Notice of intent to appeal 61-2, 61-5 (a)
Failure to file, consequences 61-5 (b)
Objection to deferral of appeal 61-5 (a)
Opinions
Certified questions from federal courts, opinions on 82-5
Official opinions contained in Connecticut Reports and Connecticut Appellate Reports 71-4
Reporter of judicial decisions to send copy to trial court 71-4
Oral argument, assignment of cases for 69-2
Disposition of cases without argument, determination by court and notification of counsel 70-1
En banc consideration 70-7
Order of argument 70-3

**APPELLATE PROCEDURE** — (Cont)
Oral argument, assignment of cases for 69-2 — (Cont)
Order of assignment for argument 69-3
Points of argument 70-5
Precedence of supreme and appellate court assignments 69-3
Ready cases 69-2
Rebuttal 70-5
Reconsideration where court evenly divided 70-6
Right to oral argument, and exceptions 70-1, 70-2
Time allowed 70-4
Who may argue 70-4
Orders, notice of to be given by appellate clerk 71-4
Page limitations for briefs 67-3
Papers
Additional papers to be filed with appeal 63-4 (a)
Amendment 63-4 (b)
Certification 62-7
Contents and form 62-6
Copies, number of 62-7
Filing and service 62-7
Timely submission 62-7
Calculating time for filing 63-2
Parties
Availability to of files, evidence and exhibits 62-10
Change in, court where made 62-5
Perfection of record, motion to be filed in court having jurisdiction of appeal 60-2
Petition
Definition of petition 60-4
Filing procedures 66-3
Form of 66-2, 66-3
Memorandum in support or opposition 66-2
Petitions for certification
For review by appellate court, in general, filing 81-1
Extensions of time 81-5
Filing appeal after certification 81-4
Form of petition 81-2
Opposition, statement in 81-3
For review by supreme court, in general 84-1
Basis for 84-2
Filing, fees, time to file 84-4
Extensions of time 84-7
Form of petition 84-5
Grant or denial of certification 84-8
Appellate rules, applicability of 84-12
Filing appeal after certification granted 84-9, 84-11
Record 84-10
Opposition, statement in 84-6
Stay of execution 84-3
Trial court ruling, copy of, when required 84-5
Workers' compensation cases 84-4
Plain error review 60-5
Plaintiff, reference to in brief 67-1
Preargument conferences 63-10
Preargument conference statement, filing with appeal 63-4 (a)
Amendment 63-4 (b)
Preliminary statement of issues 63-4 (a)
Amendment 63-4 (b)
Preservation of claims 60-5
Probate judicial conduct, appeals from decisions of council on, in general 75-1
Appellate rules, applicability of 75-6
Decision of council, statement of 75-4
Fees, costs and security waived 75-3
Papers to be filed 75-2



© Copyrighted by the Secretary of the State of the State of Connecticut

**APPELLATE PROCEDURE** — (Cont)
Probate judicial conduct, appeals from decisions of council on, in general 75-1 — (Cont)
Parties, proper form of reference 75-5
Publication of rules, effective date 86-1
Ready cases
Assignment, generally 69-2
Order of 69-3
Precedence of supreme and appellate court assignments 69-3
Definition of 69-2
Docket, printing and distribution 69-1
Reconsideration en banc 70-7
Motion for 71-5
Stay pending 71-6
Record
Administrative agencies, record in appeals from 68-10
Appellant to provide adequate record 60-5, 61-10
Certification for review by supreme court, record on 84-10
Consolidated or joint appeals 61-7
Contents of 68-3
Decision to be part of record 68-11
Definition 61-10
Evidence not to be included in 68-9
Format 68-4
More than one appeal 68-5
Motion for perfection to be filed in court having jurisdiction of appeal 60-2
Pleadings to be included, preliminary designation with appeal 63-4 (a)
Amendment 63-4 (b)
Preparation of 68-2
Same question in several cases 68-6
Supplemental record following articulation or rectification 66-5
Supplements, distribution by appellate clerk 68-8
Time for filing 68-7
Workers' compensation appeals 76-3
Rectification, motion for 66-5
Removal of files, records and exhibits 62-11
Reporter of judicial decisions
Sending opinions to trial court 71-4
Sending rescripts to trial court and appellate clerk 71-4
Rescripts, to be sent to trial court and appellate clerk 71-4
Reservations 73-1
By compensation review board 76-5
Review, motion for 66-6
Review of order concerning stay 61-14
Review of rectification or articulation 66-7
Right to appeal 61-1
Reservation of on conditional plea of guilty or nolo contendere 61-6 (a) (2) (ii)
Rules
Changes in, applicability to pending appeals 86-2
Effective date 86-1
Liberal interpretation 60-1
Suspension of 60-3
Sanctions
Actions subject to 85-2
Diligence in prosecuting or defending appeal, sanctions for 85-1
Failure to comply with rule on appeal papers 63-4 (c)
Procedure 85-3
Second appeal by appellant, treated as amended appeal 61-9

**APPELLATE PROCEDURE** — (Cont)
Security for costs 63-5
Waiver, civil cases 63-6
Waiver, criminal cases 63-7
Service and filing, in general 62-7
Sessions, scheduling by chief judge 62-1
Cameras and electronic media 70-9, 70-10
Special sessions of court 70-8
Stay of briefing obligations 67-12
Stay of execution pending appeal
Automatic stay, noncriminal cases 61-11 (a)
Automatic stay not available, where 61-11 (b)
Certification for review by supreme court, stay pending 84-3
Criminal cases, stays in 61-13
Death penalty cases, stays in 61-15
Discretionary stay, motion for 61-12
Reconsideration, stay pending 71-6
Review of order concerning stay 61-14
Termination of stay 61-11 (c) and (d)
United States Supreme Court, stay pending decision by 71-7
Supervision of proceedings on appeal 60-2
Supplemental authorities, citation after filing of brief 67-10
Supplemental briefs, amended appeals 61-9
Suspension of rules 60-3
Taxation of costs 18-5, 71-2
Motion to reconsider 71-3
Time
Briefs, time for filing 67-3
Motion to stay briefing obligations 63-1 (d)
Calculation of 63-2
Extension of 66-1
Petitions for certification for review by appellate court 81-1
Extension of time 81-5
Petitions for certification for review by supreme court 84-4
Extensions of time 84-7
Transcript
Electronic 63-8A
Ordering and filing 63-8
Rectification, motion for 66-5
Statement, filing with appeal 63-4 (a)
Amendment 63-4 (b)
Statement that transcript not necessary, filing with appeal 63-4
Transfer
Cases between supreme court and appellate court 65-1
Motion for transfer from appellate court to supreme court 65-2
Petition for review of order concerning release 65-3
Wrong court, matters brought to 65-4
Trial court clerk, responsibilities 68-1
Trial court decision, statement of 64-1
Copy of to accompany petition for certification, when 84-5
Trial court docket, appealed cases to remain on 62-4
Trial court files and motions, review of and participation in by appellate counsel 62-8, 62-10
United States Supreme Court, stay pending decision by 71-7
Unreported decisions, citation of 67-9
Waiver of fees, costs and security
Civil cases 63-6
Criminal cases 63-7
Withdrawal of appeal or writ of error 63-9
Withdrawal of appearance 62-9
Workers' compensation appeals
Applicability of appellate rules 76-1
Case file, exhibits 76-3



© Copyrighted by the Secretary of the State of the State of Connecticut

**APPELLATE PROCEDURE** — (Cont)
Workers' compensation appeals — (Cont)
Definitions 76-6
Fees and costs 76-4
Filing appeal 76-2
Petitions for certification 84-4
Reservation of case for appellate decision 76-5
Writ of error, in general 72-1
Appellate rules, applicability of 72-4
Copy of record not to be taxed in costs 18-6
Form of 72-2
Procedure applicable 72-3
Withdrawal 63-9
Wrong court, transfer of matters brought to 65-4

**APPLICATIONS**
See **MOTIONS, APPLICATIONS AND REQUESTS, CIVIL, MISCELLANEOUS**

**APPRAISERS**
See generally **RECEIVERS**

**ARBITRATION**
Approval of arbitrators by chief court administrator 23-60
Confirming, correcting or vacating award 23-1
Decision of arbitrator 23-64
As judgment 23-66
Disqualification of arbitrators 23-62
Failure to appear at hearing 23-65
Fee arbitration, order by statewide grievance committee 2-37
Hearing in 23-63
Failure to appear at hearing 23-65
Referral to arbitrators 23-61
Selection of arbitrators 23-62
Trial de novo, claim for 23-66

**ARGUMENT BY COUNSEL**
Generally 15-5, 15-6; see also **APPELLATE PROCEDURE, Oral argument**
Argument on interlocutory questions during trial 5-5
Time limit 15-7
Criminal cases 42-37

**ARREST AND PRELIMINARY CRIMINAL PROCEDURE**
See also **APPEARANCE AND ARRAIGNMENT—CRIMINAL MATTERS**; **CRIMINAL PROCEDURE, Bail; Bond; Pleas**
By warrant, issuance 36-1
Affidavit supporting warrant application 36-2
Cancellation of warrant 36-6
Contents of warrant 36-3
Execution and return of warrant 36-5
Information and complaint, use 36-11
Amendments, minor defects 36-16
Continuance necessitated by amendment 36-20
Essential facts, request by defendant for 36-19
Substantive amendment after trial commenced 36-18
Substantive amendment before trial 36-17
Filing and availability of information 36-15
Former conviction in information 36-14
Election of jury trial 42-2
Plea to 37-10
Form of information 36-13
Issuance of information 36-12
Joinder
Defendants 36-22
Offenses 36-21

**ARREST AND PRELIMINARY CRIMINAL PROCEDURE** — (Cont)
Summons, form of summons and complaint 36-7
Direction by judicial authority for use of 36-4
Failure to respond to 36-10
In lieu of arrest warrant 36-12
Service of 36-9

**ARREST OF JUDGMENT**
Motion in arrest of judgment 16-35

**ASSIGNMENT FOR TRIAL—CIVIL**
See generally Chapter 14; see also **EXPEDITED PROCESS CASES; TRIALS IN GENERAL**
Administrative appeals
Briefing schedule 14-7
Civil rules, applicability of 14-6
Definition 14-5
Appellate court arguments, precedence of 1-2, 69-3
Assignment for trial, in general 14-15
Counsel, availability of 14-25
Methods of assigning 14-16
Bankruptcy
Claim for exemption from docket management program 14-2
Claim for statutory exemption or stay 14-1
Case records, maintenance of 14-4
Clerk, communication with counsel to ensure sufficient business 14-21
Continuance or postponement, motion for 14-23
Absent witness, missing evidence 14-24
Counsel, availability of 14-25
Dismissal, lack of diligence 14-3
Family matters 25-48
Case management 25-5, 25-50
Garnishee, assignment on motion of 14-22
Immediate trial 14-17
Jury assignments to have precedence over court assignments 14-25
Jury, claims for 14-10
Order of trial 14-20
Pleadings closed, certification 14-8
Pretrial, assignment for 14-11
Orders at 14-14
Pretrial procedure 14-13
When case not disposed of at 14-12
Privileged cases 14-9
Supreme court arguments, precedence of 1-2, 69-3
Unemployment compensation appeals 22-2

**ATTORNEYS**
Generally Chapter 2
Admission to practice
By superior court 2-10
Certification of recommended applicants 2-9
Conditional admission by superior court 2-11
County committees on recommendations for admission 2-12
County court designations 2-1
Examining committee
Examination of candidates 2-5
Personnel of 2-6
Regulations by 2-4
Fees for admission, disposition of 2-22
Foreign legal consultants
Affiliation of with Connecticut bar 2-21
Disciplinary provisions regarding 2-20
Filings to become 2-18



© Copyrighted by the Secretary of the State of the State of Connecticut

**ATTORNEYS** — (Cont)
Admission to practice — (Cont)
Scope of practice of 2-19
Number of times applicant may take examination 2-7
Other jurisdictions, attorneys of, qualifications and requirements for admission 2-13
Action by bar
Permanent license 2-15
Temporary license 2-14
Pro hac vice appearance 2-16
Qualifications for admission 2-8
Superior court, admission by 2-10
Superior court, admission by with conditions 2-11
Appeal from decision of statewide grievance committee 2-38
Appearance, see **APPEARANCES—IN GENERAL**
Appointment of counsel
Criminal cases in general 44-1, 44-2; see also **CRIMINAL PROCEDURE, Counsel**
Family matters, motion for 25-24
Juvenile matters appeals 35-4; see also **JUVENILE MATTERS, Attorney**
Attorney trial referee, reference to 19-2A
Time to file report 19-4
Bank and trust companies, payment of attorneys by 2-67
Chief disciplinary counsel 2-34A
Client funds, fiduciary accounts, overdraft notification 2-27, 2-28
Notice of alleged misuse of 2-43
Client security fund 2-68
Annual fee, assessment, exemption, failure to pay 2-70
Enforcement of payment 2-79
Claims
Attorney's fee for prosecuting 2-77
Confidentiality 2-76
Reimbursement, eligibility for 2-71
Committee
Action by 2-72
Appointment of members 2-72
Claims processing 2-75
Confidentiality 2-76
Duties and powers 2-73
Operation 2-72
Rules and regulations 2-74
Status of fund, review by committee 2-77
Subrogation to rights of claimant 2-81
Dishonest conduct, defined 2-69
Restitution to fund by attorney 2-80
Subrogation of committee to rights of claimant 2-81
Complaints against attorney, filing, time, action on 2-32
Counsel
Criminal cases, appointment 44-1, 44-2; see also **CRIMINAL PROCEDURE, Counsel**
Family contempt, right to 25-63
Waiver 25-64
Family matters, motion for appointment 25-24
Fees, motion for in family matters 25-24
Juvenile matters appeals, appointment 35a-21; see also **JUVENILE MATTERS, Attorney**
Paternity actions, right to 25-68
Counsel of record, appeals, definition 60-4
Court officials, practice by 2-66
Disciplinary counsel 2-34A
Discipline, see also Grievances, this title
Admission of misconduct 2-82
Alleged misuse of clients' funds, notice 2-43
Appeal from decision of statewide grievance committee 2-38

**ATTORNEYS** — (Cont)
Discipline, see also Grievances, this title — (Cont)
Appointment of attorney to protect clients' and attorney's interests 2-64
Attorneys convicted of felony and other matters in Connecticut 2-40
Attorneys convicted of felony and other matters in other jurisdiction 2-41
Costs and expenses 2-51
Discipline by consent 2-82
Foreign legal consultants 2-20
Inactive status 2-56
Appointment of attorney to protect interests 2-64
Burden of proof 2-61
Disability claimed during course of disciplinary proceeding 2-59
No prior determination of incompetency or involuntary commitment 2-58
Prior judicial determination of incompetency or involuntary commitment 2-57
Reinstatement upon termination of disability 2-60
Waiver of doctor-patient privilege upon application for 2-62
Interim suspension, conduct constituting threat of harm to clients 2-42
Notice of inactive status, reprimand, suspension, disbarment, publication of 2-54
Presentments 2-47
Prosecution of 2-48
Reciprocal discipline 2-39
Reinstatement of attorney after suspension, disbarment or resignation 2-53
Resignation of attorney 2-52
Restitution 2-49
Sanctions of reprimand, suspension, disbarment, publication of notice of 2-54
Superior court, power to discipline attorneys 2-44
Cause occurring in presence of court 2-45
Suspension, violation of support orders 2-46
Unauthorized practice of law, power of court to restrain 2-44
Petitions 2-47
Dishonest conduct, defined, client security fund 2-69
Felony
Connecticut conviction 2-40
Conviction elsewhere 2-41
Foreign legal consultants 2-17—2-21
Good standing of attorney 2-65
Grievances
See also Discipline, this title
Bar counsel, statewide 2-34
Complaints against attorneys, filing, action on 2-32
Disciplinary counsel 2-34A
Grievance committee, statewide 2-33
Action by on request for review 2-36
Action by or by reviewing committee 2-35
Appeal from decision to reprimand 2-38
Sanctions that may be imposed by 2-37
Grievance panels 2-29
Counsel for panels and investigators 2-30
Grievance counsel, duties and powers 2-31
Juvenile matters, see **JUVENILE MATTERS, Attorney**
Legal interns, see **LEGAL INTERNS**
Notices
Admission in other jurisdiction 2-24
Alleged misuse of clients funds 2-43
Change in address 2-26



© Copyrighted by the Secretary of the State of the State of Connecticut

**ATTORNEYS** — (Cont)
Notices — (Cont)
Disciplinary action in other jurisdiction 2-25
Disciplinary sanctions, miscellaneous 2-54
Payment by bank and trust companies 2-67
Pro hac vice appearance 2-16
Reciprocal discipline 2-39
Reciprocity 2-13
Records
Statewide grievance committee, reviewing committee, grievance panel, bar examining committee 2-50
Reinstatement after suspension, disbarment or resignation 2-53
Resignation of attorney 2-52
Retirement of attorney 2-55
Roll of attorneys 2-23
Statewide bar counsel 2-34
Unauthorized practice of law, power of court to restrain 2-44
Petitions 2-47

**BAIL**
See also **CRIMINAL PROCEDURE**, **Bond**
Appearance for bail hearing 3-6
Cash bail where bond allowed 38-7
Ten percent cash bail 38-8
Pretrial release by bail commissioner 38-3

**BANKRUPTCY**
Claim for exemption from docket management program 14-2
Claim for statutory exemption or stay 14-1
Notification of appellate clerk of petition and of resolution 61-16

