

Practice Book Changes for 2025

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On June 14, 2024, the judges of the superior court adopted amendments to the practice book which became effective on January 1, 2025. The following article is a summary of some of the changes to the Connecticut Practice Book.

The Connecticut Parentage Act

Many of the changes in the Family Law and Juvenile sections of the Practice Book were made to make those sections compliant with the Connecticut Parentage Act which was signed into law in May 2021 by Governor Lamont. The Parentage Act ensures that all families are recognized and protected including those children with unmarried, same-sex or nonbiological parents. The statutory changes can be found at Connecticut General Statutes §§ 46b-450 to 46b-553.

Amendments to the General Provisions of the Superior Court Rules

Sec. 1-4. Family Division: This section was amended to include parentage actions which complies with the requirements of the Parentage Act.

Sec. 2-1. County Court Designations Concerning Bar Admission Process: Revisions in this section change the name of the Judicial District of Fairfield to the Judicial District of Bridgeport and the Judicial District of Litchfield at Litchfield to Judicial District of Litchfield at Torrington.

Sec. 2-13A. Military Spouse Temporary Licensing: This section was modified to add United States Space Force to those branches of United States armed forces.

Sec. 2-27A. Minimum Continuing Legal Education: The changes to this section allow an attorney to satisfy up to two hours of the required hours of continuing legal education by serving as a judge or coach for a high school or undergraduate mock trial or moot court competition if it meets certain requirements.

Sec. 3-10. Motion to Withdraw Appearance: The changes to this section require the attorney filing a motion for permission to withdraw their appearance to inform the party for whom the attorney has appeared information as to whether the hearing will be conducted in person or remotely. If the hearing is held remotely, the attorney must provide the party with any information necessary to access the hearing remotely. If the hearing has not been scheduled at the time that the attorney files and serves the motion and notice, the attorney shall serve the party with a revised notice that provides information about whether the hearing will be conducted in person or remotely.

Sec. 8-1. Process: The one change is this section was made to comply with the Parentage Act and changes the word in (c) to be adjudicate "parentage" versus "paternity."

Sec. 10-13. Method of Service: The changes to this section provide that: (1) electronic delivery of a copy to a self-represented party must be consented to in writing by the self-represented par-





ty; and (2) an attorney or self-represented party who files a document electronically with the court must serve it electronically on any self-represented party who consented in writing to electronic filing and all attorneys who are not exempt from e-filing. The changes also require that any attorney who is not exempt from e-filing is required to accept electronic delivery.

Sec. 13-29. Place of Deposition: The main change to this section provides that the parties, and where applicable the non-party deponent, may agree to the place of the deposition or examination that is different than provided for in the rule.

Sec. 13-30. Deposition Procedure: The primary change in this section allows for remote oath taking and for the court reporter to be physically remote to the witness provided such officer can see, hear and clearly identify the participant to whom the oath is to be administered. Subdivision (2) of subsection (g) was eliminated for consistency concerning the exchanging of exhibits. Since exhibits are not required to be exchanged in advance of in-person deposition, that same procedure should apply to remote depositions.

Sec. 13-32. Agreements regarding Discovery and Deposition Procedure: This section removes the requirement of a written stipulation and replaces it with the allowing the parties to agree, as where and how depositions are going to be taken and modifying the procedures for other methods of discovery.

Amendments to the Family Rules

Many of the family Practice Book rule changes conform the

Practice Book to the now officially adopted Pathways program and the modification of the methodology used to shepherd cases through the family courts.

Sec. 25-1. Definitions Applicable to Proceedings on Family Matters: Removal of the word “paternity,” replaced by the word “parentage” in the definition of “family matters” aligns the scope of family matters with the Connecticut Parentage Act. Subsection (b) has been added so that the rules applicable to family matters requiring the scheduling of a motion or “other matter” on a short calendar, are satisfied by scheduling the motion or other matter for a case date, motion docket or other court event, as long as related time periods specified in the rule are followed.

