

2022  
CONNECTICUT STATE  
MARSHAL MANUAL

State Marshal Commission  
Department of Administrative Services  
450 Columbus Boulevard, Suite 1403  
Hartford, CT 06103

November 17, 2022

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# **Introduction**

## **State Marshals**

The Connecticut General Assembly created the state marshal system in 2000 with Public Act 00-99. The current state marshal system replaced a county sheriff system which existed in various forms since colonial times. Connecticut state marshals are statutorily authorized to provide numerous services to the public such as serving civil process (including restraining orders), serving and collecting under postjudgment executions, performing evictions and ejections, and executing capias mittimus warrants. State marshals form an integral part of the judicial system as they provide essential due process notice to parties of court orders, and enforcement of court orders.

State marshals are sworn public officers appointed by the State Marshal Commission. When appointed, state marshals affirm that they will uphold the Constitution of the United States; uphold the Connecticut State Constitution; and faithfully discharge their duties according to law. State marshals are authorized to perform only those duties specifically granted by statute. While actually engaged in these duties, a state marshal is considered a peace officer. As officers holding a position of public trust, state marshals must perform their work within the highest professional standards of competency and integrity. State marshals are independent contractors, responsible for running their own offices and keeping detailed client and financial records.

State marshals are subject to professional standards of conduct set forth in Regulations of State Agencies § 6-38b-6.

## **State Marshal Commission**

The Connecticut General Assembly, in Public Act 00-99, also created a State Marshal Commission (“Commission”). The Commission is statutorily charged with appointing, training, and providing oversight of state marshals. Chapter 78 of the Connecticut General Statutes sets forth the laws covering the state marshal system. Pursuant to General Statutes § 6-38b, the Commission consists of eight members appointed by specified executive, judicial and legislative branch authorities. In 2009 the Commission became part of the Department of Administrative Services (“DAS”) for staffing purposes. Despite being within DAS, the Commission retains independent decision making authority.

The Commission meets periodically throughout the year to conduct business under its statutory mandate. The Commission has adopted regulations which include state marshal professional standards of conduct. The Commission investigates violations of the standards of conduct and, upon a finding of probable cause, convenes Oversight Committee hearings pursuant to the Uniform Administrative Procedures Act.

The Commission oversees the appointment and training of state marshals, sets a restraining order duty rotation, conducts/facilitates audits of marshal client fund accounts,

and sets administrative policies and procedures for the efficient and fair operation of the state marshal system.

The Commission may be contacted at:

Department of Administrative Services  
State Marshal Commission  
450 Columbus Boulevard  
Suite 1403  
Hartford, CT 06103  
Phone: (860) 713-5372  
Fax: (860) 622-2938  
Website: [das.ct.gov/statemarshal](http://das.ct.gov/statemarshal)

## **State Marshal Advisory Board**

Pursuant to General Statutes § 6-38c, there is a State Marshal Advisory Board consisting of twenty-four state marshals. Annually, state marshals in each county elect a certain number of their members to serve one-year terms on the Advisory Board. The Advisory Board meets periodically throughout the year to discuss issues important to state marshals.

The Advisory Board appoints two members to serve as ex-officio (non-voting) members of the Commission. The ex-officio members provide important and critical input to the Commission on legislative, legal, policy and disciplinary issues, and other matters relevant to state marshals.

## **Complaint Process**

Complaints against state marshals are initiated by filing a written complaint on a commission form and signing the form under penalty of false statement. The person filing the complaint is known as the Complainant. The Commission, in its discretion, may initiate an “*In Re*” complaint based on a referral from a court, state agency, law enforcement, or other official authorities. The Commission may also independently commence an *In Re* complaint where appropriate, such as when a marshal fails to pay the statutory annual fee, or acquire requisite liability insurance.

A complaint will not be processed where a state marshal’s underlying behavior or act took place two or more years prior to the Commission’s receipt of a signed complaint form. Complaints, or individual counts thereof, containing alleged acts or omissions by a state marshal which occurred over two years prior to the day a signed complaint was received by the commission will be administratively dismissed. The Commission reserves the right to initiate an “*In Re*” complaint against a state marshal without any such time restriction.

Complaints against an inactive state marshal will normally be stayed until such time as the state marshal has returned to an active status.

Each complaint received is initially reviewed to determine if it falls within the Commission's jurisdiction. If the complaint is not against a state marshal; does not allege that a state marshal violated the State Marshal Standards of Conduct articulated in Regulations of State Agencies § 6-38b-6, or otherwise took actions for which the Commission may impose discipline pursuant to Regulations of State Agencies § 6-38b-8, the complaint will be administratively dismissed without prejudice. If a complaint was administratively dismissed, the Complainant is not precluded from resubmitting the complaint to assert additional allegations which would if true, constitute a violation of the Standards of Conduct or otherwise trigger the Commission's jurisdiction.

If the complaint states a claim within the Commission's jurisdiction, it will be docketed and assigned a file number. The Commission staff will forward a copy of the same to the state marshal (called the Respondent). The marshal is required under the Standards of Conduct to cooperate with the Commission's investigation of the complaint, including filing a written response. Regulations of State Agencies § 6-38b-6 (14). When the Respondent submits a written response to a complaint, the Complainant is sent a copy and may file a supplemental submission. Once the Complainant files a supplemental submission, the Commission generally does not accept additional materials from the Complainant and anything submitted will be returned to the Complainant without review. If a hearing is held, once the hearing is scheduled, the Complainant and Respondent may submit additional evidence and exhibits.

If the Complainant files a supplemental submission, the Respondent has an opportunity to submit a supplemental response. Once the Respondent files a supplemental submission, the Commission generally does not accept additional materials from either party and anything submitted will be returned to the sender without review (as noted above, if a hearing is held, once it is scheduled then the Complainant and Respondent may submit additional evidence and exhibits). If the situation warrants or more information is required, the Commission may make additional inquiries, or conduct further investigation.

The Commission reviews complaint files in due course, generally in the order in which they are received, at a public meeting (generally held monthly). The Commission first considers whether to dismiss the matter, or find probable cause for an Oversight Committee hearing to be held at a later date. Both the Complainant and Respondent will receive notice of the meeting at which the Commission is considering the matter pursuant to General Statutes § 1-200 (6) (A). These meetings are public and the agenda is made available to the public pursuant to the Freedom of Information Act. While anyone may attend the meeting, neither the Complainant nor the Respondent (or anyone else) is given the opportunity to address the Commission or to supplement the record.

The Commission discusses complaint probable cause during an executive session because the subject matter involves performance and evaluation of a state marshal.

Respondents may request in writing that the probable cause discussion take place on the public record. After consideration, the Commission votes on the public record to take the action it deems appropriate - either voting to dismiss the complaint, or to find probable cause and assign the matter to an Oversight Committee public hearing docket. Oversight Committee public hearings are held in accordance with the Uniform Administrative Procedures Act (UAPA).

If the Commission decides to dismiss the matter, the Complainant and Respondent will receive a letter stating the same. This decision is final, the Commission does not reconsider its decision to dismiss a complaint.

If the Commission finds probable cause, the Complainant and Respondent will receive a copy of the Commission's findings. Notice will be sent to the Complainant and Respondent at least 10 days before a hearing date. Oversight Committee hearings are public and recorded. The Oversight Committee will consist of one or more hearing officers that are Commission members. Generally, the Complainant is not required to appear at the hearing. If the Complainant does not appear, this absence is weighed by the Oversight Committee in rendering its proposed decision. The Respondent is required to appear. The Respondent (and Complainant, if present) will be asked to present testimony under oath.

After its hearing, the Oversight Committee issues a proposed decision, which will be considered by the full Commission at one of its meetings. The proposed decision and a notice of the meeting will be provided to the Complainant and Respondent prior to the meeting. A Respondent that is adversely affected by the decision will be afforded the opportunity to file exceptions and present briefs and oral argument to the Commission. Note that, at this juncture, no new facts may be presented to the Commission.

The Commission's discussion of a proposed decision is conducted during executive session as it pertains to the performance and evaluation of the marshal. The Respondent may request in writing that the proposed decision discussion take place on the public record of the meeting. The Commission's final vote will be on the public record. The Commission may vote to adopt the proposed decision as its final decision or may vote to amend the proposed decision. Once the Commission adopts a final decision, the decision is mailed to both Complainant and Respondent. If the decision is adverse to the Respondent, they may request that the Commission reconsider the final decision and/or appeal the matter to the Connecticut Superior Court pursuant to the UAPA.

Complaint files are maintained by the Commission in accordance with the state records retention policies. Complaint files are public records and are accordingly, to the extent they are not exempt under law, accessible to the public pursuant to General Statutes § 1-210.



## SUMMARY SUSPENSION POLICY

Pursuant to State Marshal Commission Regulations Section 6-38b-8(a), an emergency suspension of the appointment of a state marshal by the State Marshal Commission can take place and shall be in accordance with the process contained in section 4-182(c) of the Connecticut General Statutes, (Uniform Administrative Procedures Act).

Under Conn. Gen. Stat. Sec. 4-182(c), if the State Marshal Commission finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a state marshal's appointment may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

To implement this power, the State Marshal Commission can act through the Chairperson, or if not available, the Vice Chairperson, or any other Commissioner, or the full Commission, if circumstances so warrant. The assistance of the Administrative Office of the State Marshal Commission, or other resources deemed necessary, shall be available to implement the issuance of the order, and any further proceedings. Once issued, the order will be sent by certified mail, regular mail, and if possible by facsimile, and e-mail, to the state marshal with an effective date of the order of the summary suspension.

Within seven (7) days of the effective date of the summary suspension order an evidentiary hearing on the status of the summary suspension will be afforded the state marshal by at least one of the Marshal Commission members, who will act as hearing officer(s). The hearing officer can rule on the record, or within 48 hours of the evidentiary hearing, whether the summary suspension order should be ended, remain in place, or on whether any other actions are deemed appropriate. Any order of the hearing officer will be noticed as noted above.

If the summary suspension order is ended then the matter can be reviewed in the complaint process of the Commission in due course. If the summary suspension remains in effect, the State Marshal Commission will expedite the complaint process of the underlying matter for a prompt determination.



# **FINANCIAL INSTITUTION EXECUTIONS**

# Summary

## Definitions

A Financial Institution Execution (commonly referred to as a “bank execution”) is a court order that allows a judgment creditor, through a levying officer (state marshal or constable), to collect on a judgment directly from the judgment debtor’s bank account. Generally, when a judgment debtor fails to pay off a judgment, a judgment creditor can apply to the clerk of court to issue a bank execution. Under this type of execution, the state marshal serves the bank and then the bank pays the marshal any non-exempt funds in the judgment debtor’s account (if any) up to the judgment amount plus interest (if awarded) and fees. The state marshal then turns over the collected funds, minus the state marshal’s fee, to the judgment creditor to pay down the judgment amount.

The following procedures refer to bank executions involving natural persons. Executions involving non-natural persons and executions based on tax warrants have their own, similar procedures. While this manual provides some basic information about bank executions, the procedures are set forth more completely in the Connecticut General Statutes.

## Service

A state marshal must serve a bank execution within seven days of receipt. To do so, the state marshal must make a demand in person for the execution amount, including the judgment amount, post-judgment interest ordered (if indicated on the execution), and the state marshal statutory fee, from a bank which has its main office in the state marshal’s county, or if no such main office, then on a properly designated employee at a properly designated branch of the bank located within the state marshal’s county. Note that, where the state marshal commenced the underlying civil action in their county, that state marshal may serve a post-judgment execution, including a bank execution, in another Connecticut county. *See* Out-of-County State Marshal Work subsection of the Civil Process section of this manual.

The state marshal should obtain information about the judgment debtor from the client or attorney including the names of banks where the debtor is suspected to have an account and/or the account number, if available. Note that the marshal is not obligated to research potential banks for the creditor and is not required to accept a bank execution where the judgment creditor has not provided information about the debtor. In addition, while the marshal may accept an execution without information about the debtor’s bank accounts and may attempt collection within the statutory timeframe, the bank may question an execution if there is not sufficient identifying information about the account holder.

By statute, a state marshal shall not serve more than one bank per judgment debtor at a time. After making a demand, the state marshal must serve a properly endorsed, true and attested copy of the execution, and an affidavit and exemption claim form (JD-CV-24a), on the bank officer upon whom the demand was made. In support enforcement matters, the marshal must also provide an affidavit signed by the marshal attesting that there is an overdue support amount of five hundred dollars or more which accrued after the entry of an initial family support judgment.

The state marshal must provide the bank with certain information about the execution. This is typically done by providing a cover sheet. The marshal should provide the name of the judgment debtor, the execution balance, post-judgment interest (if ordered and noted on the execution), the state marshal's fee, and the \$8.00 statutory fee due to the bank if monies are actually removed from the judgment debtor's account. The marshal should inform the bank that it must distribute any monies from the judgment debtor's account directly to the marshal and not to the judgment creditor, or an attorney. After service, the marshal must provide a return which identifies each bank to which the marshal has made a successive demand. *See* sample form included at the end of this section. It is helpful to include boxes on the return in which the marshal can list the bank served and/or in which the bank may provide information including its stamp when responding to the marshal's demand.

**Fee:** The state marshal's statutory fee is currently 15% of the total amount of the execution, including the judgment amount and any post-judgment interest ordered by the court. For example, if the judgment amount is \$1,000 and there is no post-judgment interest ordered, the state marshal fee will be \$150. Accordingly, the total execution amount to be collected will be \$1,150. If the bank distributes \$1,150 to the marshal from the debtor's account under the execution, the marshal should forward \$1,000 to the judgment creditor and retain \$150 for the marshal fee. Note however, that if the amount collected is less than the total execution amount, the marshal may only collect the 15% fee on what was actually collected under the execution. In addition, the marshal should calculate their fee without including the fee in the base sum of the execution, so that the marshal is only taking 15% of the judgment/interest amount and not also taking a fee on the 15% state marshal fee.

Using the previous example on a \$1,000 judgment amount, if the bank distributes \$800 to the marshal, the marshal should forward \$695.65 to the judgment creditor and retain \$104.35 (15% of \$695.65) as a fee. The judgment amount would then be reduced by \$695.65 leaving \$304.35 remaining on the judgment. The judgment creditor would then have to apply to the court for a new execution on the remaining (\$304.35) judgment.

The marshal may only collect a fee when funds are collected. A state marshal may not collect an administrative fee or mileage in addition to the 15% statutory fee. If the marshal collects funds under an execution, but the amount collected is so nominal that it does not provide for a \$50 fee, the marshal may seek a one-time \$50 minimum fee under the statute.

**45-Day Cycles:** After service of an execution on one bank, the serving officer (state marshal) may not serve the same execution or a copy thereof upon another bank until receiving confirmation from the first bank that the judgment debtor had insufficient funds available for collection to satisfy the execution. Once service is made within the seven-day period *and* the bank confirms to the state marshal that for an appropriate reason there are no funds or no available funds—such as there being no account or no or little money in an account—the state marshal may make additional, sequential demands on different banks, one bank at a time. Such additional, sequential demands must be made within 45 days from the date the state marshal received the execution. A state marshal is not obligated under law to make successive demands and, after receiving confirmation from the initially served bank that no funds were available for collection, can prepare a return indicating that the execution was unsatisfied. A marshal may not make a demand on an additional bank until receiving confirmation from the previously-served bank that there were no (or insufficient non-exempt) funds at that bank. This prevents the marshal from potentially over-collecting on the judgment by receiving payment from more than one bank which cumulatively exceed the execution amount. The marshal should send a prompt return reporting to the judgment creditor on each bank served, the bank’s response, whether and how much money was collected (if applicable), and whether the execution was unsatisfied, partially satisfied, or fully satisfied. Any funds collected must be timely distributed with the return.

**Fully-Satisfied Executions:** If the bank distributes funds that fully satisfy the demand amount (including the judgment amount, post-judgment interest, and the marshal fee), the marshal should prepare a return for the client designating that the execution was fully satisfied. At this point, the marshal’s duties as to this judgment will have concluded.

**Unsatisfied Executions:** If the bank confirms that there are no applicable accounts or no or insufficient funds, the marshal should prepare a return indicating that the execution was unsatisfied. As noted above, with client consent, the marshal may continue to serve the execution on subsequent banks within a 45-day period. In addition, once the initial 45-day period has concluded, if the execution is still unsatisfied, the client may re-use the execution by authorizing the initial state marshal to start another 45-day period of serving new, successive banks. The client may also provide the execution to another marshal to serve on new, successive banks within a new 45-day period.

Under federal law, an execution involving a judgment debtor who is a natural person may not be re-served on any bank that has already been served with that execution. A marshal may only serve a served bank again if the court issues a new execution. *See* Code of Federal Regulations Title 31, Part 212: Garnishment of Accounts Containing Federal Benefit Payments.

**Partially-Satisfied Executions:** If the initial 45-day cycle results in a payment from the bank which partially satisfies the execution amount, the execution ends. Unlike with unsatisfied executions, no re-service of a partially-satisfied execution is permitted in subsequent 45-day cycles. Instead, the state marshal must provide a return so that the

client can obtain a new execution from the court for the remaining judgment amount. The marshal must note the partial satisfaction on the original execution and on their return.

Federal Exemptions: Certain federal benefits (Social Security, Veteran's benefits, certain Federal railroad benefits, and certain Federal retirement benefits) cannot be withdrawn from an account to satisfy a bank execution. On the initial service, the bank is required, within two days, to complete a two-month lookback (account review) to determine if there are any federally exempt funds in an account. Excess funds beyond the protected benefits are still subject to the execution and other claims of relevant exemptions. *See* Code of Federal Regulations Title 31, Part 212: Garnishment of Accounts Containing Federal Benefit Payments. This Regulation does not apply if the United States is having the execution served, or if a state's child support enforcement agency is having the execution served.

## **Manner**

The judgment creditor or their lawyer must calculate the total amount due for court approval. State marshals may not collect post-judgment interest unless the box on the original execution for court-ordered post-judgment interest is checked by the Court. Interest is set by statute. For many types of civil matters the interest rate is 10% annually. As noted above, the state marshal will add their fee, which is 15% of the sum of the execution and post-judgment interest (if applicable). There is also an \$8.00 bank processing fee if there is money to be removed from an account.

Once the state marshal makes a demand on a bank and the execution has been served, the bank is required, by its "midnight deadline" (midnight of the next banking day), to remove and hold any non-exempt funds or funds not subject to particular security interests. Under statute, the bank must send the judgment debtor and any secured parties a copy of the execution, the affidavit, and an exemption claim form by mail. The bank must then hold the funds for 15 days from the date of this mailing. As noted above, the bank is also required to complete an account review for protected federal deposits. If the debtor, or secured party, does not file a claim in court, the bank will release the funds to the state marshal. The state marshal then deducts their fee and distributes the execution money to the judgment creditor in accordance with General Statutes § 6-35.

If the debtor or secured party sends the bank an exemption request, the bank, within two days of receipt of the request, must notify the clerk, and the court will set a hearing date on the exemption. The bank will then hold the funds for 45 days from the date the bank received the exemption notice from the debtor or secured party, or court order, whichever is earlier. The bank may also, on its own claim that certain funds are statutorily exempt, give such notice to the judgment creditor. The judgment creditor may then ask the court for a hearing. If the 45-day period runs without a court order regarding a claimed exemption, the bank must return the funds to the judgment debtor's account. If the court orders distribution to the state marshal, the bank will release the funds and the

state marshal should distribute the funds to the judgment creditor in accordance with General Statutes § 6-35 as noted below.

## **Collection**

When all statutory holding periods and all possible court proceedings have concluded, the bank is required to transfer the funds to the state marshal's client fund account before the statutory midnight deadline. The state marshal is empowered by statute to make demand for the money after any stay periods are over. Usually the bank automatically forwards the funds after stays are lifted, but it is incumbent upon the state marshal to track their executions and make demand on the bank if it has not transferred funds. If a bank distributes funds, the state marshal must ensure that the bank is provided the eight dollar statutory fee for the bank's money distribution costs. The judgment creditor is responsible for this sum and can recover it as a taxable cost of the action. The marshal should work with the judgment creditor or the attorney to effect payment of this fee to the bank and may agree with the creditor to deduct the amount from collected funds.

Pursuant to General Statutes § 6-35, State Marshal Commission regulations, and the Audit Policy adopted by the Commission, a state marshal must distribute collected funds to their client within 30 days of receipt, for sums up to \$1,000, and immediately, for sums \$1,000 or more. General Statutes § 6-35 permits the marshal to enter an alternate agreement with a client as to the timing of the distribution of funds. Any such agreement, if entered, should be in writing and should be kept by the marshal.

## **Returns**

When the execution is satisfied in full or in part, the state marshal must prepare a return and send the return and the signed original execution papers back to the judgment creditor or attorney, along with any funds collected on the judgment. With natural person bank executions, the marshal should prepare a return for unsatisfied executions for every 45-day cycle, and the marshal should make arrangements with the client to keep the original execution for successive 45-day cycles. The marshal should note on the return all services on banks and the results thereof. Connecticut General Statutes § 6-32 has a double damage liability clause against state marshals regarding the failure to provide service or a return.

## **Non-Natural Person Executions**

There are no 45-day cycles where the judgment debtor is not a natural person. Note that the marshal must still serve only one bank at a time under this type of execution. The marshal may not serve a successive bank until the previously-served bank

provides confirmation regarding whether or not funds are available. The statute provides that, if there is no response from the bank within 25 days after service, the state marshal may serve another bank. As with natural person executions, the marshal must provide a return reporting on the banks served, responses from the banks, and any funds collected. The return must designate whether the execution was unsatisfied, partially-satisfied, or fully-satisfied. Any funds collected must be timely distributed with the return although, as noted above, the marshal and creditor may agree to a distribution schedule.

As with natural person executions, with non-natural person executions a fully-satisfied execution ends the execution and the fact of the full satisfaction must be noted on the original execution. Unlike with natural-person executions, where the judgment debtor is not a natural person, a marshal may continue to re-serve a partially-satisfied execution on successive banks, one bank at a time, unless a court rules otherwise. Also, unlike with natural person executions, there is no federal restriction on re-service of the execution on the same bank under the Code of Federal Regulations Title 331 Part 2, since the federal benefits protected under those regulations only involve natural person accountholders.

### **Alias Tax Warrants/Bank Executions**

A state marshal may, on behalf of a town tax collector, serve bank executions issued in connection with tax warrants. As with other types of executions, the marshal may serve only one bank at a time for any given taxpayer. A state marshal cannot serve another bank until the first bank sends confirmation to the marshal of no available funds, 25 days pass from a request for information, or there is service of a warrant.

When a state marshal intends to serve a bank with more than 15, and up to 250 individual tax warrants on a given day, the state marshal must, before making service, make a request for information on the bank concerning whether funds exist. A state marshal may, but is not required to send such a request for information where there are less than 15 taxpayers. The request must be made by mail or facsimile to an office designated by the bank and must include: (1) the name and last-known address of each taxpayer who is the subject of the warrant, (2) the address to which the response can be mailed or delivered or a facsimile number to which the response may be transmitted, (3) in the case of a request transmitted via facsimile, the name, address, judicial district, badge number and telephone number of the marshal serving the request, and (4) the following statement:

*To (insert name of financial institution): In accordance with Section 12-162 of the General Statutes of the State of Connecticut, you are hereby commanded to report to (insert name of town or serving officer), at the address or facsimile number specified in this request, whether the financial institution is indebted to the taxpayer or taxpayers listed in this request.*

The bank must respond to the marshal's request for information not later than 5 business days, for requests listing fewer than 100 taxpayers, and not later than 10 days, for requests listing between 100 and 250 taxpayers. By statute, no request for information can include more than 250 taxpayers. Once a state marshal serves a request for information on a bank, they may not serve an additional request for information on that bank until the bank has had an opportunity to respond within the applicable statutory timeframe.

Banks are responsible for making the list of the designated branches for service available to the tax collectors, and they may also file information with the State Marshal Commission. If they fail to provide a designated list the statute provides broader options for service.

Exemptions: Certain property of a judgment debtor is exempt from execution. The most common exemptions for debtors who are natural persons are set forth in General Statutes § 52-352b. It is important for state marshals to be aware of the exempt property rules. Under the law, state marshals may face liability if they collect exempt property under an execution. If a state marshal has doubts about whether certain property is exempt, the state marshal can certify the question of the exemption to the court for a hearing and a determination on the matter.

## **Accounting Procedures and Recordkeeping**

A state marshal is required to abide by specific professional standards when collecting, safe-guarding, and distributing client funds. Money collected under bank executions must be kept in a Trustee/Client Fund Account and handled in accordance with State Marshal Commission Regulations § 6-38b-6 and the Commission Audit Policy. Under General Statutes § 6-38e, the State Marshal Commission is authorized to periodically review and audit the records and accounts of state marshals. Marshals must also submit account reconciliations to the Commission pursuant to the Audit Policy.

## **Service on an Out of State Financial Institution**

Under certain circumstances a state marshal may make service on a financial institution which does not have any main office or branch office in this state, by certified mail, return receipt requested (*see* C.G.S §§ 52-367a, and 52-367b). This procedure may only be conducted in the case of a bank which transacts business on the Internet, and has no physical branch in any Connecticut county. It is advisable that the marshal indicate to the out-of-state bank that service is being made by certified mail pursuant to Connecticut Public Act 19-41.



## Major Statutes/Regulations

There are many statutes/regulations that touch on bank executions. The state marshal should always check with their client, attorney (if applicable), and the statutes if there are any questions about a particular execution. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering bank executions:

- 52-367b Primary statute for executions against natural persons.
- 52-367a Primary statute for executions against non-natural persons.
- 12-162 Alias tax warrants: requests for information/bank executions.
- 36a-42 Authority for banks to disclose information to state marshals.
- 42a-4-104 (a) "Midnight deadline" definition.
- 52-261 (a) (6) State marshal fees under an execution (15% on the amount of the execution; \$50 minimum fee).
- 6-35 Timing for distribution of collected funds (not later than 30 days or collection of \$1,000, whichever first occurs).
- 6-32 State marshal duty to serve and make prompt and true return; liability.
- 52-352a Exempt property lists. Note that wage executions are one of the listed exemptions for bank executions. *See* General Statutes § 52-367b (a).
- 52-352b
- 52-321a
- 52-351b Discovery by judgment creditor (interrogatories).
- 52-397 Examination of judgment debtor. *See* General Statutes §§ 52-46 and 52-46a for service.
- 52-350e Service of process in post-judgment matters.
- 52-362d Support enforcement collection matters.
- 37-3a & 37-3b Post-judgment interest rate for certain civil matters.
- 6-38e Audit authority of the State Marshal Commission.
- 6-38 (d) State marshal must perform work in order to collect a fee.

52-55            Completion of service by another state marshal.

Federal Regulations: Code of Federal Regulations Title 31, Part 212 - Garnishment of Accounts Containing Federal Benefit Payments/And Related Federal Rules and regulations.

## **Forms**

The following is a list of the common forms utilized for bank executions. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most recent form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

JD-CV-24        Financial Institution Execution Proceedings - Judgment Debtor Who Is a Natural Person, Application and Execution

JD-CV-024A    Exemption Claim Form, Financial Institution Execution

JD-CV-024N    Financial Institution Execution Proceedings - Judgment Debtor Who Is Not a Natural Person, Application and Execution

# Capias Warrants

# Summary

## Definitions

A *capias* or *capias mittimus* is a civil arrest warrant issued by the court ordering a proper officer to take an individual into custody for violating a court order or for failing to appear in court after receiving a summons to appear, a subpoena, or a citation. Most commonly, *capias* warrants are issued by a family support magistrate in the context of a child support matter where the individual has failed to appear for a hearing. Note that the subject in these matters is not being arrested for the failure to pay child support, rather the warrant is issued based on a failure to appear in court when summoned.

## Authority

*Capias* warrants can be executed by state marshals, constables (within their town or city), special policemen appointed by the Commissioner of Social Services, and judicial marshals - if in the judicial marshal's custody or inside the courthouse. Indifferent persons are not authorized to execute *capias* warrants. When executing a *capias* warrant, a state marshal is not limited to their county of appointment and is authorized to execute the *capias* warrant anywhere in Connecticut.

## Capias Unit

There is a special unit of state marshals called the *Capias* Unit. To become a member of the *Capias* Unit, a state marshal must complete specialized training on arrests, the use of physical force, and civil liability. *See* Use of Force Policy Section of this manual. State marshals who are members of the *Capias* Unit and have received law enforcement training are best suited to do *capias* work. If a state marshal wishes to join the *Capias* Unit, they must contact the State Marshal Commission office.

State marshals who are not on the *Capias* Unit may not utilize use of force equipment (firearms, batons, pepper spray, or handcuffs) while executing a *capias* warrant. Accordingly, a non-*Capias* Unit marshal may execute a *capias* warrant only where the subject of the *capias* warrant voluntarily cooperates with the execution of the warrant and no actions are needed to execute the warrant beyond the service of the warrant and the consensual actions of the subject.

## Firearms

Under the Commission's Use of Force Policy, a state marshal must receive authorization from the Commission to carry a firearm while conducting official duties.

See Use of Force Policy section of this manual. To obtain this authorization, the marshal must follow certain procedures including passing a psychological examination by a licensed psychiatrist or psychologist, obtaining a Connecticut state permit to carry pistols and revolvers, successfully completing specialized training, and obtaining enhanced liability insurance. Only marshals who are both on the Capias Unit and who have obtained firearms authorization from the Commission may carry a firearm while executing a capias warrant. If a member of the Capias Unit would like to carry a firearm while executing capias warrants, they must contact the Commission to initiate the firearms authorization process.

## **Manner**

While an individual or attorney in the private sector may retain a state marshal to execute a capias warrant, the vast majority of capias warrants executed by state marshals consist of capias issued by family support magistrates in child support matters. In these matters, the state marshal will obtain the capias warrant directly from a local Child Support Enforcement office of the Department of Social Services. Note that generally the court will issue a capias warrant only where the subject failed to appear after being served in-hand with a summons or subpoena.

**Support Enforcement Services Procedure:** The Support Enforcement Services (SES) division of the Judicial Branch has issued a Capias Mittimus Policy and Procedural Guide. State marshals must read the SES division's Policy and Procedural Guide and follow the SES procedures when executing warrants on behalf of SES.

**Law Enforcement Notification:** It is important that, prior to the execution of a capias warrant, the state marshal notify local law enforcement that a capias arrest may be occurring in their jurisdiction. This assures that assistance will be readily available if needed. It also minimizes the potential for confusion by law enforcement as to the state marshal's authority and actions. Contact information for Connecticut State Police can be found on the Department of Emergency Services and Public Protection website.

**Custody:** The State Marshal Commission strongly advises that a state marshal execute capias warrants with at least one other marshal. After identifying the subject of a capias warrant, the marshal will execute the capias by physically taking the person into custody. A state marshal should make a limited, protective search of the arrested subject for weapons that pose a risk to the marshal or to court or correctional facility personnel at the location where the subject is brought. The marshal may utilize handcuffs only if the marshal is a member of the Capias Unit. The court, or family support magistrate, will set an appearance bond upon the issuance of the capias warrant. An arrestee may be released from custody by the proper authorities if the bond is posted. State marshals do not handle the bond work, but may inform the arrestee and/or the arrestee's family members of the bond terms.

Once a state marshal takes the arrestee into custody and secures them in a transport vehicle (if applicable), the marshal must transport the arrestee to the proper authority. The capias warrant will contain a description of where an arrestee should be taken under given circumstances. Generally, if the relevant courthouse is open and operational, the arrestee should be brought directly to the lock-up facility of the court that issued the capias warrant. Upon arrival, the marshal will transfer custody to the judicial marshals at the facility. If possible, the state marshal should avoid bringing the arrestee to a courthouse lock-up facility close to 5:00 p.m., as judges, clerks, and judicial marshals may not be available to handle the transfer. If the courthouse is not open, or the lock-up facility lacks sufficient space, the state marshal must transport the arrestee to a community correctional center within the relevant judicial district, or if none, to the nearest community correctional center. The arresting marshal must remain at the courthouse or correctional facility until the arrestee has been properly transferred.

In situations where a private capias warrant is issued without a bond, such as in small claims matters, the state marshal may be asked to stay with the arrestee in the courtroom until the court proceedings occur rather than transferring custody to judicial marshals. There are also some juvenile courthouses where judicial marshals are not on duty where the state marshal may be asked to stay with the arrested individual in the courtroom until the court proceedings occur.

**Courthouse Protocol:** A state marshal must review and abide by the Judicial Branch's rules concerning courthouse protocol including but not limited to those rules concerning access, security screening, identification, and weapons. The Judicial Branch has issued a summary of its policies. *See Summary of Judicial Branch Policies Concerning Judicial Marshal Services' Interaction With State Marshals* provided at the end of this Section.

**Use of Private Vehicles:** State marshals who use their own private motor vehicles for support enforcement capias work have special indemnity liability coverage under statute. *See* General Statutes § 6-30a. The law provides that the state will cover for financial loss and expenses arising out of claims, demands, or suits against the state marshal for personal injury, or injury to property by, or as a result of the actions of, any person lawfully taken into custody and transported in the private vehicle. This coverage is only available if no judgment is entered against the state marshal for a malicious, wanton, or willful act.