**BAR, ADMISSION TO**
See **ATTORNEYS, Admission to Practice**

**BILL OF PARTICULARS** 41-20—41-22

**BOND**
See **CIVIL ACTIONS, Commencement of Action**; **CRIMINAL PROCEDURE**; **RECEIVERS**

**BRIEFS**
See also **APPELLATE PROCEDURE**
Trial briefs 5-1
Page limitations 4-6

**CAMERAS IN COURTROOM**
See **MEDIA**

**CENTRALIZED INFRACTIONS BUREAU**
See **INFRACTIONS**

**CERTIFICATION FOR REVIEW**
See **APPELLATE PROCEDURE, Petitions for certification**

**CERTIFIED QUESTIONS FROM COURTS OF OTHER JURISDICTIONS**
Generally 82-1
Briefs and argument 82-6
Certification requests, contents of 82-3
Preparation of 82-4
Docketing after preliminary acceptance 82-5
Fees and costs 82-5
Opinions on 82-7

**CHAMBERS, HEARINGS IN**
See generally **HEARINGS**

**CHILD PROTECTION**
See generally **JUVENILE MATTERS**

**CHILD SUPPORT**
See **FAMILY MATTERS**

**CITATIONS IN BRIEFS**
See **APPELLATE PROCEDURE**

**CIVIL ACTIONS**
See also **FAMILY MATTERS**; **SMALL CLAIMS**
Arbitration, see **ARBITRATION**
Argument by counsel, generally 15-5, 15-6
Argument on interlocutory questions during trial 5-5
Time limit 15-7
Assignment lists, dockets, pretrials and trial lists
Administrative appeals
Briefing schedule 14-7
Civil rules, applicability of 14-6
Definition 14-5
Assignment for trial, in general 14-15
Clerk, communication with counsel to ensure sufficient business 14-21
Counsel, availability of 14-25
Immediate trial 14-17
Jury trial to have precedence over court trial 14-25
Methods of assigning 14-16
Motion of garnishee, assignment on 14-22
Order of trial 14-20
Bankruptcy
Claim for exemption from docket management program 14-2
Claim for statutory exemption or stay 14-1
Case records, maintenance of 14-4
Continuance or postponement, motion for 14-23
Absent witness, missing evidence 14-24
Counsel, availability of 14-25
Dismissal, lack of diligence 14-3
Jury assignments to have precedence over court assignments 14-25
Jury, claims for 14-10
Pretrial, assignment for 14-11
Orders at 14-14
Pretrial procedure 14-13
When case not disposed of at 14-12
Privileged cases 14-9
Cameras in courtroom, see **MEDIA**
Chambers, hearings in, see Hearings in chambers, this title
Class actions, see **CLASS ACTIONS**
Closure of court to public and media 11-20
Expedited review of order 77-1
Commencement of action
See also **PLEADINGS—CIVIL ACTIONS**
Bond
By nonresident in realty action 8-9
For prosecution 8-3
In action against community 8-8
Ordered by judicial authority 8-6
Remedy for failure to give 8-5
Renewal of 8-12
Request to furnish 8-7
Surety company bond acceptable 8-10
Certification of financial responsibility 8-4
Court fees and costs, waiver of 8-2
Mesne process 8-1
Probate bond, action on 8-11
Consolidation of actions for trial 9-5



© Copyrighted by the Secretary of the State of the State of Connecticut

**CIVIL ACTIONS** — (Cont)
Contempt, civil 1-21A
Review of 23-20
Continuances
Absent or nonresident defendant 9-1
Garnishee not appearing to defend 9-2
Small claims 11-16
Decision, statement of by judicial authority, when required 6-1, 64-1, 64-2
Discovery and depositions
Admission of facts and execution of writings, requests for admission 13-22
Answers and objections to requests for admission 13-23
Effect of admission 13-24
Expenses on failure to admit 13-25
Definitions 13-1
Depositions, in general 13-26
Deposition procedure 13-30
Notice of deposition
Deposition of organization, production of documents and materials 13-27
General requirements, special notice, nonstenographic recording 13-27
Persons before whom deposition taken, subpoenas 13-28
Place of deposition 13-29
Remote electronic means of taking 13-30
Use of depositions in court proceedings 13-31
Disclosure
Amount and provisions of insurance liability policy 13-12
Assets, where prejudgment remedy sought 13-13
Before court or committee 13-17
Continuing duty to disclose 13-15
Defense 13-19
In equity 13-18
Order limiting, expedited review 77-1
Discovery
Outside the United States 13-21
Scope, in general 13-2
Experts 13-4
Materials prepared in anticipation of litigation, statements of parties 13-3
Protective order 13-5
Sought by judgment creditor 13-20
Duty to disclose, continuing 13-15
Interrogatories, in general 13-6
Answers to 13-7
Objections to 13-8
Order for compliance, failure to answer or comply with order 13-14
Orders by judge 13-16
Requests for admission 13-22
Answers and objections to 13-23
Requests for production, inspection and examination, in general 13-9
Physical or mental examination 13-11
Responses to requests for production, objections 13-10
Stipulations regarding discovery and deposition procedure 13-32
Subpoenas 13-28
Subpoena duces tecum 13-27
Dismiss, motion to 10-30—10-34
Dissolution of marriage, legal separation, annulment, see **FAMILY MATTERS**

**CIVIL ACTIONS** — (Cont)
Dockets, see Assignment lists, dockets, pretrials and trial lists, this title
Electronic filing 4-4
Evidence
Exceptions not required 5-7
Exhibits, marking 5-7
Interlocutory matters, address by counsel 5-5, 5-8
Medical evidence 15-4
Motion in limine 15-3
Objections, reasons for 5-5
Reception of evidence objected to 5-6
Opinions not officially published, citation of 5-9
Prima facie case, dismissal for failure to make 15-8
Witnesses, examination of 5-4
Oath, administration of 5-3
Expedited cases, see **EXPEDITED PROCESS CASES**
Fact-finding
Action by judicial authority on finding of facts 23-58
Appointment of fact finders by chief court administrator 23-52
Referral of cases to 23-53
Selection of, disqualification 23-54
Committees and referees, see **REFERENCES**
Failure to appear at hearing 23-59
Finding of facts 23-56
Action on by judicial authority 23-58
Objections to acceptance of 23-57
Hearing in 23-55
Failure to appear at hearing 23-59
Fees and costs
Costs
For Exhibits 18-18
Interest and costs unnecessary to claim 10-28
On appeal from commissioners 18-2
On complaint and counterclaim 18-16
On counterclaim 18-17
On creditor's appeal 18-3
On interlocutory proceedings 18-7
On writ of error 18-6
Several defendants 18-13
Taxation of, appeal 18-5
Where both legal and equitable issues 18-15
Where several issues 18-12
Court expenses, vouchers for 18-1
Eminent domain, clerk's fees 18-4
Fees and costs, where plaintiffs join or actions consolidated 18-14
Jury fee, where more than one trial 18-8
Proceedings before judge, no costs 18-19
Witness fees
In several suits 18-10
Nonresident witnesses 18-9
Witness not called 18-11
Files and documents, sealing 11-20
Expedited review of order 77-1
Foreclosures, see **FORECLOSURE**
Habeas, see **HABEAS CORPUS**
Hearings in chambers
Certifying proceedings to court 20-2
Contested matters, procedure in 20-1
Papers
Cause affecting land 20-5
Clerk designated by judge to take 20-6
Trial before judge, lodging papers and file 20-4
Transfer of hearings before judges 20-3
Identification of cases 7-4A



© Copyrighted by the Secretary of the State of the State of Connecticut

**CIVIL ACTIONS** — (Cont)
Interest and costs unnecessary to claim 10-28
Jury trials, see **JURIES—CIVIL**
Lodging record 7-4C
Memorandum of decision by trial court 6-1, 64-1, 64-2
Mesne process 8-1
Motions, applications and requests, miscellaneous
Appeal period, motions that delay 11-11
Argument of motions 11-18
Cite in new parties, motion to 9-22
Definition of 11-2
Dismiss, motion to 10-30—10-34
Dismissal for lack of diligence 14-3
Exclusion of public, sealing documents, motion for 11-20
Form of 11-1
Limine, motion in 15-3
Memorandum of law required 11-10
Misjoinder and nonjoinder of parties, motion to strike for 11-3
New trial 17-4A
Order of notice, applications for 11-4
Previous motions and applications, disclosure of 11-9
Reargue, motion to 11-12
Request to revise 10-35
Granting of and objection to 10-37
Reasons in 10-36
Waiver of further pleading revisions 10-38
Sealing documents, motion for 11-20
File record under seal 7-4B
Strike, motion to 10-39—10-45
Municipal officers, action to enforce bond to 9-25
Orders of notice
Applications for 11-4
Attestation, publication, proof of compliance 11-7
Continuance, subsequent orders of 11-5
Directed outside United States 11-8
Publication, notice by 11-6
Parties
See also **JOINDER**
Addition or substitution of 9-18
Motion to cite in new parties 9-22
Class actions 9-7, 9-8
Adequate representation, orders to ensure 9-10
Dismissal or compromise 9-9
Fiduciaries 9-11
Parents as necessary parties in minor's name change action 9-24
Real party in interest 9-23
Substituted plaintiff 9-20
Third parties affected by counterclaim 9-21
Pleadings, see **PLEADINGS—CIVIL ACTIONS**
Pretrial, assignment for 14-11
Orders at 14-14
Pretrial procedure 14-13
When case not disposed of at 14-12
Public, exclusion of from court 11-20
Expedited review of order 77-1
References, see **REFERENCES**
Sealing files and documents 11-20A
Motion to file record under seal 7-4B
Lodging record 7-4C
Short calendar, generally 11-13
Assignments automatic 11-15
Continuances 11-16
Frequency, time of sessions, lists 11-14
Oral argument 11-18
Time limit for deciding matters 11-19

**CIVIL ACTIONS** — (Cont)
Short calendar, generally 11-13 — (Cont)
Transfers 11-17
Small claims, see **SMALL CLAIMS**
Transfer of actions 12-1—12-3
Trial lists, see Assignment lists, dockets, pretrials and trial lists, this title
Trials in general
See also **ASSIGNMENT FOR TRIAL—CIVIL**; **EVIDENCE**; **JURIES**
Briefs 5-1
Counsel
Argument by 15-5—15-7
Failure to appear by, sanctions 5-10
New trial, motion for 17-4A
Order of parties proceeding 15-5
Order of trial of issues 15-1
Question of law that may be subject of appeal, raising 5-2
Separate trials 15-2
Verdicts, see **VERDICTS**

**CLASS ACTIONS**
Generally 9-7, 9-8
Adequate representation, orders to ensure 9-10
Dismissal or compromise 9-9

**CLERKS**
Appellate clerk, see **APPELLATE PROCEDURE**
Case records, maintenance of 14-4
Custody of files 7-7
Daybooks to be kept by 7-4
Documents, prerequisites for filing with clerks 7-6
Duties of, generally 7-2
Electronic filings 4-4
Exhibits, removal from clerk's office or destruction on determination of case 7-21
Files and records of cases to be kept by 7-1
Destruction of files 7-10
Motion to prevent 7-16
Retention and stripping of files, schedule 7-11
Adult probation and family division, reports from 7-14
Criminal actions, records and files in 7-13
Title to land, files in actions affecting 7-12
Transfer to records center or state library 7-15
Financial accounts to be kept 7-3
Hospital, medical and psychiatric records, prerequisites for filing with clerk 7-18
Hours of offices 7-17
Judgment files, see **JUDGMENTS**
Lost files or pleadings 7-8
Notice of judgments and rulings to be given counsel and pro se parties 7-5
Offices, hours of 7-17
Prerequisites for filing papers and documents 7-6
Responsibilities after appeal filed 68-1
Short calendar matters, records of 7-20
Subpoena, issuing for pro se parties 7-19

**CLIENT SECURITY FUND**
See **ATTORNEYS**

**COLLATERAL SOURCE**
Reduction of verdict, motion for 16-35

**COMMITTEES AND REFEREES**
See **REFERENCES**

**CONNECTICUT LAW JOURNAL**
Appellate opinions and orders, date of 71-1



© Copyrighted by the Secretary of the State of the State of Connecticut

**CONNECTICUT LAW JOURNAL** — (Cont)
Attorneys, inactive status, reprimand, suspension, disbarment, publication of notice of 2-54
Rules of court, publication of 1-9, 86-1

**CONNECTICUT REPORTS AND CONNECTICUT APPELLATE REPORTS**
Official appellate opinions contained in 71-4

**CONSOLIDATION OF ACTIONS FOR TRIAL** 9-5

**CONTEMPT**
Generally 1-13A
Civil 1-21A
Review of 23-20
Criminal 1-14
Deferral of proceedings 1-17
Disqualification of judicial authority, nonsummary proceedings 1-19
Judgment, nonsummary proceedings 1-21
Jury trial, right to in nonsummary proceedings 1-20
Nonsummary proceedings 1-18
Summary proceedings 1-16
Family matters, motion for 25-27
Right to counsel 25-63
Waiver 25-64

**CONTINUANCES**
Absent or nonresident defendant 9-1
Garnishee not appearing to defend 9-2
Small claims 11-16
Subsequent orders of notice 11-5

**COSTS**
See **APPELLATE PROCEDURE**; **FEES AND COSTS**

**COUNSEL**
See **ATTORNEYS**

**COURT CLOSURE**
Civil proceedings 11-20
Criminal trials 42-49
Expedited review of order 77-1
Family matters 25-59

**CRIMINAL CONTEMPT**
See **CONTEMPT**

**CRIMINAL PROCEDURE**
Accelerated pretrial rehabilitation without trial 39-22
Acquittal
Judgment of following guilty verdict 42-51
Motion for directed verdict of abolished 42-40
Motion for judgment of 42-40
After guilty verdict 42-51
After mistrial 42-50
At close of evidence, reservation of decision on 42-42
At close of prosecution's case 42-41
Time limit for filing 42-52
Release pending appeal by state from judgment of 43-1
Adult probation, commitment to of drug-dependent defendant without trial 39-22
Alcohol education and treatment, commitment to without trial 39-22
Alibi defense 40-21—40-25
Alternate incarceration program
Order for assessment for placement in, following conviction 43-3
Assessment report not public record 43-9
Copying assessment report prohibited 43-8

**CRIMINAL PROCEDURE** — (Cont)
Alternate incarceration program — (Cont)
Defense counsel, participation in 43-5
Disclosure of assessment report 43-9
Persons receiving assessment report 43-7
Scope of assessment 43-4
Time to complete 43-6
Use of assessment report 43-9
Reference to without trial 39-22
Appeal, see also **APPELLATE PROCEDURE**
Appellate counsel
Hybrid representation prohibited 62-9A
Removal or substitution of 62-9A
Indigent defendant, appointment of counsel, waiver of fees and costs 43-33
Frivolous appeal, request by counsel to withdraw 43-34—43-38
Interlocutory ruling, appeal from 61-6 (c)
Notice of appeal rights 43-30
Release from custody pending 43-1, 43-2
State, appeal by 61-6 (b)
Stay of imprisonment pending 43-31
Stay of probation pending 43-32
Appearance and arraignment
See also **APPEARANCES—IN GENERAL**; Bail, this title; Pretrial release, this title
Appearance after pretrial release 38-6
Arraignment, timing 37-1
Constitutional rights, advisement of 37-3, 37-4
Indigency, investigation of 37-5
Information and materials to be provided to defendant 37-2
Public defender, appointment 37-6
Reference to, investigation of indigency 37-5
Detention prior to arraignment, trial, sentencing, limit on 38-18
Disposition conference 39-11—39-17
Dispositions without trial, miscellaneous 39-33
Nolle prosequi, see Nolle prosequi, this title
Plea, see Pleas, this title
Probable cause, determination of where defendant in custody 37-12
Arrest and preliminary procedure
See also Bail, this title; Pretrial release, this title
By warrant, issuance 36-1
Affidavit in support of warrant application 36-2
Sealing 36-2
Cancellation of warrant 36-6
Contents of warrant 36-3
Execution and return of warrant 36-5
Information and complaint, use 36-11
Amendments, minor defects 36-16
Continuance necessitated by amendment 36-20
Essential facts, request by defendant for 36-19
Substantive amendment after trial commenced 36-18
Substantive amendment before trial 36-17
Filing and availability of information 36-15
Former conviction in information 36-14
Election of jury trial 42-2
Plea to 37-10
Form of information 36-13
Issuance of information 36-12
Joinder
Defendants 36-22
Offenses 36-21
Summons, form of summons and complaint 36-7
Direction by judicial authority for use of 36-4



© Copyrighted by the Secretary of the State of the State of Connecticut

**CRIMINAL PROCEDURE** — (Cont)
Arrest and preliminary procedure — (Cont)
Failure to respond to 36-10
In lieu of arrest warrant 36-12
Service of 36-9
Arrest of judgment, motion 42-54
Assignment and scheduling of cases, in general 44-11, 44-12
Continuances 44-13, 44-18
Disposition conference, assignment for 44-15
Plea, assignment for 44-14
Preliminary proceedings, continuances 44-13
Trial, assignment for 44-15
Motion to advance 44-17
Order of trial assignments, priorities 44-16
Bail
See also Bond, this title; Pretrial release, this title
Cash, where bond allowed 38-7
For release pending appeal of conviction 43-2
Ten percent cash bail 38-8
Bill of particulars, motion for 41-20
Amended or substitute information incorporating bill 41-22
Content 1-21
Bond
See also Pretrial release, this title
As condition of release pending appeal of conviction 43-2
Attorney not to give bond 38-12
Cash bail in amount of 38-7
Forfeiture on violations of release, issuance of rearrest warrant or capias 38-21
Rebate to surety after forfeiture 38-22
Modification, motion for 38-14
Real property pledge in lieu of cash bond 38-9
As condition of release pending appeal of conviction 43-2
Rebate to surety after forfeiture 38-22
Surety, discharge of 38-23
Ten percent cash bail 38-8
Capias for
Defendant unexcused from trial or sentencing 44-9
Failure to appear for deposition 40-45
Hearing to review conditions of release 38-15, 38-16
Violation of bond or promise to appear 38-21
Closure of court 42-49
Expedited review of order 77-1
Commissioner of mental health, commitment to without trial 39-22
Community service labor program, reference to without trial 39-22
Complaint, see Arrest and preliminary procedure, this title
Consolidation of informations for trial 41-19
Counsel, representation by
Appeal by indigent defendant 43-33
Frivolous appeal, request by counsel to withdraw 43-34—43-38
Appellate counsel 62-9A
Appointed counsel, right to in general 44-1, 44-2
Public defender, reference at arraignment 37-5, 37-6
Waiver of right to counsel 44-3
Standby counsel, appointment and role 44-4—44-6
Crime, defined 44-37
Custody, see Release, this title
Decision, statement of by judicial authority, when required 6-1, 64-1, 64-2
Defense, alibi 40-1—40-25
Definitions 44-37