Sec. 25-3. Action for Custody of Minor Child: While previously the application, order and affidavit regarding an action for custody of a minor child other than in actions for dissolutions, legal separation or annulment, was to be served not less than twelve days before the date of a hearing, this rule change indicates that it shall be served not less than twelve days before a hearing *or other event*, which shall not be more than thirty-five days from the filing of the application. The commentary to the rule change states that the purpose of this change is to recognize that a disputed custody action is often not ready for a hearing on its first court assignment. The addition of “or other event” is to permit the court to assign appropriate events and not run afoul of the rules.

Sec. 25-4. Action for Visitation of Minor Child: This section makes the same changes as **Sec. 24-3**, above. The impetus for



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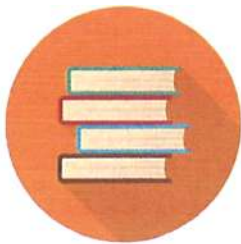
changing from thirty to thirty-five days for the court to schedule an appropriate court event, is that it is a precise five-week period that will now be operative.

Sec. 25-26. Modification of Custody, Alimony or Support: In addition to the same changes made to Sec. 25-3 and Sec. 25-4, this section also adds “or other court event” recognizing as in the other referenced changes above, that the motion for modification is not always “ripe” for hearing when first set down.

Sec. 25-5. Automatic Orders upon Service of Complaint or Application: This section has been revised to remove the case management date. While there is a reference in the commentary to timing being the reason behind the change, the rise of the resolution plan date under Pathways is inconsistent with the case management program that preceded it.

Sec. 25-17. Date for Hearing and Sec. 25-23. Motions, Requests and Orders of Notice: These sections regarding dates for hearing and Short Calendar have been revised to delete the reference to Short Calendar, which as family practitioners know, is not conducted as it was prior to the institution of the Pathways program. A reference to short calendar remains in Sec. 25-26 (g). **Modification of Custody, Alimony or Support** which appears to be an oversight.

Sec. 25-30. Statements to Be Filed: This section changes the time within which a financial affidavit must be filed from five days before the hearing date to five business days before the hearing. At section (b), the time within which proposed orders should be served on each appearing party, but *not* the court when a judicial pretrial, special masters or alternative dispute resolution



session is to take place, has been changed from ten calendar days to five business days. Further, unless the matter is uncontested or the defendant has not appeared, the time within which written proposed orders should be filed with the court and served on each appearing party is revised to be five (5) business days before the hearing or trial instead of ten (10) days.

Sec. 25-34. Procedure for Short Calendar: This section has been repealed.

Sec. 25-34A. Scheduling of Motions: Subsec. (a) provides that a *pendente lite* motion—unless scheduled pursuant to subsec. (c) of the Rule—is automatically scheduled for the next case date held in the action (Sec. 25-50A) or if no future case dates are to be held, for the time of trial. Further scheduling possibilities are addressed in subsec. (c) of this Rule. Subsec. (a) further requires each party to provide to the other party *and* to file, at least five *business* days before a case date, a notice listing the party's pending motions the party wishes to pursue at the case date in the order of priority that the party wishes motions to be heard. If a party fails to file the list as required or files a motion less than five business days before the case date, the motion(s) will not be heard unless the court allows the motion(s) to be heard because the interests of justice would be served by hearing them and the nonmoving party will be caused no substantial prejudice.

Subsec. (b) of new Rule 25-34A dictates that each Judicial District hold a regular *pendente lite* motion docket at least once each month. Subsec. (b) allows the judicial authority discretion in determining whether to place the motion on the calendar, unlike in the pre-Pathways days when motions appeared on the Short Calendar and could be marked ready as a matter of right. If an appearing party requests that a motion be placed on the motion docket and that request is granted, this subsection provides that oral argument or the presentation of evidence shall be allowed.

Subsec. (c) lays out the procedure for scheduling *pendente lite* motions, other than Chapter 13 motions. A party may request that a motion be placed on the motion docket, orally when the parties are before a judge or by filing a Caseflow Request (JD-FM-292) and using the appropriate portion of the form to do so. The Rule provides that a party is entitled to request that a motion be placed on a motion docket before a resolution plan date.