## **Constitutional Issues**

Execution of a civil capias warrant is a form of arrest or seizure which gives rise to both United States and Connecticut Constitutional concerns. The Fourth Amendment to the United States Constitution protects against unreasonable searches and seizures. There is a similar provision in the Connecticut Constitution. Due to these concerns, a state marshal must take considerable care when arresting a subject, particularly when doing so in the subject's residence. A state marshal must obtain consent to enter a

residence to take someone into custody under a capias warrant. A minor cannot give this consent.

It is critically important that any marshal executing a capias warrant read the Attorney General's Formal Opinion 2012-003, circulated via Administrative Bulletin 12-07, included at the end of this section. The opinion covers several constitutional issues, including the necessity of obtaining consent prior to entering a residence and the prohibition on entering a third party's residence while executing a warrant. In addition, it concludes that, while state marshals may pose investigative questions to third parties while attempting to execute a capias, those individuals do not have to answer these questions and the marshal cannot detain these third parties.

The authority to execute capias warrants is civil. The State Marshal Commission does not authorize state marshals to enforce criminal laws.

**Immunity:** As state officials, state marshals are generally protected by qualified immunity which shields government officials from liability for conduct taken within the scope of their official duties. Whether an official qualifies for immunity is evaluated by the court using a reasonableness standard. An official is entitled to immunity if (1) their actions did not violate a clearly established constitutional right; or (2) the official was objectively reasonable in believing in the lawfulness of their actions even if the official violated a clearly established constitutional right. *Connecticut ex rel. Blumenthal v. Crotty*, 346 F.3d 84, 101-02 (2nd Cir. 2003). Note that state marshals are not immune from liability for wanton, reckless, or malicious acts.

## Returns

A state marshal must file a return on the execution of a capias warrant. The return must be prepared in a timely fashion so that the court has the return when the arrestee appears in court, which can be within hours or days of the arrest, depending on whether a weekend is involved. Generally, with SES capias warrants, the state marshal will file the return and their invoice simultaneously at the courthouse. Refer to the SES Capias Processing Procedures manual at the end of this Section.

## Fees

**SES Capias Warrants:** The Chief Court Administrator sets the fees paid for execution of capias warrants on behalf of the Judicial Branch in child support matters. Currently, state marshals are paid a flat fee of \$240 per marshal (and up to \$480 for two marshals) per capias warrant executed. If the marshal executes the capias warrant at a secured facility, the fee is set at a flat fee of \$150, for one marshal only. To receive payment from the Judicial Branch for executing a capias warrant, the state marshal must submit an invoice form to the Accounts Payable Division of the Judicial Branch with "capias" noted at the bottom of the form.

**Private Capias Warrants:** There is no statutory fee set for the execution of private capias warrants. A state marshal may charge a reasonable fee. Such fees should be set between the state marshal and his or her client prior to executing the capias warrant, preferably in writing. Those fees set by the Chief Court Administrator would be considered reasonable for the execution of a private capias.

## **Major Statutes:**

There are many statutes/regulations that touch on capias warrants. The state marshal should always check with their client, attorney (if applicable), and the statutes if the marshal has any questions about a particular capias warrant. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering capias warrants:

- |                     |   |
|---------------------|---|
| 52-143              | Capias warrants issued for failure of witnesses to appear after served with subpoena.   |
| 52-400b             | Capias warrants issued for failure to comply with discovery, turnover or protection orders.   |
| 1-3b                | Subpoena enforcement by Superior Court.   |
| 52-56 (d)           | State marshals can execute a capias warrant <u>anywhere</u> in Connecticut. <u>Note</u> option of proper officer executing a clear and accurate copy of a capias warrant.   |
| 6-30a (b)           | State indemnification when state marshal executes a support enforcement capias warrant using his or her private motor vehicle.  |
| 6-38a (b)           | Right of entry on private property for state marshals in performance of execution. <i>But see Milner v Duncklee</i> , 460 F. Supp. 2 <sup>nd</sup> 360 (D. Conn. 2006) (outlining specific Fourth Amendment rights during residential arrests under capias warrants). |
| 6-32                | General duties of state marshal regarding serving and executing civil process.  |
| 29-1g               | Child Support Enforcement special policemen for capias warrants.  |
| 46b-231 (m) (1) (7) | Family support magistrates authority to issue capias warrants in child support matters.   |



- 46b-215 (a) (8) (C) Support obligations/spousal and child support/capias warrants.
- 17b-745 (a) (8) Persons supported by state/support payment orders/capias warrants.
- 52-50 General civil service of process statute.
- 52-53 Special deputation – may be utilized in extraordinary circumstances only. Execution of capias warrants may not be delegated to a non-marshal.
- 2-46 Capias warrants issued by General Assembly.
- 4-151 Capias warrants issued by Claims Commissioner.
- 54-2a Criminal capias warrants. Note, state marshals are not empowered to execute criminal capias warrants and are only empowered to execute civil capias warrants.

# **CIVIL PROCESS**

# Summary

## Definitions

A writ of summons and complaint (“writ”) is designed to provide reasonable and timely notice to a party of the existence of a civil action, so the party may respond in court in accordance with court procedures. The writ is attached to the complaint, which provides the party with the specifics of the civil action, including the parties, claims, and allegations.

Note: The following discussion uses the service of a writ, which is a form of civil process, as the primary example of civil process. Process and civil process are terms used throughout the statutes to refer to various forms of notice provided to parties to litigation and others interested in the proceeding. Civil process is generally served by state marshals and other proper officers and includes a writ. State marshals make service of process when they serve civil process. Many statutes that do not have their own specific procedures for serving papers often refer back to the general procedures in the statutes governing civil process by indicating that a particular process be served as “service of process,” “as in a civil action,” “as in civil process,” or similar language.

## Authority

A writ must be signed by a commissioner of the Superior Court (i.e. an attorney), a judge, or the clerk of the court where the case is to be returned. Process in general, including a writ, shall be directed to a state marshal, constable, or other proper officer authorized by statute. Indifferent persons can also make service under very specific, limited circumstances listed in Connecticut General Statutes § 52-50.

A state marshal is required to stay within their county to serve civil process, including a writ, unless a specific statute authorizes the state marshal to go outside their county. A limited extension of a state marshal’s powers to act outside their county is outlined in General Statutes § 52-56. In general, if a state marshal commences serving the civil process, including the writ, on a defendant within the marshal’s county, the state marshal can also serve all other defendants in the same action even if they reside outside of the state marshal’s county. A state marshal could also ask a state marshal from a different county to serve the other “out of county” defendants, as long as the individual returns properly reflect such action. Execution work and some designated areas allow for some extension of the county rules. *See* the Out-of-County section of this manual for further information. Note that a state marshal may never physically leave the state of Connecticut to serve process. Some limited types of service are permitted by statute on out-of-state parties by certified mail, postage prepaid, return receipt requested, or publication.

## Duties

General Statutes § 6-32 provides that a state marshal shall receive each process directed to them when tendered, execute it promptly, and make true return thereof. Additionally, without added fees, a state marshal must provide receipts, when demanded, for all civil process tendered to the state marshal, specifying the names of the parties, the date of the writ, the time of the delivery, and the sum or thing in demand. This statute also contains a penalty clause providing that a state marshal who does not duly and promptly execute a return of process or creates a false or illegal return shall be liable to pay double the amount of the damages to the aggrieved party. Violations of this provision can also subject a state marshal to disciplinary action by the State Marshal Commission.

## Timing

A writ must have a return date, which is the date the court uses to calculate procedural deadlines. The individual, attorney, or other authorized person signing the writ picks the return date. By statute, process in civil actions must be returnable to court no later than two months from the date of the process and must have a return date that falls on a Tuesday. General Statutes § 52-48. A state marshal must serve the writ at least twelve days, inclusive, before the return date. The day of service is counted and the first court date is excluded when calculating the twelve days. The original writ, along with the return and filing fee, must be filed in court at least six days before the return day. The return date is excluded when calculating the six days.

Note that the timing is different for matters involving the Supreme Court, summary process actions, and small claims. *See* statute list at the end of this section and other specific sections of this manual.

**Statute of Limitations:** A cause of action will not be lost because of the passage of the statute of limitations if the process is personally delivered to a state marshal within the statutory time frame and the state marshal serves the process within thirty days of the delivery. This is known as the thirty-day rule. The thirty-day rule only applies to a cause of action sounding in torts – it does not apply to administrative appeals such as probate, tax, or zoning appeals.

The phrase “personally delivered” includes delivery by registered or certified mail, postage prepaid, return receipt requested in certain types of matters. The state marshal “shall endorse under oath on such marshal’s return the date of delivery of the process to such marshal.” This is generally done by the state marshal attaching a notarized affidavit of the date of receipt to the return. *See* General Statutes § 52-593a.

## **Manner**

The client provides the state marshal with the original writ, along with copies for each person or entity to be served. The state marshal may charge one dollar per page for copies. Note that this fee is not for photocopying, but, rather, it is for the state marshal's confirmation that the copies are a true and accurate copy of the original document and is not to exceed a total amount of nine hundred dollars. The state marshal serves the copy or copies and gives back the original writ along with their state marshal return to the client, or the court as noted below. A fee can be charged for each defendant as noted below. *See* General Statutes § 52-261.

On each page of the copies where a signature appears that was an original signature on the writ summons and complaint, the state marshal must place an endorsement on that page or pages. The endorsement consists of the notation of: "A True and Attested Copy", the state marshal's name and title, and the state marshal's signature. Some state marshals also endorse the last page to attest to the full document. The state marshal must ensure that their name is legible on endorsements. It is permissible to use a stamp with such information, but the marshal must still sign their original signature (endorsement) to the pages where the stamp is affixed.

When serving an individual, the statutes permit service of a writ by: 1) reading the writ in the presence of the defendant; 2) leaving an attested copy with the defendant, in hand, or 3) leaving an attested copy at the defendant's usual place of abode. The return must contain the address at which the attested copy was left.

Service is usually made in hand or abode. In hand service means that the individual was served in person. Often, the state marshal can make arrangements with an individual to accept in hand service by having the individual meet the state marshal at a particular place. People may be served at their work site; however, it is important to be sensitive to the work environment. Many employers will not allow state marshals to serve papers at the workplace.

Whether a residence constitutes a usual place of abode for service depends on the facts. The courts have indicated that an abode can be a temporary place of habitation, such as a vacation home or even a hotel room under the proper circumstances, as well as the full-time home or domicile. While a person can have more than one usual place of abode, they can only have one abode at any given time. A state marshal needs to verify the validity of the usual place of abode for the purpose of notice. A state marshal attests to the usual place of abode in the return. There is a presumption of truth of the matters stated by the state marshal in the return. Accordingly, a state marshal cannot guess at the usual place abode. It is important for a state marshal to exercise due diligence when assessing whether or not an address is an individual's usual place of abode, either asking questions of the client or other third parties, such as neighbors, delivery people and the like. Third parties do not have to answer questions. Voluntary cooperation is needed in

any such investigation. The Fourth Amendment can apply to state marshal work when obtaining information from third parties. The state marshal may also obtain information by running motor vehicle plates or other identifying information through the Department of Motor Vehicles (DMV) records database. State marshals are granted access to this information through the DMV self-service user portal. To access the self-service user portal, a state marshal must first sign a DMV user agreement.

If the state marshal finds addresses to be invalid and unworkable, the burden is on the client to provide appropriate information. If an individual answers the door and verifies that the person being served lives at the abode, then the papers can be left with the individual at the door.

Minor amendments can be made to the writ or summons with the permission of the client, such as correcting a house number or address. *See* General Statutes § 52-72. Such action is generally only used when there are time constraints on obtaining a corrected writ. Any changes must be duly noted on the return.

When making abode service, a state marshal can slip the papers through a mail slot into a house or under a locked door, or put the papers between the main door and door frame. A state marshal cannot open any main doors or breach the privacy and property rights of an individual by entering an abode. A state marshal can enter a house if invited, but discretion is necessary. If an apartment is part of a complex, a state marshal may attempt to enter the complex to leave the papers on or under the door of the actual apartment by, for example, asking the landlord or neighbor to provide access to the building. The state marshal may not compromise the lock in order to gain entry. Service cannot be left at the main entrance or in the hallway.

Pursuant to General Statutes § 6-38a, state marshals, when making service of process, shall have the right of entry on private property. Note, however, that this does not permit a state marshal to breach the threshold of the home, including the garage, without consent.

As noted above, the state marshal serves the copy or copies and must give the original writ, along with the state marshal return, to the client, or the court if any such arrangement was made with the client.

**Notice by Publication:** In some circumstances a state marshal must prepare a notice by publication. The state marshal should follow the procedure set forth in General Statutes § 52-52, unless otherwise directed by the court. *See* sample format in supplemental forms/returns at the end of this section.

## **Fees**

**Fees on the Return of Service:** The state marshal's fees must be itemized on the return. (*see* General Statutes §52-70). This applies to all services, including *Notices to*

*Quit.* A state marshal may not charge more than the statutory fees for service and may not put more than the statutory fees on the return of service. Fees for the service, copies, endorsements, and mileage should be separately listed on the return. If additional statutory fees are charged, such as postage for registered or certified mail, or fees paid to the Office of Secretary of the State, Department of Motor Vehicles, or other entities, those items must also be listed. The state marshal may not list on a return of service fees that are not authorized (such as time, investigations, rundowns, search fee, etc.) in statute. State Marshals may only charge fees that fees are explicitly enumerated in statute. See *Rioux v. State Ethics Commission*, and Attorney General State of Connecticut Formal Opinion 2008-011.

Service of Process: The maximum fees for civil process are set forth in General Statutes § 52-261, as amended by Public Act 22-26 and General Statutes § 52-261a. The allowable fees are dictated by the type of client for whom the state marshal is serving process, as follows:

1. Serving process for a private client (including clients with fee waivers and restraining orders or civil protection orders that are reimbursed by the Judicial Branch):
  - \$50 for the initial service on a defendant;
  - \$50 for each subsequent service on an additional defendant at a different address; and
  - \$20 for each subsequent service on an additional defendant at the same address.
2. Serving process for the Judicial Branch or Division of Criminal Justice:
  - \$50 for the initial service; and
  - \$50 for each subsequent service on an additional person, except such officer or person shall receive an additional fee of \$20 for each subsequent service of such process at the same address.
3. Serving process for an official of any other state agency, board or commission, or municipality acting in their official capacity:
  - \$50 for the initial service;
  - \$50 for each subsequent service on an additional defendant at a different address;
  - \$20 for each subsequent service on an additional defendant at the same address; and
  - \$20 for service of a notice to the Attorney General in a dissolution and post-judgment proceeding involving a party or child receiving public assistance.

The minimum fees for service of process are designated in Regulations of Connecticut State Agencies § 6-38b-10, which states that a state marshal may not receive a fee of less than five dollars for each service of process.

State marshals do not tender witness fees. *See* General Statutes § 52-260 and the Subpoenas section of this manual.

If more than one process is served on one person at one time by any such officer or person, the total cost of travel for the service shall be the same as for the service of one process only.

A state marshal may not charge a fee if the state marshal does not make service. *See* General Statutes § 6-38d. If a state marshal cannot make service, the state marshal *must* promptly notify their client of the failed service and refund any fees that were paid up-front to the marshal. A state marshal may only charge an additional service fee when serving the same process on the same individual more than once, if the additional service is required under a valid court order.

**Copies:** As noted above, a state marshal may charge one dollar per page for verified copies. This fee may not exceed a total amount of \$900. *See Francis v Fonfara*, 303 Conn. 292, 33 A.3d 185 (2012). The rate for copies of papers served on behalf of others *but paid by the Judicial Branch* (i.e. fee waivers and restraining orders) is also one dollar per page. The rate for copies for papers served *for* the Judicial Branch or the Division of Criminal Justice is one dollar per page. *See* General Statutes § 52-261a.

**Endorsements:** The state marshal may charge fifty cents per page where there is an endorsement pursuant to statute.

**Mileage:** The state marshal may charge for mileage from the place where a writ is received to the place of service, and then from the place of service to the place of return. The amount that can be charged is set by statute (*see* General Statutes §§ 52-261 and 52-261a). The best practice is to use mileage charts or mapping programs to calculate the travel, although automobile mileage gauges are also permissible. The state marshal should keep documentation, such as logs, to support mileage claims. When serving a multiple-defendant writ, a state marshal may not charge round-trip mileage for each defendant served. The statutory mileage calculation is from one service to the next service, to the next service and so on, then from the last service made to the place of return. The mileage calculation is the most direct route from stop-to-stop, regardless of whether the actual services were made on different days. Statutory mileage fees are a lawful fee entitlement – they are not an actual expense reimbursement. If service on a defendant is not made, then mileage for such attempted service cannot be charged on the return of service or as a statutory fee.

**Mileage fees in connection with in-hand services:** Certain fees for attempted in-hand service, in accordance with Public Act 22-26, are an exception to the standard mileage fee rules. State marshals who bill for attempted mileage when seeking to obtain



in-hand service must comply with the requirements of Public Act 22-26, and detailed records must be kept to substantiate such charges.

**In-Hand Service of Process.** In cases in which a marshal is specifically requested by the court or required by law to make in-hand personal service or for services related to issuing a civil restraining order, Public Act 22-26 (“the Act”) provides for additional mileage reimbursement. The state marshal must read the Act carefully, as the exact statutory requirements must be met to allow a marshal to charge this mileage. Under Act, the marshal may receive reimbursement at the state employee mileage rate for each mile of travel for each round trip traveled while attempting to make in-hand personal service. In order to charge such mileage fees, a state marshal must be requested or required to make an in-hand personal service, or the service must be a civil restraining order where successful in-hand service was actually made. The Act provides for the exact calculation of this attempted mileage. Marshals who charge for attempted mileages must ensure they comply with the exact requirements of Public Act 22-26. Such attempted mileage must be computed from the place where the process was received to the place of attempted service, and - if multiple trips to effectuate service are made - back to the place where process was received and then to the place of the subsequent attempt, and then, in the case of civil process, to the place of return. This means a marshal may bill mileage for round trips for each attempt made for in hand service, but only if the exact requirements below are met.

When billing for attempted travel for an in-hand service, the Act requires the marshal to:

1. state in the return of service that in-hand personal service was requested or required, or was made pursuant to a civil restraining order application; and
2. state in the return of service that multiple trips were necessary to make in-hand personal service; and
3. submit a bill stating the *dates, times, and results* of each trip the marshal made while attempting to make in-hand personal service.

There is a presumption of truth of the matters stated by the marshal in the return of service. A marshal’s return is an attestation (swearing to the truth of) to the court regarding the facts and manner of the service of process (C.G.S. § 6-32). It is a state marshal’s duty to both execute process promptly and make a true return thereof.

Marshals who bill for attempted mileage when seeking to obtain in hand service, must comply with the requirements of the Public Act, and keep detailed records substantiating such charges.

Under the Act, there are specific limits when billing the Judicial Branch for attempted round trip travel (such as for the service of a restraining or civil protective order). The Act permits the Judicial Branch to pay such travel *only* when:

- (1) in-hand personal service of process is made pursuant to an application for a civil restraining order or a civil protection order; or
- (2) when specifically ordered by the court or by law to effectuate in-hand personal service (a court order for in-hand) and only when such in-hand personal service is effectuated

The Act limits payment from the Judicial Branch for the cost of attempted round trip travel for in-hand service to three round trips. This *does not* mean three trips must be billed. Up to three trips *can* be billed for a properly documented, and bona fide need to charge for actual attempts to obtain personal in-hand service. However, the Act does not limit the Judicial Branch from paying a marshal a greater amount. If seeking a higher travel greater than three trips, the marshal must specifically petition the court to authorize such a payment.

The Act only permits the Judicial Branch to pay for attempted travel when in-hand service is actually made and the return of service requirements of the Act are met (stating in the return that multiple trips were required to obtain in hand service and recording the dates, times, and results of each trip).

The Act specifically states for a civil restraining order, which was not effectuated in-hand, *regardless* of any attempts to effectuate service in hand, the mileage fee is from the place where the process was received to the place of service, and thence in the case of civil process to the place of return. Only 1 trip can be charged on an abode service.

When the court allows a restraining order applicant additional time to make service under C.G.S. 46b-15(c) {a new extended hearing date}, for purposes of calculating the mileage fee for multiple trips, such extra time will be considered a continuation of the original attempts at service. If the marshal gets the papers back with the new extended hearing date to retry the service, the marshal can charge the court for first attempts, up to three trips, as needed.

The Act also permits attempted mileage charges for in-hand service for any party, including state agencies and municipalities. The same requirements apply: a specific request for in hand must be documented and the marshal's return of service and bill must be properly documented in compliance with the Act.

When service is made for a private party, such as a law firm requesting in-hand service, the attempted mileage is now a statutory fee and must be recorded on the return of service, along with the record of the attempts and results. However, the attempted mileage charges for private parties must be in connection with a service that is specifically requested to be served in-hand. Marshals should ensure that they are keeping detailed records and properly drafting and notating their return of service to ensure they comply with the statute. Questions, complaints, and challenges to such fees may require the marshal to provide documentation substantiating the mileage charges.

**Service of *Lis Pendens* in foreclosure cases:** A state marshal cannot charge multiple service fees for simultaneous service of a *lis pendens* and an underlying foreclosure action. Multiple fees for a single service of a notice of *lis pendens* and the underlying writ are not authorized by law and are therefore improper (see Formal Opinion 2009-009, Attorney General State of Connecticut, which states, "There is simply no justification for charging a separate service fee for an unauthorized service." The Commission can discipline marshals for excessive and unauthorized fees. A marshal can however charge to *record* the *Lis Pendens* in a foreclosure action. Per Public Act 22-26 the marshal fee for recording is \$50 plus costs and mileage reimbursement. There is no permissible charge for pages on a *lis pendens* recording because there are no copies or verification of pages when recording an original document. State marshals who are recording a *lis pendens* in connection with a service of a writ must state so on the return

of service and itemize the fees charged. A state marshal cannot charge a separate service fee per defendant for serving a *lis pendens* in foreclosure actions.

**Illegal Fees:** A state marshal cannot knowingly bill for or receive fees for work that the state marshal did not actually perform. *See* General Statutes § 6-38d. In addition, a state marshal may not charge more than the statutory fees for service. If a state marshal demands or recovers fees in excess of what is permitted by statute or order, the party may receive threefold the amount of the illegal fees that were paid (C.G.S. § 52-70).

A marshal cannot charge more than one service fee per defendant for services made on the DMV, Secretary of State, or U.S. Attorney, and the required mailing(s). It is one service. In the case where a marshal leaves a copy abode and also makes service at the DMV, the service fee is still one service fee.

In the case of a service that requires a subsequent certified mailing to complete the service upon a defendant, it is not proper for the marshal to charge two separate service fees. Such cases constitute one service for each defendant. General Statutes § 52-261 provides that state marshals ‘shall receive a fee’... ‘for each process served’. When a service requires a subsequent certified mailing to be sent, the process is not served unless the mailing is also sent. Therefore, a state marshal may only charge one service fee per defendant. If, under a statute, “process” requires both the service on an agency *and* the mailing being sent, both steps constitute one process and thus only one service fee is proper, not two or more.

Please note however, in cases where an attorney specifically directs a state marshal to make service to a defendant in multiple ways (such as abode service on the same defendant at more than one address), the state marshal is permitted to charge multiple service fees but should include clarifying language on the return of service such as, “at the direction of Attorney Jones, I made additional service”. The direction from the attorney to the marshal should be documented in writing or the multiple addresses clearly shown on the summons.

The state marshal’s fees must be itemized on the return (see C.G.S. § 52-70. This applies to all services, including *Notices to Quit*. A state marshal may not charge more than the statutory fees for service and may not put more than the statutory fees on a return of service. Fees for the service, copies, endorsements, and mileage should be separately listed on the return if charged. If additional statutory fees are charged, such as postage for registered or certified mail, or fees paid to the Office of Secretary of the State, Department of Motor Vehicles, or other entities, those items must also be listed. The state marshal may not list fees on a return of service that are not authorized in statute - such as time, investigations, rundowns, search fees, or any extra fees.

Violations of this section will also subject a state marshal to disciplinary action by the State Marshal Commission.

## **Returns**

Under General Statutes § 6-32, it is a state marshal’s duty to both execute process promptly and make a true return. The return is a legal document in which a state marshal

attests (swears to the truth of) to the court regarding the facts and manner of the service of process. The court essentially obtains jurisdiction through the proof offered in the return. It is imperative that returns are both accurate and returned to the court in a timely manner.

The return must state that service was made in the State of Connecticut and list the county in which the summons was served. The state marshal must then add the notation “ss” (which means signed and sealed) followed by the town name, the date of service, the method of service (in hand or abode) with specific details, including names, agents for service, and any other pertinent information about the service. The address of service must be included if abode service was made. Note that the original papers must be returned with proper endorsements. The state marshal must attest (swear to the truth of) the return and state their title and county. The return must be signed by the state marshal. *See* sample return forms provided in this manual.

The state marshal’s fees must be itemized on the return. Fees for the service, copies, endorsements, and mileage are to be separately listed on the return if charged. If additional items are charged, such as postage for registered or certified mail, or fees paid to the Office of Secretary of the State, Department of Motor Vehicles, or other entities, those items must also be listed. The state marshal should invoice their private clients to collect fees due. If the fees are due from the State of Connecticut, the state marshal must generally use the CO-17 form as a billing invoice. However, if the fees are due from the Judicial Branch, the state marshal must use the State Marshal Services Invoice form. The Office of the Attorney General and other agencies may have their own invoicing requirements. *See* the Invoicing section of this manual.

State marshals’ returns should be typed (as opposed to handwritten) whenever possible. A state marshal should never use the notation “State Marshal/Indifferent Person” on a return. It is not advisable for a state marshal to make service in the capacity of an indifferent person, since it is questionable whether the state marshal’s liability insurance or bonding would provide coverage for the actions of an indifferent person. When operating as an indifferent person, the person is not operating as a state marshal.

In cases where an attorney or client specifically directs a marshal to make service on a single defendant in multiple ways, such as abode service to a defendant at more than one address, the marshal is permitted to charge multiple service fees. The state marshal should notate the return of service with language clearly explaining the directions received such as, ‘*at the direction of the plaintiff’s attorney, I made additional service*’. The attorney’s directions to the marshal should be documented, either in writing or by the attorney clearly listing on the summons the various multiple addresses.

Attach the return to the original writ, or other civil process as relevant, and return the documents to the client or their counsel. The client must then file the documents in court and pay a filing fee to initiate the action. A state marshal may return the documents to the court and pay the filing fee at the direction and consent of the client. Courts may

now require e-filing of most civil summons, whereby the client (or attorney representing the state marshal's client) e-files the papers with the court.

**E-filing:** Where the plaintiff is represented by an attorney, the Judicial Branch now requires e-filing of most civil summons, whereby the attorney must e-file the case initiation documents (including the writ and return) with the court. In an e-filed matter, as with a paper-filed matter, the state marshal serving the writ has two options:

- 1) The state marshal may return the original (state marshal retains a copy of the return for their records) writ and return to the attorney for formatting and e-filing; or
- 2) The marshal may e-file the case initiation documents after authorization by the attorney as a *designated filer*. Under designated filer status, the marshal is permitted limited access to the E-Services system to e-file case initiation documents on the attorney's behalf. The marshal may also pay the filing fee using this designated filer access if authorized to do so by the attorney.

It is not mandatory for a state marshal to be a designated filer and to e-file case initiation documents on behalf of an attorney. The marshal may opt to return the documents to the attorney for formatting and e-filing. It is not mandatory that a marshal pay the filing fee using the E-Services system on behalf of an attorney. The attorney or attorney's employees may access the E-Services system and pay a filing fee after the marshal has up-loaded the case initiation documents. If the marshal pays the filing fee and is seeking a reimbursement, it should be noted on the return and on an itemized invoice sent to the attorney.

At this time, a self-represented party is not permitted to authorize a state marshal to be a designated filer and, accordingly, if a self-represented party opts to e-file the case initiation documents in a matter, the marshal must return the original writ and their return to the self-represented party for formatting and e-filing. See the Judicial Branch website at [www.jud.ct.gov](http://www.jud.ct.gov) and the Civil E-Filing section of this manual for more information.

**Supplemental returns:** When a state marshal is directed to make service by registered or certified mail, it is necessary to file a supplemental return to provide the court with the receipt for the mail, or to inform the court that the envelope was returned as unclaimed. The state marshal should send the supplemental return to the client, or to the court directly if requested by the client. It is important that a state marshal provide the supplemental return to the client as the client may not be able to obtain a judgment or proceed further in their case absent the supplemental return.

**Motor Vehicle Accidents/Service on DMV** If the writ involves a motor vehicle accident where the defendant resident driver/owner can be located, service should be handled in the same manner as in regular civil process.

If the writ involves a motor vehicle accident where the driver/owner cannot be located at the recorded address, or their whereabouts are unknown, the statutes deem the Department of Motor Vehicles as the agent for service of process. The state marshal must make a diligent search for the defendant, then prepare an affidavit of a diligent motor vehicle search, which must be served on the DMV along with the writ. The state marshal must then send the writ and affidavit to the defendant by registered or certified mail, postage prepaid, return receipt requested at the last known address on file with the DMV, along with a return for that defendant reflecting that the DMV has been served at least twelve days before the return date.

A state marshal may not make service on the DMV unless “it is impossible to make service of process at the operator’s last address on file in the Department of Motor Vehicles,” and the action alleges that an injury to a person or property has occurred. *See* General Statutes § 52-63.

The state marshal must make good faith and diligent efforts to make service. The courts have indicated that “impossible” means little likelihood of effective in hand or abode service. The state marshal has to certify on the process that a diligent search occurred, but no service could be made. Sometimes an address does not exist, an individual is no longer there, or the state marshal cannot enter a structure to make service. The attesting to, or affidavit of, a due diligent search is noted on the return. *See* sample return forms at the end of this section of the manual.

If a non-resident (see statute for definition) defendant is being sued over an accident that occurred in Connecticut, the statutes automatically deem the Department of Motor Vehicles as the agent for service. The state marshal serves the DMV and sends a true and attested copy by registered or certified mail, postage prepaid, return receipt requested, to the last known address of the out of state defendant, along with a defendant’s return reflecting that the DMV has been served, at least twelve days before the return date. *See* General Statutes § 52-62.

For specific procedures on the above see General Statutes §§ 52-62 and 52-63. Service on the DMV can be made in a drop off box at the DMV office at 60 State Street, Wethersfield, Connecticut. Under General Statutes § 52-62, a \$20 fee is required for service on the DMV for a non-resident, and, under General Statutes § 52-63, a \$50 fee is required for service on the DMV if the owner cannot be found. The fee is to be paid by a check made payable to the “DMV”. The state marshal must also fill out Department of Motor Vehicles Form J-24, which must accompany the check. *See* the sample forms for Service of Process upon the Department of Motor Vehicles J-24 Rev. 2-2012 at the end of this section.

The state marshal must be careful to avoid “overbilling” situations when making service through the DMV. If a single defendant is simultaneously being served the same papers through both the Connecticut DMV and via certified mail, the marshal can only bill for one service fee, i.e. – the marshal is entitled to bill for one \$50 service fee (not \$100).

State marshals may recover the \$10 fee the state charges for DMV database searches that are conducted using the state marshal self-service user portal.

## **Service on Connecticut Department of Corrections (CTDOC) Staff**

An email account has been set up by CTDOC to facilitate the completion of service of process on CTDOC staff. A state marshal may need to effectuate service on a CTDOC employee in their individual capacity when such service is specifically indicated on the summons or in the complaint. For service on a CTDOC employee in their official capacity, see the *service in lawsuits against the state* section of this manual. The purpose of the CTDOC marshal email address is to assist in identifying CTDOC Staff, their work location, shift, and when they are on duty. The CTDOC personnel monitoring the email account request 24 hours to respond to a state marshal inquiry. This accommodation is only intended to be used to assist in serving CTDOC staff individuals with papers related to legal issues arising out of their role at CTDOC. The CTDOC email address is: [DOC.StateMarshal-Inquiry@ct.gov](mailto:DOC.StateMarshal-Inquiry@ct.gov).

## **Service on Entities**

In Connecticut: For service of a writ and for civil process in general, General Statutes § 52-57 sets forth specific procedures for serving various classes of defendants, including individuals and municipalities, including towns, school districts, boards, and other entities. The statute also sets forth procedures for service on private corporations, partnerships, voluntary associations, and procedures in some child support matters. State marshals need to become familiar with these statutes.

**Corporations:** When dealing with service on various business entities, it is important for the state marshal to discuss with their client the legal nature of the business and the applicable statute for service. In general, service on a private Connecticut corporation is made on authorized individuals as listed in General Statutes § 52-57. Additionally, for Connecticut corporations, General Statutes § 33-663 permits service on a registered agent of a stock corporation and General Statutes § 33-1053 permits service on a registered agent of a non-stock corporation. A registered agent, normally on file with the Secretary of the State's office, is usually an individual or some legally authorized entity that is chosen by the corporation to accept service for the corporation. These sections provide for in hand service on the agent or abode service, if a natural person is the agent. If there is no registered agent, or the registered agent cannot with reasonable diligence be served, the statutes direct that service can be made by registered or certified mail, postage prepaid, return receipt requested to the secretary of the corporation at the corporation's principal office.