**CRIMINAL PROCEDURE** — (Cont)
Depositions, in general, grounds 40-44; see also Discovery, this title
Defendant, right to be present and represented 40-54
Waiver of right 40-55
Expenses of 40-58
Failure to appear for, capias 40-45
Manner of taking 40-49, 40-57
Notice of 40-47
Objections during 40-49
Person taking deposition 40-47
Protective order concerning 40-48
During examination 40-52
Return of, depositions to be sealed 40-53
Right of defendant to be present 40-54
Waiver of right 40-55
Scope of examination 40-50
Unavailable deponent, defined 40-56
Use of 40-46, 40-57
Detention prior to arraignment, trial, sentencing, limit on 38-18
Discovery, in general 40-1; see also Depositions, this title
Admissibility of defendant's intent to offer evidence or call witness 40-30
Alibi defense, required notices concerning 40-21—40-23
Exceptions 40-24
Withdrawn alibi not admissible 40-25
Continuing duty to disclose 40-3
Custody of materials 40-10
Defendant's duty, materials discoverable by prosecution as of right 40-26
Derivative materials, disclosure to defendant 40-28
Discretionary disclosure by 40-27
Materials excepted from disclosure 40-31
Protective orders, for defendant 40-29
Documents or objects, subpoenas for 40-2
Failure to comply 40-5
Mental disease or defect or extreme emotional disturbance, disclosure of defense of 40-17
Expert testimony concerning, disclosure by defendant of intent to use 40-18
Failure of expert to submit report 40-20
Psychiatric examination, prosecutorial motion for 40-19
Nontestimonial evidence, obtaining from defendant 40-32
Comparison of 40-39
Emergency procedure for 40-33
Motion for, by defendant 40-38
Order for, scope 40-34
Contents 40-35
Implementation 40-37
Service 40-36
Objection to disclosure 40-8
Performance 40-6
Procedure 40-7
Prosecuting authority's duty, materials discoverable by defendant as of right 40-11
Discretionary disclosure by 40-12
Materials excepted from disclosure 40-14
Protective orders 40-29, 40-40
Factors to be considered 40-41
In camera proceedings on motion for 40-42, 40-43
Excision as relief, record of 40-43
Requests and motions 40-4
Scientific tests and experiments 40-9
Statements 40-15, 40-16
Subpoenas for documents or objects 40-2



© Copyrighted by the Secretary of the State of the State of Connecticut

**CRIMINAL PROCEDURE** — (Cont)
Discovery, in general 40-1; see also Depositions, this title — (Cont)
Witnesses, information concerning and statements by 40-13
Dismiss, motion to, see Motion to dismiss, this title
Disposition conference 39-11—39-17
Docketing, see Assignment and scheduling of cases, this title
Electronic filing 4-4
Family relations division, reference to without trial 39-22
Fees
Extradition, officer's fees 44-35
Subpoenas, return of 44-32
Witnesses, travel fees 44-34
Indigent witnesses, transportation and support 44-33
Felony, defined 44-37
Files and documents, sealing 42-49A
Finding of guilty or not guilty by judicial authority 42-34
Fines
Ability to pay, inquiry by judicial authority concerning 43-17
Incarceration for wilful nonpayment 43-18
Release on payment 43-19
Mittimus where sentence includes fine as well as imprisonment 43-20
Guardian ad litem, appointment 44-20
Identification of cases 7-4A
Incarceration
Correction of illegal sentence 43-22
For wilful nonpayment of fine 43-18
Release on payment 43-19
Inquiry by judicial authority concerning ability to pay fine 43-17
Mittimus where sentence includes fine as well as imprisonment 43-20
Reduction of definite sentence 43-21
Release pending appeal 43-1
Stay of imprisonment pending appeal 43-31
Information, see Arrest and preliminary procedure, this title
Infraction, defined 44-37
See **INFRACTIONS**
Joinder
Defendants 36-22
Offenses 36-21
Severance 41-18
Joint trial of two or more informations 41-19
Judge trial referee, reference to 44-19
Judgment, motion in arrest of 42-56
Judicial authority, determination of guilt where no jury 42-43
Jury trials, right to and waiver 42-1
Array, challenge to 42-4
Cause, excuse of juror for 42-11
Charge, see Instructions, this title
Communications
Judicial authority and jurors 42-7
Parties and jurors 42-8
Deliberations 42-21
Deadlocked jury 42-28
Testimony, request by jury for review of 42-26
Disqualification of jurors 42-5
Hearing impaired jurors, interpreters 42-10
Information, exhibits, copy or tape of instructions to be submitted to jury 42-23
Instructions, conference with counsel concerning substance 42-19
Additional instructions 42-25

**CRIMINAL PROCEDURE** — (Cont)
Jury trials, right to and waiver 42-1 — (Cont)
Jury's request for 42-27
Clarification or modification 42-24
Jury selection, preliminary proceedings 42-11
Peremptory challenges 42-13
Voir dire 42-12
Note taking by jurors 42-9
Oath and admonitions to jurors 42-14
Questions by jurors 42-9
Questions of fact, jury to decide 42-20
Requests to charge and exceptions 42-16
Filing 42-17
Form and contents 42-18
Selection of jurors, preliminary proceedings 42-11
Peremptory challenges 42-13
Voir dire 42-12
Sequestration 42-22
Size of jury, election by defendant 42-3
Testimony, request by jury for review of 42-26
Two part information 42-2
Verdict, see **VERDICT**
Viewing of place or thing by jury 42-6
Voir dire of jurors 42-12
Law enforcement officer, defined 44-37
Limine, motion in 42-15
Memorandum of decision by trial court 6-1, 64-1
Misdemeanor, defined 44-37
Mistrial, for prejudice to defendant 42-43
For prejudice to prosecution 42-44
Mittimus, where sentence includes fine as well as imprisonment 43-20
Motion for acquittal, see Acquittal, this title
Motion for mistrial, see Mistrial, this title
Motion for new trial, see New trial, this title
Motion in arrest of judgment 42-56
Motion in limine 42-15
Motions and requests, pretrial, in general 41-1, 41-2
Form and manner of making 41-6
Hearings and rulings 41-7
List of motions 41-3
Speedy trial 43-41
Time to make, waiver 41-4, 41-5
Motion to dismiss, matters to be raised by 41-8
Appeal from denial of after conditional plea of nolo contendere 61-6 (a) (2) (i)
Defects not requiring dismissal 41-10
Remedies for 41-11
Restrictions on 41-9
Motion to suppress 41-12
Appeal from denial of after conditional plea of nolo contendere 61-6 (a) (2) (i)
Intercepted communications 41-14
Judicial authority, when disqualified from hearing 41-17
Seized property, return and suppression 41-13, 41-16
Time to file 41-15
New trial, motion for 42-53
Time for filing 42-54
Where based on newly discovered evidence 42-55
Nolle prosequi 39-29
Dismissal of information or complaint 39-32
Effect of 39-31
Objection by defendant 39-30
Offense, defined 44-37
Order of parties at trial 42-35
Of defendants where two or more 42-38



© Copyrighted by the Secretary of the State of the State of Connecticut

**CRIMINAL PROCEDURE** — (Cont)
Pleas, in general 37-7
Agreements, conditional pleas of guilty or nolo contendere 39-5
Alternative dispositions recommended by prosecuting authority 39-6
Appeal from denial of motion to dismiss or to suppress 61-6 (a) (2) (i)
Disclosure to judicial authority 39-7
Rejection by judicial authority 39-10
Reservation of right to appeal 61-6 (a) (2) (ii)
Sentencing 39-8, 39-9
Discussions, procedure for in general 39-1
Defendant represented by counsel or not 39-2
Defense counsel, role in plea agreements 39-3
Subject matter 38-4
Guilty or nolo contendere 37-8, 39-18
Acceptance and canvass of defendant by judicial authority 39-19—39-21
Conditional pleas of 39-5
Other offenses, pleading to after finding of guilty 39-22
Record of proceedings 39-24
Rejected plea inadmissible 39-35
Sentencing, see Sentencing, this title
Withdrawal of plea 39-26—39-28
Nolle prosequi 39-29
Dismissal of information or complaint 39-32
Effect of 39-31
Objection by defendant 39-30
Not guilty 37-9
Two part information charging former conviction 37-10, 37-11, 39-23
Election of jury trial on second part 42-2
Presence of defendant at arraignment, plea, evidentiary hearings, trial and sentencing 44-7
Trial and sentencing, when presence not required 44-8
Other exceptions 44-10
Unexcused defendant, capias 44-9
Presentence investigation and report 43-3
Copying report prohibited 43-8
Defense counsel, participation in 43-5
Familiarization of with report and correction of report at sentencing 43-13, 43-14
Disclosure of report 43-9
Persons receiving report 43-7
Report not public record 43-9
Scope 43-4
Time to complete 43-6
Use of report 43-9
Waiver by defendant 43-3
Pretrial motions in general 41-1, 41-2
Form and manner of making 41-6
Hearings and rulings 41-7
List of motions 41-3
Time to make, waiver 41-4, 41-5
Pretrial release
By bail commissioner, conditions 38-3
By clerk, procedure 38-1
By correction officials 38-5
By judicial authority, conditions 38-4
Factors to be considered 38-10
Statement of reasons for conditions imposed 38-11
By law enforcement officer on bond or promise to appear 38-2
Capias for hearing to review conditions of release 38-15, 38-16

**CRIMINAL PROCEDURE** — (Cont)
Pretrial release — (Cont)
Detention prior to arraignment, trial, sentencing, limit on 38-18
Modification 38-13
Application for by surety on bail bond 38-16
Hearing to consider 38-17
Motion for by bail commissioner 38-15
Motion for by parties 38-14
Violation of conditions, hearing on 38-19
Forfeiture of bond, issuance of capias or rearrest warrant 38-21
Sanctions for 38-20
Probation
Revocation 43-29
Stay pending appeal 43-32
Prosecuting authority, defined 44-37
Disclosure of plea agreement 43-12
Role at sentencing 43-11
Public defender 37-5, 37-6
Appeals by indigent defendants 43-33—43-38
Appointed counsel, in general 44-1—44-6
Definition of 44-37
Public, exclusion from court proceedings 42-48
Expedited review of order 77-1
Reference to judge trial referee 44-19
Release
See also Pretrial release, this title
Appeal by defendant from judgment of conviction, release pending, conditions 43-2
Appeal by state from judgment of acquittal, release pending 43-1
Pretrial, see Pretrial release, this title
Revocation of probation 43-29
Sealing affidavits in support of arrest warrant application 36-2
Sealing files and documents 42-49A
Sentence review, see Sentencing, this title
Sentencing
See also Incarceration, this title
Correction of illegal sentence 43-22
Defendant's right to make statement 43-10
Defense counsel
Correction of presentence investigation report 43-14
Disclosure of undisclosed plea agreement 43-15
Supplementary documents, submission of 43-16
Definite sentence, reduction of 43-21
Hearing, procedure 43-10
Illegal sentence, correction of 43-22
Mittimus, where sentence includes fine as well as imprisonment 43-20
Prosecuting authority, role 43-11
Disclosure of plea agreement 43-12
Reduction of definite sentence 43-21
Sentence review
Application for, time for filing 43-24
Counsel, representation by before sentence review division 43-23
Documents, preparation by clerk 43-25, 43-26
Hearing, briefs and memoranda 43-27
Scope of review 43-28
Stay pending appeal 61-13
Victim, participation at 43-10
Sequestration
Jurors 42-22
Witnesses 42-36
Severance of offenses for trial 41-18



© Copyrighted by the Secretary of the State of the State of Connecticut

**CRIMINAL PROCEDURE** — (Cont)
Speedy trial, time limitations 43-39
Commencement of trial, defined 43-42
Excluded periods for calculation of time 43-40
Motion for; dismissal 43-41
Waiver 43-43
Stay
Of imprisonment pending appeal 43-31
Of probation pending appeal 43-32
Stay pending appeal 61-13
Subpoenas
Fees, return of subpoenas 44-32
For production of documents and objects 40-2
Inquiry by investigative grand jury, motion to quash subpoena 44-31
Summons, see Arrest and preliminary procedure, this title
Suppress, motion to, see Motion to suppress, this title
Transfer of pending matter 41-23—41-25
Trial, definition of 44-37
Argument by counsel, time limits 42-37
Extrajudicial statements, warning not to make 42-48
Order of parties proceeding at 42-35
Of defendants where two or more 42-38
Public, exclusion of 42-49
Restraint of disruptive defendant 42-46
Removal of 42-47
Sealing files and documents 42-49
Speedy trial, see Speedy trial, this title
Without jury 42-34
Verdict, see **VERDICT**
Victim
Inquiry concerning during presentence investigation 43-4
Participation at sentencing 43-10
Violation, definition of 44-37
Voir dire of jurors 42-12
Warrant, see Arrest and preliminary procedure, this title
Witnesses
Fees for travel and support 44-34
Indigent witnesses, transportation and support for 44-33
Sequestration 42-36
Youthful offender adjudication without trial 39-22

**CUSTODY**
See generally **CRIMINAL PROCEDURE, Release**; **FAMILY MATTERS**; **JUVENILE MATTERS**

**DAMAGES**
Assessment by court 17-2
Claim for following default for failure to appear 17-20
Time for filing 17-20
Default for failure to plead, procedure to be followed 17-32
Demand for relief, statement of 10-20
Interest and costs unnecessary to claim 10-28
Not to be disclosed to jury 16-19
Hearings in damages
Following default 17-34—17-40
Following summary judgment on liability 17-50
Privileged for assignment 14-9
Jury trial where claim joined with equitable issues 16-11
Liquidated damages
Procedure on default for failure to appear 17-24
When judgment may be rendered following default for failure to appear 17-33
Offer of judgment 17-11—17-18
Physical or mental examination, request for where personal injury damages claimed 13-11
Reduction of award where verdict exceeds demand 16-19

**DAMAGES** — (Cont)
Referrals
To arbitrators 23-61
To fact finders 23-53
Small claims rules, applicability 24-2
Default where liquidated damages claimed 24-24
Statement of in demand for relief 10-20

**DECLARATORY JUDGMENT**
Generally 17-54
Appeal 17-58
Conditions 17-55
Costs 17-57
Order of priorities 17-59
Procedure 17-56

**DEFAULT JUDGMENTS**
Absent or nonresident defendant 9-1
Default judgments and nonsuits
Appear, failure to 17-19
Affidavit of debt 17-25
Judgment, entry of 17-27, 17-33
Enforcement of 17-28
Liquidated sum, action for, applicable procedure 17-24
Military or naval service, affidavit concerning 17-21, 17-25
Default rules not applicable to defendant in military or naval service 17-23
Motion for default for failure to appear 17-20, 17-25
Procedure not applicable to dissolution of marriage, legal separation, annulment 25-51
Notice of judgment, mailing by counsel 17-22
Short calendar, motion not on 17-29
Weekly payments, order for 17-26
Damages, hearing in
Defense, notice to be specific 17-37
Amending notice 17-38
Reply not allowed 17-39
Time to give 17-35
Evidence to reduce damages 17-39
Notice by clerk of default 17-36
Plead, default for failure to 17-31, 17-32
Opening default where judgment not rendered 17-42
Opening judgment on default or nonsuit 17-43
Small claims, defaults in 24-24

**DEFICIENCY JUDGMENTS**
See **FORECLOSURE**

**DELINQUENCY**
See **JUVENILE MATTERS**

**DISBARMENT**
See generally **ATTORNEYS, Discipline; Grievances**

**DISCOVERY AND DEPOSITIONS—CIVIL**
Admission of facts and execution of writings, requests for admission 13-22
Answers and objections to requests for admission 13-23
Effect of admission 13-24
Expenses on failure to admit 13-25
Definitions 13-1
Depositions, in general 13-26
Deposition procedure 13-30
Notice of deposition
Deposition of organization, production of documents and materials 13-27
General requirements, special notice, nonstenographic recording 13-27



© Copyrighted by the Secretary of the State of the State of Connecticut

**DISCOVERY AND DEPOSITIONS—CIVIL** — (Cont)
Depositions, in general 13-26 — (Cont)
Persons before whom deposition taken, subpoenas 13-28
Place of deposition 13-29
Use of depositions in court proceedings 13-31
Disclosure
Amount and provisions of insurance liability policy 13-12
Assets, where prejudgment remedy sought 13-13
Before court or committee 13-17
Continuing duty to disclose 13-15
Defense 13-19
In equity 13-18
Discovery
Outside the United States 13-21
Scope, in general 13-2
Experts 13-4
Materials prepared in anticipation of litigation, statements of parties 13-3
Protective order 13-5
Sought by judgment creditor 13-20
Duty to disclose, continuing 13-15
Electronic deposition procedure 13-30
Family matters 25-31, 25-32
Habeas corpus, civil 23-38, 23-39
Interrogatories, in general 13-6
Answers to 13-7
Objections to 13-8
Juvenile matters 31a-16, 34a-20
Order for compliance, failure to answer or comply with order 13-14
Orders by judge 13-16
Remote deposition procedure 13-30
Requests for admission 13-22
Answers and objections to 13-23
Requests for production, inspection and examination, in general 13-9
Physical or mental examination 13-11
Responses to requests for production, objections 13-10
Stipulations regarding discovery and deposition procedure 13-32
Subpoenas 13-28
Subpoena duces tecum 13-27