Section (c)(3) lays out factors the court may consider in acting on a request to place a motion on the motion docket and subsec. (c)(4) allows the court to set a date certain for matters that will require more than one hour of court time. Absent the granting of a timely request for a continuance, the withdrawal of the motion, or an agreement on the motion in advance, parties are required to appear and proceed to hearing on the assigned motion docket.

The court is permitted also to assign any other motion for

hearing on the motion docket. Subsec. (c)(6). Oral argument and evidence are allowed on Chapter 13 and other nonarguable motions at the court's discretion. The procedure for objecting to such an assignment is set out in subsec. The court may consider the same factors as are set forth in subsection (c) for the placement of arguable motions on a docket and may assign the motions on a case date, motion docket or other determined date. Failure to appear and present argument on the date set constitutes a waiver of the right to argue, absent ruling by the court otherwise or unless the parties appeared on the date set and entered into an agreement for a scheduling order and a date certain for hearing that was approved and ordered by the court.

Post-judgment motions that "do not relate to emergency *ex parte* relief" will be assigned a resolution plan date and if an additional post-judgment motion is filed in the same case before the resolution plan date is held, it will be scheduled for the same resolution plan date. If an additional post-judgment motion is filed in the same case after the resolution plan date is held but before the court hearing date on the original motion, the subsequent motion shall be scheduled for the same hearing date as the original motion. The section ends with the statement that "Nothing in this subsection shall preclude the court from issuing an order on the resolution plan date."

Sec. 25-49. Definitions: This section revises the definition of Parenting Disputes" to reference "parentage" instead of "paternity."

Sec. 25-50. Case Management: This section is repealed and replaced with **Sec. 25-50A. Case Management under Pathways:**

This Section begins: The Pathways approach shall be followed and shall include: Subsection (a) provides that a resolution plan date shall be assigned in dissolution of marriage or civil union, legal separation and annulment cases and that it shall be assigned no less than 30 and no more than 60 days from the return date. In custody and visitation cases, it shall be set in accordance with the relevant **Sec. 25-3** and **Sec. 25-4** and in all cases shall include a meeting with a family relations counselor to identify how likely the parties are to reach an agreement on any disputed issues, on what issues the parties agree and the resources that are needed to resolve the case. The family relations counselor will recommend an action plan for the case, including assignment to one of three tracks, A, B, or C in relationship to the level of anticipated necessary court time and resources. Failure to appear on the resolution plan date or to follow the requirements related to the resolution plan date, may result in sanctions or the entry of a nonsuit, default or dismissal. The court shall make a scheduling order on the day of the resolution plan date that may include but is not limited to the assignment of a track, future court dates and future



required steps that the parties must take between court dates.

Subsection (e) states in a Track B or Track C case, the scheduling order may include but is not limited to one or more of the following: (1) one or more case dates, for consideration of issues to be addressed before the final trial date; (2) assignment of motions to a motion docket; (3) a pretrial date; (4) a trial date; and (5) a discovery schedule. Should the parties not follow the scheduling order, the court may impose sanctions or dismiss the case. The court may enter temporary orders on the resolution plan date or on any pending pleading if the parties' consent or the judicial authority decides to do so.

Subsec. (b) of this Rule requires parties except in cases "seeking only visitation," to file sworn financial affidavits on or before the resolution date.

Subsec. (c) discusses the procedure for obtaining a judgment if the defendant does not appear, and subsec. (d) provides for the method for an uncontested matter to proceed to judgment.

Subsec. (f) provides the pretrial procedure, details what the parties must exchange with each other at least five business days before the scheduled pretrial and "submit" simultaneously to the "authority presiding over the pretrial." This section at (3) states what must be included in a financial affidavit and at (4) states that if there are minor children that the parties must complete an agreed upon child support guidelines worksheet, or separate worksheets, if they cannot agree. The parties must be prepared to provide any supporting documentation needed at the pretrial. The commentary to this section states that the Rule aligns with the statutory Pathways provisions referred to in the Rule.

Sec. 25-51. When Motion for Default for Failure to Appear Does Not Apply and Sec. 25-53. Reference of Family Matters: These sections remove defunct terms and at Sec. 25-51 adds in a reference to Sec. 25-50A and Connecticut General Statutes § 46b-67.