A necessary resource for state marshals when they are searching for information on businesses in Connecticut is the Office of the Secretary of the State's Business Records Search database. The state marshal may perform a business search by accessing the Secretary of the State's website and then searching for the business. A state marshal may also call the Office of the Secretary of the State's Commercial Recording Corporation information department. Entities "doing business as" (or "DBA") a name that differs from the name on their tax returns, must file a trade name certificate with the town clerk in the town where they do business – not with the Secretary of the State. Check the applicable town clerk's office for additional information when searching for non-corporation business locations and owners.

Limited Liability Companies or Registered Foreign Limited Liability Companies: Public Act 16-97 (now codified in General Statutes § 34-243r) made significant changes to the way limited liability companies and registered foreign limited liability companies are served with process. Under the Act, service of process may be made on a limited liability company or registered foreign limited liability company (hereinafter "company") by serving its registered agent. General Statutes § 34-243r (a). If the Secretary of State has been appointed as the agent for service of process for a foreign limited liability company, that company may be served by either (1) leaving two true and attested copies of such process together with the required fee at the office of the Secretary of the State or (2) depositing the same in the United States mail, by registered or certified mail, postage prepaid, addressed to said office. General Statutes § 34-243r (b).

If process cannot be served on a company's registered agent, service may be made by handing a copy to the individual in charge of any regular place of business or activity of the company or foreign company if the individual served is not a plaintiff in the action. General Statutes § 34-243r (d).

If a limited liability company or registered foreign limited liability company ceases to have a registered agent, or if its registered agent cannot be served with reasonable diligence, the company may be served by registered or certified mail, return receipt requested, or by similar commercial delivery service, addressed to the company or foreign company at its principal office. The address of the principal office will be that listed on the company's most recent annual report filed by the Secretary of the State. General Statutes § 34-243r (c). For service sent to the company's principal address, service is effected the earliest of the following: (1) The date the company or foreign company receives the mail or delivery by the commercial delivery service; (2) the date shown on the return receipt, if signed by the company or foreign company; or (3) five days after its deposit with the United States Postal Service, or with the commercial delivery service, if correctly addressed and with sufficient postage or payment. General Statutes § 34-243r (c).

Nonresident Individuals, Foreign Partnerships, and Foreign Voluntary Associations: "Foreign" in the context of business entities refers to business entities created under laws other than that of the state of Connecticut. General Statutes § 52-59b outlines procedures for service on nonresident individuals, foreign partnerships, and



foreign voluntary associations. If certain statutory tests are met, then the Office of the Secretary of the State can be deemed an agent for service. Such service is done by leaving one true and attested copy of the papers with the Office of the Secretary of the State at 165 Capitol Avenue, Hartford, Connecticut, at least twelve days before the return date, and by sending to the defendant's last known address, by registered or certified mail, postage prepaid, return receipt requested, a true and attested copy of the papers with an endorsement thereon of the service upon the Secretary of the State. The state marshal must also tender a \$50 check to the Office of the Secretary of the State. There is a drop box at the Office of the Secretary of the State used for any such service.

The state marshal must be careful to avoid "overbilling" situations when making service through the Secretary of State. If a single defendant is simultaneously being served the same papers through both service on the Secretary of State *and* via certified mail, the marshal can only bill for one service fee, i.e. – the marshal is entitled to bill for one \$50 service fee (not \$100).

Foreign Corporations: General Statutes § 33-929 (stock) and General Statutes § 33-1219 (non-stock) outline the procedures for service on foreign corporations. These sections allow for service on a registered agent. A registered agent, normally on file with the Office of the Secretary of the State, is generally an individual or some legally authorized entity that is chosen by the corporation to accept service for the corporation. These sections provide for in-hand service on the agent of abode service, if a natural person is the agent. Effective dates of service are calculated as noted in the statutes.

If there is no registered agent, a state marshal can make service by sending service by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent annual report. If the state marshal cannot locate any valid information and cannot find the registered agent after reasonable diligence (as well as other reasons listed), the state marshal can prepare an affidavit of due diligence and serve the Office of the Secretary of the State.

If the Secretary of the State is chosen as a registered agent, then the state marshal makes service by leaving two true and attested copies of the papers with the Office of the Secretary of the State, or by sending to the Office of the Secretary of the State, by registered or certified mail, postage prepaid, return receipt requested, two true and attested copies with endorsements thereon. The Office of the Secretary of the State will then send the paperwork to the foreign corporation at its last known address. The state marshal must also tender a \$50 check to the Office of the Secretary of the State. There is a drop box at the Office of the Secretary of the State used for any such service.

If the agent of a foreign corporation is involved in an automobile accident in Connecticut, the state marshal should first serve the registered agent. If there is no agent, it is possible to serve the DMV pursuant to General Statutes § 52-62 with an affidavit of diligent search and mail the service out with the affidavit to the last known address on the accident report.

**Note:** It is very important for the state marshal to communicate with their client to clarify what type of business entity is being served so the appropriate statutory procedures can be followed. The above-noted statutes are only the most basic. There are different procedures for other entities, such as limited partnerships and statutory trusts. Additionally, there are several statutes that provide for the involvement of the Office of the Secretary of the State under specified circumstances. State marshals must follow the procedures in the statute that is appropriate for the particular type service. There have been significant changes to the laws involving service on the Secretary of the State when a matter involves a limited liability company. When making service at the Office of the Secretary of the State, the state marshal must note on the papers which statute(s) under which the marshal is making service of process.

**Insurance Commissioner:** There are times when the Insurance Commissioner is an agent for service of process. The circumstances under which the Insurance Commissioner would be served and the procedures for such service of process can be found in General Statutes §§ 38a-25 and 38a-26. The state marshal should serve **two** copies to the Insurance Commissioner, along with a check in the amount of \$50 for each person or insurer to be served. Proof of service will be evidenced by a certificate signed by the Commissioner or by the official designated to receive service of process that shows service was made on them and that they mailed the service to the appropriate person. The Insurance Commissioner will keep a record of the service or file.

**Service in lawsuits against the State:** State marshals can find the general procedures for service of process in civil actions against the state and its various entities (e.g. institutions, boards, commissions, departments, or administrative tribunals thereof, or against any officer, servant, agent, or employee of the state) in General Statutes § 52-64. Service in these matters should be served on the Office of the Attorney General at 165 Capitol Avenue, Hartford, Connecticut, in person or by registered or certified mail, postage prepaid, return receipt requested. Note that when serving the Office of the Attorney General, a state marshal should only serve **one** copy of the writ with the office (even if there are multiple defendants). Accordingly, the state marshal will also charge only one service fee, as opposed to the per defendant service fees.

Where the defendant is an individual, civil process may only be served at the Office of the Attorney General if the defendant is being sued in their *official* capacity. If the individual is being sued in their *individual* capacity, they must be served either in-hand or at abode and the Attorney General will not accept such service. For service on Department of Corrections employees in their individual capacity, see the Service on Connecticut Department of Corrections (CTDOC) Staff section of this chapter. The state marshal should review the face of the writ/complaint to determine whether or not a defendant is being sued in an official or individual capacity. If the status is unclear from the face of the writ, the state marshal should seek clarification from their client. The Office of the Attorney General does not accept service for quasi-public agencies.

Service on Incarcerated Persons: General Statutes § 52-56 permits a state marshal to serve papers on any person confined in a correctional institution located anywhere in the state even if that correctional institution is located outside of the state marshal's county of appointment. *See* General Statutes § 52-56. For service requests received from incarcerated persons to be served against the State, see the preceding subsection regarding Service against the State.

The above review covers the general area of civil process. However, there are numerous statutes that set forth specific service requirements. A state marshal should always check the statutory authority under which they are operating to ensure proper procedures are followed in any given service of process.

## Major Statutes

There are many statutes that touch on the service of civil process. The state marshal should always check with the client, attorney (if applicable), and the statutes if they have any questions about a particular service. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering civil process:

- 52-45a Commencement of civil actions.
- 6-32 State marshal duty to serve and make prompt and true return; liability.
- 6-38a Authority for a state marshal to serve process and make legal executions; authority for right of entry/not personally liable for damages.
- 6-38d Illegal billing (state marshals cannot bill for work they did not actually perform - they may not charge a fee if they did not complete service).
- 52-46 Timing of service (30 days - Supreme Court; 12 days - Superior Court).
- 52-46a Timing of return (20 days - Supreme Court; 6 days - Superior Court).
- 52-48 Return date (Tuesday - except summary process; returnable not later than two months after date of process).
- 52-593a Statute of limitations (30 day rule - action not lost if delivered to state marshal and served within thirty days of delivery).
- 52-50 Persons to whom process shall be directed.
- 52-54 Methods of service - summons.
- 52-261 State marshal fees for serving process.
- 52-261a State marshal fees for work conducted for the Judicial Branch or the Division of Criminal Justice.
- 52-70 Penalty for charging illegal fees (state marshal cannot receive more than their legal fees on civil process).
- 52-52 Orders of Notice (notice by publication); *See also* General Statutes § 1-2.
- 1-2a Definition of the term “postmark.”
- 52-53 Special deputation by state marshal (Extraordinary circumstances-

- See* Special Deputation subsection above).
- 52-55 Completion of service by another state marshal.
- 52-56 Service outside of a state marshal's county. *See also* Capias and Out-of-County sections of this manual.
- 51-15 Small claims matters. *See also* Connecticut Practice Book § 24 and the applicable Small Claims Matters section of this manual.
- 52-57 Manner of service upon individuals, municipalities, corporations, partnerships and voluntary associations.
- 52-57a Service upon a person in another state on someone who has a Connecticut domicile or is subject to the jurisdiction of the court.
- 52-59b Service upon nonresident individuals, foreign partnerships, and foreign voluntary associations (service upon the Office of the Secretary of the State). *See* Review Guidelines for Writs at the end of this section for additional statutory citations regarding writs served on the Office of the Secretary of the State.
- 52-62 Non-resident; motor vehicle accident (DMV).
- 52-63 Connecticut operator/owner, not found at recorded address; motor vehicle accident (DMV).
- 52-64 Service in actions against the State (service on the Office of the Attorney General).
- 52-72 Amendment of process (defective service; amended process shall be served in same manner and shall have same effect, from the date of service, as if originally proper in form).
- 34-243r Service of process on a Limited Liability Company (LLC) or registered foreign limited liability company.
- 33-663 Service of process on a corporation (Connecticut stock).
- 33-1053 Service of process on a corporation (Connecticut non-stock).
- 33-929 Service of process on a foreign corporation (created under the laws of another state or foreign country; stock).
- 33-1229 Service of process on a foreign corporation (created under the laws of another state or foreign country; non-stock).

- 38a-25 & Insurance Commissioner as agent for service circumstances and procedure  
38a-26 for service.
- 52-583 Statute of limitations on actions against state marshal (two years for claim  
of state marshal's neglect or default of state marshal's office or duty).

## **Connecticut Practice Book**

The Judicial Branch issues a Connecticut Practice Book annually. The Practice Book sets forth the rules governing lawyers and judges and the procedures for the Judicial Branch. It is important that state marshals are familiar with the Practice Book, as it contains information regarding service of process.

## **Forms**

The following is a list of the common forms utilized for civil process. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most current form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

JD-CV-001 Summons - Civil

JD-CV-120 Application For Waiver of Fees - Civil, Housing, Small Claims

JD-FM-003 Summons, Family Actions

JD-FM-075 Application For Waiver of Fees/Appointment of Counsel, Family

# CIVIL E-FILING

For most civil matters, certain family matters (dissolution of marriage, legal separation, annulment, and civil union - dissolution, legal separation and annulment), and housing matters filed after October 1, 2015 or March 1, 2016 (depending on the relevant courthouse) e-filing is *mandatory* for parties represented by attorneys and *optional* for self-represented parties. There are some types of matters for which e-filing is not available. For instance, e-filing is not available in certain family matters or in any civil matter where a fee waiver has been granted. Refer to the Judicial Branch website for more information about the types of cases that can be e-filed at this time.

The Chief Court Administrator for the Judicial Branch has issued *E-Services Procedures and Technical Standards* for electronic services offered by the Branch. These services include facsimile filing, e-filing, short calendar markings, small claims and electronic citations. The E-Services system is limited to the following enrolled users:

- 1) Attorneys: enrolled attorneys, law firms, and employees of the law firm under the supervision of an enrolled attorney. E-filing is mandatory for this category of filers for cases where e-filing is available;
- 2) Designated filers: state marshals authorized by an attorney to be a designated filer. Access to the E-Services system for designated filers is limited to e-filing case initiation documents and paying the filing fee on the attorney's behalf; and
- 3) Self-represented parties: self-represented parties may enroll and participate in e-filing where it is available, however it is optional. Self-represented parties may not authorize a state marshal to be a designated filer in order to e-file case initiation documents.

The Judicial Branch has created a *designated filer* status for state marshals to use when e-filing case initiation documents and/or when paying the filing fee on behalf of an attorney. Note that it is not mandatory for a state marshal to be an authorized designated filer for an attorney. Accordingly, a marshal may opt to return the original writ and their return to the attorney for formatting and e-filing. A self-represented party is not permitted to authorize a state marshal to be a designated filer and, accordingly, if the self-represented party opts to use the e-filing system in a matter, the marshal *must* return the original writ and their return to the self-represented party for formatting and e-filing.

If a marshal has been authorized by an attorney as a designated filer, the marshal must register with E-Services and obtain login credentials (User ID and password) that are independent of the attorney's login credentials. The attorney must also login to the E-Services system and authorize the designated filer to e-file the case initiation documents for a particular matter. Any electronic transactions conducted by a designated filer are

presumed to be authorized by the attorney/law firm whose juris number was used by the designated filer.

Only PDF documents may be e-filed. Thus, if a state marshal is a designated filer, they must first scan and format the case initiation documents as a PDF document in order to file them. There are size restrictions for e-filed documents. See the Judicial Branch website for more information. After filing, you will receive an e-filing confirmation page which confirms that the e-filing was successfully uploaded. You should keep a copy of this page for your records. Documents that are e-filed are not screened by the court for content, legibility or other issues. Upon filing, the filer must review a document to confirm it contains the correct case caption and is complete, properly formatted, and legible. If mistakes (such as uploading an incorrect document; uploading an illegible document; or incorrectly entering case data information) are made during the e-filing process, the attorney may make corrections by filing a relevant motion or request.

For all e-filed cases initiated with a return date of January 1, 2010 and later, with the exception of a bond filed in any action, the attorney is not required by the court to keep the original signed paper case initiation documents. A state marshal who is acting as a designated filer should send the original signed documents back to the attorney after filing, along with a copy of their return and the e-filing confirmation page. The marshal should also retain a copy of these documents for their records. The marshal may wish to keep a copy of the e-filed writ.

Attorneys and self-represented parties enrolled in the E-Services system may access the entire content of a file online. State marshals who are designated filers have limited access to the E-Services system and may only view the case initiation documents that they have filed. If you wish to view the entire contents of an e-filed matter, public access to all non-sealed electronic documents in matters pending statewide is available at public access computers in every Judicial District courthouse. You do not have to be in the specific Judicial District courthouse in which the matter is pending to view e-filed items from one of the public access computers. Public access from a location other than a judicial district courthouse is more limited.

The information in this Manual represents a summary and is not a substitute for information available directly from the Judicial Branch. Information about the E-Services system is available on the Judicial Branch website. State marshals who are designated filers should review this webpage periodically to see if there are any changes or updates regarding e-filing policies and procedures.



# OUT-OF-COUNTY STATE MARSHAL WORK

State marshals hold power and authority by virtue of their appointment in one of eight counties in Connecticut. The general rule is that a state marshal may exercise their powers only within the county of appointment (also known as a precinct). There are some limited instances where a marshal has statutory authority to act outside the county of appointment. General Statutes § 52-56 sets forth certain instances where a state marshal may conduct service of process or executions outside the county of appointment as summarized below. Other statutes authorize service by publication or certified mail or, in the case of wage executions, service at an out-of-county address designated by an employer.

**Actions with Multiple Defendants/Garnishees:** Where there are two or more defendants/garnishees in a civil action, and at least one of the defendants/garnishees resides in the state marshal's county, the state marshal may serve the defendant/garnishee in their county and then may go out of their county to serve the remaining defendants/garnishees. *See* General Statutes § 52-56 (b). If a state marshal utilizes this extension of precinct, the returns for the out of county defendants/garnishees should note this extension and state the name and address of the in-county defendant/garnishee served. A state marshal who exercises this authority to work out of their county of appointment should keep a copy of their return or other documentation showing that the state marshal served at least one defendant/garnishee in their county. In this scenario, the state marshal could also serve the in-county defendants/garnishees, and then deliver the process to a marshal in the other county for service on defendants/garnishees in that county. If this option is exercised, all serving marshals must endorse their actions as to the service on the process and the marshal who completes the service shall return the process to court.

When a state marshal is commencing a civil action, they may not go out of their county unless at least one of the defendants/garnishees resides in their county. This means that if all of the defendants/garnishees reside in another county, the marshal may not serve the summons. Service of a summons on the Secretary of the State, the Commissioner of Motor Vehicles, the Attorney General, or the Insurance Commissioner is deemed to be commencing the action in the serving marshal's county, *see* General Statutes § 52-56 (c). If a state marshal first serves the summons on one of these articulated state offices, then that state marshal is permitted to serve any remaining out of county defendants/garnishees.

**Actions Commenced in County:** Where a state marshal has commenced a civil action by serving the writ, summons and complaint on at least one defendant within their county of appointment, they may go out of county to secure property on prejudgment attachments or garnishments, *see* General Statutes § 52-56 (a). The marshal who commenced the action may also subsequently go out of county to execute post-judgment

wage executions, financial institution executions, and property executions ordered in the matter. If a state marshal utilizes this extension of precinct, the return should indicate that the state marshal initiated the action in their county and list the in-county address where the process was initially served. A state marshal who exercises this authority to work out of the county of appointment should keep a copy of their return or other documentation showing where the state marshal commenced the underlying civil action by serving the initial process.

**Service on Certain State Offices:** In any action where process is permitted to be served upon the Secretary of the State, the Commissioner of Motor Vehicles, the Attorney General or the Insurance Commissioner, a state marshal appointed in any county may make such service. *See* General Statutes § 52-56 (c). Service on one of these state offices constitutes commencement of service in that state marshal's county such that they may complete service on other defendants/garnishees residing out of their county.

**Capias Warrants:** A state marshal appointed in any county may execute a capias warrant issued by a court or family support magistrate statewide. *See* General Statutes § 52-56 (d).

**Service on Inmates in Correctional Centers:** A state marshal appointed in any county may serve a person confined in *any* correctional institution or community correctional center located in Connecticut. *See* General Statutes § 52-56 (e).

**Service of Wage Executions on Designated Out-of-County Office:** A Connecticut employer may specifically designate an out of county or out of state office (e.g. a payroll office/or executive headquarters) to receive service of wage executions. In such instances, the state marshal may serve the wage execution on the employer by certified mail, return receipt requested, sent to the designated out of county or out of state office. *See* General Statutes § 52-361a (d), as amended by Public Act 16-64. Note that if a state marshal serves an employer under this provision, the return should so indicate.

# **DEPARTMENT OF MOTOR VEHICLES**

# Summary

## **DMV Self-Service User Portal**

The Department of Administrative Services (DAS), the Department of Emergency Services and Public Protection (DESPP), and the Department of Motor Vehicles (DMV) entered a Memorandum of Understanding (MOU) enabling state marshals to obtain DMV license and registration verification information from DMV via a self-service user portal.

Any state marshal who wishes to utilize the License and Registration Verification Service (“DMV self-service user portal”) must first complete, sign and submit a License Verification Service User Agreement to DMV. Once approved, the state marshal will be issued logon credentials (i.e. - user ID and password). The user ID and password are only to be used by the state marshal. Any state marshal who provides their personal DMV user ID and password to another/unauthorized person is subject to discipline.

**Authorized Use:** DAS, DESPP, and DMV provide this license verification information to state marshals solely for use in the performance of their statutory duties. The license verification information provided is confidential personal information which may not be wrongfully disclosed or used for an unauthorized purpose. If a state marshal wrongfully discloses or uses information received from the DMV, they may be subject to sanctions under both state and federal law as well as discipline by the Commission including but not limited to the revocation of their appointment as a state marshal.

The DMV self-service user portal provides essential information to state marshals in the performance of their statutory duties. A state marshal will most frequently utilize the DMV self-service user portal to obtain the last known address of a defendant motor vehicle operator or owner when making service on the DMV under C.G.S. § 52-63. It is required that a marshal obtain the current DMV listed address before serving the DMV. All state marshals should follow the above procedures and guidelines and be adaptable to any changes that may be required.

State marshals may recover the \$10 fee the state charges for DMV database searches that are conducted using the state marshal self-service user portal. The \$10 fee may only be passed along to the client and entered on the return of service when a successful DMV search was utilized in a bona fide connection with the service of process.

## **State Marshal Address Confidentiality**

Under the provisions of C.G.S. § 14-10, state marshals may furnish their business address and a written request to the DMV commissioner that only their business address

be disclosed or available for public inspection. DMV Form E-224 is currently used for this purpose.

State marshals can become involved in very contentious matters with members of the public, therefore it is recommended that state marshals use a post office box or business address.

### **State Marshal Parking Exemption**

Under the provisions of C.G.S. § 14-290, motor vehicles in the custody and use of a state marshal in the performance of their duties shall be exempt from traffic regulations of any town, city, or borough, including but not limited to regulations concerning the payment of parking meters, so far as such exemption is necessary for the effective enforcement of state laws. Despite the statutory exemption, state marshals may not block fire hydrants, or park in fire lanes or designated handicapped spaces.

# **EVICTIONS (SUMMARY PROCESS)**

# Summary

## Definitions

The first step in the Summary Process (eviction) process is the notice to quit possession. A notice to quit possession is a formal request that a tenant (lessee) or occupant vacate any land, building, house or dwelling unit, apartment, trailer, or trailer land. Essentially, the tenant or occupant has three full days to resolve the condition outlined in the notice to quit, or vacate the premises before formal eviction proceedings are filed in court. Note that the notice to quit is a request that the tenant vacate the property and not a court order requiring the tenant to do so.

A summary process summons and complaint is the document filed by the landlord or owner in court which formally initiates the eviction action. In the writ, summons and complaint the landlord or owner sets forth facts justifying a judgment for immediate possession or occupancy of specific premises and makes a claim for possession or occupancy of that premises. Generally, a service of a notice to quit must be done before the complaint process can be initiated. The General Statutes provide a few exceptions to this rule for where there is illegal use of the premises or a waiver of the notice.

A judgment for immediate possession is entered by the court as the final order after the tenant or occupant fails to appear or plead, or after a trial. There is an automatic stay of a summary process execution for five days, not counting Sundays, legal holidays or the date of the judgment. The tenant or occupant may apply for other stays of execution ranging from three to six months under statute. *See* General Statutes § 47a-37.

A summary process execution for possession (eviction) goes into effect after the five day stay period following the judgment or later if other stays are requested and granted. The execution permits the landlord or owner to take possession of a premises by hiring a state marshal to execute the eviction by removing individuals and their property from the premises. After a clerk signs the execution, the landlord or owner must give the original to a state marshal for service. The state marshal is authorized to serve and execute the eviction in accordance with the statutes.

## Authority

State marshals are empowered under statute to complete the service of the notice to quit, the summary process summons and complaint, and the summary process execution. In addition, they are empowered to conduct the summary process execution (eviction). Note that a notice to quit possession can be served by an indifferent person anywhere in the state, a constable in their municipality, or a state marshal in their county of appointment. The summary process summons and complaint may only be served by a constable or a state marshal within their jurisdiction. Likewise, the summary process

execution for possession may only be served and executed by a constable or a state marshal within their jurisdiction.

## **Manner**

Notice to quit possession: The landlord or owner must sign the notice and list the name and address of all of the tenants (lessees) and/or occupants living in the premises. If the landlord or owner knows that there are adults living in the premises, but does not know their names, the landlord may list “Jane Doe” or “John Doe” on the notice. See the statutes listed below regarding service on unknown individuals. The landlord or owner may leave their own address off the notice and supply that information separately to the marshal. Each person listed on the notice must be served separately by the marshal with a verified true and attested copy of the notice to quit. For residential matters, service may be made in hand or abode. In non-residential matters the notice may be left at a commercial establishment, or with an officer, owner, or person in charge of an office or principal place of business. There must be at least three full days between the date of service and the date on which the occupants must vacate the premises. For example, if the notice specifies a May 20th move out date, service must be made by May 16th. The individual has until midnight of the last date specified to vacate the property.

The landlord or owner must list a reason for the eviction in the notice to quit. While there are several reasons that may be utilized, the most common are for the nonpayment of rent or the termination of a lease for lapse of time. There are special rules regarding timing for service of the notice to quit for certain types of leases. The Judicial Branch has published a guide which outlines specific examples, entitled A Landlord’s Guide to Summary Process (Eviction). That guide is available on the Judicial Branch website. For more information about the Guide or questions about the process, the state marshal should call the individual Housing Court directly.

All housing papers, including notices to quit, must be served with the “Right to Counsel” form in accordance with Public Act 21-34. The notice to quit form has a section at the bottom where the marshal may fill in their return of service. A state marshal may also create their own return. The marshal must return the original notice to quit with the completed return to the landlord or owner. The endorsement process and fee is the same as for civil process.

Summary process writ, summons and complaint: A summary process writ, summons and complaint is served in the same way as a regular civil summons. The landlord or owner must attach the original notice to quit along with the marshal’s return to the summons and complaint. The landlord may also attach a copy of the written lease (if applicable). For residential property, the marshal may make in hand or abode service. For commercial property, the marshal must leave a copy in hand with the person in charge at the commercial premises, the leaseholder, or a registered agent for service, or at the usual place of abode of the leaseholder. Service must be made six days before the return day, and the landlord or owner must file the return with the court at least three full



business days before the return day. State marshal service fees are as in civil service. All housing papers, including the summary process complaint/writ, must be served with the “Right to Counsel” form in accordance with Public Act 21-34.

Motion and order for payments for use and occupancy: A state marshal may be asked to serve a motion and order for payment for use and occupancy with the summary process complaint, wherein the court orders the defendant to deposit money with the court pending the housing court proceedings. *See* General Statutes § 47a-26b. If this motion is served with the complaint, the defendant has five days from the date the defendant appears in court to file an objection.

Summary process execution for possession (eviction): The execution (eviction) occurs after judgment is entered and the statutory stays are over. The execution must be completed within 60 days of the date the order is signed by the court (clerk). State marshals have considerable responsibilities and authority while conducting an eviction. The following list provides an overview of the process however it is important for marshals to familiarize themselves with the applicable statutes.

Fees for Evictions and Ejectments - Public Act 22-26 amended C.G.S. § 52-261, regarding fees payable to state marshals for serving and executing summary process (eviction) judgments and ejectment orders. The service fee includes the scheduling of the removal (contacting the town and moving company). The fee for serving an eviction execution notice on the defendant(s)/occupant(s) and scheduling the removal, is a fee not to exceed \$100 plus mileage to travel to serve the notice. This fee also applies to the service and scheduling of foreclosure ejectments. The fee of \$100 plus travel is the total maximum fee a marshal may charge for processing and serving the execution on all the defendants before a removal.

The statute permits the marshal to charge mileage while traveling to conduct the removal. The same applies for a commercial eviction order or a foreclosure ejectment order. The statute also permits a marshal to charge for the time and expenses of movers, locksmiths, or any other individual(s), in keeping, securing, or removing property and the transportation incidental to an execution or ejectment, provided the marshal submit an itemized bill with the details of these additional costs listed.

The statutes specify that that the plaintiff (landlord) must directly pay the state marshal the statutory fees for the eviction removal. The statutes also permit the landlord to seek recovery of the marshal and mover’s fees for an eviction from the defendant. The landlord would have to bring a separate collection action to do so.

The marshal may collect a deposit upfront from the landlord for cost of the eviction (including mover’s fees) or bill the landlord after the fact. Alternatively, the landlord or owner may contract with the movers independently, however the state marshal (not the landlord) must be in control of the movers during the removal.

A marshal may not charge additional fees beyond those specifically provided for in the statute. If the landlord has pre-paid the marshal a deposit for the eviction, the marshal must only bill the statutory fees and mover's costs against the deposit amount and return any overage to the landlord after the eviction. The marshal should properly document and itemize all charges in a bill.

The state marshal fee for the service of the execution on a summary process judgment is not more than \$100 for service on all defendants plus mileage. In addition, the marshal may charge up to \$100 per hour, and travel to and from the eviction location, for the removal of property under the execution. See General Statutes § 52-261 (b). A state marshal may not charge additional fees beyond those provided for in the statute.

Eviction of tenants – residential property: The eviction of tenants (lessees) and occupants from residential property is outlined in General Statutes § 47a-42. The eviction must be completed within 60 days of the signature on the order.

- a) At least 24 hours before the eviction, the state marshal must give the chief executive office of the municipality where the eviction will occur notice of the eviction, stating the date, time and location of the eviction and a general description, if known, of the types and amount of property to be removed from the premises and delivered to the designated place of storage. Some towns will only do a set number of evictions each week.
- b) Before giving the 24-hour notice to the chief executive officer of the municipality, the state marshal shall use reasonable efforts to locate and notify the defendants (tenants, lessees or occupants) of the date and time of the eviction and the removal and possible sale of their property. The marshal must serve a true and attested copy of the summary process execution on each defendant or other persons in occupancy, in hand or at the place of residence. The notice must advise the defendants that if they claim a right to remain on the premises, they should contact an attorney. The notice must also provide clear instructions as to how and where the defendant may reclaim any possessions and personal effects removed and stored at the designated place of storage, including a telephone number that may be called to arrange release of such possessions and personal effects.
- c) The state marshal must arrange for movers. The state marshal, not the landlord, must be in control of the movers. The marshal is advised to use only bonded, licensed movers for the protection of the marshals, their clients, the municipality and the defendants. The movers will transport the property to the storage facility designated by the chief executive officer of the municipality. Note that the chief executive officer may delegate that authority to the public works division, or another official of the town or city. The state marshal is required to stay on the premises during the course of the eviction and stay with the goods and the movers until they are delivered to the storage facility. The goods are stored for fifteen days at the defendant's

expense at the storage facility. The tenant can come and claim the goods and pay any storage expenses. At the end of fifteen days, the town is authorized to sell the goods at an auction. It is good professional practice for the marshal to create a detailed inventory of all items transported to the town storage facility. The marshal may also want to take pictures of expensive items that were transported. Such an inventory or pictures may be helpful if the marshal is faced with a claim of lost, stolen, or damaged items. As noted above, the state marshal is responsible for informing the tenant how and where they may reclaim the possessions, including providing a telephone number for the facility. The state marshal should provide this information on the execution form.

- d) Once an eviction is properly noticed, tenants are subject to a criminal trespass charge (C.G.S. § 53a-107) if they remain on the premises. The state marshal may exercise discretion when determining whether or not to permit the tenant to take critical items such as medicine and personal papers or other essential items. The marshal should not interfere with the efficient flow of the eviction and may not allow the tenant on the property against the landlord's wishes. The marshal must direct the movers to take the property to the storage facility designated by the town or city. The marshal may not permit the movers to take the goods to a place directed by the tenant, even if the tenant wants to pay for that action. The storage facility may not take items which pose a health hazard or items that are broken or trash. Examples of items the storage facilities will commonly refuse to take include: liquids; flammables; gasoline engines; hazardous materials; alcohol; bathroom or cleaning chemicals; food; bedding to include mattresses, box springs, pillows, sheets, blankets, etc.; soiled items; moldy items; medicines; sharp items like hypodermic needles; fireworks, ammunition; weapons; animal bedding or feed; litter boxes; wet items; paint and batteries. The marshal should contact each storage facility directly to determine its rules regarding storage and the items that are not permitted. The state marshal must exercise reasonable discretion in determining which items to take. The statute directs a marshal to remove the tenant or occupant's "possessions and personal effects". Possessions are typically construed to mean a person's papers, photos, keepsakes and tangible items, not to include consumer or disposable things. Personal effects are typically construed to mean a person's clothing, jewelry and other items worn or kept by the person. Courts have held that the marshal's responsibility is to exercise due care, which a reasonably prudent person would use under the circumstances. It is also advisable that the marshal create a general list of the items which are not taken.
- e) If there are animals present on the property, the state marshal should contact the animal control officer in the town or city. If there are cars or boats or other large unusual items, the marshal should contact the municipality to determine what the proper procedures should be.

- f) While the statute authorizes marshals to remove individuals from the premises, such action is inadvisable. The best professional practice is to seek the assistance of the police in cases involving the removal of an individual. Subsequent to the eviction, the police may charge the individual with criminal trespass (C.G.S. § 53a-107)
- g) General Statutes § 52-261(b), sets maximum fees for the service of process and an hourly rate for the eviction. The movers may be paid by the marshal who will then invoice their client. In the alternative, the client can pay the movers directly. Marshals should work with their clients before the eviction to determine how the movers will be paid.

After conducting an eviction, the state marshal must provide a return. There is space for the marshal's return on the bottom portion of the Summary Process Execution for Possession. Eviction of tenants – commercial property: The eviction of tenants (lessees or occupants) from commercial property is outlined in General Statutes § 47a-42a. This action needs to be done within 60 days of the order signature date.