**DISCOVERY AND DEPOSITIONS—CRIMINAL**
Depositions, in general, grounds 40-44
Defendant, right to be present and represented 40-54
Waiver of right 40-55
Expenses of 40-58
Failure to appear for, capias 40-45
Manner of taking 40-49, 40-57
Notice of 40-47
Objections during 40-49
Person taking deposition 40-47
Protective order concerning 40-48
During examination 40-52
Return of, depositions to be sealed 40-53
Scope of examination 40-50
Unavailable deponent, defined 40-56
Use of 40-46, 40-57
Discovery, in general 40-1; see also Depositions, this title
Admissibility of defendant's intent to offer evidence or call witness 40-30
Alibi defense, required notices concerning 40-21—40-23
Exceptions 40-24
Withdrawn alibi not admissible 40-25
Continuing duty to disclose 40-3
Custody of materials 40-10

**DISCOVERY AND DEPOSITIONS—CRIMINAL** — (Cont)
Discovery, in general 40-1; see also Depositions, this title — (Cont)
Defendant's duty, materials discoverable by prosecution as of right 40-26
Derivative materials, disclosure to defendant 40-28
Discretionary disclosure by 40-27
Materials excepted from disclosure 40-31
Protective orders, for defendant 40-29
Documents or objects, subpoenas for 40-2
Failure to comply 40-5
Mental disease or defect or extreme emotional disturbance, disclosure of defense of 40-17
Expert testimony concerning, disclosure by defendant of intent to use 40-18
Failure of expert to submit report 40-20
Psychiatric examination, prosecutorial motion for 40-19
Nontestimonial evidence, obtaining from defendant 40-32
Comparison of 40-39
Emergency procedure for 40-33
Motion for by defendant 40-38
Order for, scope 40-34
Contents 40-35
Implementation 40-37
Service 40-36
Objection to disclosure 40-8
Performance 40-6
Procedure 40-7
Prosecuting authority's duty, materials discoverable by defendant as of right 40-11
Discretionary disclosure by 40-12
Materials excepted from disclosure 40-14
Protective orders 40-29, 40-40
Factors to be considered 40-41
In camera proceedings on motion for 40-42, 40-43
Excision as relief, record of 40-43
Requests and motions 40-4
Scientific tests and experiments 40-9
Statements 40-15, 40-16
Subpoenas for documents or objects 40-2
Witnesses, information concerning and statements by 40-13

**DISMISS, MOTION TO**
Civil 10-30—10-34
Criminal 41-8—41-11

**DISQUALIFICATION OF JUDICIAL AUTHORITY**
Generally 1-19, 1-22, 1-23

**DISSOLUTION OF MARRIAGE**
See **FAMILY MATTERS**

**DOCKET**
See generally **ASSIGNMENTS FOR TRIAL—CIVIL**; **CLERKS**; **CRIMINAL PROCEDURE**

**ELECTRONIC DEPOSITION PROCEDURE** 13-30

**ELECTRONIC FILING** 4-4

**ELECTRONIC MEDIA**
See **MEDIA**

**ELECTRONIC TRANSCRIPT** 63-8A

**EMINENT DOMAIN**
Clerk's fees 18-4
Reference to committee or referee 19-6



© Copyrighted by the Secretary of the State of the State of Connecticut

**EQUITABLE RELIEF**
See **MANDAMUS**

**EVIDENCE**
Exceptions not required 5-7
Exhibits, marking 5-7
Exhibits, transmitting to appellate clerk 68-1
Interlocutory matters, address by counsel 5-5, 5-8
Medical evidence 15-4
Family matters, procedure for introducing 25-55
Motion in limine, civil 15-3
Criminal 42-15
Objections, reasons for 5-5
Reception of evidence objected to 5-6
Opinions not officially published, citation of 5-9
Prima facie case, dismissal for failure to make 15-8
Suppress, motion to, criminal cases 41-12
Appeal from denial of after conditional plea of nolo contendere 61-6 (a) (2) (i)
Intercepted communications 41-14
Judicial authority, when disqualified from hearing 41-17
Seized property, return and suppression 41-13, 41-16
Time to file 41-15
Witnesses, examination of 5-4
Oath, administration of 5-3
Sequestration, criminal cases 42-36

**EXECUTIONS**
Civil actions
Application for, unsatisfied money judgment 17-52
Costs, execution for balance 18-12
Default judgment, execution on 17-28
Foreclosures
Execution of ejectment, stay 23-17
Small claims 24-30, 24-31, 24-32
Summary process executions 17-30, 17-53
Criminal matters
Bond, forfeiture of, stay of execution 38-21
Warrant, execution and return of 36-5

**EXHIBITS**
Appeals, availability and removal of exhibits 62-10, 62-11
Transmitting to appellate clerk 68-1
Marking 5-7
Removal from clerk's office on determination of case 7-21

**EXPEDITED PROCESS CASES**
Case management conference for 23-9
Discovery allowed 23-7
Expedited process track, placement on 23-3
Motions allowed 23-5
Offers of judgment 23-11
Pleadings allowed in 23-4
Pleadings closed, certification 23-8
Transfer to regular docket 23-10
Trial of cases on track 23-12

**EXPERT WITNESSES**
Appointment by judicial authority in family matters 25-33
Criminal cases 40-18—40-20
Disclosure of 13-4

**FACT-FINDING**
See **CIVIL ACTIONS, Fact-finding**

**FAMILY MATTERS**
Definition of 25-1; see also **CIVIL ACTIONS**; **JUVENILE MATTERS**
Affidavit concerning minor child 25-57

**FAMILY MATTERS** — (Cont)
Alimony, motions for 25-24
Modification 25-26
Order of notice concerning 25-29
Annulment, complaint 25-2
Automatic orders on service 25-5
Required information prior to hearing 25-58
Appearances, generally 25-6
Failure to file 25-51
Appellate briefs 67-13
Application
Automatic orders on service 25-5
Custody of minor child 25-3
Visitation of minor child 25-4
Appointment of counsel for minor child, motion for 25-24
Assignments 25-48
Automatic orders on service of complaint or application 25-5
Case management
Conference 25-50
Date, automatic order on 25-5
Scheduling 25-50
Child support, motion for 25-24
Child support and arrearage guidelines worksheet 25-30
Modification 25-26
Order of notice concerning 25-29
Support enforcement officer, services by 25-67
Closure of courtroom 25-59
Complaint
Amendment 25-7, 25-8
Automatic orders on service 25-5
Dissolution of marriage, legal separation, annulment 25-2
Contempt, motion for 25-27
Right to counsel 25-63
Waiver 25-64
Contested matter, definition of 25-49
Counsel
Appointment for minor child, motion for 25-24
Fees, motion for 25-24
Right to in contempt proceedings 25-63
Waiver 25-64
Right to in paternity actions 25-68
Custody of minor child, action for 25-3
Automatic orders on service of application 25-5
Modification 25-26
Motion for 25-24
Debt, unreasonable, automatic order not to incur 25-5
Definitions 25-49
Discovery and depositions 25-31, 25-32, 25-56
Dissolution of marriage, complaint 25-2
Automatic orders on service 25-5
Motion for following legal separation 25-36
Notice and hearing on 25-36
Required information prior to hearing 25-58
Dockets 25-48
Documents
Limiting disclosure of 25-59A
Mandatory exchange of 25-32
Production on request prior to hearing or trial 25-56
Evaluation or study, disposition of case to await report 25-60
Evidence, medical 25-55
Expert witnesses, appointment by judicial authority 25-33
Failure of defendant to appear, generally 25-51
For scheduled disposition 25-52



© Copyrighted by the Secretary of the State of the State of Connecticut

**FAMILY MATTERS** — (Cont)
Family relations counselor
Disclosure to judicial authority of recommendations by concerning alimony and child support 25-34
Duties of 25-69
Investigations by 25-69
Family services unit, assistance by 25-61
Family support magistrates, determination of matters by 25-65
Appeal from 25-66
Files, sealing 25-59A
Financial statements, automatic orders to complete and exchange 25-5
To be filed before hearing on motion or order to show cause 25-30
Guardian ad litem, appointment 25-62
Habeas corpus, petition 25-40
Discovery 25-47
Dismissal, grounds for 25-42
Issuance of writ, preliminary 25-41
Return 25-43
Reply to return 25-44
Schedule for filing pleadings 25-45
Summary judgment, motion for 25-46
Identification of cases 7-4A
Insurance coverage, automatic orders to maintain 25-5
Judge trial referees, references to 25-53
Judgment files 25-38
Legal separation, complaint 25-2
Automatic orders on service 25-5
Limited contested matter, definition of 25-49
Mandatory exchange of documents 25-32
Medical evidence 25-55
Memorandum of decision 64-1, 64-2
Minor child
Affidavits concerning 25-57
Automatic orders concerning on filing of dissolution, annulment or separation complaint or custody or visitation application 25-5
Custody action 25-3
Guardian ad litem, appointment for 25-62
Visitation action 25-4
Motions, generally 25-23
Alimony 25-24
Appointment of counsel for minor child 25-24
Child support 25-24
Contempt 25-27
Counsel fees 25-24
Custody 25-24
Exclusive possession of property 25-25
Financial statement to be filed before hearing on motion or order to show cause 25-30
Visitation 25-24
Order of trial 25-54
Orders of notice 25-23, 25-28, 25-29
Parenting education program, order to participate in 25-5
Paternity actions, right to counsel 25-68
Pendente lite orders in absence of sworn statements by parties 25-30
Pleadings
Answer 25-9
Complaints and applications 25-2—25-4
Amendments 25-7, 25-8
Cross complaint 25-9
Answer 25-10
Dismiss, motion to 25-12
Denial, further pleading 25-15

**FAMILY MATTERS** — (Cont)
Pleadings — (Cont)
Grounds 25-13
Subject matter jurisdiction, lack of not subject to waiver 25-14
Electronic filing 4-4
Order of 25-11
Strike, motion to, grounds 25-16
Hearing on 25-17
Judgment, failure to plead after pleading stricken 25-21
Memorandum of decision, when required 25-20
Memorandum of law required 25-19
Reasons to be specified 25-18
Short calendar, hearing on motion to be placed on 25-17
Stricken pleading part of other cause of action 25-22
Substitute pleading following granting 25-21
Pretrials 25-48
Production of documents on request prior to hearing or trial 25-56
Property, automatic order not to dispose of 25-5
Proposed written orders to be filed and served by parties 25-30
References to judge trial referees 25-53
Removal of minor child from state, automatic order concerning 25-5
Residence, automatic orders concerning 25-5
Sealing files 25-59A
Short calendar, procedure 25-34
Support enforcement officer, services by 25-67
Trial, order of 25-54
Uncontested matter, definition 25-49
Uniform Interstate Family Support Act 25-1
Visitation of minor child, action for 25-4
Automatic orders on service of application 25-5
Motion for 25-24
Witnesses, expert, appointment by judicial authority 25-33

**FAMILY RELATIONS COUNSELOR**
See **FAMILY MATTERS**

**FAMILY SUPPORT MAGISTRATE**
See **FAMILY MATTERS**

**FAMILY WITH SERVICE NEEDS**
See **JUVENILE MATTERS**

**FEES AND COSTS**
Admission to bar, disposition of fees 2-22
Appeals 61-7, 61-8, 63-5—63-8
Certification for review by supreme court 84-4, 84-9
Client security fund fee 2-70
Consolidated actions 18-14
Costs
For exhibits 18-18
Interest and costs, unnecessary to claim 10-28
On appeal from commissioners 18-2
On complaint and counterclaim 18-16
On counterclaim 18-17
On creditor's appeal 18-3
On interlocutory proceedings 18-7
On writ of error 18-6
Several defendants 18-13
Taxation of, appeal 18-5
Where both legal and equitable issues 18-15
Where several issues 18-12
Counsel fees in family matters, motion for 25-24
Court expenses, vouchers for 18-1



© Copyrighted by the Secretary of the State of the State of Connecticut

**FEES AND COSTS** — (Cont)
Criminal cases
Extradition, officer's fees 44-35
Subpoenas, return of 44-32
Waiver, appeal of conviction by indigent defendant 43-33
Witnesses, travel fees 44-34
Indigent witnesses, transportation and support 44-33
Eminent domain, clerk's fees 18-4
Family matters, counsel fees 25-24
Joint plaintiffs or consolidated actions 18-14
Jury fee, where more than one trial 18-8
Motor vehicle violation, fee on motion to open judgment 44-36
Proceedings before judge, no costs 18-19
Small claims 24-32
On motion to open judgment 24-31
Witness fees
In several suits 18-10
Nonresident witnesses 18-9
Witness not called 18-11

**FILES**
Appeals, availability and removal of files 62-10, 62-11
Review of trial court files by appellate counsel 62-8
Clerks, records and files of cases to be kept by 7-1
Custody of 7-7
Destruction of files 7-10, 7-11
Motion to prevent 7-16
Retention and stripping of files, schedule 7-11
Adult probation and family division, reports from 7-14
Criminal actions, records and files in 7-13
Sealing 42-49
Motor vehicle cases, files in 7-13
Title to land, files in actions affecting 7-12
Transfer to records center or state library 7-15
Documents and papers, prerequisites for filing 7-6
Electronic filings 4-4
Exhibits, removal or destruction on determination of case 7-21
Financial accounts, records of to be kept by clerks 7-3
Hospital, psychiatric and medical records, prerequisites for filing with clerk 7-18
Identification of cases 7-4A
Judgment files, see **JUDGMENTS**
Lost files or pleadings 7-8
Sealing
Civil matters 11-20A
Criminal cases 42-49A
Expedited review of order 77-1
Family matters 25-59A
Unfinished record, completion of by clerk 7-9

**FORECLOSURE**
Mortgages, appraisal report to be served on each appearing defendant 23-16
Complaint 10-69
Complex litigation status and assignment 23-13
Assigned judge, powers of 23-14
Request for 23-15
Deficiency judgment, motion for 23-19
Law days, listing 23-17
Proof of debt 23-18
Municipal tax liens, foreclosure of, allegations 10-70

**GRAND JURY**
Review of order of 78-1

**GRIEVANCES**
See **ATTORNEYS**

**GUARDIAN AD LITEM**
Appointment in criminal cases 44-20
Appointment in family matters 25-62

**HABEAS CORPUS**
Appeal, notice of right to 43-30; see also **CRIMINAL PROCEDURE, Appeal**
Certification to appeal 80-1
Appointment of counsel 23-26
Motion for leave to withdraw appearance 23-41
Judicial action on 23-42
Discovery and depositions 23-38, 23-39
Family cases, petition 25-40
Discovery 25-47
Dismissal, grounds for 25-42
Issuance of writ, preliminary 25-41
Return 25-43
Reply to return 25-44
Schedule for filing pleadings 25-45
Summary judgment, motion for 25-46
Fees and costs 23-25
Petitioner's presence in court 23-40
By interactive audiovisual device 23-40
Pleadings
Petition 23-22
Amendment of 23-32
Consideration by judicial authority, preliminary 23-24
Dismissal of 23-29
Noncomplying petition, return of 23-23
Reply to return 23-31
Return 23-30
Request for more specific statement 23-33
Schedule of filing 23-35
Record 23-36
Summary judgment 23-37
Summary procedure 23-34
Transfer 23-28
Venue 23-27

**HEARING IMPAIRED JURORS**
Civil juries 16-1, 16-8
Criminal juries 42-10

**HEARINGS**
See also **CIVIL ACTIONS, Fact-finding**; **JUVENILE MATTERS**
Appeals, hearings on motions 66-4
Civil actions
Counsel's failure to appear 5-10
Fact-finding hearings 23-55
Failure to appear at by party 23-59
Hearings in chambers
Certifying proceedings to court 20-2
Contested matters, procedure in 20-1
Papers
Cause affecting land 20-5
Clerk designated by judge to take 20-6
Trial before judge, lodging papers and file 20-4
Transfer of hearings before judges 20-3
Hearings in damages
Following default 17-34—17-40
Following summary judgment on liability 17-50
Privileged for assignment 14-9
Small claims 24-22, 24-23
Scheduling, continuances 24-15



© Copyrighted by the Secretary of the State of the State of Connecticut

**HEARINGS** — (Cont)
Civil actions — (Cont)
Time and place, notice 24-14
Unemployment compensation 22-2
Delinquency, see **JUVENILE MATTERS**
Family with service needs, see **JUVENILE MATTERS**
Termination of parental rights, see **JUVENILE MATTERS**

**IN CAMERA**
See generally **HEARINGS**
Proceedings on motion for protective order in criminal case 40-42, 40-43

**INDIGENT DEFENDANT**
See **PUBLIC DEFENDER**

**INFORMATION**
See **ARREST AND PRELIMINARY CRIMINAL PROCEDURE**

**INFRACTIONS**
As offenses 44-21
Centralized infractions bureau 44-28
Powers of 44-29
Custody, when not required 44-23
When required 44-24
Definition of 44-37
Magistrates, hearings by 44-30
Not guilty pleas 44-26
Hearings following entry of 44-27
Payment of fine as plea of nolo contendere 44-25
Summons and complaint, form 44-22