Sec. 25-68. Right to Counsel in State Initiated Parentage Actions: This section removes the word "paternity" and replaces it with "parentage" and conforms the verbiage of this section to conform with the provisions of the Parentage Act.

Amendments to the Family Support Magistrate Rules

Sec. 25a-8. Order of Notice: The revision to this section complies with the requirements of the Parentage Act, Public Acts 2021, no. 21-15 by changing the wording in the statute from "paternity" to "parentage."

Sec. 25a-17. Motion to Open Judgment of Parentage (Paternity) by Acknowledgement: The revisions to this section comply with the requirements of the Parentage Act. The word "paternity" has been replaced by the word "parentage." Section (d) of this section adds that "If the judicial authority determines that the

moving party has met the burden of proof, the acknowledgment of parentage shall be set aside only if the judicial authority determines that doing so is in the best interest of the child, based on the relevant factors set forth in General Statutes Section 46b-475."

Amendments to the Juvenile Rules

Sec. 26-1. Definitions Applicable to Proceedings on Juvenile Matters: The revisions to this section conform to the provisions of the Parentage Act. The changes to this section add several definitional terms that are related to delinquency matters in juvenile court. Definitions of the terms: "youth," "alleged genetic parent," "Clinical Consultation," "Clinical Coordinator," "Forensic Clinical Assessment," "Parent" and "Person presumed to be the parent pursuant to General Statutes Section 46b-488 (a) (3)" have been added.

Sec. 26-2. Persons in Attendance at Hearings: The change to this section add victims' next of kin as well as the victim when discussing who can attend hearings in accordance with C.G.S. § 46b-122 (b).

The following sections all added the word "youth" after the word "child" to be consistent with other sections of the Practice Book.

Sec. 27-1A. - Referrals for Nonjudicial Handling of Delinquency Complaints; **Sec. 27-4.** - Additional Offenses and Misconduct; **Sec. 27-4A.** - Ineligibility for Nonjudicial Handling or Diversion of Delinquency Complaint; **Sec. 27-5.** - Initial Interview for Delinquency Nonjudicial Handling Eligibility; **Sec. 27-6.** - Denial of Responsibility; **Sec. 27-7.** - Written Statement of Responsibility; **Sec. 27-8A.** - Nonjudicial Supervision - Delinquency; **Sec. 29-1.** - Contents of Delinquency Petitions or Informations; **Sec. 30-3.** - Advisement of Rights; **Sec. 30-4.** - Notice to Parents by Juvenile Residential Center Personnel; **Sec. 30-5.** - Detention Time Limitations; **Sec. 30-6.** - Basis for Detention; **Sec. 30-7.** - Place of Detention Hearings; **Sec. 30-8.** - Initial Order for Detention; Waiver of Hearing; **Sec. 30-10.** - Orders of a Judicial Authority after Initial Detention Hearing; **Sec. 30-11.** - Detention after Dispositional Hearing; **Sec. 30-12.** - Where Presence of a Detained Child or Youth May Be by Means of an Interactive Audio Device; **Sec. 30a-6.** - Statement on Behalf of Victim; **Sec. 31a-5.** - Motion for Judgment of Acquittal; **Sec. 31a-5.** - Motion for Judgment of Acquittal; **Sec. 31a-11.** - Motion for New Trial; **Sec. 31a-13.** - Take into Custody Order.

Sec. 30a-1. Initial Plea Hearing: Section (b)(5) has been added to ensure that the judicial authority advises the child or youth that he or she has the right to appeal any final decision made by the court.

Sec. 30a-5. Dispositional Hearing: The changes to this section are made to be consistent with other sections of the Practice Book. The main change to this section incorporates the requirements of C.G.S. § 46b-140(g). Section (c) has been added which sets forth that



the court must review a predispositional study and service memorandum prior to entering a dispositional order of probation with placement in a secure or staff secure facility. The section also outlines the findings that the court must make prior to entering such an order. In addition, subsection (d) has been added that the child or youth may remain in a residential facility for up to eighteen months depending on the child's or youth's progress in treatment.