- a) The state marshal must make reasonable efforts, at least 24 hours before the eviction, to locate and notify the defendants (tenants, lessees or occupants) of the date and time of the eviction and the removal and possible forfeiture property to the landlord or owner. The documents give notice to the individual that if they claim a right to remain on the property they should contact an attorney. The marshal must serve a true and attested copy of the summary process execution on each defendant or other persons in occupancy, in hand, abode or at the commercial property. For particular situations always check with the client and the statutes.
- b) If the defendants (tenants, lessees or occupants) have not vacated, the plaintiff (landlord or owner) in the presence of the state marshal shall prepare, sign and date an inventory of such possessions and personal effects and provide a copy of the inventory to the marshal. The marshal will then attach the inventory to the original eviction papers. The plaintiff must make arrangements to store the goods on the premises or hire movers to remove and store such possessions at the expense of the defendant. Fifteen days after the eviction, if the defendant does not claim the goods and pay storage costs, the defendant forfeits the goods to the plaintiff, who may dispose of the possessions. After fifteen days, the marshal should return the original papers and inventory list to the plaintiff.
- c) While the statute authorizes marshals to remove individuals from the premises, such action is inadvisable. The best professional practice is to seek the assistance of the police in cases involving the removal of an individual. Subsequent to the eviction, the police may charge the individual with criminal trespass.

- d) After conducting the eviction, the state marshal must provide a return. There is space for the marshal's return on the bottom portion of the Summary Process Execution for Possession (nonresidential).

Entry and Detainer procedures: In general, these procedures apply when someone has made forcible entry onto property or otherwise takes possession of the property thus putting a party out of possession. *See* General Statutes § 47a-43. The court will direct to a proper office a hearing notice to be served on the party who has taken possession of the property.

Deceased tenants: In certain circumstances where a tenant has died and is still in possession of a housing unit, the landlord may file the appropriate affidavits and inventories with the local Probate Court in order to petition the Superior Court for an execution to remove the deceased tenant's possession and personal effects via a State Marshal. *See* C.G.S. § 47a-11d.

After the landlord files the proper documents, the clerk opens the summary process file and sends a notice of judgment, and after the appropriate stay of execution expires, the landlord may obtain an execution and a state marshal may remove the possessions and personal effects of such deceased occupant pursuant to such execution and deliver such possessions to a place of storage designated for such purposes by the chief executive officer of the municipality in which the dwelling unit is located.

The execution will be issued as an Execution for Possession- Deceased Tenant/Occupant, Form JD-HM-40. **The State Marshal should communicate with their client to ensure they have the proper information about the next of kin or emergency contact of the deceased tenant, before conducting the eviction.** The marshal must make reasonable efforts to locate and notify the tenant's/occupant's emergency contact, if any, and the next of kin, if known, of the date, time and location of such removal and of the possibility of a sale of the possessions once removed.

Before the possessions and personal effects of a deceased occupant are removed pursuant to an execution, the state marshal charged with carrying out such removal shall give the chief executive officer of the municipality in which the dwelling unit is located twenty-four-hours' written notice of the removal, stating the date, time and location of such removal as well as a general description, if known, of the types and amount of possessions and personal effects to be removed from the premises and delivered to the designated place of storage, and a copy of the inventory previously prepared by the landlord, annotated to indicate any items that have been reclaimed. Before giving such notice to the chief executive officer of the municipality, the state marshal shall use reasonable efforts to locate and notify the occupant's emergency contact, if any, and the next of kin, if known, of the date, time and location of such removal and of the possibility of a sale.

Appointment of Receiver of Rents: Special procedures for service in matters where the court deems it necessary to appoint a receiver because of a noncompliant landlord or owner. *See* General Statutes § 47a-56b.

Ejectment: In matters involving the foreclosure of a mortgage or lien upon land, plaintiffs can seek an execution for ejectment. State marshals are charged with putting the plaintiff in possession of the property in the same manner (described above) as with a residential property summary process execution except that the ejectment notice must be served at least 5 days before the removal date. *See* General Statutes § 49-22. Note that if a tenant takes possession after a *lis pendens* is filed, that tenant needs to be joined as a party to the foreclosure action in order to be ejected pursuant to General Statutes § 49-22 (a).

## Major Statutes

There are many statutes/regulations that touch on evictions and ejectments. The state marshal should always check with their client, attorney (if applicable), and the statutes if there are any questions about a particular eviction. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering evictions and ejectments:

- 47a-11d      Death of tenant. Landlord's remedies. Eviction of deceased tenants.
- 47a-21 (f)    Nonresident landlord must appoint in writing the Secretary of the State as their attorney upon whom all process in any action or proceeding against the landlord may be served.
- 47a-23      Notice to quit possession.
- 47a-23a      Summary process summons and complaint.
- 47a-23b      Service on tenant (lessee/occupant) who is a nonresident or whose whereabouts are unknown. Note deadlines and notice by publication sections.
- 47a-23c      Prohibition on eviction of certain tenants without cause (disabled individuals or those sixty-two years of age or older).
- 47a-26b      Motion for order of payments for use and occupancy.
- 52-261 (b)    State marshal fees.
- 47a-26h      Persons bound by summary process judgment/exemptions.

47a-31	Illegal use of the premises.
47a-35	Stays of execution. <i>See also</i> General Statutes §§ 47a-26i (motion to set aside stay), 47a-37 (applications for stay) and 47a-39 (grounds for stay).
47a-41a	Execution (eviction) on a judgment cannot be issued more than six months after the entry of judgment on the matter; periods of stays excluded.
47a-42	Eviction procedures for residential property.
47a-42a	Eviction procedures for commercial property.
47a-25	Waiver of notice to quit.
47a-11b	Abandoned property; landlord's remedies.
47a-11d	Death of tenant; landlord's remedies.
47a-26a	Service of Judgment for Failure to Plead.
47a-14d	Service procedure for judgment of tenement receivership.
47a-14h	Action by tenant to enforce landlord's responsibilities.
47a-15	Breach by tenant; landlord's remedies.
52-48	Return day.
49-22	Foreclosure ejectment.

## **Forms**

The following is a list of the common forms utilized for the eviction process and mortgage foreclosure ejectments. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most recent form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

- JD-HM-007 Notice To Quit (End) Possession
- JD-HM-008 Summary Process (Eviction) Complaint, Nonpayment of Rent
- JD-HM-003 Claim of Exemption - Summary Process (Eviction)
- JD-HM-032 Summons - Summary Process (Eviction)
- JD-HM-002 Summary Process Execution For Possession
- JD-HM-034 Summary Process Execution for Possession- Nonresidential
- JD-CV-030 Execution for Ejectment, Mortgage Foreclosure
- JD-HM-40 Summary Process Execution for Possession – Deceased Tenant/Occupant



# **Inactive Status / Resignation**

# Summary

## Inactive Status

A marshal who requires a sizeable leave of absence, but who wishes to eventually return to active duty, may apply to the State Marshal Commission to go on Inactive Status (or “Voluntary Temporary Removal” also known as “VTR”) from their appointment in lieu of resignation. Such requests are granted for substantial personal cause (illness, injury, military service, etc.).

Substantial personal cause includes, but is not limited to, illness (either the marshal’s or that of a family member), military duty, temporary political positions, temporary disability, and similar circumstances. Inactive status is not available for marshals who wish to go on an extended vacation or live out of state for a portion of the year. As noted below, inactive status is granted in one-year blocks of time, with the option of earlier reinstatement.

To apply for inactive status, the marshal must submit their request in writing to the Administrative Office of the Commission, stating the reason for the request. Unless additional material is required, or a hearing is needed, the office will mail the marshal an Affidavit for Inactive Status. The marshal must sign the affidavit, have it notarized, and return it to the Commission office. Once the affidavit is returned to the office, the request will be considered by the Commission at its next meeting. The marshal will be notified in writing of the Commission’s decision.

Inactive status is granted in one-year blocks of time. Near the end of this one-year block, the Commission will notify the marshal that the Commission is reviewing the marshal’s status, which may or may not be renewed, depending on the circumstances. Given the voluntary nature of inactive status, the Commission may reinstate a marshal before the one-year time period has elapsed, if the marshal requests such early reinstatement in writing. The Commission will normally routinely approve up to three consecutive one-year blocks of inactive status. After three continuous years of inactive status, the commission may at its discretion vote to approve or deny any further extensions of a state marshal’s inactive status.

Once placed on inactive status, a marshal may not complete any state marshal work and will be taken off the list of active state marshals. During inactive status, annual fees are stayed. The marshal must pay any outstanding annual fees prior to reinstatement to active duty.

A state marshal who continues to collect on existing wage executions during a period of inactive status must maintain current liability insurance with the same minimum coverage limits that active state marshals are required to carry. Inactive state marshals who are not collecting execution proceeds need not carry personal liability insurance

while on inactive status, however, they must provide proof of current liability insurance coverage before the Commission will grant reinstatement to active duty.

If the Commission receives a complaint against an inactive state marshal, the inactive marshal may request the complaint be stayed until the marshal returns to an active status. The Commission may, at its discretion, grant or deny such request to stay the complaint.

## **Resignation**

If an individual wishes to voluntarily retire and/or resign their appointment as a state marshal, they may do so by sending a written request to the Commission office. The office will then send an *Affidavit to Resign State Marshal Appointment* to the requester.

The marshal must sign the affidavit, have it notarized, and return it to the Commission office. Once the affidavit is returned to the Commission office, the request will be considered by the Commission at its next meeting. The marshal will be notified in writing of the Commission's decision. There may be instances in which further action must be taken, such as the Commission's review and final determination of pending complaints, prior to granting resignation.

Unlike requests for inactive status, requests to resign may be granted for any reason and there is no need to establish substantial personal cause. Resignation of the state marshal's appointment constitutes final removal from appointment and cannot be reversed. Once the effective date of the resignation passes, a marshal's appointment is terminated, and the individual may not complete any state marshal work (including collecting under executions) and their name will be removed from the state marshal list.



**SAMPLE  
Affidavit to Resign  
State Marshal Appointment**

I, the undersigned duly depose and say:

2. I am over the age of eighteen and believe in the obligation of an oath.
2. I understand that if my resignation is accepted by the State Marshal Commission, that the Commission will permanently take my name off the official list of state marshals and I will no longer be authorized to do state marshal work.
3. I have chosen not to request a voluntary temporary inactive status (VTR) status based on disability or other substantial personal cause.
4. I will return my state marshal badge and identification card to the Administrative Office of the State Marshal Commission at 450 Columbus Blvd., Suite 1504, Hartford, Connecticut 06103, by [date].
5. I have completed all of my civil process state marshal work, or will have by the effective date of my resignation which will be [date].
6. I will not engage in the future in any work as a state marshal, including but not limited to performing service of process, executing tax warrants, bank executions or wage or property executions.
7. I do not have any client fund account work and have closed my client fund account.
8. I waive my right to have a hearing on my resignation and wish the matter to be resolved on the papers. I understand that I or the Commission can still seek a hearing if the resignation is not resolved on the papers.
9. I would/would not like (**circle one**) to have a replacement retirement badge sent to me.

*I hereby certify that the foregoing statements are true to the best of my knowledge and belief:*

\_\_\_\_\_  
XXXXXXXXXX / \_\_\_\_\_ / \_\_\_\_\_  
SIGNED (Affiant's Signature) Print Name of Affiant County

SUBSCRIBED AND SWORN TO BEFORE ME ON:

DATE \_\_\_\_\_ / \_\_\_\_\_  
SIGNED (Comm. of Superior Court/  
Notary Public) -- My Commission Expires \_\_\_\_\_

# **INVOICING**

# Summary

State marshals are independent contractors who must create their own invoices to bill private citizens. When a state marshal does work for the state, specific invoice forms must be used. If the marshal has questions about a particular state agency's forms or procedures, the state marshal must contact the state agency directly.

*An attorney-at-law, who places a writ in the hands of an officer for service, is personally responsible to the officer for his fees, unless he expressly informs him at the time that he will not be so responsible, or there are circumstances which make it clear that that was the understanding of the parties. Heath v. Bates, 49 Conn. 342 (1881)*

When service is made for a private party, such as a law firm requesting in-hand service, the attempted mileage is a statutory fee and must be recorded on the return of service, along with the record of the attempts and results on the marshal's bill or invoice. However, the attempted mileage charges for private parties must be in connection with a service that is specially requested to be served in-hand. Marshals should ensure they keep detailed records and properly draft and notate their return of service to ensure they comply with statute. Questions, complaints and challenges to such fees may require the marshal to provide documentation substantiating the mileage charges.

Many complaints against state marshals received at the Commission stem from fee dispute misunderstandings. The state marshal should maintain regular and ongoing communication with their clients in an attempt to prevent such misunderstandings.

**Judicial Branch:** When invoicing the state for fee waiver services, service of restraining orders, execution of capias warrants, or other work done for the Judicial Branch, the marshal should use the *State Marshal Services Invoice For Service of Process* form. The state marshal should contact the Judicial Branch directly with questions about filling out the invoice or the appropriate form for any reimbursement claims. Failure to follow the state's requirements for reimbursement claims may lead to rejected claims or delayed reimbursement.

The *State Marshal Services Invoice for Service of Process* form is updated periodically due to mileage rate changes and other changes to the law. It is important that a state marshal utilize the most current version of the invoice or the claim for reimbursement may be rejected by the Judicial Branch.

Most other state agencies utilize the CO-17 form for invoicing. Contact the respective state agency directly about the correct invoice or form to use for your reimbursement claims.

For reimbursement by a probate court, state marshals should utilize the Probate Court Invoice form. State marshals should contact the respective probate court clerk, or Probate Court Administration for billing inquiries.



# **Judicial Marshals/Courthouse Protocol**



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**SUMMARY OF JUDICIAL BRANCH POLICIES CONCERNING JUDICIAL  
MARSHAL SERVICES' INTERACTION WITH STATE MARSHALS**

1. **Metal Detector**
  - A. **Judicial Marshal Policy and Procedure**
    - Pursuant to Judicial Marshal Policy and Procedure, **all individuals** entering a public entrance of a courthouse are to be properly screened by a metal detector or x-ray machine. There are no exceptions to this policy.
  - B. **Expedited Entry for State Marshals**
    - State Marshals, by presenting an active Connecticut State Marshal identification card and State Marshal badge and giving due courtesy to individuals waiting in line, may proceed to the front of the existing line where State Marshals will be properly screened through the metal detector according to Judicial Marshal policy and procedure.
2. **Firearms**
  - A. **Policy of the Superior Court Judges**
    - Peace officers, except Judicial Marshals, State Marshals and adult probation officers, are permitted to carry exposed firearms in the courthouse, when engaged in the performance of their official duties.
    - Unless waived by the judge, firearms must be concealed in the courtroom.
    - Armored car personnel under contract with the Judicial Branch may carry firearms into a courthouse while transporting funds. Such personnel must be accompanied at all times by a Judicial Marshal.
  - B. **Judicial Marshal Policy Concerning Law Enforcement Sign In Sheet**
    - This form is to be signed by law enforcement personnel who are carrying firearms in a courthouse.
    - Since State Marshals are not permitted to carry firearms in a courthouse, State Marshals are not to sign this form.
  - C. **Storage**
    - Judicial Marshal Services will not store firearms for State Marshals.
3. **Other Weapons**
  - A. **Judicial Marshal Policy and Procedure**
    - State Marshals are not permitted to carry into a courthouse any weapons or handcuffs that State Marshals are otherwise authorized to carry (including, but not limited to, conducted energy weapons, pepper spray and batons).

- B. **Storage**
    - Judicial Marshal Services will not store weapons (including, but not limited to, conducted energy weapons, pepper spray and batons) or handcuffs for State Marshals.
4. **Chief Court Administrator Policy Concerning Capias Arrestees**
- A. **Delivery to Courthouse**
    - Capias arrestees are to be delivered to the courthouse via the lockup area.
    - State Marshals are advised to call Judicial Marshal Services in the specific location of delivery to pre-arrange for drop off.
  - B. **Firearms and/or other weapons**
    - All areas of a courthouse, including but not limited to a courthouse lock-up, sally-port or any other secure area of the courthouse are also subject to the superior court judges' policy concerning firearms.
    - State Marshals delivering capias arrestees are not permitted to carry firearms and/or other weapons into the courthouse lock-up or sallyport.
    - State Marshal firearms and/or other weapons will not be stored in the lock-up or sallyport areas.
5. **Chief Court Administrator Policy Concerning the Service of Capias, Process, Restraining Order, Etc.**
- A. **Inside a Courthouse**
    - 1. **Appropriate Areas**
      - Service will only be permitted in public areas of the courthouse. Service will not be permitted in areas (including but not limited to, courtrooms and jury assembly areas) where such service may result in the disruption of Judicial Branch functions.
    - 2. **Call Ahead**
      - State Marshals wishing to make service inside the courthouse are advised to call Judicial Marshal Services in the specific location to coordinate their efforts with Judicial Marshal Services.
    - 3. **Firearms**
      - State Marshals serving capias are not permitted to carry a firearm while actively engaged in serving a capias inside a courthouse.
  - B. **Inside a Judicial Branch Facility Other Than a Courthouse**
    - 1. **Appropriate Areas**
      - Service will only be permitted in areas where such service will not result in the disruption of Judicial Branch functions.
    - 2. **Call Ahead**
      - State Marshals wishing to make service inside a Judicial Branch facility other than a courthouse are advised to call the Chief Judicial Marshal for the district covering the facility to coordinate their efforts with Judicial Marshal Services.

**Client Fund Account - Record Keeping - Audit Policy**

## **The State Marshal Trustee/Client Fund Account**

Connecticut state marshals who perform wage or financial institution executions must establish a trust account in a financial institution, to hold the funds for clients or third persons. The funds in a trust account are held by the state marshal in a fiduciary capacity and must be clearly identified as a “trust”, “client funds”, or “escrow” account. Funds held in a trust account include funds held in any fiduciary capacity, thus the trust account is not solely limited to only monies recovered through wage or financial institution executions. Client funds held in a fiduciary capacity must be deposited in a client trust account that keeps them separate from the state marshal’s own funds.

A trustee/client fund account is an account established by the state marshal, in a financial institution, to hold the funds of clients or third persons. The funds in a client fund account are held by the state marshal in a fiduciary capacity and must be clearly identified as “trust”, “client funds”, or “escrow” accounts. Funds held in a trust/client fund account include funds held in any fiduciary capacity.

The state marshal should notify the financial institution that the funds are being held in a fiduciary capacity. The financial institution must agree to create a trust account and must have at least one branch or office physically located in Connecticut. The clients’ funds must be maintained separately from the state marshal’s own funds. The individual state marshal will be the only named person on the account and will be the only person authorized to have signatory authority for the account. It is not appropriate for a state marshal’s spouse, office manager, secretary, or any other person to have access to the state marshal’s client fund account.

A state marshal must appropriately safeguard funds held in trust and must maintain complete and detailed records of all client fund account transactions. The state marshal shall preserve written account records for a minimum period of 7 years following the last transaction. A state marshal’s client fund account may be described as a “pooled” trust account because it holds the funds of more than one client or third person.

State marshals who do not perform work involving wage executions, financial institution/bank executions, municipal tax warrants, and who do not otherwise hold client funds or hold funds on behalf of third persons, are not required to maintain a trustee/client fund account. These marshals, however cannot collect or hold monies for others, without a client fund account.

If a client has provided the state marshal with funds to cover future costs and expenses, these funds should be deposited into a trust account to be drawn against as the state marshal earns their fee or uses the money to pay for costs and expenses.

If a client has not yet provided the state marshal with funds to cover costs and expenses, then using funds from a trust account to cover the client’s costs and expenses would be wrong. In this situation, the state marshal would be misusing funds in which another client or third party has an interest. Rather the state marshal would need to

advance the costs and expenses from an operating account or some other source that does not involve the trust account.

Even in circumstances where the client has provided funds to cover costs and expenses, the use of a debit card connected with a trust account is strongly discouraged and would be viewed with increased scrutiny. Unlike checks, debit cards generate little supporting documentation when used and can be used without signature verification. They are much more vulnerable to misuse generally, either by the state marshal who obtained the credit card, or a third person who misappropriates one.

Mobile payment services (such as Apple Pay Cash, Circle Pay, Facebook Payments, Google Pay, Cash App, PayPal, Venmo, Zelle, etc.) electronically process payments through a mobile device such as a smartphone, tablet or smartwatch. Connecticut State Marshals will not use mobile payment services in connection with their client trust accounts.

## **Record Keeping**

The state marshal must maintain the following documentation for a period of seven years after the date of the last transaction performed on behalf of the client:

Receipt and disbursement journals containing a record of deposits and withdrawals from client trust accounts, specifically identifying the date, source, and description of each item deposited, as well as the date, payee and purpose of each disbursement.

Ledger records for all client trust accounts showing, for each separate client or beneficiary, the source of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed.

Copies of billing agreements with clients.

Copies of accountings to clients or third persons showing the disbursement of funds to them or on their behalf.

Copies of bills for state marshal fees and expenses rendered to clients.

Copies of records showing disbursements on behalf of clients.

The physical or electronic equivalents of all checkbook registers, bank statements, records of deposits, pre-numbered cancelled checks, and substitute checks provided by a financial institution.

Records of all electronic transfers from client trust accounts, including the name of the person authorizing transfer, the date of transfer, the name of the recipient and confirmation from the financial institution of the trust account number from which money was withdrawn and the date and time the transfer was completed.

State marshals must reconcile their trust accounts to determine their financial records are accurate and they are holding sufficient funds to cover the trust funds they should be holding. State marshals must perform, at a minimum, quarterly reconciliations of their trust accounts, and maintain a list of monthly account balances. The monthly account balances list shows client names indicating the amount of funds held for each individual client on that date, and a total account balance for the date you are reconciling to.

If a state marshal does a reconciliation and finds very old checks that were never cashed, the state marshal should stop payment on the checks. Even though the checks are old, a bank may still honor them if they are presented for payment. Attempt to contact the payees on the checks and offer to provide them a new check. Keep a written record of the outstanding checks, since they are needed for your reconciliations. Once it has been more than seven years since the marshal has heard from the payee, the state marshal must escheat the money to the State of Connecticut by contacting the office of the State Treasurer to report the funds as unclaimed property. The state marshal, as a holder of unclaimed property must follow the procedures outlined on the State Treasurer's website. The office of the State Treasurer can be contacted at:

State of Connecticut Office of the Treasurer  
Unclaimed Property Division  
P.O. Box 150435  
Hartford, CT 06115-0435

It is never appropriate for the state marshal to use the trust account for their personal use. It is inappropriate to hold more than an amount sufficient for paying reasonable fees and expenses to maintain the trust account. Using a trust account as a depository for the state marshal's personal funds is a violation of State Marshal Commission policy and may subject the state marshal to disciplinary action.

State marshals must reconcile their trust account to determine that the financial records are accurate and that they are holding sufficient funds to cover the trust funds they should be holding. At a minimum, quarterly reconciliations of trust accounts should be done, and a list of monthly trial balances should be maintained. A trial balance is a list of client names indicating the amount of funds held for each individual client on the date of reconciliation, with a total.

To perform a complete reconciliation of your trust account you need you should have a general ledger; individual client ledgers; a list of trial balances, and bank statement and checks for the month to be reconciled.

1. The first part of the reconciliation involves taking the bank statement ending balance for the month to be reconciled, then
2. Subtracting any outstanding checks that were disbursed but not yet presented for payment, then
3. Adding in any deposits-in-transit to reach a final figure which represents the exact amount of money you are holding in the trust account on the bank statement's ending date.
4. That final figure is then traced to the total you have on your receipts and disbursement journal (general ledger) on the same date as the bank statement's ending date. The receipts and disbursement journal lists each and every deposit made and every disbursement made, in date order, with a running balance.
5. Your balance on the receipts and disbursement journal for the same date as the bank statement's ending date should match the final figure.
6. Lastly, the final figure should be compared to the individual client ledger summary sheet total (monthly trial balances), for the same date as the bank statement's ending date. The client ledger total is the total of all balances held for each individual client with open balances on the same date as the bank statement's ending date.
7. Your balance on the client ledger summary sheet for the same date as the bank statement's ending date should match the final figure.
8. If your figures do not reconcile to the bank, you should compare each line item on the receipts and disbursement journal to each line item on the individual client ledgers and then to the bank statements to make sure that nothing was entered in error, or omitted from any of your own created records.
9. If this process is performed on a quarterly basis, any errors or omissions made will be captured and cured in a timely manner. Further, you will not have outstanding checks unaccounted for, any incomplete deposits or wires, any deposits or wires made to the wrong account or earned fees not taken.

## **Audit Policy**

Pursuant to the State Marshal Commission Audit Policy ("Audit Policy"), all state marshals who maintain a client fund/trust account during all or part of a calendar year must file an account reconciliation due in mid-February of the next year.



If the marshal had a client fund/trust account but had no activity during the prior calendar year, the marshal will submit a copy of the December bank statement and a written statement that there was no account activity. If the account has a balance, the marshal will provide a written statement indicating to whom the money in the account belongs. The following example illustrates how the reconciliation should be formatted:

December Bank Statement Balance	Client Fund/Trust Account Checkbook Balance	Owners of Monies received, deposited and not yet disbursed	Marshal Fees held in account
100.00	100.00	25.00 Jane Doe 25.00 John Smith 25.00 ABC Law Firm	25.00 outline origin of fees
<u>100.00</u>	<u>100.00</u>	<u>75.00</u>	<u>25.00</u>

State marshals who cannot complete the reporting requirement by the due date may submit a written request for an extension of time, stating the reason for such extension.

The Commission retains an accounting firm to review the annual state marshal reconciliation filings. These reviews often uncover several areas of noncompliance with the Commission’s Audit Policy.

**General Guidelines for Client Fund/Trust Account**

- 1) Is the client fund/trust account in your name (i.e. “John Smith, State Marshal”)?
- 2) Does the client fund/trust account name include language such as “trustee”, “client fund”, or “garnishment”?
- 3) Is the client fund/trust account noninterest bearing? [Under the Audit Policy, your account must be noninterest bearing]
- 4) Does the client fund/trust account include any other names or signatories? [Under the Audit Policy only the marshal’s name may be a signatory on the account]
- 5) Have you kept client funds in the account for more than 30 days after deposit? [Under statute and the Audit Policy, payments from the account must be disbursed within 30 days or upon the collection of \$1000.00 whichever occurs first unless an alternate agreement has been made with the creditor]

**Recordkeeping**

- 1) Do you keep internal documentation of all receipts including the name of and any correspondence from the source, date received, amount received, name of the debtor, and name of client/creditor?

- 2) Do you keep documentation supporting all deposits into the account including the amount and date deposited (the bank deposit slip, copies of the deposited check, etc.)?
- 3) Do you keep documentation for all disbursements including the date the disbursement was due, the actual disbursement date, the check number of the disbursement, the amount of the disbursement, the amount of the marshal fee, and a copy of any written disbursement arrangement with the debtor.
- 4) Do you complete an account reconciliation monthly or at least every quarter?
- 5) Do you have a process in place for identifying and resolving instances of uncashed checks?

### **Guidelines for Reconciliation Filing**

- Did you submit a December trust account reconciliation reconciled to the *closing date* of the December bank statement? [Note that this date may be prior to December 31st].
- Did you submit a December bank statement? [Note that you *must* submit a copy of the December bank statement for the account or your reconciliation filing will not be considered complete].
- Does the reconciliation match the bank statement?
- Does the reconciliation include the following:
  - a. December bank statement balance
  - b. Client fund/trust account checkbook balance
  - c. Itemized owners of monies received, deposited, and not yet disbursed
  - d. State marshal fees held in the account as of the closing date
- Is the amount reported as “state marshal fees held in account” equal or less than \$5,000 [Under the Audit Policy, a marshal may only have \$5,000 or less in fees/personal funds in the account at any given time].
- Are the owners of monies being held in the account listed on the reconciliation?
- Is the origin of marshal fees held in the account listed on the reconciliation?

**RESTRAINING ORDERS  
AND CIVIL PROTECTION ORDERS**

# Summary

## Definitions

A restraining order is a civil order of protection issued by the family court to any family or household member who has been subject to a continuous threat of present physical pain or physical injury, stalking, or a pattern of threatening by another family or household member, as defined by General Statutes § 46b-38a (2).

The Applicant is the person who has applied for the restraining order and the Respondent is the subject of the restraining order who must be served. Under General Statutes § 46b-15, if an Applicant alleges an immediate and present physical danger to themselves or their minor children, then the court may order an *ex parte* restraining order, which is a temporary restraining order ordered prior to a hearing. At the hearing, the court will determine whether to extend or deny the restraining order post hearing. There are instances where the court does not order an *ex parte* restraining order based on the allegations in the application affidavit. In those cases, the court will schedule a hearing to decide whether to order a restraining order and will issue an *Order and Notice of Court Hearing* which must be served on the Respondent. For all applications for a restraining order a hearing will be scheduled.

A civil protection order is a civil order of protection issued by the civil court to an applicant who is a victim of sexual abuse, sexual assault, or stalking, as defined by General Statutes §§ 53a-181c, 53a-181d, and 53a-181e, who has not obtained any other order of protection arising out of the abuse, assault, or stalking, and who does not qualify for a restraining order because the Respondent is not a family or household member. *See* General Statutes § 46b-16a. Such civil protection orders are ordered by the civil court and are served in the same manner as restraining orders. There are, however, different timing requirements for service as described below. Unlike a restraining order application, the court may deny a civil protection order without a hearing.

## Timing

Service of a restraining order must be made at least three days before the hearing date. *See* General Statutes § 46b-15 (h) (1), as amended by Public Act 16-34. Service of a civil protection order must be made at least five days before the hearing date. *See* General Statutes § 46b-16a (d). If an *ex parte* restraining order has been issued, the hearing date will be set no later than fourteen days from the date of the order, unless the application indicates that the Respondent holds a permit or eligibility certificate for a firearm or ammunition or possesses a firearm or ammunition, in which case the hearing date will be set no later than seven days from the date of the *ex parte* order. *See* General Statutes § 46b-15, as amended by Public Act 16-34. The expedited hearing date in these instances will mean that such orders must be served within four days of issuance.

The original papers and a return of service must be returned to the court prior to the hearing so that the court has proof that the Respondent has been served. Preferably, the papers should be returned at least two days prior to the hearing to provide for the proper administration of the restraining order or civil protection order. If service has been made close to the hearing date, it is strongly advisable that the state marshal fax a copy of their return to the court in addition to sending/delivering the original return to the court. This ensures that the hearing moves forward subsequent to proper service.

If service was unsuccessful, the state marshal must input this information into the Protection Order Registry prior to the date of the hearing. In addition, prior to the hearing date, the marshal should contact the Applicant and inform them regarding whether or not the service was made. If the service was unsuccessful, the Applicant may file a request on or before the hearing date for an extension of time for service. In addition, as discussed below, if there has been an *ex parte* restraining order issued, and service has not been made, the Applicant can request an extension of the *ex parte* restraining order. Public Act 22-26 requires timely delivery or the state marshal's fee will not be paid. The Act provides that marshals cannot receive a fee for service related to civil orders of protection if the court does not receive timely return of service. "Timely return" according to the Act includes:

- 1.) sending a copy of the return of service to the court, by fax or other means, *before* the hearing
- 2.) followed by delivering the original return to the court within a reasonable time after the hearing.

This means marshal will not be paid if the return of service is not received by the court *prior* to the hearing. The Act permits faxing of the return of service if the timeline for returning the papers is very close. Marshals should keep proof of transmission if utilizing fax submission. However, the original papers, along with the CO-17 state invoice should be promptly submitted to the court after service.

The best method for timely returning the papers to court are in-person delivery by the state marshal at the clerk's office, along with submitting the state marshal bill at the same time.

Extension of *ex parte* Restraining Orders: Where proper service of an *ex parte* restraining order has not been made, the court may extend the order for up to fourteen days from the original hearing date. In those instances, the court will issue a new *Order For and Notice of Court Hearing* containing the new hearing date which must be served at least three days prior to the new hearing date. *See* General Statutes § 46b-15 (c), as amended by Public Act 16-34.

## **Manner**

With restraining orders, the Applicant will provide the state marshal with the original *Application for Relief From Abuse*, the applicant's affidavit (and, if relevant, an

affidavit concerning children), the *Order of Protection* (if one has been ordered), and the *Order and Notice of Court Hearing*. The clerk should provide the Applicant with two copies of the *Order of Protection*. With civil protection orders, the Applicant will provide the state marshal with the original *Application for Civil Protection Order*, the applicant's affidavit, the *Order of Protection* (if one has been ordered), and the *Order For and Notice of Court Hearing*. In addition, Applicants should have received a *Respondent Profile Form* from the clerk which provides service information for the Respondent (i.e. address, employment, physical characteristics) as well as the Applicant's contact information. At the outset of their meeting, the state marshal should identify themselves to the Applicant and provide the Applicant with their name and telephone number(s), preferably on a business card. If possible, the marshal should review the *Respondent Profile Form* with the Applicant and clarify service details. It is essential that the state marshal safeguard confidential information on the *Respondent Profile Form*. In addition, Applicants may obtain specific court orders protecting certain information.

It is very important for the state marshal to review the entire package of papers prior to service. If the court has issued an *ex parte* restraining order and the application indicates that the Respondent holds a permit or eligibility certificate for a firearm or ammunition or possesses a firearm or ammunition, there are special rules regarding the timing of the hearing and related service as well as an obligation that the state marshal notify law enforcement, as is detailed below. Furthermore, if the court has not ordered an *ex parte* restraining order, then the marshal will be serving only an *Order for Notice of Hearing* and there is no authority under which the Respondent may be removed from their home prior to the hearing. If it is unclear from the face of the papers whether or not an *ex parte* order has been issued, the state marshal should obtain clarification from the court prior to service.