**INJUNCTION**
Notice required for ex parte temporary 4-5

**INSTRUCTIONS**
See **JURIES—CIVIL**; **JURIES—CRIMINAL**

**INTEREST**
See **FEES AND COSTS**

**INTERNS**
See **LEGAL INTERNS**

**INTERPLEADER**
Pleadings 23-43
Procedure in 23-44

**JOINDER**
Civil Actions
Causes of action 10-21—10-22
Class actions, see **CLASS ACTIONS**
Consolidations of actions for trial 9-5
Impleading of third party 10-11
Interested persons as defendants 9-6
Legal and equitable relief, claims for 10-24
Miscellaneous parties, joinder as plaintiffs or defendants
Assignees 9-15, 9-16
Defendants alleged to be alternatively liable 9-14
Personal representatives of deceased cocontractors on joint contract 9-12
Persons liable on same instrument 9-13
Misjoinder 9-19
Motion to strike as remedy for 11-3
Nonjoinder 9-19
Motion to strike for nonjoinder 10-39, 11-3
Parties and actions 9-3
Plaintiffs in one action 9-4
Torts 10-23

**JOINDER** — (Cont)
Criminal Matters
Defendants 36-22
Misjoinder not requiring dismissal 41-10
Motion for 41-3
Motion for severance 41-18
Offenses in information 36-22
Family Matters
Nonjoinder of necessary party, motion to strike 25-16

**JUDGES AND JUDICIAL AUTHORITIES**
Appellate jurists sitting as superior court judges 60-6
Chief judge of appellate court 62-1
Disqualification 1-22
Motion for 1-23
Judge trial referee, reference to 19-3
Criminal cases 44-19
Senior judges, references, applicable rules 19-1

**JUDGMENT FILES**
See **JUDGMENTS**

**JUDGMENTS**
Generally 17-1, chapters 6 and 17; see also **APPELLATE PROCEDURE**; **VERDICT**
Automatic stay pending appeal, and exceptions 61-11
Nonautomatic stay 61-12
Decision, statement of by judicial authority, when required 6-1, 64-1, 64-2
Declaratory judgments, see **DECLARATORY JUDGMENT**
Default judgments and nonsuits
Appear, failure to 17-19
Affidavit of debt 17-25
Judgment, entry of 17-27, 17-33
Enforcement of 17-28
Liquidated sum, action for, applicable procedure 17-24
Military or naval service, affidavit concerning 17-21, 17-25
Default rules not applicable to defendant in military or naval service 17-23
Motion for default for failure to appear 17-20, 17-25
Notice of judgment, mailing by counsel 17-22
Short calendar, motion not on 17-29
Weekly payments, order for 17-26
Damages, hearing in
Defense, notice to be specific 17-37
Amending notice 17-38
Reply not allowed 17-39
Time to give 17-35
Evidence to reduce damages 17-39
Notice by clerk of default 17-36
Opening default where judgment not rendered 17-42
Opening judgment on default or nonsuit 17-43
Plead, default for failure to 17-31, 17-32
Executions 17-52
Facts underlying judgment to appear of record 17-5
Finality for purposes of appeal, see **APPELLATE PROCEDURE**
Finding, form of 17-6
Special finding, request for 17-7
Form and contents of 17-9
Functions of 17-8
Judgment files, captions and contents 6-2
Appeal papers, filing requirements 63-4
Appellate proceedings, judgment files in, see **APPELLATE PROCEDURE**
Family matters 25-38
Notation of satisfaction of judgment 6-5



© Copyrighted by the Secretary of the State of the State of Connecticut

**JUDGMENTS** — (Cont)
Judgment files, captions and contents 6-2 — (Cont)
Preparation, when, by whom, filing 6-3
Signing 6-4
Memorandum of decision 6-1, 64-1, 64-2
Modifying judgment after appeal 17-9
Offer of judgment
By defendant 17-11
Acceptance of offer 17-12
Failure to accept offer 17-13
By plaintiff 17-14
Acceptance of offer 17-15
Failure to accept offer 17-16
Judgment where amount greater than offer recovered 17-18
Offer and acceptance to be included in record 17-17
Opening 17-4
Record of proceeding, facts to appear on 17-5
Remittitur where judgment too large 17-3
Setting aside 17-4
Stay pending appeal, and exceptions 61-11, 61-12
Summary judgments, scope of remedy 17-44
Affidavits
Bad faith, affidavits made in 17-48
Form of 17-46
Appropriate documents not available 17-47
Judgment 17-49
For part of claim 17-51
Motion for, proceedings on 17-45
Triable issue as to damages only 17-50
Summary process 17-30
Execution 17-53

**JUDICIAL REVIEW COUNCIL**
Appeals from, in general 74-1
Appellate rules, applicability of 74-6
Decision of council, statement of 74-4
Fees, costs and security waived 74-3
Initiation of proceedings by supreme court 74-8
Papers to be filed 74-2
Parties, proper form of reference 74-5
Recommendation by council, action on by supreme court where no appeal 74-7

**JURIES—CIVIL**
Amount in demand, disclosure to jury prohibited 16-19
Array, challenge to 16-2
Cause, excuse of juror for 16-3
Charge, see Instructions this title
Communications with jurors prohibited 16-14
Deliberations 16-16
Deadlocked jury 16-29
Interrogatories 16-18
Return for reconsideration 16-17
Review of testimony during 16-27
Discharge after verdict 16-33
Exhibits, pleadings and copy or tape of instructions, submission to jury 16-15
Fact, questions of to be decided by jury 16-9
Equitable actions, facts decided by jury, when 16-10
Judgment of court 16-13
Hearing impaired jurors, interpreters for 16-1
Interpreters not to participate in deliberations 16-8
Instructions
Additional instructions 16-26, 16-28
Counsel to be informed of substance of charge 16-25
Deadlocked jury 16-29

**JURIES—CIVIL** — (Cont)
Instructions — (Cont)
Modification for correction or clarification 16-25
Requests for, see Requests to charge and exceptions, this title
Interrogatories 16-18
Jury selection, preliminary proceedings
Disqualification of jurors 16-4
Peremptory challenges 16-5
Voir dire 16-6
Legal and equitable issues, determination of case presenting both 16-11
Judgment in 16-13
Note taking by jurors 16-7
Oath and admonitions to jurors 16-8
Pleadings, submission to jury 16-15
Polling after verdict 16-32
Questions by jurors during trial 16-7
Questions of fact, jury to decide 16-9
Judgment 16-13
Questions of law, judicial authority to decide 16-9
Request to charge and exceptions 16-20
Filing 16-22
Form, contents and number 16-23
Principles of law in 16-21
Selection of jurors
Disqualification of jurors 16-4
Peremptory challenges 16-5
Voir dire 16-6
Verdict, see **VERDICT**
Viewing of place or thing by jury 16-1
Voir dire of prospective jurors 16-6

**JURIES—CRIMINAL**
Array, challenge to 42-4
Cause, excuse of juror for 42-11
Charge, see Instructions, this title
Communications
Judicial authority and jurors 42-7
Parties and jurors 42-8
Deliberations 42-21
Deadlocked jury 42-28
Testimony, request by jury for review of 42-26
Disqualification of jurors 42-5
Hearing impaired jurors, interpreters 42-10
Information, exhibits, copy or tape of instructions to be submitted to jury 42-23
Instructions, conference with counsel concerning substance 42-19
Additional instructions 42-25
Jury's request for 42-27
Clarification or modification 42-24
Jury selection, preliminary proceedings 42-11
Array, challenge to 42-4
Peremptory challenges 42-13
Voir dire 42-12
Note taking by jurors 42-9
Oath and admonitions to jurors 42-14
Questions by jurors 42-9
Questions of fact, jury to decide 42-20
Requests to charge and exceptions 42-16
Filing 42-17
Form and contents 42-18
Right to jury trial, waiver 42-1
Selection of jurors, preliminary proceedings 42-11
Array, challenge to 42-4
Peremptory challenges 42-13



© Copyrighted by the Secretary of the State of the State of Connecticut

**JURIES—CRIMINAL** — (Cont)
Selection of jurors, preliminary proceedings 42-11 — (Cont)
Voir dire 42-12
Sequestration 42-22
Size of jury, election by defendant 42-3
Testimony, request by jury for review of 42-26
Two part information 42-2
Verdict, see **VERDICT**
Viewing of place or thing by jury 42-6
Voir dire of jurors 42-12
Waiver of right to jury trial 42-1

**JUVENILE MATTERS**
Adjudicatory hearing
Neglected, uncared for, dependent child; termination of parental rights 35a-1
Appeal, see also **APPELLATE PROCEDURE**
Appellate procedure rules, applicability of 35a-21
Attorney, appointment of and withdrawal by 35a-21
Briefs 67-13, 79-5
Filing of, time and extensions 35a-21
Applicability of general superior court rules 34a-1
Attorney
Access to reports and studies
Delinquency, family with service needs, youth in crisis 30-9
Neglected, uncared for, dependent child; termination of parental rights 32a-1
Appointment on appeal 35a-21
Motion to withdraw from appeal 35a-20
Right to 27-5, 27-6, 30-3, 30a-1, 32a-1
Waiver of right, neglected, uncared for, dependent child; termination of parental rights 35a-1
Child, definition of 26-1
As witness, procedure for testimony 32a-4
Child protection, see Neglected, uncared for, dependent child; termination of parental rights, this title
Commitment, definition 26-1
Commitment of child as mentally ill 31a-15
Complaint, definition of 26-1
Contempt 34a-22
Continuances and advancements 34a-5
For case status conference on denial of petition alleging neglected, uncared for, dependent child and termination of parental rights 33a-7, 35a-2
Coterminous petitions, neglected, uncared for, dependent child; termination of parental rights 35a-3
Counsel, see Attorney, this title
Court ordered evaluation of child 34a-21
Custody, order of temporary 33a-6
Emergency or life-threatening situation, application procedure 33a-8
Preliminary hearing 33a-7
Respondent's rights, statement of 33a-7
Default, opening order obtained by 35a-18
Defenses, disclosure of, delinquency proceedings 31a-17
Definitions 26-1
Delinquency, complaint or petition, nonjudicial handling, see Nonjudicial handling of delinquency, family with service needs or youth in crisis complaints or petitions, this title
Delinquency hearing, see Hearings: delinquency, family with service needs, youth in crisis, this title
Delinquency informations or petitions, contents and service 29-1, 29-2
Processing 29-1A
Dependent child, see Neglected, uncared for, dependent child; termination of parental rights, this title

**JUVENILE MATTERS** — (Cont)
Detention
Admission to 31-1A
Advisement of rights 30-3
Notice to parents 30-4
Basis for, requirements 30-6
Conditional release 30-10
Definition of 26-1
Duration of 30-5, 30-8, 30-10
Requirements for extension 30-5
Hearing
Information to be considered 30-9
Place of 30-7
Waiver of 30-8
Initial order for, without hearing 30-8
Release to parents 30-8
Order for, after hearing, on finding of necessary factor 30-10
Release, and periodic drug testing as condition 30-10
Subsequent to dispositional hearing, mandatory review 30-11
Disclosure of defenses, delinquency proceedings 31a-17
Discovery
Delinquency, family with service needs, youth in crisis matters 31a-16
Neglected, uncared for, dependent child; termination of parental rights 34a-20
Dismiss, motion to 34a-9—34a-11
Emergency relief 34a-23
Evaluation of child 34a-21
Examinations, physical or mental, delinquency, family with service needs or youth in crisis 31a-14
Family with service needs, complaint or petition, nonjudicial handling, see Nonjudicial handling of delinquency, family with service needs or youth in crisis complaints or petitions, this title
Family with service needs hearing, see Hearings: delinquency, family with service needs, youth in crisis, this title
Family with service needs petition, contents and service 29-1, 29-2
Processing 29-1B
Guardian, definition 26-1
Hearing procedure, neglected, uncared for, dependent child; termination of parental rights 32a-2
Hearings
Adjudicatory, neglected, uncared for dependent child; termination of parental rights 35a-1
Advancement of 34a-5
Civil proceedings, hearings as 32a-2
Continuance 34a-5
For case status conference, neglected, uncared for, dependent child; termination of parental rights 33a-7, 35a-2
Definition 26-1
Delinquency hearing, see Hearings: delinquency, family with service needs, youth in crisis, this title
Detention hearing, see Detention, hearing, this title
Dispositional hearings 30a-5, 30a-6, 35a-9—35a-11
Dispositive hearing, definition 26-1
Hearings: delinquency, family with service needs, youth in crisis
Advisement of rights, initial plea hearing 30a-1
Burden of going forward 30a-3
Continuance for pretrial conference 30a-2
Counsel, request for 30a-2
Dispositional hearing 30a-5
Victim, statement on behalf of 30a-6



© Copyrighted by the Secretary of the State of the State of Connecticut

**JUVENILE MATTERS** — (Cont)
Hearings: delinquency, family with service needs, youth in crisis — (Cont)
Plea agreement 30a-2
Plea canvass 30a-4
Plea hearing, initial 30a-1
Pretrial conference 30a-2
Recording of hearings 30a-7
Records 30a-8
Testimony admissible at dispositional hearing 30a-5
Indian child, definition of 26-1
Indigent parties, requests for subpoenas 32a-2
Information, definition 26-1
Informations, delinquency, contents and service 29-1, 29-2
Processing 29-1A
Mentally ill child, commitment as 31a-15
Modification of probation 31a-18
Motions and applications: delinquency, family with service needs and youth in crisis
Adult criminal docket, motion to transfer to 31a-12
Bill of particulars, motion for 31a-2
Discovery, motions for 31a-16
Dismiss, motion to 31a-3
Extension of commitment, motion for 31a-19
Form of motions, time for filing, amendment 31a-1
Joint trial of petitions or informations, motion for 31a-10
Judgment of acquittal, motion for 31a-5
Motion in limine 31a-7
New trial, motion for 31a-11
Permanency plan, motion for review of 31a-19
Sequestration of witnesses, motion for 31a-8
Severance of offenses for trial, motion for 31a-9
Suppress, motion to 31a-4
Take into custody order, application for 31a-13
Transfer of venue, motion for 31a-6
Transfer to adult criminal docket, motion for 31a-12
Motions, in general 31a-1, 34a-1
Changes in court dates, continuances 34a-5
Contempt 34a-22
Dismiss 34a-9—34a-13
Emergency relief 34a-23
Evaluation of child 34a-21
Strike 34a-15—34a-19
Neglected, uncared for, dependent child; termination of parental rights
Adjudicatory hearing, actions by judicial authority 35a-1
Admission or denial of allegations of petition 35a-1
Burden of proceeding 35a-8
Continuance for case status conference 33a-7, 35a-2
Evidence 35a-7
Explanation of petition 35a-1
Nolo contendere plea 35a-1
Advisement of rights 32a-1
Allegations of petition 33a-1
Child
As witness 32a-4
Exclusion from courtroom 32a-5
Coterminous petitions 35a-3
Counsel, right to 32a-1
Default, opening 35a-18
Discovery 34a-20
Dismiss, motion to 34a-9—34a-13
Dispositional hearing
Evidence and mandated social study 35a-9
Mandated social study, availability to parties and counsel 35a-10
Witnesses, respondents' right to produce 35a-11

**JUVENILE MATTERS** — (Cont)
Neglected, uncared for, dependent child; termination of parental rights — (Cont)
Dispositions, motions to modify 35a-16
Evaluation of child 34a-21
Foster parents and siblings, right to be heard 35a-5
Guardian, role of 35a-6
Hearing procedure in general 32a-2
Interpreter 32a-6
Intervening parties 35a-4
Motions to modify dispositions 35a-16
Order of temporary custody 33a-6
Permanency plan, motion for review 35a-14
Petition, allegations 33a-1
Petitions, coterminous 35a-3
Petition to reinstate parent as guardian 35a-20
Petition to remove parent as guardian, transfer from probate court 35a-19
Pleading 34a-6—34a-8
Probate court, transfer of petition to remove parent as guardian 35a-19
Protective supervision
Application to modify 33a-6
Conditions and modification 35a-12
Publication as service 33a-5
Records, confidentiality 32a-7
Records, substance abuse treatment 32a-8
Removal of child from home 35a-13
Respondent, identity or location unknown 33a-4
Reunification efforts 35a-15
Rights of parents or guardians 32a-1
Service 33a-2
Standard of proof
Clear and convincing evidence and proof beyond a reasonable doubt, termination of parental rights 32a-3
Fair preponderance of evidence, neglect, uncared for and dependency petition 32a-3
Strike, motion to 34a-15—34a-19
Subpoenas 32a-2
Substance abuse treatment records 32a-8
Summons accompanying petition, neglected, uncared for, or dependent child 33a-2
Temporary custody, order of 33a-6
Emergency or life-threatening situation, application procedure 33a-8
Preliminary hearing; notification of rights 33a-7
Respondent's rights, statement of 33a-7
Venue 33a-3
Nonjudicial handling of delinquency, family with service needs or youth in crisis complaints or petitions 27-1A
Additional offenses and misconduct 27-4
Denial of responsibility for misconduct 27-6
Dismissal following successful completion of nonjudicial handling 27-8A
Eligibility for nonjudicial handling, initial interview 27-5
Erasure following successful completion of nonjudicial handling 27-8A
Ineligibility for nonjudicial handling 27-4A
Initial interview, explanation of allegations 27-5
Notice to appear 27-1A
Probation department, referral to 27-1A
Responsibility, acknowledgment or denial 27-6, 27-7
Nonjudicial supervision of child 27-8A
Written statement of responsibility 27-7
Rights of parties, explanation of 27-5