Sec. 31a-14. Physical and Mental Examinations: Clinical coordinator was added to the list of professionals identified who may perform physical and/or mental examinations. Subsection (c) requires that a written assessment or evaluation for the need for hospitalization and evaluation be completed by a clinical coordinator and provided to the court before an order can enter for the child or youth's placement.

Sec. 32a-1. Right to Counsel and To Remain Silent: This section was modified to include the additional language from C.G.S. § 46b-488 (a)(3) to include the person presumed to be the parent or a person named as the alleged genetic parent of the child or youth.

Sec. 33a-2. Service of Summons, Petitions and Ex Parte Orders: This section was amended to comply with the Parentage Act to require that service of a summons, or petitions for termination of parental rights shall also be served on alleged genetic parents and persons presumed to be the parent pursuant to C.G.S. § 46b-488.

Sec. 33a-3. Venue: This section was revised to conform to the provisions of the Parentage Act, to replace the word "mother" with "birth parent."

Sec. 33a-4. Identity of Alleged Genetic Parent Unknown: Location of Respondent, Person Presumed To Be the Parent Pursuant to General Statutes § 46b-488 (a) (3) or Alleged Genetic Parent Unknown: This section was revised to conform to the language and requirements of the Parentage Act by adding the provision "person presumed to be the parent pursuant to General Statutes Section 46b-488 (a) (3) and the alleged genetic parent" in places where notice must be given.

Sec. 33a-6. Order of Temporary Custody; Ex Parte Orders and Orders to Appear: This section has been revised to conform to the provisions of the Parentage Act by adding language that includes persons presumed to be the parent or the alleged genetic parent.

Sec. 33a-7. Preliminary Order of Temporary Custody or First Hearing; Actions by Judicial Authority: This section adds language that conforms to the Parentage Act by including the language, "the person presumed to be the parent pursuant to General Statutes Section 46b-488 (a) (3) and persons named as the alleged genetic parent." There is also a new provision which provides that the clerk shall send the original acknowledgement of parentage or

a certified copy of any judgement adjudicating parentage to the Department of Public Health for filing in the parentage registry.

The following sections of the Practice Book added the word "youth" after the word "child" to be consistent with other sections of the Practice Book.

Sec. 34a-9. Motion to Dismiss; Sec. 34a-13. Further Pleading by Respondent or Child or Youth; Sec. 34a-14. Response to Summary of Facts; Sec. 34a-23. Motion for Emergency Relief.

Sec. 35a-4. Motions to Intervene: This section was modified by adding the word "law" to those persons related to the child or youth by blood, marriage or law.

Sec. 35a-8. Burden of Proceeding: This section was revised to conform to the provisions of the Parentage Act by adding the following language: "(b) If a parent, guardian, person presumed to be the parent pursuant to Connecticut General Statutes § 46b-488 (a) (3) or a person named as the alleged genetic parent."

The following sections were modified to add the word "youth" after "child" to make them consistent with other sections of the Practice Book.

Sec. 35a-12. - Protective Supervision- Conditions, Modification and Termination; Sec. 35a-12A. - Motions for Transfer of Guardianship; Sec. 35a-14. - Motions for Review of Permanency Plan; Sec. 35a-14A. - Revocation of Commitment; Sec. 35a-18. - Opening Default; Sec. 35a-19. -Transfer from Probate Court of Petitions for Removal of Parent as Guardian or Termination of Parental Rights; Sec. 35a-22. - Where Presence of Person May Be by Means of an Interactive Audiovisual Device; Sec. 35a-23. - Child's or Youth's Hearsay Statement; Residual Exception.

Amendment to the Criminal Rules

Sec. 40-13B. Notice by Prosecuting Authority of Intention To Use Prior Uncharged Sexual Misconduct Involving a Person Other Than the Victim in Sexual Assault Cases: This new rule requires the state to provide detailed pretrial notice of its intent to introduce evidence of prior uncharged sexual misconduct, bringing Connecticut into alignment with the federal rules and several states that allow such evidence. ■

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