**In-Hand Service Preference:** Although in-hand service is not mandatory, it is the best professional practice for the marshal to make in-hand service of a restraining order or civil protection order on a Respondent. If a restraining order application indicates that the Respondent holds a permit or eligibility certificate for a firearm or ammunition or possesses a firearm or ammunition, and the court has issued an *ex parte* order, the law provides that the state marshal shall, whenever possible, provide in-hand service of the order. *See* General Statutes § 46b-15 (h) (2), as amended by Public Act 16-34. Fees for attempted in-hand service, in accordance with Public Act 22-26 are an *exception* to the mileage fees. Marshals who bill for attempted mileage when seeking to obtain an in-hand service, must comply with all the requirements of Public Act 22-26, and keep detailed records substantiating such charges.

**Out-of-County Service:** As detailed below, state marshals are required to serve restraining order duty as assigned by the State Marshal Commission. If an order is issued by the court for service on a Respondent who resides in another county, it is the responsibility of the state marshal on duty in the issuing county to promptly transfer the papers to the on-duty marshal in the service county on that date. Due to the time sensitivity inherent with the service of restraining orders and civil protection orders, the state marshal transferring the paperwork must make prompt, direct contact with the

appropriate state marshal in the service county to make arrangements to transfer the papers expediently in person, by facsimile, or by mail. The marshal in the issuing county may not return the restraining order or civil protection order to the Applicant nor may they task the Applicant with calling the marshal in the service county. Once the marshal in the issuing county has notified and made arrangements to transfer the papers, they should immediately notify the Applicant of the name and contact information for the out-of-county state marshal who will be handling service.

**Service of Orders Issued by Other States:** If a restraining order or civil protection order is issued by another state for service on a Respondent residing in Connecticut, then the state marshal on duty has the same obligation to serve the restraining order or civil protection order. As with Connecticut orders, the service fee for such out-of-state orders is paid for by the Judicial Branch. Note that reimbursement for out-of-state orders is processed by a different office than other reimbursement requests. To receive reimbursement, a state marshal who serves an out-of-state order must send 1) a completed and signed State Marshal Invoice form, 2) the return of service, and 3) the Foreign Protection Order to the Judicial Branch at the following address: Toby Padegenis, Court Planner, Superior Court Operations, 225 Spring Street, Second Floor, Wethersfield, CT 06109. Note that this payment procedure is ONLY for service of out-of-state orders and NOT service of restraining orders or civil protection orders issued by a Connecticut Court. *See Fees* section below for further information about seeking reimbursement for service of Connecticut orders.

**Out-of-State Service of Connecticut Orders:** If a state marshal is given a Connecticut-issued restraining order or civil protection order requiring service in another state, the marshal should return the order to the Applicant and inform the Applicant that they must directly contact the appropriate person or entity to complete service in the service state. Often this is a county sheriff or local law enforcement. The state marshal may direct the Applicant to contact the local member organization of the Connecticut Coalition Against Domestic Violence (CCADV), as they can assist the Applicant in determining the correct entity to contact for out-of-state service. Additionally, an Applicant can ask the court clerk for an order of notice to permit a state marshal to certified mail the process to an out-of-state respondent.

**General Service Guidelines:** The circumstances surrounding restraining orders and civil protection orders are necessarily volatile. A state marshal should contact local law enforcement if a situation becomes threatening or if there is reason to suspect the Respondent will become violent during service. Prior to service, the state marshal must review the application to identify whether the Respondent possesses a firearm or firearm permit. As noted below, if the application indicates that the Respondent possesses a firearm or permit and an *ex parte* restraining order has been issued, the marshal must notify local law enforcement and request their presence during service.

The state marshal should make themselves aware of the Applicant's location (and the location of the Applicant's children, if applicable) during the time of service to ensure

the safest service possible for all parties. It is extremely important to identify whether the Respondent is still residing with the Applicant.

As noted above, the Applicant should have received a *Respondent Profile Form* from the clerk. The *Respondent Profile Form* is an extremely useful tool for locating and identifying the Respondent to complete service. If possible, the state marshal should review the *Respondent Profile Form* with the Applicant during the initial meeting. If the Applicant has not filled out a *Respondent Profile Form*, the state marshal should assist the Applicant in obtaining one from the clerk and filling it out.

It is extremely important that the state marshal inform the Applicant of the status of service prior to the hearing date. This notification informs the Applicant of whether the Respondent has notice of the order and also confirms that the hearing date is valid. This notification also permits the Applicant to request an extension of time for service in the event the service was unsuccessful.

## **Mandatory Restraining Order Duty**

Pursuant to General Statutes § 6-38b (f), the State Marshal Commission is responsible for the equitable assignment of service of restraining orders to state marshals in each county. The Commission administers a Restraining Order Rotation system for assignment of state marshals to restraining order duty shifts at each courthouse at which restraining orders are issued. All state marshals are assigned to restraining order duty. Each state marshal is required to attend their shifts. Failure to attend mandatory restraining order duty as assigned may be the basis for disciplinary action including revocation of the state marshal's badge. The State Marshal Commission generally electrically assigns the Restraining Order Rotation schedule every six months via BizNet.

Restraining Order Rotation duty assignments rotate daily or weekly, depending on the courthouse. There are two daily shifts at each applicable courthouse from 12:30 p.m. to 1:00 p.m. and 4:30 p.m. to 5:00 p.m. Note that if, during their shift, the on-duty marshal has been notified that there is a pending restraining order application under review by the court, the marshal must stay at the courthouse until the order has been issued.

Certain courthouses employ a call-in program wherein the on-duty state marshal may call the courthouse prior to the shift to determine whether there are restraining orders ready to be served thus necessitating the marshal physically report. If there are no restraining orders ready, the on-duty marshal would not have to report to that courthouse.

Upon arrival at the courthouse for a regular assigned shift, the on-duty state marshal should check in with the clerk's office. This ensures that the clerk's office is aware of which marshal is on duty for a given shift and when the marshal is present in the courthouse. The Chief Court Administrator is required to, where feasible, allocate space in each courthouse for the on-duty state marshal to meet with applicants to discuss



service. *See* General Statutes § 46b-15d. State marshals should contact the clerk at each courthouse directly for information about the location of the allocated meeting space, if such a space has been designated.

The on-duty state marshal is required to accept and serve papers provided to them for service. This is true even if the order was not issued on the day of their duty shift. An applicant is not required to utilize the marshal on duty at the courthouse and may choose any state marshal in the county where the restraining or civil protection order is to be served. Accordingly, a state marshal may be contacted and asked to serve a restraining order or civil protection order outside of their scheduled restraining order duty shifts. If the marshal is unable to serve it for any reason, they must arrange for another state marshal to serve the order. A state marshal may not return a restraining order to an Applicant or require that the Applicant find another marshal for service.

Restraining orders are generated by the family court and civil protection orders are generated by the civil court. Accordingly, during their restraining order duty shift, a state marshal may be approached by a civil protection order Applicant to serve a civil protection order that was issued by a different court. In addition, as described above, restraining orders and civil protection orders must be served by a marshal in the county where the Respondent resides. Accordingly, the on-duty marshal may be contacted by a marshal in another county to arrange transfer and service of a restraining order or civil protection order on a Respondent in their county.

Coverage: A state marshal is required to fulfill their assigned duty shifts and is fully responsible for the service of all restraining orders and civil protection orders received during the shift. If a state marshal is unable to fulfill an assigned shift, it is their responsibility to obtain coverage from another state marshal. If a marshal has obtained coverage for their shift by another marshal, the covering marshal must update the BizNet Calendar. If that is not possible, the assigned marshal must notify *both* the appropriate clerk's office in the courthouse where the marshal is assigned *and* the State Marshal Commission Office. Notification to the Commission office should be in writing and sent to: [marshal.commission@ct.gov](mailto:marshal.commission@ct.gov).

If a state marshal, on the day of their shift, discovers that they will not be able to attend the duty shift for any reason, they must immediately call the courthouse clerk and the Commission office. It is the assigned marshal's responsibility (not the clerk or the Commission office's responsibility) to find coverage for the shift.

## **Biznet Restraining Order Duty Calendar**

The Commission uses the Biznet computer application to assign state marshal courthouse restraining order duty shifts. Courthouse staff and the public can view a calendar on the Judicial Branch website that shows the on-duty restraining order state marshal for any given day/shift. It is important and required that state marshals switching restraining order duty shifts update the BizNet calendar.

Every state marshal is assigned in the Biznet program to a primary courthouse in their county of appointment. If a state marshal is covering another state marshal's shift at the same courthouse, the covering marshal must update the Biznet calendar by replacing the primary marshal's name and contact information with their own.

If a state marshal takes another state marshal's shift at the same courthouse, the covering marshal must update the Biznet calendar by replacing the primary marshal's name and contact information with their own.

In Biznet a state marshal only has the authority to change the calendar in their primary courthouse of assignment. While state marshals may take a duty shift at another courthouse in their county of appointment, if they do they will be unable to update Biznet. In this situation the covering marshal must contact the commission office staff to request assistance with updating the Biznet calendar.

## **Fees**

The fees for service of restraining orders or civil protection orders are calculated using the fee schedule for civil process. *See* General Statutes § 52-261. The fees for such service are paid for by the Judicial Branch after service is completed. General Statutes § 46b-15 (h) (1). The Applicant is not required to pay the fee for service of a restraining order or civil protection order. To request reimbursement for the fee, the state marshal should submit a *State Marshal Service Invoice For Service of Process*. This invoice should be submitted to the clerk's office, along with the original papers and the marshal's return of service. The Judicial Branch will remit payment to the state marshal directly. Note that the Judicial Branch will pay the fee for successful services only.

Under Public Act 22-26, there are specific limits when billing the Judicial Branch for attempted round trip travel for the service of a restraining or civil protective order. The Act permits the Judicial Branch to pay such travel *only* when:

- (1) in-hand personal service of process is made pursuant to an application for a civil restraining order or a civil protection order; or
- (2) when specifically ordered by the court or by law to effectuate in-hand personal service (a court order for in-hand) and only when such in-hand personal service is effectuated

Public Act 22-26 limits payment from the Judicial Branch for the cost of attempted round trip travel for in-hand service to three round trips. This *does not* mean three trips must be billed. Up to three trips *can* be billed for a properly documented, and bona fide need to charge for actual attempts to obtain personal in-hand service. However, the Act does not limit the Judicial Branch from paying a marshal a greater amount. If seeking a higher travel greater than three trips, the marshal would have to specifically petition the court to authorize such a payment.

The Judicial Branch will only pay for attempted travel when in-hand service is actually made and the return of service requirements of Public Act 22-26 are met (stating in the return that multiple trips were required to obtain in hand service, and recording the dates, times and results of each trip). The statutes specifically state for a civil restraining order which was not effectuated in-hand, *regardless* of any attempts to effectuate service in hand, the mileage fee is from the place where the process was received to the place of service, and thence in the case of civil process to the place of return (only 1 trip can be charged on an abode service).

When the court allows a restraining order applicant additional time to make service under subsection (c) of section 46b-15 (a new extended hearing date), for purposes of calculating the mileage fee for multiple trips, such extra time will be considered a continuation of the original attempts at service. If the marshal gets the papers back with the new extended hearing date to retry the service, the marshal can charge the court for first attempts, up to three trips, as needed.

## **Mandatory Protection Order Registry**

The Judicial Branch maintains an online *Protection Order Registry Service Tracking System* (“Registry”) for use in conjunction with the service of restraining orders and civil protection orders. The Registry is a web-based application that allows state marshals to record service information regarding restraining and civil protection orders through the use of electronic devices (i.e. smart phones, tablets, PCs, and laptops). Once service information is entered, the Registry automatically sends notification to the applicable law enforcement agencies.

As soon as possible, but not later than two hours after making service, the state marshal must input the date, time, and method of service into the Registry. *See* General Statutes § 46b-15 (h), as amended by Public Act 16-34. The Registry will automatically notify the applicable law enforcement agencies of the service information. If, prior to the date of the scheduled hearing, service has not been made, the marshal must input that service was unsuccessful into the Registry. *See* General Statutes § 46b-15 (h), as amended by Public Act 16-34.

Note that use of the Registry is mandatory and marshals are required to utilize the Registry to notify both the court and the applicable law enforcement agencies about service information. For further information concerning the Protection Order Registry, please contact Toby Padegenis, Court Planner, Superior Court Operations, 225 Spring Street, Third Floor, Wethersfield, CT 06109, Phone: (860) 263-2708. *See also* the Judicial Department’s Protection Order Registry’s Service Tracking System (STS) instructions at the end of this section.

**Additional Firearms Notification Requirements:** In addition to utilizing the Protection Order Registry subsequent to service, there are special law enforcement notification requirements where the court has issued an *ex parte* restraining order and the restraining order application indicates that the Respondent possesses a firearm or

ammunition or holds a permit or eligibility certificate for a firearm or ammunition. In those instances, the state marshal shall, *prior to service*:

- 1) Provide **notice** to the law enforcement agency in the town of service concerning *when and where* the service will take place;
- 2) Send a **copy** of the papers by facsimile or other means to such law enforcement agency; and
- 3) Make a **request** that a police officer from the law enforcement agency be present when service is executed.

While the requested law enforcement agency may designate a police officer to be present during service, it is not mandatory that the agency assign an officer. *See* General Statutes § 46b-15 (h) (2), as amended by Public Act 16-34.

## Major Statutes

The following list is a guide to some of the important and relevant statutes in the area of restraining and civil protection orders. Always check particular statutes in any given area if you have questions about service. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering service of restraining and civil protection orders:

46b-15	Primary restraining order statute. <i>See also</i> General Statutes §§ 46b-38c and 54-1k.
46b-15 (b) (3)	Protection of animals owned or kept by Applicant.
46b-15 (h)	Service of restraining orders/hearing notices; payment of service fees by the Judicial Branch.
46b-16 (a) and 54-1k.	Primary civil protection order statutes.
52-261 6-38b (f)	State marshal fees for serving process. State Marshal Commission mandate to provide equitable assignment of service of restraining orders to the state marshals in each county.
51-5c	Protection Order Registry.
52-259 (a) (3)	Waiver of court entry fees for restraining order matters.
53a-217 and	Criminal possession of a firearm when person is subject of a state

53a-217c	or foreign restraining or protective order.
29-28 (b) (6) and 29-36f (b) (6)	Issuing a permit to carry handguns or gun eligibility certificate to acquire firearms to anyone under a restraining or protective order issued for the use, attempted use, or threatened use of physical force against someone.
52-261(a)	Procedures for attempted service of restraining order or civil protective order when in-hand service is obtained.

## **Forms**

The following is a list of the common forms utilized for restraining orders and civil protection orders. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most current form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

JD-FM-137 Application For Relief From Abuse

JD-FM-138 Affidavit – Relief From Abuse

JD-CV-143 Application for Civil Protection Order

JD-CV-144 Affidavit – Civil Protection Order

# **RESTRAINING ORDER CALL-IN PILOT PROGRAM PROTOCOL**

The State Marshal Commission, in conjunction with the Judicial Branch, has developed a call-in pilot program for state marshals serving restraining order duty in the following locations: Ansonia-Milford, Litchfield, Middletown, New London, Norwich, Rockville, and Putnam. The state marshals assigned to restraining order duty at these courthouses remain bound by the overall policies of restraining order assignment and service. The following sets forth the call-in protocol for these courthouses only:

- The restraining order duty shifts for participating courthouses, if a state marshal is needed, are the same as for other courthouses - 12:30 p.m. to 1:00 p.m. and 4:30 p.m. to 5:00 p.m. As with the non-pilot program courthouses, if a state marshal is notified that an order will be issued, the state marshal is required to remain at the courthouse until after the order is issued, even if this occurs after their shift.
- All state marshals assigned to the above-noted courthouses must provide and maintain an accurate cell phone number to the Commission. The Commission will provide the cell phone numbers to each Judicial District Chief Clerk for those state marshals assigned to restraining order duty in that Judicial District. These cell phone numbers are for the clerk's use only and will not to be given to the public.
- The on-call state marshal must call the clerk at the applicable courthouse each day at 12:00 p.m. and at 4:00 p.m. to inquire if there will be any applicants at the courthouse in need of service of a restraining order.
- If the clerk notifies the state marshal that one or more applicants will be present and will need the service of a restraining order or hearing notice, the state marshal must arrive at the courthouse at the appointed time (12:30 p.m. or 4:30 p.m.) and must remain at the courthouse for the duration of the shift.
- If the clerk is not aware of any applicant in need of the state marshal for the designated shift (12:30 p.m. or 4:30 p.m.), the clerk will so inform the state marshal during the call and the state marshal will not be required to physically report to the courthouse for their shift. However, if between 12:00 p.m. and 1:00 p.m. or between 4:00 p.m. and 5:00 p.m., the clerk becomes aware of an applicant who needs state marshal service, the clerk will call the on-call state marshal's cell phone to so inform the marshal. The marshal is then required to report to the courthouse as soon as is possible.
- If the on-call state marshal does not call at the appointed time or does not appear at the courthouse when expected, the clerk will attempt to call the state marshal.

If the state marshal is unavailable by cell phone, the clerk will notify the Commission office as well as the Court Operations Unit.

- The above call-in procedure will not apply to any state marshal who has not provided their cell phone number to the Commission. If a state marshal has not provided their cell phone number to the Commission, that state marshal must report in-person to the applicable courthouse for their assigned restraining order duty shifts.

# SMALL CLAIMS



# Summary

## Writs

Small claims court has somewhat different rules from the Superior Courts regarding the service of small claims writs. Small claims matters involve suits for money damages of up to \$5,000, with the exception of suits for the return of a security deposit which may exceed \$5,000 depending on the value of the security deposit. Small claims courts do not hear libel or slander cases. The plaintiff is allowed to serve the writ by using one of four methods:

- priority mail with delivery confirmation;
- certified mail, return receipt requested;
- a nationally recognized courier service with delivery confirmation; or
- a proper officer, such as a state marshal.

Note that, as a general rule, the plaintiff does not have to hire a proper officer to make service and may utilize one of the first three service options. An exception to this rule exists if the person being sued is an *out-of-state* business, corporation or limited liability company (LLC). In such cases, the writ must be served by a proper officer. Also note, generally a person may not sue a non-resident individual in small claims court. There is an exception where the individual does not live in Connecticut but owns real or personal property in Connecticut and the writ contains a statement that the out-of-state individual owns property in the state.

State marshals should receive from their client the original writ and notice of suit and any documents attached to the writ, along with the Instructions to the Defendant, form JD-CV-121, with enough copies for service. Service is made in the same manner as in any other civil action. The state marshal must then file the originals and their return with the court not later than one month after the date of service. Once the clerk receives the Small Claims Writ and Notice of Suit, the clerk will set an answer date and send notice to the plaintiff and an answer form to the defendants.

## Application for Examination of Judgment Debtor

The judgment creditor in a small claims matter may also hire a state marshal to serve an Application for Examination of Judgment Debtor in relation to an execution ordered post judgment in a small claims matter. The state marshal should serve the application, order, notice of hearing, and subpoena on the judgment debtor at least 12 days before the hearing date. The subpoena must be served in-hand in most scenarios for the court to issue a *capias* for non-appearance. Once service is made, the marshal must provide the client with the original petition and the marshal's return of service. The petition and return of service must be filed at least 6 days before the hearing date.

For more information, read the Small Claims section in the Connecticut Practice Book. The Judicial Branch has drafted a publication regarding small claims matters entitled: “How Small Claims Courts Work” JDP-CV-45, available on the Judicial Branch website.

## **Forms**

The following is a list of the common forms utilized for small claims. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most current form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

JD-CV-040 Small Claims Writ and Notice of Suit

JD-CL-043 Subpoena - Civil/Housing/Small Claims/Family/Family Support  
Magistrate/Criminal/Motor Vehicle

JD-CV-121 Instructions to Defendant (Notice to the person being served)

# Subpoenas

# Summary

## Definitions

A **subpoena** is a writ commanding a person to appear at a specified time and place (hearing, deposition, etc.) to give testimony about the particulars of a matter.

A **subpoena duces tecum** (Latin for “bring with thee”) is a subpoena with an additional command to the witness to produce and bring with them papers, records or other documentary material sought in a matter.

## Power

A subpoena can be issued by an attorney (i.e. – “Commissioner of the Superior Court”), a clerk of the court, and a wide range of administrative boards and adjudicatory bodies.

In general a subpoena can be served by an individual (indifferent person, which could include a state marshal) anywhere in the state, by a constable in the constable’s own town/municipality, and by a state marshal in the state marshal’s county/precinct. Doing the work as a marshal, when possible, may be preferable, since state marshals have liability insurance to cover their work.

## Manner

The state marshal should receive a signed subpoena and a copy from the client. The state marshal should endorse the copy on the signature page with a notation of “A True and Attested Copy” and the marshal’s title of “State Marshal.”

If a state marshal is serving a subpoena as an indifferent person, they should not state on the signature page that they are a state marshal and must instead use the words “Indifferent Person.” They should serve the copy and send the original back to the issuer with the signed return attached and an invoice. The state marshal may wish to supply a file copy for the client.

If serving a subpoena for the State of Connecticut or a state agency, the state marshal should request payment using the CO-17 Invoice Form. If serving a subpoena for the Judicial Branch, the state marshal should use the *State Marshal Services Invoice Form*. Other state agencies may require a specific form. Each subpoena served represents a separate service and requires a separate return.

The Office of the Attorney General does not accept service of subpoenas for state employees, unless the employee actually works for the Office of the Attorney General.

The Secretary of State does not accept service of subpoenas for entities where listed as the agent for service. In such cases, the state marshal will need to serve the subpoena directly to the business at one of its locations.

The return must reflect the State of Connecticut and the town and county where the subpoena was served. The marshal should include the notation “ss” (which stands for signed and sealed) followed by the town name and the date of service. The marshal must also include a statement describing how service was made (i.e. reading the same in the presence and hearing of, leaving a true and attested copy thereof in the hand of, or leaving a true and attested copy thereof at the usual place of abode, or with a particular agent). The statutes and client will determine the specific service needed. In-hand service is the preferred form of service for subpoenas, as the court will not issue a *capias* warrant to enforce the subpoena and arrest a non-appearing witness unless the court is satisfied about actual notice.

As in civil service of process, the state marshal should list as part of their return the standard fees for service, travel, endorsements, and copies. Witness fees are no longer tendered by the marshal. They are paid by the party on the day of the hearing or appearance for which the witness was summoned. If the subpoena was issued by the Judicial Branch, witness fees will be paid by the clerk of the court.

A subpoena for a physician may be served upon an office manager or person in charge. This is an exception in statute to the general in-hand service needed of a subpoena. See C.G.S. 52-143(f).

A subpoena for a police officer may be served on any person so authorized by the police chief to accept. See C.G.S. 52-143(b).

A subpoena for a corrections officer may be served on any person so authorized by the Commissioner of Corrections to accept, at the facility where the officer is assigned. See C.G.S. 52-143(c).

For service of subpoenas on Department of Children and Families (“DCF”) employees, DCF has informed the State Marshal Commission that DCF legal staff may accept service for the employee in certain circumstances where the employee has authorized DCF to accept. See Administrative Bulletin 19-12 for more information and contact information for DCF legal staff. Marshals should attempt to contact the individual DCF employee first before seeking this alternative method of service.

## **Major Statutes**

There are many statutes that touch on the service of subpoenas, especially in the area of civil litigation and administrative agencies. The state marshal should always check with their client, attorney (if applicable), and the statutes if there are any questions about a particular service. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering service of subpoenas:

- 52-143 Witnesses (covers witnesses in general, service must be not less than 18 hours prior to the appearance date of the person summoned. Note specific rules for police, state witnesses, doctors and others).
- 52-260 Witness fees (state marshals no longer tender these fees; they are paid directly to the witness by the party on the day of the appearance).
- 52-57 Manner of service of process (lists specific categories).
- 52-261 State marshal fees for serving process.
- 52-144 Statutory form of subpoena.
- 52-400b Discovery orders.
- 4-104 Hospital records (requires service 24 hours before appearance date, with an exception if written notice is given by the party of an intent to serve).
- 36a-43 Bank records (requires service 10 days before appearance date and service on the customer of the account; allows regular service or certified mail service on the customer).
- 4-151 Subpoenas issued by Claims Commissioner; *capias* power.
- 52-397 Judgment debtors.

**Depositions:** *See* General Statutes §§ 52-148a - 52-148e for the subpoena process used for depositions. A deposition is a type of discovery where a party obtains the oral testimony of another party or a witness outside of court. A deposition notice will state the time and place of the deposition. Subpoenas and subpoenas *duces tecum* are commonly used for depositions to summon the party to be questioned.

**Capias:** A *capias* or *capias mittimus* is a court order to take an individual into custody for failure of that person to appear in court. The court will not issue a *capias* warrant to arrest an individual for the failure to appear unless that individual was first served in-hand with a valid subpoena ordering the appearance. *See* General Statutes §§ 1-3b, 52-143, 52-400b and the *Capias Warrants* section of this manual.

## **Forms**

The following is a list of the common forms utilized for subpoenas. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most current form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

JD-CL-043 Subpoena - Civil/Housing/Small Claims/Family/Family Support  
Magistrate/Criminal/Motor Vehicle

JD-CL-136 (Formerly JD-CV-062) Application for Issuance of Subpoena

JD-CL-137 Request for Hearing, Denied Application for Issuance of Subpoena

JD-JM-150 Application For Issuance of Subpoena, Juvenile Matters

# **Use of Force Policy**



## STATE MARSHAL COMMISSION

### POLICY STATEMENT & IMPLEMENTING PROCEDURES FOR USE OF FORCE BY STATE MARSHALS EXERCISING THE POWERS OF A PEACE OFFICER

#### PURPOSE:

When acting in the course of their official duties, state marshals may use physical force as provided in chapters 950 and 951 of the General Statutes and, in doing so, are considered peace officers, as defined by Connecticut General Statutes § 53a-3 (9). Accordingly, marshals have the legal authority to use reasonable force in the execution of their official duties and responsibilities. The use of force is a power that must be exercised in accordance with both law and policy. The law recognizes that, when arresting a person on a civil capias warrant, one shall use no more force than is objectively reasonable to overcome any resistance that may be offered, and with which to defend oneself, or others, from harm. The reasonableness of a particular use of force will be judged from the perspective of a reasonable marshal on the scene, taking into account all of the facts and circumstances with which that marshal was confronted. State marshals who use excessive force in light of this standard violate the law. Whether or not the force used by a marshal is found to be legally excessive, a marshal's actions may still violate this policy.

State marshals who use force in the performance of their duties must answer for their actions and the consequences to the law and to the State Marshal Commission. Their legal responsibility may become a question for the courts and for the Commission. Accordingly, this Use of Force Policy applies to any state marshal who uses force or carries a firearm during the course of his or her official duties, and the failure to adhere to any provisions of this policy may subject the marshal to discipline.

It is important that each marshal be familiar with Attorney General Formal Opinion 2001-017 (on peace officer status/criminal warrants) and Attorney General Formal Opinion 2012-03. The latter has sections on the law governing entering homes only with consent and how to interact with individuals who are not the subject of capias warrants. The State Marshal Commission does not certify or authorize state marshals to enforce the criminal laws of the State of Connecticut.

#### POLICY:

##### A. GENERAL REQUIREMENTS FOR STATE MARSHALS

1. Knowledge of the law must be current. State marshals should be knowledgeable about state and federal law, as well as State Marshal Commission policy, concerning the application of physical force.

2. Do not exceed legal authority. State marshals shall not exceed the scope and authority of applicable laws and policies relevant to the use of force.
3. Duty to carry a badge and state marshal identification. State marshals shall carry a badge and identification card at all times when executing their official duties.

## B. USE OF PHYSICAL FORCE

1. Appropriate uses of physical force (General Statutes § 53a-22).
  - a. A state marshal acting in the capacity of a peace officer is justified in using physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to:
    - i. Effect a civil capias arrest or prevent the escape from custody of a person whom he or she reasonably believes to be the subject of the capias warrant unless he or she knows that the arrest or custody is unauthorized; or
    - ii. Defend himself or herself or a third person from the use of imminent use of physical force while effecting or attempting to effect a civil capias arrest or while preventing or attempting to prevent an escape during such arrest.
  - b. A state marshal acting in the capacity of a peace officer while effecting a civil capias arrest pursuant to a warrant or preventing an escape from custody is justified in using physical force unless such a warrant is invalid and is known by such officer to be invalid.
2. Level of force. State marshals must utilize the lowest level of physical force necessary to achieve a lawful purpose. State marshals are never justified in using physical force for personal motives or revenge or to punish or retaliate for physical or verbal abuse.
3. Physical force.
  - a. The State Marshal Commission shall construe the use of pepper spray, batons, handcuffs, conducted energy weapons or firearms, when employed by a marshal, as a use of physical force.

## C. USE OF DEADLY PHYSICAL FORCE

1. Definition of deadly physical force (General Statutes § 53a-3 (5)).
  - a. Deadly physical force means physical force which can be reasonably expected to cause death or serious physical injury. This includes but is not limited to the intentional discharge of a firearm.
2. When it is acceptable to use deadly physical force (General Statutes § 53a-22 (c)). A state marshal acting in the capacity of a peace officer is justified in using deadly physical force upon another person only when he or she reasonably

believes such to be necessary to defend himself or herself or a third person from the use or imminent use of deadly physical force.

D. STANDARD FOR EVALUATING THE USE OF FORCE

1. Legal standard for evaluating uses of physical force. The reasonableness of a use of force under this Use of Force Policy will be guided by the standards established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable marshal on the scene, in light of the facts and circumstances confronting him or her. The inquiry into the decision to use physical force is objective.
  - a. Important factors considered when determining the reasonableness of a particular use of force are:
    - i. The severity of the situation at issue;
    - ii. Whether the person against whom the force is used poses an immediate threat to the safety of the marshal or others;
    - iii. Whether such person is actively resisting a civil capias arrest or attempting to evade arrest by flight; and
    - iv. Any other fact or circumstance which reasonably bears upon the decision to use force.
  - b. The question is whether the “totality of the circumstances” justifies a particular use of force applied in the situation. The most important factor is whether the person poses an immediate threat to the safety of the marshal or others.
  - c. Under the Supreme Court’s standard in *Graham*, a state marshal’s actual intent is irrelevant as to whether a use of force is excessive. “An officer’s evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer’s good intentions make an objectively unreasonable use of force constitutional.” *Graham*, 490 U.S. at 397.
2. State marshals may not use deadly physical force in the following situations:
  - a. Where the person is unarmed, non-dangerous, and poses no immediate threat to the marshal or others.
  - b. To prevent the escape of a person wanted on a civil arrest warrant.
3. Warnings required before using deadly force.
  - a. Before using deadly force, a verbal warning shall be given whenever it is feasible and where doing so will not unreasonably increase the risk or injury to the marshal or any other person.
  - b. Warning shots are substantial danger to the marshal and citizens alike and are not authorized by the State Marshal Commission.
4. Shooting in the area of bystanders. In the event that firing a weapon is likely to endanger a third party, a marshal shall not discharge his or her weapon.

5. Shooting at/from motor vehicles. Firing at a motor vehicle in motion or from a motor vehicle in motion is prohibited unless the intended target is using deadly force against the marshal.

#### E. MEDICAL AID

1. When a state marshal must render medical aid.
  - a. Whenever an injury results from a state marshal's use of force, medical aid shall be rendered or secured as soon as possible.
  - b. When medical aid has been rendered to a person because of a marshal's use of force, the marshal shall notify the State Marshal Commission as soon as possible but in no event later than seventy-two (72) hours, on a form prescribed by the Commission.

#### F. DOCUMENTING THE USE OF PHYSICAL FORCE

1. Written reporting requirement. A written report regarding a use of force shall be provided to the State Marshal Commission within seventy-two (72) hours, on a form prescribed by the Commission, whenever a state marshal:
  - a. For other than training or recreational purposes, discharges his or her firearm, including an accidental discharge, or draws and points his or her firearm at someone or something;
  - b. Takes action that results in or is alleged to have resulted in the injury or death of another person; or
  - c. Uses physical force in the discharge of his or her official duties except as described below in subsection 2.
2. Reportable uses of force do not include: Reasonable holding, resisting, or positioning of an individual necessary to apply handcuffs and other restraints; or to effect compliance with a lawful command.