© Copyrighted by the Secretary of the State of the State of Connecticut

**JUVENILE MATTERS** — (Cont)
Nonjudicial handling of delinquency, family with service needs or youth in crisis complaints or petitions 27-1A — (Cont)
Successful completion of nonjudicial handling, dismissal and erasure of matter 27-8A
Notice
Detention 30-4
To appear, delinquency, family with service needs or youth in crisis 27-1A
Orders
Custody, take into, definition of 26-1
Application for 31a-13
Following violation of condition of suspended detention 30-10
Temporary custody 33a-6
Emergency or life-threatening situation, application procedure 33a-8
Preliminary hearing 33a-7
Respondent's rights, statement of 33a-7
Parent, definition of 26-1
Petition for reinstatement as guardian 35a-20
Petition to remove parent as guardian, transfer from probate court 35a-19
Parties, definition of 26-1
Intervening party, definition of 26-1
Legal party, definition of 26-1
Permanency hearing, following commitment as delinquent 31a-19
Permanency plan, definition 26-1
Motion for review of 31a-19, 35a-14, 35a-17
Petitions
Amendment 31a-1, 34a-1
Definition of 26-1
Delinquency petition, contents and service 29-1, 29-2
Processing 29-1A
Family with service needs petition, contents and service 29-1, 29-2
Processing 29-1B
Neglected, uncared for, dependent child; termination of parental rights 33a-1
Removal of parent as guardian 35a-19
Termination of parental rights 35a-19
Physical and mental examinations, delinquency, family with service needs or youth in crisis 31a-14
Pleadings, neglected, uncared for or dependent child; termination of parental rights
Contempt, motion for 34a-22
Dismiss, motion to 34a-9—34a-13
Emergency relief, motion for 34a-23
Evaluation of child, motion for 34a-21
Order 34a-6
Response to summary of facts 34a-14
Strike, motion to 34a-15—34a-19
Time to plead 34a-8
Waiver of right to plead 34a-7
Pretrial conference, delinquency, family with service needs or youth in crisis 30a-2
Probation
Definition of 26-1
Department, assignment to of delinquency, family with service needs or youth in crisis complaints 27-1A
Presentation of information at detention hearing 30-9
Modification of probation 31a-18
Officer, investigation of delinquency, family with service needs or youth in crisis complaints 27-1A, 27-5, 27-8A

**JUVENILE MATTERS** — (Cont)
Probation — (Cont)
Predispositional study by, consideration of at dispositional hearing 30a-5
Recording of hearings 30a-7, 32a-7
Records
Confidentiality, copying and reproduction of 32a-7
Erasure 27-8A
Substance abuse treatment 32a-8
Removal of child from home, required findings 35a-13
Respondent, definition of 26-1
Rights of parties
Right of respondents to neglected, uncared for, dependent child or termination of parental rights petition 33a-7
To confrontation and cross-examination 30a-1, 32a-1
To counsel 27-5, 30-3, 30a-1, 32a-1, 35a-21
To remain silent 30a-1, 32a-1
Short calendar sessions 34a-2—34a-4
Specific steps, definition 26-1
Standards of proof 30a-3, 32a-3
Subpoenas 32a-2
Substance abuse treatment records 32a-8
Superior court rules, general provisions, applicability 34a-1
Supervision
Judicial, definition of 26-1
Nonjudicial, definition of 26-1
After acknowledgment of responsibility, delinquency or family with service needs 27-8A
Protective 26-1, 35a-12
Take into custody order, definition 26-1
After violation of condition of suspended detention 30-10
Application for 31a-13
Temporary custody, order of 33a-6
Emergency or life-threatening situation, application procedure 33a-8
Preliminary hearing 33a-7
Respondent's rights, statement of 33a-7
Termination of parental rights, see Neglected, uncared for, dependent child; termination of parental rights, this title
Testimony
Admissible at dispositional hearing, delinquency, family with service needs or youth in crisis 30a-5
Child as witness, procedure 32a-4
Narrative form permissible 32a-2
Recording of 30a-7, 32a-7
Transfer from probate court of petition to remove parent as guardian 35a-19
Transfer to adult criminal docket 31a-12
Uncared for child, see Neglected, uncared for, dependent child; termination of parental rights, this title
Venue, child protection 33a-3
Venue, delinquency, family with service needs or youth in crisis, motion for transfer 31a-6
Youth, definition 26-1
Youth in crisis complaints and petitions, referral for nonjudicial handling, see Nonjudicial handling of delinquency, family with service needs or youth in crisis complaints or petitions, this title
Youth in crisis hearings, see Hearings: delinquency, family with service needs, youth in crisis, this title
Youth in crisis, petitions, contents and service 29-1, 29-2
Processing 29-1B

**LAND USE REGULATIONS**
Copy to be filed with appellate brief 81-6
Statement in brief as to applicable version 67-4, 67-5



© Copyrighted by the Secretary of the State of the State of Connecticut

**LAW DAYS**
See **FORECLOSURE**

**LEGAL INTERNS** 3-14
Activities of 3-17
Certification of 3-18
Legal internship committee 3-19
Out-of-state interns 3-21
Requirements and limitations 3-16
Supervision of 3-15

**LEGAL SEPARATION**
See **FAMILY MATTERS**

**MAGISTRATES**
Family support, see **FAMILY MATTERS**
Infractions, hearings on 44-30

**MANDAMUS**
Aid of pending action 23-47
Complaint 23-46
Parties plaintiff 23-45
Pleadings in 23-49
Privileged in assignment for trial 14-9
Temporary order of 23-48

**MEDIA**
Appellate proceedings 70-9, 70-10
Cameras and electronic media in courts generally 1-10
Coverage of court proceedings, requests for and limitations on 1-11
Exclusion by judicial authority 11-20

**MEDICAL, HOSPITAL AND PSYCHIATRIC RECORDS**
Family matters, procedure for introducing 25-55
Prerequisites for filing in clerks' offices 7-18

**MESNE PROCESS** 8-1

**MORTGAGES**
See **FORECLOSURE**

**MOTIONS, APPLICATIONS AND REQUESTS, CIVIL, MISCELLANEOUS**
See also **FAMILY MATTERS**; **JUVENILE MATTERS**
Appeal period, motions that delay 11-11
Appellate counsel, participation in trial court motions 62-8
Argument of motions 11-18
Cite in new parties 9-22
Definition of 11-2
Destruction of files and records, motion to prevent 7-16
Dismiss, motion to 10-30
Family matters 25-12—25-15
Further pleading by defendant following denial 10-34
Grounds 10-31
Subject matter jurisdiction not subject to waiver 10-33
Waiver of lack of personal jurisdiction, improper venue, insufficiency of process or service 10-32
Electronic filing 4-4
Exclusion of public, sealing documents, motion for 11-20
Family matters 25-23
Form of 11-1
Limine, motion in 15-3
Memorandum of law required 11-10
Misjoinder and nonjoinder of parties, motion to strike for 11-3
Motion to dismiss, see Dismiss, motion to, this title
Motion to strike, see Strike, motion to, this title
New trial, motion for 17-4A
Oral argument of motions 11-18
Order of notice, applications for 11-4

**MOTIONS, APPLICATIONS AND REQUESTS, CIVIL, MISCELLANEOUS** — (Cont)
Postverdict motions: arrest of judgment, additur, remittitur, set aside verdict, new trial, collateral source reduction 16-35
Previous motions and applications, disclosure of 11-9
Reargue, motion to 11-12
Request to revise 10-35
Granting of and objection to 10-37
Reasons in 10-36
Waiver of further pleading revisions 10-38
Sealing files and documents 11-20
Strike, motion to, grounds 10-39
Date for hearing 10-40
Family matters 25-16—25-22
Memorandum of decision, when required 10-43
Memorandum of law 10-42
Misjoinder and nonjoinder of parties 11-3
Reasons, enumeration in motion 10-41
Stricken pleading part of other cause or defense 10-45
Substitute pleading, or judgment after motion granted 10-44

**MOTIONS, MISCELLANEOUS, CRIMINAL**
See also **CRIMINAL PROCEDURE**
Acquittal, motion for
Motion for directed verdict of, abolished 42-40
Motion for judgment of 42-40
After guilty verdict 42-51
After mistrial 42-50
At close of evidence, reservation of decision on 42-42
At close of prosecution's case 42-41
Time limit for filing 42-52
Arrest of judgment, motion in 42-56
Dismiss, motion to, matters to be raised by 41-8
Appeal from denial after conditional plea of nolo contendere 61-6 (a) (2) (i)
Defects not requiring dismissal 41-10
Remedies for 41-11
Restrictions on 41-9
Electronic filing 4-4
Limine, motion in 42-15
Mistrial, motion for
Prejudice to defendant 42-43
Prejudice to prosecution 42-44
New trial, motion for 42-53
Time for filing 42-54
Where based on newly discovered evidence 42-55
Pretrial motions and requests, in general 41-1, 41-2
Form and manner of making 41-6
Hearings and rulings 41-7
List of motions 41-3
Speedy trial 43-41
Time to make, waiver 41-4, 41-5
Suppress, motion to 41-12
Appeal from denial after conditional plea of nolo contendere 61-6 (a) (2) (i)
Intercepted communications 41-14
Judicial authority, when disqualified from hearing 41-17
Seized property, return and suppression 41-13, 41-16
Time to file 41-15

**MOTOR VEHICLE OFFENSES**
See generally **INFRACTIONS**

**MUNICIPAL OFFICERS**
Bond to, action to enforce 9-25



© Copyrighted by the Secretary of the State of the State of Connecticut

**MUNICIPAL TAX LIENS**
Foreclosure, allegations 10-70

**NOLLE PROSEQUI**
Generally 39-29—39-32

**NONSUIT**
See generally **DEFAULT JUDGMENTS**

**NOTICE**
Alimony and support, notice of orders concerning 25-29
Clerks to notify counsel and pro se parties of judgments, decisions and rulings 7-5
Criminal convictions, notice of right to appeal 43-30
Default judgments 17-22, 17-36
Depositions, criminal cases 40-48
Ex parte temporary injunction 4-5
Habeas corpus, notice of right to appeal 43-30
Juvenile matters, detention 30-4
Orders of notice 11-4—11-8; see **ORDERS OF NOTICE**
Pleading notice 10-68
Receivers, appointment 21-1, 21-3
Small claims, notice in 24-1
Notice of suit, service of 24-10
Notice of time and place of hearing 24-14

**OATH**
Administration to jurors 16-8, 42-14
Administration to witnesses 5-3
Deposed witnesses, criminal cases 40-49
Juvenile matters, child witnesses 34-4

**OFFER OF JUDGMENT**
See **Judgments**

**ORAL ARGUMENT**
See also **APPELLATE PROCEDURE**
Appellate court arguments, precedence over trial court assignments 1-2
Argument on interlocutory questions during trial 5-5
Short calendar 11-18
Supreme court arguments, precedence over trial court assignments 1-2
Time limit 15-7
Criminal cases 42-37

**ORDER OF TEMPORARY CUSTODY**
See **JUVENILE MATTERS**

**ORDERS OF NOTICE**
Applications for 11-4
Attestation, publication, proof of compliance 11-7
Continuance, subsequent orders of 11-5
Directed outside United States 11-8
Family matters 25-23, 25-28, 25-29
Publication, notice by 11-6
Receivers, presentation of claims to 21-7

**PARENTAL RIGHTS, TERMINATION OF**
See **JUVENILE MATTERS**

**PARKING OR CITATION ASSESSMENT**
Petition to open 23-51

**PARTIES, CIVIL ACTIONS**
See also **JOINDER**
Addition or substitution of 9-18
Motion to cite in new parties 9-22

**PARTIES, CIVIL ACTIONS** — (Cont)
Class actions 9-7, 9-8
Adequate representation, orders to ensure 9-10
Dismissal or compromise 9-9
Fiduciaries 9-11
Parents as necessary parties in minor's name change action 9-24
Real party in interest 9-23
Substituted plaintiff 9-20
Third parties affected by counterclaim 9-21

**PATERNITY ACTIONS**
Right to counsel 25-68

**PLAIN ERROR REVIEW** 60-5

**PLEA AGREEMENTS**
See **PLEAS—CRIMINAL**

**PLEADINGS, CIVIL ACTIONS**
See also **FAMILY MATTERS; JUVENILE MATTERS; SMALL CLAIMS**
Admissions
Express admissions and denials to be direct and specific 10-48
In special defenses 10-52
Of material allegations, implied 10-19
Alternative relief, claims for 10-25
Amendments
Amendment calling for legal relief, issue to be placed on jury docket 10-64
Amount in demand 10-66
As of right by plaintiff, time limit 10-59
Claim against insolvent estate, amendment of 10-67
Consent, order of judicial authority, or failure to object, amendment by 10-60
Contract to tort 10-65
Equitable to legal relief, legal to equitable relief 10-63
Pleading after amendment 10-61
Time limit, amendment by plaintiff as of right 10-59
Tort to contract 10-65
Variance between pleadings and proof, amendment in cases of 10-62
Answer, general and special denial 10-46
Contributory negligence, pleading of 10-53
Counterclaim and setoff, pleading of 10-54
Right to prosecute after withdrawal of action 10-55
Denials to meet substance of allegations 10-47
Express admissions and denials 10-48
General denial in action by corporation on contract 10-49
Response to answer by plaintiff 10-56
Matter in avoidance of answer 10-57
Pleadings subsequent to reply 10-58
Special defenses 10-50
Admissions and denials in 10-52
Several special defenses 10-51
Closed pleadings, certification of 14-8
Common counts writ, abolished 10-9
Complaint, contents of 10-20
Counterclaim, supplemental pleadings 10-10
Dismiss, motion to see Motion to dismiss, this title
Equitable relief, claim for 10-27
Exhibits as part of pleading 10-29
Fact pleading 10-1
Family matters 25-2—25-4, 25-7—25-11
Filing and endorsing pleadings 4-3
Electronic filing 4-4
Signing pleadings 4-2



© Copyrighted by the Secretary of the State of the State of Connecticut

**PLEADINGS, CIVIL ACTIONS** — (Cont)
Foreign law, notice of claim based on 10-3
Form of pleadings 4-1
Filing and endorsing pleadings 4-3
Signing pleadings 4-2
Impleading, of third party defendant 10-11
Implied admissions of material allegations 10-19
Implied duty, unnecessary to allege 10-4
Interest and costs, unnecessary to claim 10-28
Joinder of causes of action 10-21
Legal and equitable relief 10-24
Torts 10-23
Transactions connected with same subject 10-22
Legal effect, pleading 10-2
Miscellaneous special matters and required pleadings
Action by assignee of chose in action, required pleading 10-72
Charters, pleading 10-73
Collateral source payments, pleading 10-78
Foreclosure of mortgage or real property lien, required pleading 10-69
Foreclosure of municipal liens, required pleading 10-70
Incorporation by General Assembly, pleading 10-73
Insurance, policy limitations or payments by insurer, special defense of 10-79
Probate appeals, required pleading 10-76
Appeals from commissioners appointed by court of probate, required pleading 10-77
Probate bond 10-71
Wrongful sale, wrongful conversion 10-74
Motion to dismiss 10-30
Family matters 25-12—25-15
Further pleading by defendant following denial 10-34
Grounds 10-31
Subject matter not subject to waiver 10-33
Waiver of lack of personal jurisdiction, improper venue, insufficiency of process or service 10-32
Motion to strike, grounds 10-39
Date for hearing 10-40
Family matters 25-16—25-22
Memorandum of decision, when required 10-43
Memorandum of law 10-42
Reasons, enumeration in motion 10-41
Substitute pleading, or judgment after motion granted 10-44
Where stricken pleading part of other cause or defense 10-45
Notice, pleading of 10-68
Order of pleading 10-2
Pleadings closed, certification of 14-8
Request to revise 10-35
Granting of and objection to 10-37
Reasons in 10-36
Waiver of further pleading revisions 10-38
Separate counts for separate causes of action 10-26
Service 10-12
Electronic delivery, service by 10-13
Indifferent person, service by 10-17
Method of 10-13
Numerous defendants, service where 10-15
Proof of service 10-14
Several parties represented by one attorney 10-16
Signing pleadings 4-2
Statutory grounds, allegations based on 10-3
Strike, motion to, see Motion to strike, this title
Third party, impleading of by defendant 10-11
Time to plead 10-8

**PLEADINGS, CIVIL ACTIONS** — (Cont)
Untrue allegations or denials, payment of reasonable expenses required 10-5
Variance, in action for goods sold at reasonable price 10-75
Waiver of right to plead 10-7

**PLEAS—CRIMINAL**
See also **APPEARANCE AND ARRAIGNMENT—CRIMINAL MATTERS**
Agreements, conditional pleas of guilty or nolo contendere 39-5
Alternative dispositions recommended by prosecuting authority 39-6
Appeal from denial of motion to dismiss or suppress 61-6 (a) (2) (i)
Disclosure to judicial authority 39-7
Rejection by judicial authority 39-10
Reservation of right to appeal 61-6 (a) (2) (ii)
Sentencing 39-8, 39-9
At arraignment 37-7
Discussions, procedure for in general 39-1
Defendant represented or unrepresented by counsel 39-2
Defense counsel, role in plea agreements 39-3
Subject matter 38-4
Guilty or nolo contendere 37-8, 39-18
Acceptance and canvass of defendant by judicial authority 39-19—39-21
Conditional pleas of 39-5
Other offenses, pleading to after finding of guilty 39-22
Record of proceedings 39-24
Rejected plea inadmissible 39-35
Withdrawal of plea 39-26—39-28
Nolle prosequi 39-29
Dismissal of information or complaint 39-32
Effect of 39-31
Objection by defendant 39-30
Not guilty 37-9
Two part information charging former conviction 37-10, 37-11, 39-23

**PRACTICE OF LAW**
See **ATTORNEYS**

**PREJUDGMENT REMEDIES**
Disclosure of assets by party against whom prejudgment remedy granted 13-13

**PRESENTENCE INVESTIGATION**
See **CRIMINAL PROCEDURE**

**PRETRIAL—CIVIL**
Assignment for 14-11
Orders at 14-14
Pretrial procedure 14-13
When case not disposed of at 14-12
Family matters 25-48

**PRETRIAL CRIMINAL PROCEDURE**
See **CRIMINAL PROCEDURE, Appearance and Arraignment; Arrest and preliminary procedure; Bail; Bond; Pleas**

**PRETRIAL RELEASE**
See **CRIMINAL PROCEDURE**

**PROBABLE CAUSE**
See **APPEARANCE AND ARRAIGNMENT—CRIMINAL MATTERS**



© Copyrighted by the Secretary of the State of the State of Connecticut

**PROBATE**
Action on bond 10-71
Appeals, pleading in 10-76
Commissioners, appeals from, pleading in 10-77
Application for removal of parent as guardian, transfer from probate court 35a-19

**PROBATE JUDICIAL CONDUCT, COUNCIL ON**
Appeals from decisions of, in general 75-1
Appellate rules, applicability of 75-6
Decision of council, statement of 75-4
Fees, costs and security waived 75-3
Papers to be filed 75-2
Parties, proper form of reference 75-5

**PROBATION**
Delinquency or family with service needs, referral to probation department 27-1A
Investigation by probation officer 27-1A, 27-5, 27-8A
Modification of probation 31a-18
Nonjudicial supervision of child 27-8A
Predispositional study by probation officer, consideration at dispositional hearing 30a-5
Vocational probation, definition 26-1
Revocation of 43-29
Stay pending appeal 43-32

**PRO HAC VICE**
See **ATTORNEYS**

**PUBLIC DEFENDER**
Appeals by indigent defendant 43-33—43-38
Appointment of 37-6
Reference to, investigation of indigency 37-5
Appointment of counsel, criminal cases in general 44-1—44-6

**QUESTIONS OF LAW AND FACT**
See generally **JURIES—CIVIL**; **JURIES—CRIMINAL**

**RECEIVERS**
Accounts, semiannual 21-14
Ancillary receivers 21-18
Application for 21-1
Appraisers and temporary receivers, appointment 21-1, 21-3
Bond 21-4
Business, continuance of 21-11
Reports 21-12
Chambers, appointment of receiver in 21-1
Applications for orders, receiver appointed in chambers 21-15
Claims, presentation 21-7
Allowance and disallowance 21-8
Extensions of time 21-9
Hearing 21-10
Clerks, duty to enforce rules 21-16
Inventory of estate, receiver to give 21-5
Insolvent estates, liquidation 21-6
Permanent receivers, assignment of case for appointment 21-2
Removal 21-17
Rents, receivers of 21-19
Appointment 21-20
Bond 21-21
Discharge 21-22
Orders concerning 21-23
Reports 21-24
Summary of orders, semiannual, receiver to file 21-13

**RECEIVERS** — (Cont)
Temporary receivers, appointment 21-1, 21-3

**RECORD ON APPEAL**
See **APPELLATE PROCEDURE**

**RECORDS**
Clerks, records of cases to be kept by 7-1
Destruction of files and records 7-10
Motion to prevent 7-16
Retention and stripping of files, schedule 7-11
Adult probation and family division, reports from 7-14
Criminal actions, records and files 7-13
Title to land, files in actions affecting 7-12
Transfer to records center or state library 7-15
Financial accounts, clerks to keep records of 7-3
Juvenile, erasure 27-8A
Lodged records 7-4C
Treatment during appellate process 68-1, 77-2
Motion to file record under seal 7-4B
Short calendar matters, records of 7-20
Unfinished record, completion of by clerk 7-9

**REFERENCES**
See also **ARBITRATION**; **CIVIL ACTIONS, Fact-finding**
Acceptance of report, objections 19-14, 19-15
Accountant, reference to 19-19
Application of rules 19-1
Dissolution of marriage, legal separation, annulment, excepted from rules 19-1
Appointment, committee or referee 19-2, 19-5
Hearing on motion for 19-2
Appraiser, applicability of rules to 19-1
Appraisal fees, recommendation by committee 19-8
Appraisal report in eminent domain proceeding 19-6
Attorney trial referee, reference to 19-2A
Report by 19-4
Auditor, applicability of rules to 19-1
Cases that may be referred 19-3
Committee, reference to 19-2
Consent of parties 19-2, 19-3
Correction of report 19-17
Court, action by on report 19-17
Dissolution of marriage, legal separation, annulment, excepted from rules 19-1
Effect of reference 19-6
Eminent domain proceeding, appraisal report in 19-6
Examination of account or books 19-19
Exceptions to finding and report 19-13
Extension of time 19-18
Family matters 25-53
Finding of facts 19-2
Request for 19-9
Function of court 19-17
Judge trial referee 19-3
Criminal cases 44-19
Powers of superior court to be exercised by 19-3, 44-19
Judgment on report 19-16, 19-17
Motions
Appointment of committee 19-2
Summary judgment, reference of motion for 19-3
Pleadings to be closed before reference made 19-7
Recommendations by counsel 19-5
Report 19-8
Acceptance 19-14, 19-15
Alternative claims, report on 19-10
Amendment 19-11
Attorney trial referee, report by 19-4



© Copyrighted by the Secretary of the State of the State of Connecticut

**REFERENCES** — (Cont)
Report 19-8 — (Cont)
Judgment on 19-16
Objections 19-14, 19-15
Rejection 19-17
Request for finding 19-9
Revocation of reference 19-6
Senior judge, applicability of rules to 19-1
Summary judgment, reference of motion for 19-3

**REMITTITUR**
Judgment too large 17-3
Motion for 16-35

**REQUESTS**
See **MOTIONS, APPLICATIONS AND REQUESTS, CIVIL, MISCELLANEOUS**

**REQUESTS TO CHARGE**
Civil trials 16-20—16-23
Criminal trials 42-16—42-18

**RESCRIPTS**
To be sent to trial court and appellate clerk 71-4

**RESERVATIONS**
Procedure, form 73-1

**RETENTION AND DESTRUCTION OF FILES AND RECORDS** 7-10—7-16

**RULES OF COURT**
Appellate rules, applicability of changes to pending appeals 86-2
Effective date 1-9
Appellate rules 86-1
Liberal interpretation of 1-8
Appellate rules 60-1
Promulgation and publication 1-9
Appellate rules 86-1
Scope 1-1

**SEALING FILES OR LIMITING DISCLOSURE**
Civil cases 11-20A
Criminal cases 42-49A
Affidavit supporting arrest warrant application 36-2
During appellate process 77-2
Family matters 25-59A
Identification of cases 7-4A
Motion to file record under seal 7-4B
Lodging record 7-4C

**SENTENCE REVIEW**
See **SENTENCING**

**SENTENCING**
Correction of illegal sentence 43-22
Defendant's right to make statement 43-10
Defense counsel
Correction of presentence investigation report 43-14
Disclosure of undisclosed plea agreement 43-15
Supplementary documents, submission of 43-16
Definite sentence, reduction of 43-21
Hearing, procedure 43-10
Illegal sentence, correction of 43-22
Mittimus, where sentence includes fine as well as imprisonment 43-20
Prosecuting authority, role 43-11
Disclosure of plea agreement 43-12
Reduction of definite sentence 43-21

**SENTENCING** — (Cont)
Sentence review
Application for, time for filing 43-24
Counsel, representation by before sentence review division 43-23
Documents, preparation by clerk 43-25, 43-26
Hearing, briefs and memoranda 43-27
Scope of review 43-28
Stay pending appeal 61-13
Victim, participation at 43-10

**SERVICE**
See **PLEADINGS—CIVIL ACTIONS**

**SHORT CALENDAR**
Generally 11-13
Assignments automatic 11-15
Continuances 11-16
Default for failure to appear, motion for not on short calendar 17-29
Family matters, 25-23, 25-34
Frequency, time of sessions, lists 11-14
Juvenile matters 34a-2—34a-4
Motion to strike, family matters 25-17
Oral argument 11-18
Records to be kept by clerks 7-20
Time limit for deciding matters 11-19
Transfers 11-17
Unemployment compensation appeals to be claimed for 22-2

**SMALL CLAIMS**
Actions, institution 24-3, 24-8
Alternative method of institution 24-13
Answer, date 24-12
Failure to file 24-25
Notice of defense 24-16
Filing claims, where 24-4
Notice of suit, service 24-10
Undelivered notice, further notice 24-11
Pleadings
Amendment of claim, answer, counterclaim or setoff 24-20
Answer, notice of defense 24-16
Counterclaim or setoff, claim for 24-19
Deposition or documents, request 24-20A
Dismiss, motion to 24-20
Prohibited pleadings 24-17
Setoff or counterclaim, claim for 24-19
Time to pay, request for 24-16
Service, notice of suit 24-10
Undelivered writ and notice, further notice 24-11
Writ, preparation of 24-9
Affidavits required for judgment 24-24
Allowable actions 24-2
Applicability of rules, limitations 24-2
Attorney, services of not required 24-1
Costs 24-33
Default judgments 24-24
Definition of representative 24-6
Dismissal for failure to obtain judgment 24-27
Execution, application for 24-32
File, what constitutes 24-7
Hearings
Continuances 24-15
Failure of party to appear 24-26
Notice of time and place 24-14
Scheduling 24-15



© Copyrighted by the Secretary of the State of the State of Connecticut

**SMALL CLAIMS** — (Cont)
Judgments 24-24
Appear, failure of party to 24-26
Dismissal of action for failure to obtain 24-27
Execution, application for 24-32
Finality 24-28
Notice of 24-29
Opening, costs 24-31
Satisfaction 24-30
Time limit on 24-29
Written decision, when required 24-29
Purpose of 24-1
Regular docket, transfer to 24-21
Representative, definition of 24-6
Subpoenas, issuance by clerk 24-22
Transfer to regular docket 24-21
Venue 24-25
Where claims to be filed 24-4
Witnesses 24-33

**SPEEDY TRIAL**
See **CRIMINAL PROCEDURE**

**STATEWIDE GRIEVANCE COMMITTEE**
See **ATTORNEYS**

**STAY OF EXECUTION PENDING APPEAL**
See **APPELLATE PROCEDURE**

**STRIKE, MOTION TO**
Generally 10-39—10-45

**SUBPOENAS**
Generally 13-27, 13-28; see also **DISCOVERY AND DEPOSITIONS—CIVIL**
Criminal cases, subpoenas for documents or objects 40-2
Issuance by clerk for pro se parties 7-19
Juvenile matters 32a-2
Small claims, issuance by clerk 24-22

**SUMMARY JUDGMENTS**
Affidavits, bad faith 17-48
Affidavits, form 17-46
Appropriate documents, unavailability 17-47
Habeas corpus
Civil cases 23-34, 23-37
Family cases 25-46
Judgment 17-49
Judgment for part of claim 17-51
Motion for, proceedings upon 17-45
Triable issue as to damages only 17-50

**SUMMARY PROCESS**
Default for failure to appear 17-30
Executions 17-53

**SUMMONS AND COMPLAINT—CRIMINAL**
See **ARREST AND PRELIMINARY CRIMINAL PROCEDURE**

**SUPERIOR COURT**
See also **CLERKS**; **FILES**; **RECORDS**
Adjournment 1-13
County court designations, admission of attorneys 2-1
Divisions 1-3
Civil 1-5
Criminal 1-6
Family 1-4
Housing 1-7

**SUPERIOR COURT** — (Cont)
Judicial authority, disqualification 1-22
Motion for 1-23
Opening 1-12
Recess 1-13

**SUPPORT ENFORCEMENT OFFICER**
Services by 25-67

**SUPREME COURT**
See generally **APPELLATE PROCEDURE**

**TERMINATION OF PARENTAL RIGHTS**
See **JUVENILE MATTERS**

**THIRD PARTY**
Impleading in civil action 10-11

**TRANSCRIPT, APPELLATE PROCEDURE**
Electronic 63-8A
Ordering and filing 63-8
Rectification, motion for 66-5
Statement concerning, filing with appeal 63-4 (a)
Amendment 63-4 (b)

**TRANSFER OF ACTIONS** 12-1—12-3
Small claims to regular docket 24-21
Wrong court, appeals brought to 65-4

**TRIALS IN GENERAL**
See also **ASSIGNMENT FOR TRIAL—CIVIL**; **EVIDENCE**; **JURIES—CIVIL**; **JURIES—CRIMINAL**; **VERDICT**
Briefs 5-1
Page limitations 4-6
Civil actions, consolidation for trial 9-5
Counsel
Argument by 15-5—15-7
Criminal trials, time limits 42-37
Failure to appear by, sanctions 5-10
New trial, motion for 17-4A
Order of parties proceeding 15-5
Order of trial of issues 15-1
Public, exclusion
Expedited review of order 77-1
From civil proceedings 11-20
From criminal trials 42-48
Question of law that may be subject of appeal, raising 5-2
Separate trials 15-2

**UNEMPLOYMENT COMPENSATION**
Appeals from employment security board of review
Filing and form of appeal 22-1
Finding of board 22-3
Correction, motion for by appellant 22-4
Additional evidence, filing by appellee 22-5
Decision of board, challenge to 22-8
Duty of board 22-7
Motion by appellee 22-6
Hearing, assignment for, privileged status 22-2
Record 22-1
Time limit 22-1
Court, function on appeal 22-9

**VERDICT**
Civil actions
Acceptance of 16-31
Communication with jurors prohibited 16-14
Deliberations by jury 16-16



© Copyrighted by the Secretary of the State of the State of Connecticut

**VERDICT** — (Cont)
Civil actions — (Cont)
Directed verdict, reservation of decision on motion for 16-37
Discharge of jury 16-33
Impeachment of verdict 16-34
In excess of amount in demand 16-19
Judgment on verdict 16-13, 17-2
Jury interrogatories 16-18
Memorandum of decision by trial court 64-1, 64-2
Motion for directed verdict, reservation of decision on 16-37
Polling jury after verdict 16-32
Postverdict motions: additur, arrest of judgment, remittitur, set aside verdict, new trial, collateral source reduction 16-35
Reduce verdict, motion to 16-36
Reduction by judicial authority 16-19
Return of jury for reconsideration 16-17
Return of verdict 16-30
Setting aside, memorandum on 16-38
Criminal matters
Acceptance of verdict 42-30
Acquittal
Judgment of following guilty verdict 42-51
Motion for directed verdict of abolished 42-40
Motion for judgment of 42-40
After guilty verdict 42-51
After mistrial 42-50
At close of evidence, reservation of decision on 42-42
At close of prosecution's case 42-41
Time limit for filing 42-52
Communication with jurors prohibited 42-8
Deliberations by jury 42-21
Directed verdict of acquittal, motion for abolished 42-40
Discharge of jury 42-32
Impeachment of verdict 42-33
Inability of jury to reach verdict 42-45
Lesser included offense, modification of verdict 42-51
Memorandum of decision by trial court 64-1, 64-2
New trial, time limit for motion following verdict 42-54
Polling jury after verdict 42-31
Return of verdict 42-29
Submission of facts to jury 42-20

**VICTIM**
Inquiry concerning during presentence investigation 43-4
Participation at sentencing 43-10
Statement of at dispositional hearing, delinquency, family with service needs or youth in crisis 30a-6

**VOIR DIRE**
See **JURIES**

**WARRANT**
See **ARREST AND PRELIMINARY CRIMINAL PROCEDURE**

**WITNESSES**
Absent witness, missing evidence 14-24
Child witness, juvenile matters 34-3
Discovery concerning, criminal cases 40-13
Examination of 5-4
Oath, administration of 5-3
Expert, appointment by judicial authority in family matters 25-33
Experts, criminal cases 40-18—40-20
Experts, disclosure of 13-4
Fees
In several suits 18-10
Nonresident witnesses 18-9
Witness not called 18-11
Sequestration, criminal cases 42-36
Small claims 24-23

**WORKERS' COMPENSATION APPEALS**
Applicability of appellate rules 76-1
Case file, exhibits 76-3
Definitions 76-6
Fees and costs 76-4
Filing appeal 76-2
Reservation of case for appellate decision 76-5

**WRITS OF ERROR**
Generally 72-1
Appellate rules, applicability of 72-4
Assignments of error 23-50
Copy of record not to be taxed in costs 18-6
Form 72-2
Procedure applicable 72-3
Withdrawal 63-9



© Copyrighted by the Secretary of the State of the State of Connecticut

# APPENDIX OF FORMS

## Table of Contents

101 Heading of Pleadings, Motions and Requests . . . . . 457

201 Plaintiff's Interrogatories . . . . . 458
202 Defendant's Interrogatories . . . . . 462
203 Plaintiff's Interrogatories—Premises Liability Cases . . . . . 468
204 Plaintiff's Requests for Production . . . . . 470
205 Defendant's Requests for Production . . . . . 471
206 Plaintiff's Requests for Production—Premises Liability . . . . . 473



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 101

**Heading of Pleadings, Motions and Requests**

No.

_____ Superior Court

(First Named Plaintiff)

Judicial District of *(or)* G.A. No.

v. _____

at _____

_____ _____

(First Named Defendant) (Date)

_____

(Name or Designation of Pleading or Motion)

(P.B. 1963, Form 249; P.B. 1978-1997, Form 105.1)



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 201

**Plaintiff's Interrogatories**

| | |
|---|---|
| No. CV- | : SUPERIOR COURT |
| (Plaintiff) | : JUDICIAL DISTRICT OF |
| VS. | : AT |
| (Defendant) | : (Date) |

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, _____, under oath, within thirty (30) days of the filing hereof insofar as the disclosure sought will be of assistance in the prosecution of this action and can be provided by the Defendant with substantially greater facility than could otherwise be obtained.

Definition: ''You'' shall mean the Defendant to whom these interrogatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the incidents alleged in the Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(3) If the answer to Interrogatory #2 is affirmative, state:

(a) the name and address of the person or persons to whom such statements were made;

(b) the date on which such statements were made;

(c) the form of the statement (i.e., whether written, made by recording device or recorded by a stenographer, etc.);

(d) the name and address of each person having custody, or a copy or copies of each statement.