#### G. FIREARMS POLICY

1. Requirements for carrying a firearm. State marshals are authorized to carry firearms in the course of their official duties only under the following circumstances.
  - a. The state marshal has successfully completed, at his or her own cost, the following Police Officer Standards and Training Council (POSTC) approved basic recruit or refresher training/certification requirements, as appropriate, at the POSTC Connecticut Police Academy, subject to any prerequisites that may be required by POSTC:
    - Firearms training course within the preceding year;
    - Practical Shooting Decisions training course within the preceding year;
    - Use of Force training course within the preceding three years;

- Civil Liability training course within the preceding three years;
  - Defensive Tactics training course within the preceding three years;
  - Less Than Lethal Force training course within the preceding three years;
  - Less Than Lethal Force (Baton) training course within the preceding three years;
  - Less Than Lethal Force (OC) training course within the preceding three years; and
  - Emergency Medical Aid training course, as specified by POSTC, within the preceding three years.
- b. The state marshal possesses a valid Connecticut permit to carry pistols or revolvers.
- c. The state marshal has successfully completed a law enforcement oriented psychological examination by a licensed psychiatrist or clinical psychologist.
- d. The State Marshal Commission has reviewed the request at a Commission meeting, voted by a majority vote at said meeting to approve the request, and the state marshal has received written approval from the Commission to carry a firearm in the course of his or her official duties. In considering the request to carry a firearm during the state marshal's official duties, the Commission may consider:
- i. Any written request or evidence submitted by the state marshal;
  - ii. The Psychological Examination Report issued pursuant to subdivision c of this section;
  - iii. The state marshal's disciplinary history before the Commission; and
  - iv. Any other relevant information before the Commission.
- e. At all times while carrying a firearm during the course of his or her official duties, a state marshal shall also carry on his or her person a less-than-lethal option such as a baton and/or pepper spray consistent with this policy.
- f. No state marshal can carry a firearm while making arrests under capias warrants unless he or she has completed the firearm policy procedures noted herein and is on the Capias Unit.
- g. The state marshal shall provide the State Marshal Commission with proof of insurance consistent with Connecticut General Statutes § 6-30a (a) in an amount of not less than one million dollars (\$1,000,000.00) which names the state of Connecticut, the Department of Administrative Services, the State Marshal Commission and their officers, agents and employees as additional insureds. Such insurance policy shall protect and indemnify the insured from liability, to the limits of the policy, for all claims, including those involving use of a firearm, related to the use of force by a state marshal alleged to have been performed in the course of his or her official duties, including but not limited to, claims of supervisory liability and wrongful death under Connecticut common law and violations of a claimant's civil rights under federal law.

2. Review of permission to carry a firearm.
  - a. The State Marshal Commission reserves the right, at any time, to review permission for a state marshal to carry a firearm while conducting his or her official duties. This includes where a marshal has permission to carry as a member of the Capias Unit and membership on the Capias Unit has lapsed for any reason or is revoked by the Commission.
  - b. The State Marshal Commission reserves the right, at any time, to require that a state marshal successfully complete again any of the above conditions articulated in subsection 1 of this section in order to continue his or her permission to carry a firearm while conducting his or her official duties.
  
3. State marshals may only use authorized firearms and ammunition.
  - a. State marshals are authorized to carry, in the course of their official duties, any semiautomatic pistol of any caliber that is routinely and customarily used in the police environment by departments in the State of Connecticut. However, state marshals must also comply with General Statutes § 29-38m on the purchase of ammunition and General Statutes § 53-202w on the 10 round limit for large capacity magazines and are subject to procedural and penalty time frames set forth in General Statutes § 53-202x.
  - b. Each state marshal shall provide the State Marshal Commission with a written certificate indicating that his or her approved firearm has been inspected by a qualified armorer within the preceding year, is in good working order, and is operating within the manufacturer's specifications.
  - c. State marshals shall only carry factory-loaded ammunition manufactured by a recognized commercial manufacture of ammunition, suitable to the firearm type being carried by the state marshal. Bullet weight shall be consistent with firearm type and caliber of the firearm being carried by the state marshal. However, state marshals must also comply with General Statutes § 29-38 m on the purchase of ammunition, and General Statutes § 53-202w on the 10 round limit for large capacity magazines and are subject to procedural and penalty time frames set forth in General Statutes § 53-202x.
  
4. State marshals shall carry firearms discreetly.
  - a. State marshals shall carry firearms in such a manner so as not to unnecessarily cause public alarm.
  - b. State marshals in possession of a firearm during the course of their official duties shall, at all times, display their badges in plain view or otherwise conspicuously identify themselves as a state marshals.
  
5. Revocation of firearms authorization.
  - a. State marshals who fail to demonstrate compliance with this section, or any other provisions of this Use of Force Policy, who are arrested for a felony, provided the decision will be reviewed upon resolution of the

criminal matter, or who do not otherwise comply with State Marshal Commission Regulations, including § 6-38b-6 et. seq., or state or federal law may have their authorization to carry a firearm revoked, in addition to any other remedial action deemed appropriate by the State Marshal Commission.

b. A state marshal whose official actions may have caused death or serious physical injury to another person through the use of his or her firearm shall have his or her authorization to carry a firearm or other authorized weapons administratively suspended, and may have his or her state marshal appointment administratively suspended, pending the outcome of an investigation conducted pursuant to State Marshal Commission Regulations §§ 6-38b-7 and 8.

6. Medical Attention.

a. State marshals shall secure immediate, qualified medical attention, such as an ambulance or paramedic, for any person who is injured or in distress from any action which may be the direct or indirect result of a marshal's use of force.

7. Firearm safety.

a. Storage of firearms (General Statutes § 29-37i and General Statutes § 53a-217a). Storage of firearms must be consistent with General Statutes § 29-37i and shall not be stored negligently in violation of General Statutes § 53a-217a.

b. Firearms and vehicles.

i. State marshals shall not leave firearms unattended in unlocked vehicles.

ii. Whenever a vehicle is parked or left unattended and the firearm is left in the vehicle, the state marshal must unload the firearm, place the firearm in the vehicle's trunk in a locked box, and lock the vehicle.

iii. State marshals must keep their firearms out of the reach of a vehicle's passengers at all times.

## H. CAPIAS UNIT

1. Requirements for assignment to the Capias Unit. State marshals who wish to be assigned to the Capias Unit shall fulfill the following requirements:

a. The state marshal has successfully completed the following Police Officer Standards and Training Council (POSTC) approved basic recruit or refresher training/certification requirements, as appropriate, at the POSTC Connecticut Police Academy, subject to any prerequisites that may be required by POSTC:

- Use of Force training course within the preceding three years;
- Civil Liability training course within the preceding three years;
- Defensive Tactics training course within the preceding three years;

- Handcuffing Techniques training course within the preceding three years;
  - Less Than Lethal Force (Baton) Techniques training course within the preceding three years;
  - Less Than Lethal Force (OC) training course within the preceding three years;
  - Officer Safety/Mechanics of Arrest, Restraint, and Control training course within the preceding three years; and
  - Emergency Medical Aid training course, as specified by POSTC, within the preceding three years.
- b. The state marshal shall provide the State Marshal Commission with proof of an insurance policy consistent with Connecticut General Statutes § 6-30a (a) in an amount of not less than one million dollars (\$1,000,000.00) which names the state of Connecticut, the Department of Administrative Services, the State Marshal Commission and their officers, agents and employees as additional insureds. Such insurance policy shall protect and indemnify the insureds from liability, to the limits of the policy, for all claims related to the use of force by a state marshal alleged to have been performed in the course of his official duties, including, but not limited to, claims of supervisory liability and wrongful death under Connecticut common law, and violations of a claimant's civil rights under federal law.
- c. While engaged in the service of capias warrants, a state marshal cannot use or carry use of force equipment (firearms, batons, pepper spray or handcuffs) unless he or she is on the Capias Unit and has complied with the applicable firearm and capias protocols and training as set forth in this Use of Force Policy. State marshals who are not on the Capias Unit can still execute a capias without use of force equipment (firearms, batons, pepper spray, handcuffs) when the subject of the capias warrant voluntarily cooperates in the execution of the capias and no actions are needed beyond the service of the warrant and the consensual actions of the subject as a result of the execution.

## I. PEPPER SPRAY

1. Authorization for carrying pepper spray is required. Only state marshals who have completed a POSTC-approved Less than Lethal (OC) training course under the supervision of a Connecticut POST certified law enforcement instructor within the preceding three years and have a certificate on file with the State Marshal Commission are authorized to carry pepper spray during their official duties as a state marshal.
2. Purpose of pepper spray. Pepper spray is intended to restrain and control a hostile subject with minimum physical contact between the state marshal and the subject. The speed and effectiveness of the pepper spray reduces the need for an escalation to the use of traumatic weapons.



3. State marshals may only use authorized pepper spray. State marshals may utilize Oleoresin Capsicum Aerosol Spray (OC or pepper spray) consistent with that utilized by the POST certified law enforcement instructor at the required training course.
4. When to use pepper spray.
  - a. Pepper spray may be used whenever a subject is combative, assumes a fight stance, or indicates aggressive intent by other means.
  - b. Other factors to be considered when using pepper spray are:
    - i. The potential injury to state marshal and/or subject;
    - ii. The area where the pepper spray shall be employed;
    - iii. The potential exposure or impact on uninvolved persons; and
    - iv. The presence of a physical condition, medical condition or apparent psychiatric condition known to the state marshal utilizing the pepper spray which may contraindicate its use (e.g., heart or respiratory condition, cationic state, panic disorder, or irregular breathing).
5. After using pepper spray.
  - a. The state marshal should alleviate any anxiety the subject may have by assuring him or her that the effects of the spray are temporary and symptoms should disappear within 15-45 minutes. If significant symptoms last longer than 45 minutes, especially in the eyes or respiratory system, the state marshal must seek prompt medical attention for the subject.
  - b. The state marshal should, whenever possible, remove the subject promptly from the contaminated area
  - c. The state marshal must monitor the subject's physical condition by asking the subject whether he or she has a respiratory condition such as asthma, bronchitis or emphysema.
  - d. The state marshal must summon emergency medical assistance immediately if a person appears to have significant difficulty breathing, appears unconscious, or requests medical attention following the administration of pepper spray.
  - e. If the person will be detained by an authorized Capias Unit state marshal under a civil capias warrant, the marshal should do the following after using pepper spray:
    - i. Immobilize the subject by handcuffing;
    - ii. If the subject is wet from spraying, allow a few minutes for the spray to dry before transporting, whenever possible;
    - iii. If possible, allow the subject to wash with soap and water as soon as is practical; and
    - iv. Inform any monitoring personnel, if applicable, that the subject has been sprayed.

J. BATONS

1. Authorization for carrying a baton is required. Only state marshals who have completed a POSTC-approved Less Than Lethal Force (Baton) training course under the supervision of a Connecticut POST certified law enforcement instructor within the preceding three years and have a certificate on file with the State Marshal Commission are authorized to carry and utilize batons during their official duties as a state marshal.

K. HANDCUFFS

1. Authorization for carrying handcuffs is required. Only state marshals who are on the Capias Unit are authorized to carry and utilize handcuffs during their official duties as a state marshal. Such marshals are only permitted to utilize handcuffs while making an arrest under a civil capias warrant.
2. Use of handcuffs.
  - a. State marshals shall handcuff all suspects behind their backs, if possible.
  - b. Persons with known medical conditions, or whose physical stature prevents them from being handcuffed behind their backs without unreasonably inflicting severe pain or injury may, at the discretion of the state marshal, be handcuffed in front.

# WAGE EXECUTIONS

# Summary

## Definition

A wage execution is a court order that allows a judgment creditor, through a levying officer (a state marshal or constable), to collect on a money judgment directly from the debtor's wages. Generally, when a judgment debtor fails to pay off a judgment, a judgment creditor can apply to the clerk of the court to issue a wage execution. Under this type of execution, the state marshal serves the debtor's employer who then must deduct a set amount from the debtor's non-exempt wages to pay off the judgment.

## Service

The service of a wage execution is done as in a civil action. The state marshal may make service by certified mail, return receipt requested, to an address within the state marshal's county. If an employer has requested service by facsimile, the marshal should also serve the execution by certified mail, return receipt requested, in compliance with the statute. In situations where an employer has specially designated an out-of-county or out-of-state office (e.g. a payroll office/or executive headquarters) to receive service of wage executions, the state marshal can make service by certified mail, return receipt requested, on the designated out-of-county or out-of-state office. *See* General Statutes § 52-361a (d) (as amended by Public Act 16-64). Finally, where the state marshal commenced the underlying civil action in their county, the state marshal may serve a post-judgment wage execution out of their county.

A state marshal must serve a wage execution within one year from its issuance and the execution must be returned within thirty days from the satisfaction of the judgment. The marshal must serve a properly endorsed copy of the wage execution and supply the employer with a modification and exemption claim form. The marshal is required to fill in the date of service on the modification and exemption claim form (JD-CV-3a).

The marshal must provide the employer with a cover sheet containing basic information including the judgment amount, post-judgment interest (if ordered and noted on the execution), and the state marshal statutory fee—currently 15% of the total amount of the execution—on a cover sheet. The marshal should also provide the employer with written instructions that payments are to be made directly to the state marshal and not to the creditor or their attorney. In general, the marshal may serve any duly authorized person at the employer. The marshal may not add post-judgment interest to the execution amount unless it was specifically ordered by the court and the box on the court form is checked. Neither the marshal nor the creditor may check the box for interest. It is good professional practice for the marshal to check with the payroll division in large employers

to determine who is authorized to process wage executions, so that the marshal may direct the service most effectively.

It is important that the marshal serve the wage execution as soon as possible after receipt, as wage deductions are made based on priority. While priority is generally set by the order in which the wage executions are served on the employer, family support wage executions and internal revenue service tax executions get first priority under statute.

Deductions are based on the debtor's disposable income. Generally, an employer may only deduct funds from the debtor's wages under one wage execution at a time. Any other executions served on the employer will be satisfied in turn. It is good professional practice for the serving marshal to check with an employer periodically if the marshal is waiting for an execution to reach the top of the priority list.

General Statutes § 6-32 requires the marshal to provide timely service and returns thereof. The marshal must prepare a return and send the return and the signed original back to the judgment creditor when appropriate. Usually, this is when the judgment is satisfied in full. However, if an employee leaves a job, or an employer stops forwarding funds, and the judgment is wholly unsatisfied or partially satisfied, the marshal must send the appropriate return so the judgment creditor can pursue remedies. Failure to serve and/or to provide a timely return subjects the marshal to double damages liability under General Statutes § 6-32.

## **Manner**

A judgment creditor must obtain a money judgment and an order of weekly payments against a debtor. Before a creditor may obtain an execution, the debtor must fail to abide by the order. The judgment creditor or their lawyer will calculate the total amount of the judgment, which will include costs and post-judgment interest (if ordered). Interest is set by statute. For many civil matters the current interest rate is 10% annually. However, as noted above, a marshal may not collect post-judgment interest unless it was ordered by the Court and the correct box is checked by the Court on the execution form.

A judgment creditor may seek information about a debtor's assets by following various procedures, including serving the debtor or a third party with post-judgment interrogatories (written questions). If the debtor fails to properly respond to the interrogatories, or has an execution against them returned as unsatisfied - in whole or in part - the judgment creditor can file an application with the court for an examination of the judgment debtor, under oath, at a time and place set by the clerk. The method of and timeframe for service of the *petition for the examination of judgment debtor* and hearing notice is as in civil process. Often a subpoena is also issued to summon the judgment debtor to the hearing.

If a judgment debtor defaults on the court-ordered payments, the court clerk, upon application by the judgment creditor, will issue a wage execution directed to a levying

officer (state marshal or constable) to serve on the debtor's employer. The employer calculates the amount of money to be deducted weekly from the debtor employee's disposable income based on statutory criteria. The total sum to be paid by the debtor employee over the course of the wage execution is provided by the state marshal to the employer through a cover/direction sheet which reflects the judgment sum, post-judgment interest ordered by the court, and the state marshal fee.

In addition to the cover sheet and the wage execution application form, the marshal must serve the employer with an exemption and modification claim form. The state marshal must fill in the date of service on the exemption and modification claim form and provide it to the employer. As noted above, the marshal should inform the employer on the cover sheet to make payments directly to the state marshal, and not to the judgment creditor or their attorney. The employer will then fill in some information and send the wage execution and exemption and modification form to the debtor employee.

## **Stays and Exemptions**

The wage execution is not effective until after 20 days from the date the employer is served (the 21<sup>st</sup> day). The wage execution is not immediately enforceable so that the debtor employee has an opportunity to make claims in court, including a claim regarding exempt property. Wages cannot be withheld or sent to a state marshal during this time or during subsequent court proceedings, until any claims are resolved by the Court. If no claim is filed, the employer is required to make deductions and forward the sums to the state marshal. Subsequent motions on exempt property and modification requests will act to stay a wage execution even after deductions have started.

Certain property of a judgment debtor is exempt from execution. The most common exemptions for debtors who are natural persons are set forth in General Statutes § 52-352b. It is important for state marshals to be aware of the exempt property rules. Under the law, state marshals may face liability if they collect exempt property under an execution. If a state marshal has doubts about whether certain property is exempt, the state marshal can certify the question of the exemption to the court who will then hold a hearing and issue a determination on the matter.

## **Fees**

The state marshal is entitled to 15% of the total execution amount as a fee. The marshal may not collect administrative fees in addition to the 15% statutory fee. If the marshal collects money under an execution, but it is so nominal that it will not provide for a \$50 fee, the marshal may seek a one-time \$50 minimum fee under statute.

Because the Court-ordered interest awarded may vary, a state marshal should verify the rate of interest granted by looking up the judgment on the judicial branch

website, requesting a copy of the judgment from the creditor's attorney, or obtaining the information from the court's official file.

The execution amount is calculated by adding the judgment amount (less any amount paid by the debtor prior to the execution), the application fee or fees, post-judgment costs and fees associated with the wage execution, and any post-judgment interest ordered by the Court. The state marshal's fee is 15% of the sum. The total demand on the employer will include the execution amount plus the marshal fee.

The employer will deduct weekly sums from the debtor's wages until the total demand amount has been paid to the marshal. As noted above, the marshal fee is calculated by taking 15% of the total execution amount. The marshal is not entitled to 15% of the amount forwarded by the employer each week, as that amount already includes the marshal's fee and the marshal may not earn a 15% fee on their 15% fee. Accordingly, the marshal should calculate their total fee owed on the execution, and divide by the number of weekly payments to arrive at their appropriate weekly fee. For example, if the total execution amount is \$1,000, then the total marshal fee under the execution will be \$150 and the total demand on the employer will be \$1,150. If the weekly deductions from the employer to the marshal total \$115, then the employer must deduct this amount for 10 weeks to fully satisfy the execution amount. The appropriate state marshal fee would be \$150 divided by 10 weeks or \$15 per paycheck.

The state marshal fee may not be collected in a lump sum. The fee is payable only on a proportional basis as the money is actually collected and distributed. Since the fee is taken periodically over the course of the wage execution, if another state marshal completes collection under a wage execution, that marshal is entitled to the proportionate fees derived from the funds they collected. A state marshal cannot knowingly bill, or receive fees, for work the marshal did not actually perform. Once a state marshal collects funds from the employer, the marshal is required to distribute funds to the judgment creditor no later than 30 calendar days from the date of the collection, or upon the collection of \$1,000, whichever is earlier. The statute does permit the state marshal and the judgment creditor to enter an agreement for a different distribution schedule. The best professional practice in these circumstances is for the creditor and marshal to enter a written agreement to protect the marshal from claims of withholding funds.

## **Accounting Procedures and Recordkeeping**

A state marshal is required to abide by specific professional standards when collecting, safe-guarding, and distributing client funds. Money collected under wage executions must be kept in a Trustee/Client Fund Account and handled in accordance with State Marshal Commission Regulations § 6-38b-6 and the Commission Audit Policy. Under General Statutes § 6-38e, the State Marshal Commission is authorized to periodically review and audit the records and accounts of state marshals. Marshals must also submit account reconciliations to the Commission pursuant to the Audit Policy.

## Former State Marshals

Once a state marshal is removed from their appointment (due to revocation or retirement), they are no longer considered a proper levying officer. Accordingly, if a marshal is collecting under a wage execution and is later removed from their appointment, they may not continue to collect under that execution and must turn the collection over to another state marshal. *See* Opinion of the Attorney General, December 6, 2001.

## Major Statutes

There are many statutes/regulations that touch on wage executions. The state marshal should always check with their client, attorney (if applicable), and the statutes if there are any questions about a particular execution. The following reference list is not exhaustive and sets forth only the most important and commonly used statutes covering wage bank executions:

- 52-361a Primary statute for wage executions.
- 52-361b Claims for exemption or modification.
- 52-261 (a) (6) State marshal fees under an execution (15% on the amount of the execution; \$50 minimum fee).
- 52-356d Installment payment orders.
- 6-35 Distribution of collected sums.
- 6-32 State marshal duty to serve and make prompt and true return; liability.
- 52-352a & 52-352b Exempt property list.
- 52-351b Discovery by judgment creditor (interrogatories).
- 52-397 Examination of judgment debtor. *See* General Statutes §§ 52-46 and 52-46a for service.
- 52-350e Service of process in post-judgment matters.
- 52-362 Support Enforcement collection matters.
- 37-3a & 37-3b Postjudgment interest rate for certain civil matters.



- 6-38e            Audit authority of the State Marshal Commission
- 6-38 (d)        State marshal must perform work in order to collect a fee.
- 52-55            Completion of service by another state marshal.

## **Forms**

The following is a list of the common forms utilized for wage executions. Note that these forms are updated frequently by the Judicial Branch. Accordingly, it is important to verify that the most recent form has been utilized. These forms are available at the Forms section of the Judicial Branch website.

- JD-CV-50        Notice of Judgment and Order For Weekly Payments
- JD-CV-3        Wage Execution Proceedings - Application, Order, Execution
- JD-CV-3a        Exemption and Modification Claim Form, Wage Execution
- JD-CV-23        Post Judgment Remedies, Interrogatories
- JD-CV-54        Application for Examination of Judgment Debtor and Notice of Hearing

# **PROBATE COURTS**

# Summary

## General Information

There are 54 Probate District Courts, and 7 Regional Children's Probate Courts in the state of Connecticut.

The Probate Courts have jurisdiction over decedent estates, conservatorships, guardianships, name changes, termination of parental rights, and adoptions. Probate judges appoint fiduciaries, in the form of executors, administrators, trustees, guardians, or conservators.

State Marshals may be called upon by a Probate Court to serve process in matters of: involuntary conservatorship; guardianship of the intellectually disabled; involuntary commitment; petitions for administration of psychiatric medications against a person's will; termination of parental rights; guardianship or custody of a minor; and witness subpoenas involving will contests or other decedent estate proceedings.

The party being served may reside at home, in a hospital, at a nursing home, in a group home, or in a psychiatric facility. If institutionalized, the party may be housed in a secure, locked-down facility.

## Authority

Connecticut General Statutes sections 45a-1 through 45a-788 govern Probate Courts and Procedures.

A Probate Court is authorized under Connecticut General Statutes § 45a-109, to charge the parties before it a fee for service of process/notice. In the event a party is indigent, or meets certain criteria for an exemption, waiver, or reduction under the provisions of Connecticut General Statutes § 45a-111, the state marshal will submit form CO-17 to request payment from the Probate Court. The exemption criteria apply to proceedings in the settlement of the estate of any member of the armed forces who died while in service in time of war; to adoption proceedings involving special needs children; or in matters where the state is the applicant, petitioner, or moving party. Upon approval of the CO-17 form, the state marshal is paid from the Judicial Department, or Probate Court Administration Fund.

Under Connecticut General Statutes § 45a-129, any Court of Probate may summon any person to appear and give testimony under oath relating to such matter. The attendance of any person who has been served with any subpoena may be secured by a *capias*.

Termination of parental rights cases have specific notice requirements which are described in General Statutes § 45a-609.

Involuntary conservatorship proceedings require personal service under the provisions of General Statutes § 45a-649.

Guardianship of Persons With Intellectual Disability proceedings require personal service upon the respondent under the provisions of General Statutes § 45a-671.

## **XVII. REFERENCES**

# Secretary of the State: Review Guidelines for Writs

REVIEW GUIDELINES FOR WRITS (Effective July 1, 2017)						
<b>Corporation</b>						
Domestic	33-663	NO SERVICE				
Foreign Corporation	33-929	SOS agent			2 copies	\$50.00
Nonstock Domestic	33-1053	NO SERVICE				
Nonstock Foreign	33-1219	SOS agent			2 copies	\$50.00
<b>Limited Liability Company</b>						
Foreign	34-243r	SOS agent			2 copies	\$50.00
	34-243r	Foreign Unauthorized (SOTS agent pursuant to 34-275a)			2 copies	\$50.00
<b>Limited Partnership</b>						
Domestic	34-13b	Only with affidavit of due diligent search			1 copy	\$50.00
Foreign	34-38q	SOS agent			2 copies	\$50.00
	34-38q	(If SOS not agent, only w/affidavit of due diligent search)			1 copy	\$50.00
	34-38(d)	Foreign Unauthorized			2 copies	\$50.00
<b>Individuals</b>						
Non-resident	52-59b				1 copy	\$50.00
Connecticut resident	52-57	Only with affidavit of due diligent search			1 copy	\$50.00
<b>Statutory Trusts</b>						
Domestic	34-508(c)	Only with affidavit of due diligent search			1 copy	\$50.00
Foreign	34-533	SOS agent/OR Affidavit of due diligent search			2 copies	\$50.00
	34-539(c)	Foreign Unauthorized			1 copy	\$50.00
	47-244b	Only with affidavit			1 copy	\$50.00
<b>Unincorporated Association</b>						
<b>Miscellaneous</b>						
Chartered in Connecticut	52-57	AS APPLICABLE			1 copy	\$50.00
Insurance Company		Only if 38a-273 is specified on writ			2 copies	\$50.00
Service on any State agency		Refer to Attorney General's Office				

This chart is meant as a quick reference and does not represent the only means of service of process. CHECKS SHOULD BE MADE PAYABLE TO THE SECRETARY OF THE STATE. Clearly indicate the defendant being served through this office. Statutory citation must be indicated on process. Revised 7/1/2017

## Sample Returns/Forms

These sample returns and forms are provided as a guide only. As with all other contents of this Manual, these samples are not mandatory. They also do not constitute legal advice or Commission policy. The state marshal should create their returns and/or forms according to the specific circumstances involved in a particular service. This list is not exclusive. There are several types of process for which a marshal may be required to create a return or other document for which there is no sample provided in this Manual.

1. Basic Return – In Hand
2. Basic Return – Abode
3. Basic Return – Multiple Defendants
4. Divorce Publication Return
5. Divorce Publication Supplemental Return
6. Divorce Publication – Typeset for Newspapers
7. Divorce with Mailing to AGs Office
8. DMV – Affidavit of Diligent Search for Resident
9. DMV – Non-Resident Defendant Affidavit
10. DMV – Non-Resident Return
11. DMV – Resident Defendant Return
12. Inmate Serving State Employee Return
13. Non-Resident Defendant on SOTS Return
14. Non-Resident Defendant on SOTS Affidavit
15. Supplemental Return – Service by Certified Mail
16. Writ with Order to Mail Return
17. Bank Execution – Demand/Return
18. Bank Garnishment – Defendant’s Return (notice)
19. Bank Garnishment – Directions to the Bank
20. Bank Garnishment – Return of Service
21. Lis Pendens
22. LLC Return CGS 34-243r – Service upon Registered Agent for Service
23. LLC Return CGS 34-243r – SOTS as Agent
24. LLC Return CGS 34-243r – Mailing to Principal Office
25. Certificate of Attachment Real Estate Return – Defendant’s Return
26. Military Affidavit
27. Property Attachment Return
28. Property Execution Cover Letter
29. Statute of Limitations Affidavit
30. Affidavit of Loss
31. Affidavit with Notary Paragraph
32. Return – Service on Insurance Commissioner
33. Alias Tax Warrant Demand
34. Auction Notice

35. Notice of Auction Terms
36. Notice to Quit Possession – Residential
37. Notice to Quit Possession – Commercial
38. Subpoena – In-Hand
39. Subpoena – Abode
40. Replevin Return
41. Return – Service on U.S. Attorney for Federal Agency





BASIC SAMPLE RETURN  
(abode service)

State of Connecticut )  
 ) SS (Town served) (Date Served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made due and legal service upon the within named defendant, (defendant's name) , by leaving a verified, true and attested copy of the original (name of documents), at the usual place of abode, (street address), in said Town of (Town).

The within is the original (name of documents), with my doings hereon endorsed.

SAMPLE  
ttte

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

BASIC SAMPLE RETURN  
MULTIPLE DEFENDANTS  
(abode service)

State of Connecticut )  
 ) SS (Town served) (Date Served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made due and legal service upon the within named defendant, (defendant's name) , by leaving a verified, true and attested copy of the original (name of documents), at the usual place of abode, (street address), in said Town of (Town).

And afterwards on the \_\_\_\_ day of (month), (year), I made due and legal service upon the within named defendant, (defendant's name) , by leaving a verified, true and attested copy of the original (name of documents), at the usual place of abode, (street address), in said Town of (Town).

And again on the \_\_\_\_ day of (month) year I made due and legal service upon the within named defendant, (defendant's name) , by leaving a verified, true and attested copy of the original (name of documents), at the usual place of abode, (street address), in said Town of (Town).

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

SAMPLE RETURN  
DIVORCE PUBLICATION

State of Connecticut )  
 ) SS (Town served) (Date served)  
County of (name of county) )

Then and by virtue hereof and by direction of the plaintiff and order of the court, I made due and legal service upon the within named defendant, (defendant's name), by notifying (name of newspaper), a newspaper that circulates in ( city / town), (state), of the ORDER OF NOTICE IN FAMILY CASES for Dissolution of Marriage by legal publication to run once a week for two consecutive weeks commencing on or before (month) (day), (year).

Supplemental Return to Follow with a notarized Affidavit of Publication and clippings or tearsheets.

The within is the original WRIT SUMMONS, DIVORCE COMPLAINT, MOTION FOR ORDER IN FAMILY CASES, ORDER FOR NOTICE IN FAMILY CASES, NOTICE OF AUTOMATIC COURT ORDERS, SUMMARY OF AUTOMATIC COURT ORDERS, with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Travel  
Endorsements  
Verified Pages  
Newspaper Fee  
TOTAL

SAMPLE SUPPLEMENTAL RETURN

Divorce Publication

(Case Name)

State of Connecticut )  
 ) SS (Town) (Date recvd)  
County of (name of county) )

And afterwards on the \_\_\_\_ day of (month), (year), I received the notarized AFFIDAVIT OF PUBLICATION AND CLIPPING(s), for the court ordered legal publication that ran in the (name of newspaper) once on (month), (day), (year) and again on (month), (day), (year), for the above named case, that is attached hereto.

SAMPLE

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

ATTACH NEWSPAPER CLIPPINGS OR TEAR SHEETS AND NOTARIZED AFFIDAVIT OF PUBLICATION TO THE BACK OF THIS SUPPLEMENTAL RETURN AND SEND TO COURT AS FINAL PROOF OF PUBLICATION

SAMPLE TYPESET FOR DIVORCE PUBLICATION

State of Connecticut  
Superior Court of (town)  
(current date)  
(case name)  
Return Date (month) (day), (year)

Notice to (name of defendant)

**DISSOLUTION OF MARRIAGE**

THE COURT HAS REVIEWED the Motion for Order of Notice and the Complaint which asks for a Dissolution of Marriage.

THE COURT FINDS that the defendant's current address is unknown and that all reasonable efforts to find the defendant have failed. The Court also finds that the defendant's last known address to be notified was (street address), in said Town of (town).

THE COURT ORDERS that notice be given to the defendant by having a State Marshal place a legal notice in the (name of newspaper), a newspaper circulating in (town), containing a true and attested copy of this Order of Notice, and, if accompanying a Complaint for Dissolution of Marriage, a statement of Automatic Court Orders have been issued in this case as required by Section 25-5 of the Connecticut Practice Book and are a part of the Complaint on file with the Court.

This notice shall appear once a week for two consecutive weeks commencing on or before (month) (day), (year), and proof of service shall be filed with this Court.

ATTEST: A TRUE COPY  
(State Marshal's name), Connecticut State Marshal  
County of (name of county)  
State of Connecticut

EMAIL OR FAX THIS TYPESET TO THE NEWSPAPER TO OBTAIN A WRITTEN QUOTE  
FOR THE PUBLICATION

SAMPLE RETURN  
(Divorce with mailing to Attorney General's office)

State of Connecticut )  
 ) SS (Town served) (Date served)  
 County of (name of county) )

Then and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made due and legal service upon the within named defendant, (defendant's name), by leaving a verified, true and attested copy of the WRIT SUMMONS, DIVORCE COMPLAINT, NOTICE OF AUTOMATIC COURT ORDERS, SUMMARY OF AUTOMATIC COURT ORDERS, with and in the hands of (defendant's name) at (street address), in said Town of (Town).

And again on the \_\_\_\_ day of (month), (year), I made due and legal service upon the State of Connecticut Attorney General's office, by mailing at the U.S. Post office a verified, true and attested copy of the original WRIT SUMMONS, DIVORCE COMPLAINT, NOTICE OF AUTOMATIC COURT ORDERS, SUMMARY OF AUTOMATIC COURT ORDERS, at 55 Main Street, Hartford, CT 06103. ( )-FM-17!

The within is the original WRIT SUMMONS, DIVORCE COMPLAINT, NOTICE OF AUTOMATIC COURT ORDERS, SUMMARY OF AUTOMATIC COURT ORDERS, with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
 (State Marshal's name)  
 Connecticut State Marshal  
 (name of county )County

Service  
 Travel  
 Endorsements  
 Verified Pages  
 TOTAL





SAMPLE FORM

(Affidavit- DMV service upon Commissioner of DMV for non-resident defefendant)

State of Connecticut )  
 ) SS (Town) (Date served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff's attorney, I made due and legal service upon the within named non-resident defendant, (defendant's name), by leaving a verified, true and attested copy of the original (name of documents), at the office of the Commissioner of Motor Vehicles, State of Connecticut, 60 State Street, in said Town of Wethersfield, at least twelve days prior to the return date. The Commissioner is the appointed attorney for the within named non-resident defendant, (defendant's full name & address). Per CGS 52-62(c)

The within is a verified, true and attested copy of the original (name of documents), with my doings hereon endorsed.

SAMPLE

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

(must accompany Writ, Summons and Complaint to Commissioner in addition to the non-resident defendant by certified, return-receipt-requested mail)



SAMPLE RETURN  
(Service upon Commissioner of DMV –Diligent Search)

State of Connecticut )  
 ) SS (Town) (Date served)  
 County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made a diligent search throughout my precincts to locate (defendant's name), but was unable to locate said defendant at the address on file with the Commissioner of Department of Motor Vehicles.

And again on the \_\_\_\_ day of (month), (year), I made due and legal service upon the within named defendant, (defendant's name), by leaving a verified, true and attested copy of the original (name of documents), at the office of the Commissioner of Department of Motor Vehicles, 60 State Street, in said Town of Wethersfield. The Commissioner is the appointed attorney for the within named defendant, (defendant's name), (full address). Per CGS 52-63

And again on the \_\_\_\_ day of (month), (year), I made due and legal service upon the within named defendant, (defendant's name), by mailing a certified, postage paid, return-receipt-requested, a verified, true and attested copy of the original (name of documents), with an endorsement thereon of the service upon the commissioner, addressed to the within named defendant, (defendant's name), (full address). Per CGS 52-63

Supplemental Return to Follow Track # (enter tracking no. here)

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
 (State Marshal's name)  
 Connecticut State Marshal  
 (name of county) County

Service	
Verified Pages	
Endorsements	
Travel	
Postage	
DMV Fee	50.00
TOTAL	

SAMPLE RETURN

(Service upon the Attorney General for an inmate suit against state entities in their official capacities)

State of Connecticut )  
 ) SS (Town) (Date served)  
County of (name of county) )

Then and by virtue hereof and by direction of the plaintiff, I made due and legal service upon the within named defendant(s), (list all defendant's names & titles) by leaving one verified, true and attested copy of the original, (name of documents), with and in the hands of (name of person & title), Authorized Recipient of Service for the Attorney General, 55 Elm Street, in said Town of Hartford. The Attorney General is the said Authorized Recipient of Service for services originating with an incarcerated person who is commencing a civil action against the state and various state entities for official capacity actions. Per Public Act 12-33, Conn. S. 52-1(b)

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

SAMPLE RETURN  
(Service upon Secretary of State of CT as appointed Attorney for non-resident defendant)

State of Connecticut                    )  
  ) SS                   Hartford                   (Date served)  
County of (name of county)    )

Then and by virtue hereof and by direction of the plaintiff's attorney, I made due and legal service upon the within named non-resident defendant, (defendant's name), by leaving a verified, true and attested copy of the original (name of documents), at the office of the Secretary of the State of Connecticut, 30 Trinity Street, in said Town of Hartford. The said Secretary of the State of Connecticut is the appointed Attorney for the within named non-resident defendant, (defendant's name and full address). (Per CGS 52-59b)

And again on the \_\_\_\_ day of (month), (year), I made due and legal service upon the within named non-resident defendant, (defendant's name), by mailing a certified, postage paid, return-receipt requested and verified, true and attested copy of the original (name of documents) to (defendant's name and full address). (Per CGS 52-59b)

Supplemental Return to Follow: Track # (usps track no.)

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
Postage  
S.O.S. Fee                   50.00  
TOTAL

SAMPLE FORM  
(Affidavit -Service upon Secretary of State of CT for non-resident defendant)

State of Connecticut                    )  
  ) SS                   (Town served)                   (Date served)  
County of (name of county)    )

Then and by virtue hereof and by direction of the plaintiff's attorney, I made due and legal service upon the within named non-resident defendant, (defendant's name), by leaving a verified, true and attested copy of the original (name of documents), at the office of the Secretary of the State of Connecticut, 30 Trinity Street, in said Town of Hartford. The said Secretary of the State of Connecticut is the appointed Attorney for the within named non-resident defendant, (defendant's name and full address).  
(Per CGS 52-59b)

Attest:  
**SAMPLE**

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

(must accompany writ, summons & complaint to S.O.S. in addition to the non-resident defendant by certified, return-receipt-request mail)

SAMPLE RETURN  
(Supplemental Return)

(case name)

State of Connecticut )  
 ) SS (Town Recvd) (Date Recvd)  
County of (name of county) )

At said Town of (Town of Post Office), I deposited with the USPS a letter certified, postage paid, return-receipt-requested, a verified, true and attested copy of the original civil process in the above named case.

As of the above date, the RECEIPT was returned to me (the LETTER was returned to me undelivered; unclaimed; return to sender).

Attest:  
**SAMPLE**

(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Mailed to:

(Name)  
(street address)  
(City, State & Zip)

USPS Track # (enter tracking no. here)

Attach green card or letter to this return and send to the court or attorney's office

SAMPLE RETURN

(Service of process by order of the court to mail ie: divorce, modification or contempt)

State of Connecticut )  
 ) SS (Town mailed) (Date mailed)  
 County of (name of county) )

Then and by virtue hereof and by direction of the plaintiff (plaintiff's attorney) and order of the court, I made due and legal service upon the within named defendant, (defendant's name), by mailing at the U.S. Post Office a certified, postage paid, return-receipt-requested a verified, true and attested copy of the original (name of documents) to (defendant's name), (street address), (city, state, zip).

Supplemental Return to Follow: Track # (enter tracking no. here)

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

**SAMPLE**  
 \_\_\_\_\_  
 State Marshal's name)  
 Connecticut State Marshal  
 (name of county) County

Service  
 Travel  
 Endorsements  
 Verified Pages  
 Postage  
 TOTAL

Retain receipt until either the green card or the letter is returned. Follow with a supplemental affidavit and attach the green card or letter and return to court or attorney's office.



SAMPLE FORM

STATE OF CONNECTICUT  
COUNTY OF (list County)

The within is a true copy of the original  
execution now in my hands for collection:

Execution Balance \_\_\_\_\_

Interest \_\_\_\_\_

Judgment Lien/Costs \_\_\_\_\_

Marshal's Fee \_\_\_\_\_

Bank Fee (Currently \$8.00)

TOTAL \_\_\_\_\_


A TRUE COPY ATTEST:

\_\_\_\_\_ (marshal signs here)

[Marshal's Name]

X County

PLEASE MAKE ALL CHECKS PAYABLE TO  
AND MAIL ALL PAYMENTS OR COMMUNICATIONS  
TO: (Marshal's Name, Address and Telephone Number)

Insert allowable identifying information about the matter, e.g. name of debtor, name of the creditor,  
and other information such as a date of birth of the debtor, if known.

**RETURN OF SERVICE**

Then and by virtue hereof, I made demand on the above banks for the amount of the execution and my  
fees thereon. (When appropriate, add additional information about the service here)

I therefore return this execution

Partially Satisfied - Wholly Satisfied - Unsatisfied (note marshal has to circle one)

\_\_\_\_\_ - \_\_\_\_\_ - \$8.00 = \_\_\_\_\_  
Collected Amount                      Marshal Fee                      Bank Fee

Attest:

\_\_\_\_\_  
[Marshal's Name]  
Connecticut State Marshal  
[County]







SAMPLE RETURN  
(Lis Pendens)

State of Connecticut                    )  
  ) SS                   (Town served)                   (Date served)  
County of (name of county)            )

Then and by virtue hereof, I caused the NOTICE OF LIS PENDENS, SCHEDULE A, to be recorded on the (Town) land records by leaving the original NOTICE OF LIS PENDENS, SCHEDULE A, with and in the hands of the (Town) Town Clerk.

The within is a certified copy of the original recorded NOTICE OF LIS PENDENS, SCHEDULE A, with my doings hereon endorsed.

**SAMPLE**

(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service	20.00
Endorsements	.00
Verified Pages	.00
Travel	
Town Clerk Recording Fee	
TOTAL	





SAMPLE RETURN  
(LLC or Registered foreign LLC service by mailing to address of principal office)

State of Connecticut )  
 ) SS (Town served) (Date served)  
County of (name of county) )

I made a due and diligent search for the registered Agent for Service, (name of agent), on file with the Secretary of the State and the said agent could not be found with reasonable diligence.

Then and by virtue hereof and by direction of the plaintiff's attorney, I made due and legal service upon the within named limited liability company defendant, (company's name), by mailing a certified, postage paid, return-receipt-requested, a verified, true and attested copy of the original (name of documents) to: (company's name & principal office address registered with the S.O.S.)  
Per CGS 34-243r(c)

Supplemental Return to follow: Tracking # (enter JSP for commercial delivery service track no.)

The within is the original (name of documents), with my doings hereon endorsed.

ATTEST

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
Postage  
TOTAL





SAMPLE FORM  
(Military Affidavit)

State of Connecticut )  
 ) SS (Town ) (Date Signed)  
County of (name of county) )

I, (State Marshal's name), Connecticut State Marshal of (name of county) County, being duly sworn, depose and say that I am over the age of eighteen, believe in the obligation of an oath and am not a party to this action.

I have personal knowledge that the defendant in this action, (defendant's name), is not now, nor has been within the past thirty (30) days, a member of the military service of the United States. I base this opinion on the following facts:

On (date) I spoke personally with (defendant's name) who stated that the above facts are true and correct.

**SAMPLE**

Atte:

\_\_\_\_\_  
(State Marshal's name),  
Connecticut State Marshal  
(name of county) County

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 2017.

\_\_\_\_\_  
(notary's name)  
Notary Public  
My Commission Expires:



SAMPLE FORM  
(Property Execution Cover Letter)

(State Marshal's Name)  
Connecticut State Marshal  
(Address)  
(Phone #)

Principal	
Post Judgment Interest	
Collector's Statute Fee	
Marshal's Statute Fee	
Balance Due	

(Date)

To Whom It May Concern:

I am a State Marshal of (county name) County, and, as such, hereby make formal demand for payment of the amounts now due on an Execution of Judgment rendered in the above case and directed to me by Attorney \_\_\_\_\_, Commissioner of the Superior Court.

Kindly forward a check or money order in the above amount, including marshal's fee, made payable to (State Marshal's name), State Marshal at the above address. Return this letter with your payment. Do not attempt to pay Attorney \_\_\_\_\_ or the above plaintiff directly since the court has issued the Execution which I now hold.

If I do not receive the total payment in accordance with Connecticut General Statutes, I will have no other alternative then to levy (seize) your property and hold it for sale at a public auction, the proceeds of which will be used to satisfy (pay) the above judgment. Additionally, fees will be increased for storage, advertising, auctioneer, etc., which will be at your expense.

Respectfully,

(State Marshal's name), State Marshal  
(name of county) County



SAMPLE FORM  
(Affidavit of Loss)

PLAINTIFF(S) ) SUPERIOR COURT  
VS. ) JUDICIAL DISTRICT OF (TOWN)  
DEFENDANT(S) ) (DATE SIGNED)

LOSS AFFIDAVIT

The undersigned, being duly sworn, depose and say that the (name of documents) for the above named case as received by me on or about (date) and it was subsequently misplaced or lost in the mail.

Date at (Town), Connecticut, this \_\_\_\_ day of (month), (year).

ATTEST  
\_\_\_\_\_  
(State of) \_\_\_\_\_  
Connecticut State of \_\_\_\_\_  
(name of county) County

**SAMPLE**

Subscribed and sworn to before  
Me, a Notary Public this (date).

\_\_\_\_\_  
(Notary's name), Notary Public  
My Commission Expires: (date)







SAMPLE FORM  
(Alias Tax Warrant)

(State Marshal's Name)  
Connecticut State Marshal  
(Address)  
(Phone #)

Principal	\$1,688.28
Interest calculated through 7/12/17	\$2,050.39
Collector's statute fee	\$6.00
Marshal's statute fee	\$561.70
BALANCE DUE	\$4,306.37

(Case Name)

Date:

To Whom It May Concern:

**SAMPLE**

I am a State Marshal of (county name) County, and, as such, hereby make formal demand for payment of the amounts now due on an Alias Tax Warrant rendered in the above case and directed to me by the Tax Collector of \_\_\_\_\_.

Kindly forward a check or money order in the above amount, including marshal's fee, made payable to (State Marshal's name), State Marshal at the above address. Return this letter with your payment. Do not attempt to pay the Tax Collector of \_\_\_\_\_ directly since the town has issued the warrant which I now hold.

If I do not receive the total payment in accordance with Connecticut General Statutes, I will have no other alternative then to proceed with one of the four steps I have highlighted on the front of the Tax Warrant.

Respectfully,

(State Marshal's name), State Marshal  
(name of county) County

SAMPLE FORM  
(Auction Notice)

AUCTION

Date and Time of Auction: (month, day, year, hour)

Place of Auction: Industrial Park Road  
1230 Industrial Blvd.  
New Haven, CT

Inspection: (time) day of sale

Items to be Auctioned: 1 Yale 6000 Fork Lift  
Sr. #28 28 2828V28

Terms: 10 cash or certified che  
To register prior to  
Items to be sold as is  
Where is with no warranty  
Balance in 10 days and removed from property

(State Marshal's name)

Connecticut State Marshal

Hartford County

Telephone #

SAMPLE FORM  
(Notice of Auction Terms)

**Date and Time of Auction:** (month, day, year)

**Place of Auction:** Dick's Auto Body, Inc.  
450 Main Street  
Vernon, CT

**Deposit:** Each person wishing to bid must present cash, a cashier's check, certified check or money order for \$100.00 to register to bid. Deposits from unsuccessful bidders will be returned at the conclusion of the auction. Plaintiff does not need to pay a deposit to register to bid.

**Settlement:** The successful bid must be paid for in cash, certified check or cashier's check after the bidding is concluded and the purchased property must be removed no later than the date of the auction. Plaintiff may bid up to the amount of its judgment, interest and costs without paying any cash in exchange for a reduction of the judgment. Time is of the essence.

**Method of Bidding:** Only registered bidders may place a bid. The bidding will continue until closed. The auction shall be conducted by the levying officer identified below.

The deposits shall be liquidated damages for failure to pay the bid. If the successful bidder fails to honor its bid by the conclusion of the auction, the property shall be immediately re-auctioned. The bid will be forfeited if the successful bidder does not remove the purchased property by the close of business on the date of the auction.

Property being auctioned:

One (1) White 1994 GMC Van  
Model No. TG 21305  
VIN No. 2ABC456DEF789GH

The sale of the property shall be subject to and shall not affect, any security interest, in whole or in part, in the property, that are superior in right to the execution, pursuant to C.G.S. 52-550. Upon information and belief, GMAC claims a lien on the vehicle. If you want further information on this lien, please contact GMAC directly at 1-800-23-4567.

This auction is being conducted to satisfy a judgment in the principal amount of \$ (amount) plus costs of \$250.00 issued on (date) in the case known as AAA Concrete, Inc. vs. John Doe pending in the Tolland County Superior Court bearing Docket No. CV99-1234567. Interest continues to accrue on this judgment from (date) at the rate of ten percent.

For further information please contact:

Judith Sanders, Esquire  
Smith, Smith and Sanders  
14 Main Street  
Wethersfield, CT 06109  
860-674-9999

Levying officer designated by AAA Concrete, Inc.

John Smith, State Marshal  
Tolland County  
P.O. Box 495  
Vernon, CT 06066  
860-871-0000

BASIC SAMPLE RETURN  
(Notice to Quit Possession - Residential)

State of Connecticut )  
 ) SS (Town served) (Date Served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made due and legal service of the foregoing Notice to Quit Possession by leaving a verified, true and attested copy of the original Notice to Quit Possession, with/at the usual place of abode of, the within names tenant or occupant: (name) at (street address), in said Town of (Town).

The within is the original Notice to Quit Possession with my doings hereon endorsed.

SAMPLE

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

BASIC SAMPLE RETURN  
(Notice to Quit Possession - Commercial)

State of Connecticut )  
 ) SS (Town served) (Date Served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made due and legal service of the foregoing Notice to Quit Possession by leaving a verified, true and attested copy of the original Notice to Quit Possession, at the commercial establishment of ABC, Inc. 55 Main Street, Town, CT.

The within is the original Notice to Quit Possession with my doings hereon endorsed.

Atte: **SAMPLE**

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

SAMPLE RETURN  
(Subpoena –in hand service)

State of Connecticut                    }  
  }SS                   (Town served)                   (Date served)  
County of (name of county)        }

(case name)

(docket no.)

Then and by virtue hereof, I made due and legal service of the within SUBPOENA, not less than eighteen hours prior to the time designated for the person summoned to appear, by reading the same in the presence and hearing of and leaving a verified, true and attested copy thereof with the following person at the address indicated, with and in the hands of:

(person served caption no. and), (street address) in said Town of (town).

SAMPLE

The within and foregoing is the original SUBPOENA, with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

SAMPLE RETURN  
(Subpoena – abode service)

State of Connecticut                    }  
  }SS                   (Town name)                   (Date served)  
County of (name of county)        }

(case name)

(docket no.)

Then and by virtue hereof, I made due and legal service of the within SUBPOENA, not less than eighteen hours prior to the time designated for the person summoned to appear, by leaving a verified, true and attested copy thereof at the usual place of abode for the following person at the address indicated,

(person summoned), (street address), in said Town of (town name).

The within and foregoing is the original SUBPOENA, with return doings thereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL

SAMPLE RETURN  
(Replevin)

State of Connecticut )  
 ) SS (Town served) (Date Served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), and by an order of a judge of the Superior Court, I replevied the following property of the within named defendant, (defendant's name), located at (Street address), in said Town of (Town). Said property further described as follows:

One used 1996 Toyota Camry XL, Vehicle Identification Number (give number) and took the same safely and peaceably into my legal possession.

And afterwards on the \_\_\_\_\_ day of (month), (year), I made due and legal service upon the within named defendant, (defendant's name), leaving a certified, true and attested copy of the original (name of documents), with and in the hands of (defendant's name) at (Street address), in said town of (town).

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
TOTAL



SAMPLE RETURN  
(U.S. Attorney for Federal Agency)

State of Connecticut )  
 ) SS (Town served) (Date Served)  
County of (name of county) )

Then and there and by virtue hereof and by direction of the plaintiff (plaintiff's attorney), I made due and legal service upon the within named defendant, (defendant's name) , by leaving a verified, true and attested copy of the original (name of documents), at the usual place of abode, (street address), in said Town of (Town).

And afterwards on the \_\_\_\_ day of (month), (year), I left three verified, true and attested copies of the within original (name of documents) with and in the hands of (name of ARS and title), who is duly authorized to accept service for the United States Attorney, District of Connecticut, at 450 Main Street, in said Town of Hartford.

And again on the \_\_\_\_ day of (month), (year), I deposited in the U.S. Post Office by certified mail, postage paid, return-receipt-requested, two verified, true and attested copies of the within original (name of documents) addressed to the United States Attorney General, 950 Pennsylvania Avenue N.W., Washington, DC 20530-0001,

Supplemental Return to Follow: Track # (insert tracking no.)

The within is the original (name of documents), with my doings hereon endorsed.

Attest:

\_\_\_\_\_  
(State Marshal's name)  
Connecticut State Marshal  
(name of county) County

Service  
Verified Pages  
Endorsements  
Travel  
Postage  
TOTAL



# Connecticut General Statutes

## Title 6

### Chapter 78

**Sec. 6-29. Ineligibility for office.** No judge, except a judge of probate, and no justice of the peace shall be a state marshal.

(1949 Rev., S. 450; 1953, S. 190d; P.A. 00-99, S. 126, 154.)

**Sec. 6-30a. Personal liability insurance. Indemnification of state marshal for injury occurring while transporting person in custody in a private motor vehicle.** (a) On and after December 1, 2000, each state marshal shall carry personal liability insurance for damages caused by reason of such state marshal's tortious acts in not less than the following amounts: (1) For damages caused to any one person or to the property of any one person, one hundred thousand dollars; and (2) for damages caused to more than one person or to the property of more than one person, three hundred thousand dollars. For the purpose of this subsection, "tortious act" means negligent acts, errors or omissions for which a state marshal may become legally obligated to any damages for false arrest, erroneous service of civil papers, false imprisonment, malicious prosecution, libel, slander, defamation of character, violation of property rights or assault and battery if committed while making or attempting to make an arrest or against a person under arrest, but does not include any such act unless committed in the performance of the official duties of such state marshal.

(b) The state shall protect and save harmless any state marshal from financial loss and expense, including court costs and reasonable attorney's fees, arising out of any claim, demand or suit instituted against the state marshal for personal injury or injury to property by, or as a result of the actions of, any person who is lawfully taken into custody by the state marshal, pursuant to a capias issued by Support Enforcement Services of the Superior Court and directed to the state marshal, if such injury occurs when such person, while in such custody, is transported in a private motor vehicle operated by the state marshal. In the event a judgment is entered against the state marshal for a malicious, wanton or wilful act, the state marshal shall reimburse the state for any expenses incurred by the state in defending the state marshal and the state shall not be held liable to the state marshal for any financial loss or expense resulting from such act.

(P.A. 76-15; P.A. 00-99, S. 128, 154; P.A. 01-195, S. 7, 181; P.A. 07-69, S. 1.)

**Sec. 6-32. Duties. Cost of serving a civil protection order.** (a) Each state marshal shall receive each process directed to such marshal when tendered, execute it promptly and make true return thereof; and shall, without any fee, give receipts when demanded for all civil process delivered to such marshal to be served, specifying the names of the parties, the date of the writ, the time of delivery and the sum or thing in demand. If any state

marshal does not duly and promptly execute and return any such process or makes a false or illegal return thereof, such marshal shall be liable to pay double the amount of all damages to the party aggrieved.

(b) A civil protection order constitutes civil process for purposes of the powers and duties of a state marshal. The cost of serving a civil protection order issued pursuant to section 46b-16a shall be paid by the Judicial Branch in the same manner as the cost of serving a restraining order issued pursuant to section 46b-15, and fees and expenses associated with the serving of a civil protection order shall be calculated in accordance with subsection (a) of section 52-261.

(1949 Rev., S. 453; P.A. 79-497, S. 1, 6; P.A. 80-394, S. 9, 13; P.A. 84-108, S. 1; P.A. 00-99, S. 129, 154; P.A. 01-195, S. 8, 181; P.A. 14-217, S. 190; P.A. 15-14, S. 2; P.A. 16-34, S. 1.)

**Sec. 6-35. Failure to pay money collected within required time.** A state marshal shall pay over, to the person authorized to receive it, any money collected by such state marshal on behalf of or on account of such person not later than thirty calendar days from the date of collection of the money or upon the collection of one thousand dollars or more on behalf of or on account of such person, whichever first occurs, except that the state marshal and such person may agree to a different time for paying over such money. A state marshal who fails to comply with the requirements of this section or any such agreement, as applicable, shall be liable to such person for the payment of interest on the money at the rate of five per cent per month from the date on which such state marshal received the money.

(1949 Rev., S. 454; P.A. 84-108, S. 2; P.A. 94-177, S. 3; May 25 Sp. Sess. P.A. 94-1, S. 67, 130; P.A. 00-99, S. 12, 154; P.A. 03-224, S. 1.)

**Sec. 6-36. Removal from office by General Assembly.** If any sheriff (1) knowingly demands or receives illegal fees for serving process, (2) illegally detains any money collected by him or (3) refuses to satisfy any execution issued against him, the General Assembly shall remove him from office. The terms “knowingly demands” and “receives”, as used in this section, include billing for and the receipt of fees for work by a sheriff who did not actually perform the work for which billing is made or for which payment has been received.

(1949 Rev., S. 455; P.A. 84-108, S. 3.)

**Sec. 6-38. Number of state marshals.** The number of state marshals to be appointed for Hartford County shall not exceed seventy-two; for New Haven County, sixty-two; for New London County, thirty-eight; for Fairfield County, fifty-five; for Windham County, eighteen; for Litchfield County, thirty; for Middlesex County, twenty-one; for Tolland County, twenty-two.

(1949 Rev., S. 457; 1951, 1955, S. 193d; 1959, P.A. 339; 656, S. 1; P.A. 75-535; P.A. 83-548, S. 2, 3; P.A. 87-552; P.A. 94-177, S. 4; May 25 Sp. Sess. P.A. 94-1, S. 67, 130; P.A. 00-99, S. 9, 154.)

**Sec. 6-38a. State marshal. Authority to provide legal execution and service of process.** (a) For the purposes of the general statutes, “state marshal” means a qualified deputy sheriff incumbent on June 30, 2000, under section 6-38 or appointed pursuant to section 6-38b who shall have authority to provide legal execution and service of process in the counties in this state pursuant to section 6-38 as an independent contractor compensated on a fee for service basis, determined, subject to any minimum rate promulgated by the state, by agreement with an attorney, court or public agency requiring execution or service of process.

(b) Any state marshal, shall, in the performance of execution or service of process functions, have the right of entry on private property and no such person shall be personally liable for damage or injury, not wanton, reckless or malicious, caused by the discharge of such functions.

(P.A. 00-99, S. 7, 154; P.A. 03-224, S. 2.)

**Sec. 6-38b. State Marshal Commission. Members. Regulations. Duties. Appointment of state marshal to fill vacancy. Rules.** (a) There is established a State Marshal Commission which shall consist of eight members appointed as follows: (1) The Chief Justice shall appoint one member who shall be a judge of the Superior Court; (2) the speaker of the House of Representatives, the president pro tempore of the Senate, the majority and minority leaders of the House of Representatives and the majority and minority leaders of the Senate shall each appoint one member; and (3) the Governor shall appoint one member who shall serve as chairperson. Of the seven members appointed pursuant to subdivisions (2) and (3) of this subsection, no more than four of such members may be members of any state bar. No member of the commission shall be a state marshal, except that two state marshals appointed by the State Marshals Advisory Board in accordance with section 6-38c shall serve as ex-officio, nonvoting members of the commission.

(b) The chairperson shall serve for a three-year term and all appointments of members to replace those whose terms expire shall be for terms of three years.

(c) If any vacancy occurs on the commission, the appointing authority having the power to make the initial appointment under the provisions of this section shall appoint a person for the unexpired term in accordance with the provisions of this section.

(d) Members shall serve without compensation but shall be reimbursed for actual expenses incurred while engaged in the duties of the commission.

(e) The commission, in consultation with the State Marshals Advisory Board, shall adopt regulations in accordance with the provisions of chapter 54 to establish professional standards, including training requirements and minimum fees for execution and service of process.

(f) The commission shall be responsible for the equitable assignment of service of restraining orders to the state marshals in each county and ensure that such restraining orders are served expeditiously. Failure of any state marshal to accept for service any

restraining order assigned by the commission or to serve such restraining order expeditiously without good cause shall be sufficient for the convening of a hearing for removal under subsection (i) of this section.

(g) Any vacancy in the position of state marshal in any county as provided in section 6-38 shall be filled by the commission with an applicant who shall be an elector in the county where such vacancy occurs. Any applicant for such vacancy shall be subject to the application and investigation requirements of the commission.

(h) Except as provided in section 6-38f, no person may be a state marshal and a state employee at the same time. This subsection does not apply to any person who was both a state employee and a deputy sheriff or special deputy sheriff on April 27, 2000.

(i) No state marshal may be removed except by order of the commission for cause after due notice and hearing.

(j) The commission, in consultation with the Judicial Department, shall adopt rules as it deems necessary for conduct of its internal affairs, including, but not limited to, rules that provide for: (1) The provision of timely, consistent and reliable access to a state marshal for persons applying for a restraining order under section 46b-15; (2) the provision of services to persons with limited English proficiency; (3) the provision of services to persons who are deaf or hearing impaired; and (4) service of process that is a photographic copy, micrographic copy or other electronic image of an original document that clearly and accurately copies such original document. The commission shall adopt regulations in accordance with the provisions of chapter 54 for the application and investigation requirements for filling vacancies in the position of state marshal.

(k) The commission shall be within the Department of Administrative Services, provided the commission shall have independent decision-making authority.

(P.A. 00-99, S. 8, 154; June Sp. Sess. P.A. 01-9, S. 8, 131; P.A. 03-224, S. 3; Sept. Sp. Sess. P.A. 09-7, S. 31; P.A. 14-207, S. 2; P.A. 16-34, S. 2; P.A. 17-98, S. 1; 17-202, S. 4; 17-243, S. 1.)

**Sec. 6-38c. State Marshals Advisory Board. Members. Election.** (a) There is established a State Marshals Advisory Board which shall consist of twenty-four state marshals. Between November 9, 2000, and November 14, 2000, and annually thereafter, the state marshals in each county shall elect from among the state marshals in their county the following number of state marshals to serve on the board: Hartford, New Haven and Fairfield counties, four state marshals; New London and Litchfield counties, three state marshals; and Tolland, Middlesex and Windham counties, two state marshals. State marshals elected to serve on the board shall serve for a term of one year and may be reelected.

(b) On or after April 27, 2000, the Chief Court Administrator shall designate a date and time for the state marshals in each county to come together for the purpose of electing state marshals from each county to serve on the State Marshals Advisory Board pursuant to subsection (a) of this section. A majority of the filled state marshal positions in each

county shall constitute a quorum for that county. The election of state marshals to serve on the board shall be by majority vote. The names of the state marshals elected in each county shall be forwarded to the Chief Court Administrator. The Chief Court Administrator, upon receipt of the election results from all counties, shall designate a date and time for the first meeting of the board to take place as soon as practicable after November 14, 2000.

(P.A. 00-99, S. 146, 154.)

**Sec. 6-38d. Illegal billing by state marshal.** No state marshal shall knowingly bill for, or receive fees for, work that such state marshal did not actually perform.

(P.A. 00-99, S. 150, 154.)

**Sec. 6-38e. Review and audit of records and accounts of state marshals by State Marshal Commission.** The State Marshal Commission shall periodically review and audit the records and accounts of the state marshals. Upon the death or disability of a state marshal, the commission shall appoint a qualified individual to oversee and audit the records and accounts of such state marshal and render an accounting to the commission. All information obtained by the commission from any audit conducted pursuant to this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(P.A. 00-99, S. 152, 154; P.A. 03-224, S. 4.)

**Sec. 6-38f. State Marshal Commission to appoint state marshals. Evidence of service as a deputy sheriff. Appeal. Notification by deputy sheriffs re desire to be appointed state marshal. Notification of decisions to State Marshal Commission.** (a)(1)

Notwithstanding the provisions of section 6-38, the State Marshal Commission shall appoint as a state marshal any eligible individual who applies for such a position. For the purposes of this section, "eligible individual" means an individual who was a deputy sheriff or special deputy sheriff of a corporation on or after May 31, 1995, who had served as a deputy sheriff or special deputy sheriff of a corporation for a period of not less than four years and who has submitted an application to the State Marshal Commission on or before July 31, 2001, provided any such eligible individual submitted an initial application dated on or before June 30, 2000.

(2) For the purpose of showing proof that an individual has served as a deputy sheriff as required by this subsection, information contained in the Connecticut State Register and Manual shall be accepted as evidence.

(3) Any person authorized to apply for appointment as a state marshal pursuant to this section who is determined not to be eligible for such appointment by the State Marshal Commission may appeal such determination to the Superior Court for the judicial district of New Britain in accordance with the procedures and time periods set forth in chapter 54.

(b) Except as provided in subsection (a) of this section:



(1) Any deputy sheriff serving as a deputy sheriff on April 27, 2000, shall notify the Chief Court Administrator on or before June 30, 2000, of the desire of such deputy sheriff to be appointed as a state marshal;

(2) Any deputy sheriff performing court security, prisoner custody or transportation services on April 27, 2000, who desires to perform such functions as a judicial marshal, or desires to be appointed as a state marshal, shall so notify the Chief Court Administrator on or before June 30, 2000; and

(3) The Chief Court Administrator shall notify, in writing, the State Marshal Commission of the decisions of the deputy sheriffs pursuant to subdivisions (1) and (2) of this subsection.

(c) Except as provided in subsection (a) of this section, for purposes of the State Marshal Commission filling any vacancy in the position of state marshal in any county in accordance with subsection (g) of section 6-38b, the State Marshal Commission shall not fill a vacancy in any county if the total number of state marshals in such county is equal to or exceeds the number allowed under section 6-38.

(P.A. 00-99, S. 142, 154; 00-210, S. 2, 5; June Sp. Sess. P.A. 01-9, S. 9, 131; P.A. 02-132, S. 61; P.A. 14-207, S. 11.)

**Sec. 6-38g. Notification of Chief Court Administrator by high sheriff of desire to be appointed as state marshal.** Notwithstanding the provisions of sections 6-38a and 6-38f, no high sheriff who appointed himself or herself a deputy sheriff or has been appointed a deputy sheriff by another high sheriff pursuant to section 6-38 shall become a state marshal on or after December 1, 2000, by virtue of being a deputy sheriff, except that a high sheriff may notify the Chief Court Administrator on or before June 30, 2000, of the desire of such high sheriff to be appointed as a state marshal, and such high sheriff may be appointed as a state marshal after December 1, 2000, provided such high sheriff resigns his or her position as high sheriff effective December 1, 2000.

(P.A. 00-210, S. 3, 5.)

**Sec. 6-38h. Political contribution to appointing authority for State Marshal Commission affects eligibility for appointment as state marshal.** Any person who pays, lends or contributes anything of value to a person who is an appointing authority for the State Marshal Commission under section 6-38b for political purposes shall not be eligible for appointment as a state marshal for a period of two years.

(P.A. 00-99, S. 151, 154.)