(4) State the names and addresses of all persons known to you who were present at the time of the incident alleged in the Complaint or who observed or witnessed all or part of the incident.



© Copyrighted by the Secretary of the State of the State of Connecticut

(5) As to each individual named in response to Interrogatory #4, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of the Complaint in this lawsuit. If your answer to this Interrogatory is affirmative, state also:

(a) the date on which the statement or statements were taken;

(b) the names and addresses of the person or persons who took such statement or statements;

(c) the names and addresses of any person or persons present when such statement or statements were taken;

(d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;

(e) the names and addresses of any person or persons having custody or a copy or copies or such statement or statements.

(6) Are you aware of any photographs depicting the accident scene, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs taken of each such subject by each photographer, please state:

(a) the name and address of the photographer, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken;

(c) the subject (e.g., ''plaintiff's vehicle,'' ''scene,'' etc.);

(d) the number of photographs.

(7) If, at the time of the incident alleged in the Complaint, you were covered by an insurance policy under which an insurer may be liable to satisfy part or all of a judgment or reimburse you for payments to satisfy part or all of a judgment, state the following:

(a) the name(s) and address(es) of the insured(s);

(b) the amount of coverage under each insurance policy;

(c) the name(s) and address(es) of said insurer(s).

(8) If at the time of the incident which is the subject of this lawsuit you were protected against the type of risk which is the subject of this lawsuit by excess umbrella insurance, or any other insurance, state:

(a) the name(s) and address(es) of the named insured;

(b) the amount of coverage effective at this time;

(c) the name(s) and address(es) of said insurer(s).

(9) State whether any insurer, as described in Interrogatories #7 and #8 above, has disclaimed/ reserved its duty to indemnify any insured or any other person protected by said policy.

(10) If applicable, describe in detail the damage to your vehicle.



© Copyrighted by the Secretary of the State of the State of Connecticut

(11) If applicable, please state the name and address of an appraiser or firm which appraised or repaired the damage to the vehicle owned or operated by you.

(12) If any of the Defendants are deceased, please state the date and place of death, whether an estate has been created, and the name and address of the legal representative thereof.

(13) If any of the Defendants is a business entity that has changed its name or status as a business entity (whether by dissolution, merger, acquisition, name change, or in any other manner) since the date of the incident alleged in the Complaint, please identify such Defendant, state the date of the change, and describe the change.

(14) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether, at the time of the incident, you were operating that vehicle in the course of your employment with any person or legal entity not named as a party to this lawsuit, and, if so, state the full name and address of that person or entity.

(15) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(16) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

PLAINTIFF,

BY_____

I, _____, hereby certify that I have reviewed the above Interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

_____
(Defendant)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Notary Public/
Commissioner of the Superior Court



© Copyrighted by the Secretary of the State of the State of Connecticut

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20____ to (names and addresses of all opposing counsel and pro se parties upon whom service is required by Practice Book Section 10-12 et seq.).

_____
(Attorney Signature)

(P.B. 1978–1997, Form 106.10A) (Amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2005: This form was amended effective Jan. 1, 2005, to clarify specific interrogatories and expand the types of information being requested of defendants.



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 202

**Defendant's Interrogatories**

| | |
|---|---|
| No. CV- | : SUPERIOR COURT |
| (Plaintiff) | : JUDICIAL DISTRICT OF |
| VS. | : AT |
| (Defendant) | : (Date) |

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, _____, under oath, within thirty (30) days of the filing hereof insofar as the disclosure sought will be of assistance in the defense of this action and can be provided by the Plaintiff with substantially greater facility than could otherwise be obtained.

Definition: ''You'' shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Identify and list each injury you claim to have sustained as a result of the incidents alleged in the Complaint.

(3) When, where and from whom did you first receive treatment for said injuries?

(4) If you were treated at a hospital for injuries sustained in the alleged incident, state the name and location of each hospital and the dates of such treatment and confinement therein.

(5) State the name and address of each physician, therapist or other source of treatment for the conditions or injuries you sustained as a result of the incident alleged in your Complaint.

(6) When and from whom did you last receive any medical attention for injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(7) On what date were you fully recovered from the injuries or conditions alleged in your Complaint?

(8) If you claim you are not fully recovered, state precisely from what injuries or conditions you are presently suffering?

(9) Are you presently under the care of any doctor or other health care provider for the treatment of injuries alleged to have been sustained as a result of the incident alleged in your Complaint?



© Copyrighted by the Secretary of the State of the State of Connecticut

(10) If the answer to Interrogatory #9 is in the affirmative, state the name and address of each physician or other health care provider who is treating you.

(11) Do you claim any present disability resulting from injuries or conditions allegedly sustained as a result of the incident alleged in your Complaint?

(12) If so, state the nature of the disability claimed.

(13) Do you claim any permanent disability resulting from said incident?

(14) If the answer to Interrogatory #13 is in the affirmative, please answer the following:

(a) list the parts of your body which are disabled;

(b) list the motions, activities or use of your body which you have lost or which you are unable to perform;

(c) state the percentage of loss of use claimed as to each part of your body;

(d) state the name and address of the person who made the prognosis for permanent disability and the percentage of loss of use;

(e) list the date for each such prognosis.

(15) If you were or are confined to your home or your bed as a result of injuries or conditions sustained as a result of the incident alleged in your Complaint, state the dates you were so confined.

(16) List each medical report received by you or your attorney relating to your alleged injuries or conditions by stating the name and address of the treating doctor or other health care provider, and of any doctor or health care person you anticipate calling as a trial witness, who provided each such report and the date thereof.

(17) List each item of expense which you claim to have incurred as a result of the incident alleged in your Complaint, the amount thereof and state the name and address of the person or organization to whom each item has been paid or is payable.

(18) For each item of expense identified in response to Interrogatory #17, if any such expense, or portion thereof, has been paid or reimbursed or is reimbursable by an insurer, state, as to each such item of expense, the name of the insurer that made such payment or reimbursement or that is responsible for such reimbursement.

(19) If, during the ten year period prior to the date of the incident alleged in the Complaint, you were under a doctor's care for any conditions which were in any way similar or related to those identified and listed in your response to Interrogatory #2, state the nature of said conditions, the dates on which treatment was received, and the name of the doctor or health care provider.

(20) If, during the ten year period prior to the date of the incident alleged in your Complaint, you were involved in any incident in which you received personal injuries similar or related to those identified and listed in your response to Interrogatory #2, please answer the following with respect to each such earlier incident:

(a) on what date and in what manner did you sustain such injuries?

(b) did you make a claim against anyone as a result of said accident?



© Copyrighted by the Secretary of the State of the State of Connecticut

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(21) If you were involved in any incident in which you received personal injuries since the date of the incident alleged in the Complaint, please answer the following:

(a) on what date and in what manner did you sustain said injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(22) Please state the name and address of any medical service provider who has rendered an opinion in writing or through testimony that you have sustained a permanent disability to any body part other than those listed in response to Interrogatories #13, #14, #20 or #21, and;

(a) list each such part of your body that has been assessed a permanent disability;

(b) state the percentage of loss of use assessed as to each part of your body;

(c) state the date on which each such assessment was made.

(23) If you claim that as a result of the incident alleged in your Complaint you were prevented from following your usual occupation, or otherwise lost time from work, please provide the following information:



© Copyrighted by the Secretary of the State of the State of Connecticut

(a) the name and address of your employer on the date of the incident alleged in the Complaint;

(b) the nature of your occupation and a precise description of your job responsibilities with said employer on the date of the incident alleged in the Complaint;

(c) your average, weekly earnings, salary, or income received from said employment for the year preceding the date of the incident alleged in the Complaint;

(d) the date following the date of the incident alleged in the Complaint on which you resumed the duties of said employment;

(e) what loss of income do you claim as a result of the incident alleged in your Complaint and how is said loss computed?

(f) the dates on which you were unable to perform the duties of your occupation and lost time from work as a result of injuries or conditions claimed to have been sustained as a result of the incident alleged in your Complaint.

(g) the names and addresses of each employer for whom you worked for three years prior to the date of the incident alleged in your Complaint.

(24) Do you claim an impairment of earning capacity?

(25) List any other expenses or loss and the amount thereof not already set forth and which you claim to have incurred as a result of the incident alleged in your Complaint.

(26) If you have signed a covenant not to sue, a release or discharge of any claim you had, have or may have against any person, corporation or other entity as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(27) If you or anyone on your behalf agreed or made an agreement with any person, corporation or other entity to limit in any way the liability of such person, corporation or other entity as a result of any claim you have or may have as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(28) If since the date of the incident alleged in your Complaint, you have made any claims for Workers' Compensation benefits, state the nature of such claims and the dates on which they were made.

(29) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the events or happenings alleged in your Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(30) State the names and addresses of all persons known to you who were present at the time of the incident alleged in your Complaint or who observed or witnessed all or part of the accident.

(31) As to each individual named in response to Interrogatory #30, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of your Complaint or alleged injuries. If your answer to this Interrogatory is affirmative, state also:



© Copyrighted by the Secretary of the State of the State of Connecticut

(a) the date on which such statement or statements were taken;

(b) the names and addresses of the person or persons who took such statement or statements;

(c) the names and addresses of any person or persons present when such statement or statements were taken;

(d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;

(e) the names and addresses of any person or persons having custody or a copy or copies of such statement or statements.

(32) Are you aware of any photographs depicting the accident scene, any vehicle involved in the incident alleged in the Complaint, or any condition of injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs taken of each such subject by each photographer, please state:

(a) the name and address of the photographer, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken;

(c) the subject (e.g., ''plaintiff's vehicle,'' ''scene,'' etc.);

(d) the number of photographs.

(33) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(34) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

DEFENDANT,

BY_____



© Copyrighted by the Secretary of the State of the State of Connecticut

I, _____, hereby certify that I have reviewed the above Interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

_____
(Plaintiff)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
Notary Public

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20____ to _____.

_____
(Attorney Signature)

(P.B. 1978–1997, Form 106.10B.) (Amended June 21, 2004, to take effect Jan. 1, 2005.)
COMMENTARY—2005: This form was amended effective Jan. 1, 2005, to clarify specific interrogatories and expand the types of information being requested of plaintiffs.



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 203

**Plaintiff's Interrogatories**
**Premises Liability Cases**

| | |
|---|---|
| No. CV- | : SUPERIOR COURT |
| (Plaintiff) | : JUDICIAL DISTRICT OF |
| VS. | : AT |
| (Defendant) | : (Date) |

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, _____, under oath, within thirty (30) days of the filing hereof insofar as the disclosure sought will be of assistance in the prosecution of this action and can be provided by the Defendant with substantially greater facility than could otherwise be obtained.

(1) Identify the person(s) who, at the time of the Plaintiff's alleged injury, owned the premises where the Plaintiff claims to have been injured.

(a) If the owner is a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your date of birth;

(iii) your home address;

(iv) your business address.

(b) If the owner is not a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your business address;

(iii) the nature of your business entity (corporation, partnership, etc.);

(iv) whether you are registered to do business in Connecticut;

(v) the name of the manager of the property, if applicable.

(2) Identify the person(s) who, at the time of the Plaintiff's alleged injury, had a possessory interest (e.g., tenants) in the premises where the Plaintiff claims to have been injured.

(3) Identify the person(s) responsible for the maintenance and inspection of the premises at the time and place where the Plaintiff claims to have been injured.

(4) State whether you had in effect at the time of the Plaintiff's injuries any written policies or procedures that relate to the kind of conduct or condition the Plaintiff alleges caused the injury.

(5) State whether it is your business practice to prepare, or obtain from your employees, a written report of the circumstances surrounding injuries sustained by persons on the subject premises.

(6) State whether any written report of the incident described in the Complaint was prepared by you or your employees in the regular course of business.



© Copyrighted by the Secretary of the State of the State of Connecticut

(7) State whether any warnings or caution signs or barriers were erected at or near the scene of the incident at the time the Plaintiff claims to have been injured.

(8) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name, address and employer of the person who erected the warning or caution signs or barriers;

(b) the name, address and employer who instructed the person to erect the warning or caution signs or barriers;

(c) the time and date a sign or barrier was erected;

(d) the size of the sign or barrier and wording that appeared thereon.

(9) State whether you received, at any time six months before the incident described by the Plaintiff, complaints from anyone about the defect or condition that the Plaintiff claims caused the Plaintiff's injury.

(10) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name and address of the person who made the complaint;

(b) the name, address and person to whom said complaint was made;

(c) whether the complaint was in writing;

(d) the nature of the complaint.

11-21. (Interrogatories #1 through #9 and #12 through #14 of Form 201 may be used to complete this standard set of interrogatories.)

PLAINTIFF,

BY _____

(P.B. 1978–1997, Form 106.10C.)



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 204

**Plaintiff's Requests for Production**

| | |
|---|---|
| No. CV- | : SUPERIOR COURT |
| (Plaintiff) | : JUDICIAL DISTRICT OF |
| VS. | : AT |
| (Defendant) | : (Date) |

The Plaintiff(s) hereby request(s) that the Defendant provide counsel for the Plaintiff(s) with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff(s) the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of _____ on (day), (date) at (time).

Definition: ''You'' shall mean the Defendant to whom these interrigatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, ''you'' shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

(1) A copy of the appraisal or bill for repairs as identified in response to Interrogatory #11.

(2) A copy of declaration page(s) of each insurance policy identified in response to Interrogatory #7 and/or #8.

(3) If the answer to Interrogatory #9 is in the affirmative, a copy of the complete policy contents of each insurance policy identified in response to Interrogatory #7 and/or #8.

(4) A copy of any photographs identified in response to Interrogatory #6.

(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

(6) A copy of all lease agreements pertaining to any motor vehicle involved in the incident which is the subject of this action, which was owned or operated by you or your employee, and all documents referenced or incorporated therein.

(7) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #17, or a sufficient signed authorization to obtain the same.

PLAINTIFF,

BY _____

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20____ to _____.

_____
(Attorney Signature)

(P.B. 1978–1997, Form 106.11A.) (Amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2005: This form was amended effective Jan. 1, 2005, to clarify specific requests and expand the types of materials being requested of defendants.



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 205

**Defendant's Requests for Production**

| | |
|---|---|
| No. CV- | : SUPERIOR COURT |
| (Plaintiff) | : JUDICIAL DISTRICT OF |
| VS. | : AT |
| (Defendant) | : (Date) |

The Defendant(s) hereby request(s) that the Plaintiff provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of _____ not later than thirty (30) days after the service of the Requests for Production.

(1) All hospital records relating to treatment received as a result of the alleged incident, and to injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22, or written authorization to inspect and make copies of said hospital records.

(2) All reports and records of all doctors and all other care providers relating to treatment allegedly received by the Plaintiff(s) as a result of the alleged incident, and to the injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22 (exclusive of any records prepared or maintained by a licensed psychiatrist or psychologist) or written authorization to inspect and make copies of said reports.

(3) Copies of, or sufficient written authorization to inspect and make copies of, the wage and employment records of all employers of the Plaintiff(s) for three (3) years prior to the date of the incident and for all years subsequent to the date of the incident to and including the date hereof.

(4) If a claim of impaired earning capacity or lost wages is being alleged, provide copies of, or written authorization to obtain copies of, that part of all income tax returns relating to lost income filed by the Plaintiff(s) for a period of three (3) years prior to the date of the incident and for all years subsequent to the date of the incident through the time of trial.

(5) All property damage bills that are claimed to have been incurred as a result of this incident.

(6) All medical bills that are claimed to have been incurred as a result of this incident.

(7) All bills for each item of expense that is claimed to have been incurred in the answer to Interrogatory #18, and not already provided in response to ¶5 and ¶6 above.

(8) Copies of all documentation of claims of right to reimbursement provided to the Plaintiff by third party payors, and copies of, or sufficient written authorization to obtain, any and all documentation of payments made by a third party for medical services received or premiums paid to obtain such payment.

(9) All documents identified or referred to in the answers to Interrogatory #26.

(10) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

(11) Any and all photographs identified in response to Interrogatory #32.

(12) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #35, or a sufficient signed authorization to obtain the same.

DEFENDANT,

BY _____



© Copyrighted by the Secretary of the State of the State of Connecticut

**CERTIFICATION**

This is to certify that a copy of the foregoing has been mailed, this _____ day of _____, 20_____ to _____.

_____
(Attorney Signature)

(P.B. 1978–1997, Form 106.11B.) (Amended June 21, 2004, to take effect Jan. 1, 2005.)

COMMENTARY—2005: This form was amended effective Jan. 1, 2005, to establish a time period of not later than thirty days after service of the Request for Production within which production shall take place and to expand the types of materials being requested of plaintiffs.



© Copyrighted by the Secretary of the State of the State of Connecticut

Form 206

**Plaintiff's Requests for Production**
**Premises Liability**

| | |
|---|---|
| No. CV- | : SUPERIOR COURT |
| (Plaintiff) | : JUDICIAL DISTRICT OF |
| VS. | : AT |
| (Defendant) | : (Date) |

The Plaintiff hereby requests that the Defendant provide counsel for the Plaintiff with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of _____ on (day), (date) at (time).

(1) A copy of the policies or procedures identified in response to Interrogatory #4.

(2) A copy of the report identified in response to Interrogatory #6.

(3) A copy of any written complaints identified in Interrogatory #10.

(4) A copy of declaration page(s) evidencing the insurance policy or policies identified in response to Interrogatories numbered ____ and ____ .

(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

PLAINTIFF,

BY _____

(P.B. 1978–1997, Form 106.11C.)



© Copyrighted by the Secretary of the State of the State of Connecticut