**Sec. 6-38i. Special deputy sheriffs and deputy sheriffs serving on December 1, 2000, to continue as judicial marshals and employees of Judicial Department. Collective bargaining unit.** All special deputy sheriffs serving on December 1, 2000, as prisoner custody and transportation personnel and as court security personnel and all deputy sheriffs serving on December 1, 2000, as prisoner custody or transportation personnel and as court security personnel who elect to continue to perform such functions under section



6-38f shall continue to provide such prisoner custody, transportation or court security services after December 1, 2000, as judicial marshals and shall be employees of the Judicial Department. The Judicial Department shall recognize the bargaining unit of special deputy sheriffs for the purpose of collective bargaining with judicial marshals.

(P.A. 00-99, S. 130, 154.)

**Sec. 6-38j. Appointment or removal of deputy sheriff or special deputy sheriff on or after December 1, 2000.** On or after December 1, 2000, no sheriff may appoint or remove any deputy sheriff or special deputy sheriff.

(P.A. 00-99, S. 143, 154.)

**Sec. 6-38m. Annual fee to State Marshal Commission.** Commencing October 1, 2001, and not later than October 1, 2008, each state marshal shall pay an annual fee of two hundred fifty dollars to the State Marshal Commission, which fee shall be deposited in the General Fund. Commencing October 1, 2009, and not later than October first each year thereafter, each state marshal shall pay an annual fee of seven hundred fifty dollars to the State Marshal Commission, which fee shall be deposited in the General Fund.

(June Sp. Sess. P.A. 01-9, S. 11, 131; P.A. 02-4, S. 17; P.A. 03-19, S. 15; 03-224, S. 5; May Sp. Sess. P.A. 04-2, S. 8; June Sp. Sess. P.A. 09-3, S. 92.)

**Sec. 6-38n. Application by high sheriff for appointment as state marshal.**

Notwithstanding the provisions of sections 6-38, 6-38f and 6-38g, any high sheriff may apply not later than October 1, 2001, to the State Marshal Commission for appointment as a state marshal and may be appointed as a state marshal, provided he or she complies with the provisions of subsection (g) of section 6-38b and resigns the position of high sheriff on or before appointment as a state marshal.

(June Sp. Sess. P.A. 01-9, S. 16, 131; P.A. 14-207, S. 12.)

**Sec. 6-39. Bond of state marshal.** Each state marshal, before entering upon the duties of a state marshal, shall give to the State Marshal Commission a bond in the sum of ten thousand dollars conditioned that such state marshal will faithfully discharge the duties of state marshal and answer all damages which any person sustains by reason of such state marshal's unfaithfulness or neglect. The premium for said bonds shall be paid by the state. No state marshal shall collect tax warrants for the state or any municipality until such state marshal executes a bond in the sum of one hundred thousand dollars.

(1949 Rev., S. 458; 1961, P.A. 526; P.A. 73-237, S. 2, 3; P.A. 94-177, S. 10; May 25 Sp. Sess. P.A. 94-1, S. 67, 130; P.A. 00-99, S. 127, 154.)

**Sec. 51-89. State marshal or constable not to act as attorney in court.** No state marshal or constable shall appear in court as attorney.

(1949 Rev., S. 7968; P.A. 00-99, S. 105, 154.)

**Sec. 52-583. Limitation of action against sheriff, state marshal or constable for neglect or default.** No civil action shall be brought against any sheriff, state marshal or constable, for any neglect or default in his or her office or duty, but within two years next after the right of action accrues.

(1949 Rev., S. 8323; P.A. 10-178, S. 3.)

*Regulations of Connecticut State Agencies*

TITLE 6. Counties and County Officers. Judicial and State Marshals

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*Agency*

**Department of Administrative Services—Personnel Division**

*Subject*

**Court Security Officers**

*Inclusive Sections*

**§§ 6-32c-1—6-32c-3**

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**Court Security Officers**

**Sec. 6-32c-1. Advertising of available positions (Repealed)**

Repealed June 11, 2014.

(Effective June 3, 1982; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 6-32c-2. Method to determine candidates' qualifications (Repealed)**

Repealed June 11, 2014.

(Effective June 3, 1982; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

**Sec. 6-32c-3. Grievance procedure (Repealed)**

Repealed June 11, 2014.

(Effective June 3, 1982; Repealed June 11, 2014)

*Notes:* For 2014 repeal, see Sec. 54 of Public Act 14-187. (June 11, 2014)

*Regulations of Connecticut State Agencies*

TITLE 6. Counties and County Officers. Judicial and State Marshals

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*Agency*

**State Marshal Commission**

*Subject*

**Professional Standards (Including Disciplinary Process), Training and Minimum Fees**

*Inclusive Sections*

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*Regulations of Connecticut State Agencies*

TITLE 6. Counties and County Officers. Judicial and State Marshals

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Sec. 6-38b-28. Uses to be made of the personal data

**Professional Standards (Including Disciplinary Process), Training and Minimum Fees**

**Sec. 6-38b-1. Qualifications**

To qualify as a state marshal pursuant to section 6-38b of the Connecticut General Statutes, a person shall:

- (1) Be an elector in the county in which a vacancy for the position of state marshal exists;
- (2) Speak, write and read the English language;
- (3) Be at least 21 years of age;
- (4) Have been awarded a high school diploma or general equivalency diploma (GED);
- (5) Be free from any physical, mental or emotional disorder that would prevent the person from performing the duties of a state marshal;
- (6) Be of good moral character;
- (7) Have a valid Connecticut driver's license; and
- (8) Have passed the examination required under section 6-38b-3 of the Regulations of Connecticut State Agencies and have completed all required training. The State Marshal Commission may waive the examination requirement for persons who previously served as deputy sheriffs in the state of Connecticut.

(Adopted effective October 3, 2002)

**Sec. 6-38b-2. Application**

(a) The State Marshal Commission shall provide an application form for appointment as a state marshal.

(b) All applications for appointment as a state marshal shall be typewritten or hand-printed and submitted to the commission in the form referred to in subsection (a) of this section.

(c) All applications shall be submitted under oath, sworn before and acknowledged by a notary public, that the information given is true. All applications shall include the following information:

- (1) All names by which the applicant has been known;
- (2) The applicant's residence mailing address;
- (3) The applicant's residence telephone number;
- (4) The applicant's business mailing address;
- (5) The applicant's business telephone number;
- (6) Whether the applicant is over the age of 21;
- (7) The applicant's Connecticut driver's license number and expiration date;
- (8) Whether the applicant is an elector in the county in which the vacancy occurs;
- (9) The applicant's criminal convictions and any pending criminal charges;
- (10) The applicant's employment history for the five years immediately preceding the date of application;
- (11) The names of three Connecticut residents who are not members of the applicant's immediate or extended family or household, who can attest to the applicant's good character;

(12) Whether the applicant is free from any physical, mental or emotional disorder that would prevent him or her from performing the duties of a state marshal; and

(13) The applicant's signature.

(d) The commission shall conduct a background investigation of an applicant to determine if the applicant possesses the qualifications set out in this section including, but not limited to, criminal background checks, and contact with references and current and/or former employers. All applications shall be accompanied by a fully executed authorization in a form to be provided by the commission authorizing the commission to access information concerning the applicant's background.

(e) An applicant may be required to submit a letter from a physician stating whether he or she has any physical, mental or emotional disorder that would prevent the person from performing the duties of a state marshal, or the commission may require the applicant to undergo a physical/mental examination.

(Adopted effective October 3, 2002)

**Sec. 6-38b-3. Examination**

(a) The State Marshal Commission shall administer to each applicant for appointment as a state marshal a written examination to determine the applicant's knowledge of service of process and execution.

(b) The examination shall include, but not be limited to, the following subjects:

(1) The functions of a state marshal, including, service of process and execution; and

(2) Familiarity with the applicable portions of the Connecticut General Statutes, the Connecticut Practice Book and the commission's regulations.

(c) A raw score of at least 80 percent shall be required to pass the examination.

(Adopted effective October 3, 2002)

**Sec. 6-38b-4. Training**

(a) The State Marshal Commission shall publish a manual providing information relevant to the duties and responsibilities of state marshals. This manual shall be provided to all state marshals.

(b) The commission shall establish a statewide training program for state marshals appointed pursuant to section 6-38b of the Connecticut General Statutes. The commission shall appoint instructors for such program who shall hold classes on the subject area of a state marshal's duties and responsibilities, as determined by the commission after consultation with the State Marshal Advisory Board.

(c) State marshals shall comply with all continuing education requirements and certification or re-certification requirements as established by regulation.

(Adopted effective October 3, 2002)

**Sec. 6-38b-5. Appointment**

(a) No person shall be appointed as a state marshal pursuant to section 6-38b of the



Connecticut General Statutes unless such person:

(1) Meets all of the qualification requirements set forth in section 6-38b-1 of the Regulations of Connecticut State Agencies;

(2) Has submitted an application which complies in all respects with section 6-38b-2 of the Regulations of Connecticut State Agencies;

(3) Has completed and passed the examination administered pursuant to section 6-38b-3 of the Regulations of Connecticut State Agencies in compliance with all rules governing the examination, pursuant to chapter 67 of the Connecticut General Statutes, unless waived in accordance with the provisions of subdivision (8) of section 6-38b-1 of the Regulations of Connecticut State Agencies;

(4) Has satisfactorily completed the training program required in section 6-38b-4 of the Regulations of Connecticut State Agencies;

(5) Is in compliance with section 6-39 of the Connecticut General Statutes;

(6) Provides to the State Marshal Commission sufficient evidence that the applicant has in effect personal liability insurance which complies with the requirements of section 6-30a of the Connecticut General Statutes; and

(7) Has been fingerprinted and successfully passed a federal and state records check.

(b) The commission may deny appointment of an applicant because of a prior conviction of a crime if, after considering:

(1) The nature of the crime and its relationship to the job for which the person has applied;

(2) Information pertaining to the degree of rehabilitation of the convicted person; and

(3) The time elapsed since the conviction or release, the commission determines that the applicant is not suitable to be a state marshal.

(c) The commission shall issue to newly-appointed state marshals a certificate of appointment, an identification card and a badge. All state marshals shall carry the identification card and badge with them while performing the duties of a state marshal.

(Adopted effective October 3, 2002)

**Sec. 6-38b-6. Standards of conduct**

A state marshal shall:

(1) Comply with all federal, state and local laws, including all applicable state laws, rules of court and regulations concerning a state marshal's duties;

(2) Act with honesty and professional integrity with respect to all matters concerning his or her duties;

(3) Not, while performing the duties of a state marshal, engage in the practice of law or render legal advice;

(4) Perform services in a timely fashion in order to comply with any requirements stated in the Connecticut General Statutes;

(5) Maintain up-to-date records of all process that identify all fees collected and disbursed;

(6) Make his or her records available for inspection by the State Marshal Commission

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upon request;

(7) Inform the commission of the trustee account identification number(s);

(8) Notify the commission, in writing, of his or her intention to perform collection work for any client, prior to engaging in such collection work and

(A) Deposit all funds collected on behalf of any client in a non-interest bearing trustee account, provided no such funds may be commingled with any non-client funds;

(B) Advise the commission, in writing, of the name of the banking institution, branch address, and the name and number of any such trustee account opened or closed;

(C) Deliver any funds to the owner in accordance with the Connecticut General Statutes.

(9) No checks from the trustee account shall be made payable to "cash". No disbursements may be made from the trustee account except for remittance to the client, the disbursement of the applicable fee to the state marshal and for expenses directly related to a specific client. When specific client expenses are paid from the trustee account, the check shall note the name of the client and the nature of the expense. An amount not to exceed \$1,250.00 may be retained in the trustee account to provide for bank charges.

(10) Not use his or her powers, his or her appointment, or any of the incidents thereof, for personal gain or to gain an advantage for another person, other than the authorized collection of fees for service of process or other duties performed by the state marshal;

(11) Not use his or her position for an unlawful, unauthorized or improper purpose;

(12) Not use his or her powers, his or her appointment, or any of the incidents thereof, in connection with any personal matter or dispute;

(13) Not consume alcohol or be under the influence of alcohol while involved in performing his or her duties and not use illegal drugs at any time;

(14) Cooperate fully and truthfully in any inquiry or investigation conducted by the commission or any law enforcement or regulatory agency, subject to the exercise of applicable privileges;

(15) Inform the commission, within 48 hours after being arrested and inform the commission of the disposition of the case no later than 48 hours after being notified of such disposition;

(16) Remain at all times in a physical and mental condition suitable to the satisfactory performance of the duties of a state marshal;

(17) Apprise the commission in writing of any change in the state marshal's residence or business address or residence or business phone number within ten days of such change;

(18) Not display the credentials of a state marshal for any unauthorized, unlawful or improper purpose;

(19) Not knowingly violate the provisions of section 6-38d of the Connecticut General Statutes; and

(20) Not engage in conduct that could harm or otherwise impugn his or her professional reputation, standing or integrity.

(Adopted effective October 3, 2002)

**Sec. 6-38b-7. Investigations**

(a) When the State Marshal Commission receives a written complaint concerning a state marshal, the commission shall notify the state marshal that a complaint has been received.

(b) The State Marshal Commission may initiate and conduct any investigation that the commission deems necessary within the commission's jurisdiction. The commission shall send a notice of such investigation to the state marshal being investigated.

(c) The commission may appoint an investigator.

(d) The investigator shall review the allegations against a state marshal and determine the course of any investigation.

(e) The investigator shall prepare a report to include, at a minimum: copies of documents obtained; a summary of the information gathered and recommended findings.

(f) Such findings shall be presented by the investigator to the commission for the purposes of determining the appropriate action to be taken in the matter.

(g) The state marshal shall be notified in writing of any proposed action and advised of his or her right to a hearing.

(Adopted effective October 3, 2002)

**Sec. 6-38b-8. Disciplinary actions**

(a) Emergency suspension of appointment - Emergency suspension of the appointment of a state marshal by the State Marshal Commission shall be in accordance with the process contained in section 4-182(c) of the Connecticut General Statutes.

(b) The commission may suspend or revoke the appointment of a state marshal when it determines, after due notice and hearing that the state marshal:

(1) Lacks the ability, knowledge, skill, or professional judgment to perform the duties of a state marshal;

(2) Failed to maintain any of the qualification requirements of section 6-38b-1 of the Regulations of Connecticut State Agencies;

(3) Has failed to perform the duties and responsibilities of a state marshal, and that failure resulted in: (A) the life, health, or safety of a person being placed in jeopardy of death or injury; or (B) a person's property being placed in jeopardy of loss or damage;

(4) Since appointment, has been convicted of a crime, after consideration of the nature of the crime and its relationship to the position of state marshal;

(5) Has been found to have falsified or omitted information required to be provided in the state marshal application process;

(6) Misapplied or misappropriated money or property;

(7) Engaged routinely in inaccurate accounting;

(8) Failed to account for funds;

(9) Failed to be in compliance with section 6-39 of the Connecticut General Statutes;

(10) Failed to adhere to the accounting practices contained in section 6-38b-6 of the Regulations of Connecticut State Agencies;

(11) Failed to maintain the insurance required by section 6-30a of the Connecticut

General Statutes; or

(12) Knowingly violated the provisions of section 6-38d of the Connecticut General Statutes.

(c) Suspension or revocation of the appointment of a state marshal may also be imposed for any conduct that could harm or otherwise impugn his or her professional reputation, standing or integrity, including violations of section 6-38b-6 of the Regulations of Connecticut State Agencies.

(d) Suspension or revocation of the appointment of a state marshal may be considered for violation of section 6-38b-6(16) of the Regulations of Connecticut State Agencies. The commission may, after due consideration and review of the circumstances in the matter, require that the state marshal submit to a medical examination.

(Adopted effective October 3, 2002)

**Sec. 6-38b-9. Hearing procedure**

Hearings shall be conducted in accordance with the provisions of the Uniform Administrative Procedure Act, section 4-166, et seq., of the Connecticut General Statutes.

The hearing may be held before one or more hearing officers or one or more members of the State Marshal Commission. No individual who has personally carried out the function of an investigator in a contested case may serve as a hearing officer.

(1) Official address. All correspondence relating to hearings shall be addressed to: State Marshal Commission, 765 Asylum Avenue, Hartford, Connecticut 06105.

(2) Notice of hearings. The hearing/presiding officer shall mail a notice of hearing to all parties. Notice shall be mailed to the addresses provided to the commission by the parties, at least ten (10) days before the scheduled hearing, unless all parties waive the requirement of advance notice. The notice shall include a statement of the time, place, the legal authority under which the hearing is to be held, reference to the particular sections of the statutes and regulations involved and nature of the hearing and a short and plain statement of the matters asserted. If the hearing/presiding officer is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(3) Location of hearings. Hearings shall be held at 765 Asylum Avenue, Hartford, Connecticut and at such other location or locations as the hearing/presiding officer may designate.

(4) Postponements and adjournments. Postponements or adjournments shall be granted only for good cause shown upon a request made to the hearing/presiding officer. The hearing/presiding officer may reschedule a hearing or adjourn a hearing in progress to another date and time.

(5) Waiver of oral hearing and personal appearance. Any state marshal who is the subject of a hearing may waive oral hearing and personal appearance and request that the matter be adjudicated on the basis of the available written and demonstrative evidence on file with the hearing/presiding officer including any evidence submitted by the state marshal who is

the subject of the hearing.

(6) Adjudication in absence of a party. Where the hearing/presiding officer finds that the notice of hearing has been properly served by mail and the respondent or any witness has failed to appear, the hearing/presiding officer may in his or her discretion hear the case.

(7) Rules of evidence. The rules of evidence set forth in section 4-178 of the Connecticut General Statutes shall apply.

(8) Limiting number of witnesses. To avoid unnecessary cumulative evidence, the hearing/presiding officer may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing. The hearing/presiding officer may permit any party to offer testimony in written form, if it will expedite the hearing. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the witness who has given the evidence, provided that the interests of the parties shall not be prejudiced substantially. Any party or witness who submits written testimony shall be present at the hearing at which such testimony is offered and shall adopt the written testimony under oath unless the opposing party has waived the right to cross-examine such party or witness as provided in subsection (9) of this section.

(9) Cross-examination. A party may conduct cross-examinations required for a full and true disclosure of the facts.

(10) Final decision.

(A) A final decision following a hearing shall be in writing or stated in the record. The hearing/presiding officer shall, after hearing a matter, make a proposed final decision to the commission. The commission shall review the proposed final decision of the hearing/presiding officer and render a final decision.

(B) All parties shall be notified either personally or by mail of the final decision.

(11) Any appeal of the final decision of the commission shall be in accordance with section 4-183 of the Connecticut General Statutes.

(12) A state marshal may have legal representation, at his or her own expense, at a hearing to which he or she is a party.

(Adopted effective October 3, 2002)

**Sec. 6-38b-10. Minimum fees for service of process and execution**

Except as otherwise provided in the Connecticut General Statutes:

(1) Each state marshal who serves process, summons or attachments shall receive a fee of not less than five dollars (\$5.00) for each process served.

(2) Each state marshal who serves an execution on a summary process judgment shall receive a fee of not less than twelve dollars and fifty cents (\$12.50).

(3) Each state marshal who removes a defendant under section 47a-42 of the Connecticut General Statutes, or other occupant bound by a summary process judgment, and the possessions and personal effects of such defendant or other occupant, shall receive a fee of not less than eighteen dollars and seventy-five cents (\$18.75).

(Adopted effective October 3, 2002)

**General Provisions and Personal Data Systems**

**Sec. 6-38b-11. Creation**

The State Marshal Commission is established by section 6-38b of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

**Sec. 6-38b-12. Authority and duties**

The commission shall have the duties and responsibilities as provided by sections 6-38b, 6-38e and 6-38f of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

**Sec. 6-38b-13. Membership and terms of office**

(a) The commission is composed of eight (8) members, plus two (2) ex officio members, appointed in accordance with the provisions of subsection (a) of section 6-38b of the Connecticut General Statutes.

(b) The terms of all members shall be as set forth in subsection (b) of section 6-38b of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

**Sec. 6-38b-14. Definitions**

As used in sections 6-38b-1 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Chairman” means the member of the State Marshal Commission appointed by the governor to serve as chairman;

(2) “Commission” means the State Marshal Commission of the State of Connecticut;

(3) “Ex officio member” means a state marshal appointed to the commission in accordance with the provisions of subsection (a) of section 6-38b of the Connecticut General Statutes; such ex officio members are nonvoting members of the commission;

(4) “Hearing” means the proceedings by which the commission makes further inquiry concerning the suspension or revocation of a state marshal’s appointment or concerning a declaratory ruling;

(5) “Hearing officer” shall have the meaning defined in subdivision (4) of section 4-166 of the Connecticut General Statutes;

(6) “Meeting” means any hearing or proceeding of a quorum of the commission in which the business of the commission is being conducted;

(7) “Member” means any of the eight (8) individuals who serve on the commission;

(8) “Presiding officer” means a member of the commission designated by the commission to preside over a hearing conducted in accordance with section 6-38b-9 of the Regulations of Connecticut State Agencies; and



(9) “Quorum” means five (5) members of the commission.

(Adopted effective November 4, 2002)

**Sec. 6-38b-15. Principal office and official address**

(a) The principal office of the commission is located at 765 Asylum Avenue, Hartford, CT 06105.

(b) All communications shall be addressed to the commission at its principal office.

(Adopted effective November 4, 2002)

**Sec. 6-38b-16. Meetings**

(a) The commission shall hold its meetings in accordance with the provisions of the Freedom of Information Act. The chairman may cancel meetings.

(b) The chairman may call special or emergency meetings of the commission whenever he determines that such meetings are necessary.

(c) Notice of meetings shall be provided to members of the commission and to the public in accordance with the requirements of the Freedom of Information Act.

(d) A quorum of the commission shall be present at a meeting in order for business of the commission to be conducted.

(e) Minutes of meetings shall be kept in accordance with the provisions of the Freedom of Information Act.

(Adopted effective November 4, 2002)

**Sec. 6-38b-17. Public inspection of records and requests for information**

The records of the commission shall be maintained at its principal office and shall be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. Copies of documents shall be provided pursuant to the requirements of the Freedom of Information Act.

(Adopted effective November 4, 2002)

**Sec. 6-38b-18. Applicability of regulations**

Sections 6-38b-1 to 6-38b-9, inclusive, and sections 6-38b-19 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies govern practice and procedure before the commission under the applicable laws of the State of Connecticut, except where otherwise provided by statute.

(Adopted effective November 4, 2002)

**Sec. 6-38b-19. Contested cases**

In conjunction with the provisions of sections 6-38b-7 to 6-38b-9, inclusive, of the Regulations of Connecticut State Agencies, the following provisions shall apply:

(1) Designation of parties.

(A) In issuing the notice of hearing, the chairman or his designee shall designate as a

party any person known to the commission whose legal rights, duties or privileges are required by statute to be determined by a commission proceeding and who is required by law to be a party in a commission proceeding and any person whose participation as a party is then deemed to be necessary to the proper disposition of the proceeding. Subsequent to the issuance of the notice of hearing, no person before the commission, other than a respondent who is identified in the notice of hearing, has standing as a party within the definition set forth in subdivision (8) of section 4-166 of the Connecticut General Statutes except upon the express order of the hearing/presiding officer.

(B) Any person who is not identified as a party in the notice of hearing may petition the hearing/presiding officer for admission as a party subsequent to the issuance of the notice and prior to the commencement of oral testimony in any hearing. The petition shall be in writing, signed by the petitioner or his or her authorized representative and shall be served on the commission and the parties at least five days before the date of the hearing. The petition shall state facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the commission's decision. The hearing/presiding officer shall rule on the petition prior to the commencement of any oral testimony in the hearing and shall notify the petitioner of the ruling in writing unless the petitioner is present at the contested case hearing.

(C) The hearing/presiding officer may remove as a party any person whose rights, duties or privileges are determined not to be at issue in the contested case.

(D) The conferring of party status shall not be deemed to be an admission by the commission that such party may be aggrieved by any final decision, order or ruling of the commission.

(2) Intervenors.

(A) The hearing/presiding officer may grant any person status as an intervenor in a contested case if he or she finds that: (A) the person has submitted a written petition to the hearing/presiding officer and served copies to all parties and intervenors at least five days before the date of the hearing; and (B) the petition states facts that demonstrate that the petitioner's participation is in the interest of justice and will not impair the orderly conduct of the proceeding. An intervenor shall participate only in those portions of the contested case that the hearing/presiding officer shall expressly allow.

(B) The conferring of intervenor status by the hearing/presiding officer shall not be deemed to be an admission by the commission that such intervenor may be aggrieved by any final decision, order or ruling of the commission.

(3) Representation of parties and intervenors. Each person authorized to participate in a contested case as a party or as an intervenor shall file a written notice of appearance with the commission. Such appearance may be filed on behalf of parties and intervenors by an attorney, subject to the rules hereinabove stated. The filing of a written appearance may be excused by the hearing/presiding officer.

(Adopted effective November 4, 2002)



**Sec. 6-38b-20. Petitions concerning adoption of regulations**

(a) **General rule** - Subsections (b) and (c) of section 6-38b-20 of the Regulations of Connecticut State Agencies set forth the procedure to be followed by the commission in the disposition of a petition concerning the adoption, amendment or repeal of regulations.

(b) **Form of petition** - Any interested person may petition the commission or the commission may on its own motion initiate a proceeding to adopt, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. The petition shall contain the name and address of the petitioner. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be addressed to the commission and delivered to it at its principal office.

(c) **Procedure after petition filed**

(1) Decision on petition. Upon receipt of the petition the commission shall within thirty (30) days determine whether to deny the petition or to initiate regulation-making proceedings in accordance with law.

(2) Procedure on denial. If the commission denies the petition, the commission shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the commission shall deem appropriate.

(Adopted effective November 4, 2002)

**Sec. 6-38b-21. Petitions for declaratory rulings**

(a) **General rule.** Subsections (b) and (c) of section 6-38b-21 of the Regulations of Connecticut State Agencies set forth the procedure to be followed by the commission in the disposition of a petition for a declaratory ruling as to the applicability to specified circumstances of any provision of any statute or of any regulation or final decision on a matter within the commission's jurisdiction.

(b) **Form of petition for declaratory ruling.** Any person may petition the commission, or the commission may on its own motion initiate a proceeding, for a declaratory ruling as to the validity of any of its regulations, or the applicability to specified circumstances of any provision of any statute, or any regulation, or final decision on a matter within the commission's jurisdiction. The petition shall conform to this subsection. Such petition shall be addressed to the commission and delivered to it at its principal office. The petition shall contain the name and address of such petitioner. The petition shall (1) state clearly and concisely the substance and nature of the petition; (2) identify the statute, regulation or order concerning which the petition is made; and (3) identify the particular aspect thereof to which the petition is directed. The petition for a declaratory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the petitioner.

(c) **Procedure after petition for declaratory ruling filed.**

(1) Notice. Within thirty (30) days after receipt of a petition for a declaratory ruling, the commission shall give notice of the petition to all persons who have requested notice of the declaratory ruling petitions on the subject matter of the petition.

(2) Parties and intervenors. If the commission finds that a timely petition to become a party or to intervene has been filed according to section 6-38b-19 of the Regulations of Connecticut State Agencies, the commission: (A) may grant a person status as a party if the commission finds that the petition states the facts demonstrating that the petitioner's legal rights, duties or privileges shall be specifically affected by the commission proceedings; and (B) may grant a person status as an intervenor if the commission finds that the petition states facts demonstrating that the petitioners participation is in the interests of justice and will not impair the orderly conduct of the proceedings. The commission may define an intervenor's participation in the manner set forth in subsection (d) of section 4-177a of the Connecticut General Statutes.

(3) Commission action. Within sixty (60) days after receipt of petition for a declaratory ruling, the commission in writing shall: (A) issue a ruling declaring the validity of a regulation or the applicability of the provision of the Connecticut General Statutes, the regulation, or the final decision in question to the specified circumstances; (B) order the matter set for specified proceedings; (C) agree to issue a declaratory ruling by a specified date; (D) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under section 4-168 of the Connecticut General Statutes, on the subject; or (E) decide not to issue a declaratory ruling, stating the reasons for its action.

(4) Provision for hearing. If the commission deems a hearing necessary or helpful in determining any issue concerning the petition for a declaratory ruling, the commission shall schedule such hearing and give such notice thereof as shall be appropriate. Section 6-38b-9 of the Regulations of Connecticut State Agencies governs the practice and procedure of the commission in any hearing concerning a declaratory ruling.

(Adopted effective November 4, 2002)

**Sec. 6-38b-22. Personal data, definitions**

(a) Terms defined in section 4-190 of the Connecticut General Statutes shall apply to sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies.

(b) As used in sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies, unless the context otherwise requires:

(1) "Categories of personal data" means the classifications of personal information set forth in subdivision (9) of Section 4-190 of the Connecticut General Statutes.

(2) "Commission" or "agency" means the State Marshal Commission.

(3) "Employment record" means that compilation of personal data, in either manual or automated form, which relates to the qualifications of employment applicants.

(4) "Other data" means any information that because of name, identifying number, mark or description can be readily associated with a particular person.

(5) "Personnel file" means that compilation of personal data, in either manual or

automated form, relating to a commission employee's employment and personnel activities, including, but not limited to, his or her performance, evaluation and payroll and other employment-related record keeping which is necessary for the conduct of the commission's business and which is kept and maintained by the commission's business office.

(6) "State marshal file" means that compilation of personal data, in either manual or automated form, relating to a specific state marshal, including his or her qualifications, application, training and appointment and any investigation, disciplinary action or audits with respect to such state marshal.

(Adopted effective November 4, 2002)

**Sec. 6-38b-23. General nature and purpose of personal data system**

(a) The commission has a single designated personal data system consisting of three parts and whose nature and purpose is to maintain accurate and current information regarding:

- (1) The appointment and discipline of state marshals under the relevant sections of chapter 78 of the Connecticut General Statutes;
- (2) The qualifications of employment applicants; and
- (3) Employees' employment and personnel activities necessary for the conduct of the commission's business.

(b) The commission's personal data system is both manual and automated and is located at the commission's principal office at 765 Asylum Avenue, Hartford, Connecticut 06105. The commission is responsible for maintaining the system and requests for disclosure or amendment of information should be made in care of the commission's Administrative Director. The commission's routine sources of personal data are witnesses, parties, public records, appointment applications, employment applications, personal resumes and Department of Administrative Services and State Comptroller forms.

(Adopted effective November 4, 2002)

**Sec. 6-38b-24. Categories of personal data in the commission's personal data system**

The categories of personal data maintained by the commission consist of information concerning the appointment and disciplinary actions of state marshals and employment records and personnel files of the commission's employees. In addition, the commission maintains a general correspondence file that contains other data. Records of personal data are maintained on state marshals, agency personnel and employment applicants. State marshal files may also contain personal data concerning parties, witnesses and other persons.

(Adopted effective November 4, 2002)

**Sec. 6-38b-25. Maintenance of personal data**

(a) The commission shall strive to collect and maintain all personal data with accuracy and completeness. Any personal data not relevant and necessary to accomplish the lawful purpose of the commission shall be disposed of in accordance with the commission's record



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retention schedule, or upon permission from the public records administrator to dispose of said records under section 11-8a of the Connecticut General Statutes.

(b) Insofar as it is consistent with the needs and mission of the commission, the commission, wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(c) All employees who function as custodians for the commission's personal data system, or are involved in the operation of such system, shall be given a copy of the provisions of the Personal Data Act, sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies, a copy of the Freedom of Information Act and any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(d) All such commission employees shall take reasonable precautions to protect personal data under their control or custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(e) The commission shall incorporate by reference the provisions of the Personal Data Act and sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the commission or on its behalf.

(f) An agency requesting personal data from the commission shall have an independent obligation to insure that the personal data is properly maintained.

(g) Access to the commission's personal data system is available to commission members and employees who require such information in the performance of their official and lawful duties and to such other persons who are entitled to access under law. The commission shall keep an up-to-date roster of commission employees entitled to access to the commission's personal data system.

(h) The commission shall ensure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records shall be sent in envelopes or boxes sealed and marked "confidential," where such records are required by law to be kept confidential.

(i) The commission shall ensure that all records in its manual personal data system are kept under lock and key, and, to the greatest extent practical, are kept in controlled access areas.

(j) The commission shall, to the greatest extent practical, locate automated equipment and records in a limited access area.

(k) To the greatest extent practical, the commission shall require visitors to such area to sign a visitor's log and permit access to such area on a bona-fide need-to-enter basis only.

(l) The commission, to the greatest extent practical, shall ensure that regular access to automated equipment is limited to operations personnel and other authorized persons.

(m) The commission shall use appropriate access control mechanisms to prevent disclosure to unauthorized individuals of personal data required to be kept confidential by

law.

(Adopted effective November 4, 2002)

**Sec. 6-38b-26. Disclosure of personal data**

(a) Any individual may request from the commission whether it maintains personal data on that individual; the category and location of the personal data maintained on that individual and procedures available to review the information. The commission shall, within four business days of receipt of a written request, mail or deliver to the requesting individual a written response in plain language.

(b) Except where nondisclosure is required or specifically permitted by law, the commission shall disclose to any person upon request all personal data concerning that person that is maintained by the commission. Such disclosure shall be made so as not to disclose any personal data concerning persons other than the individual requesting such information. The procedures for disclosure shall be in accordance with sections 1-200 to 1-232, inclusive, of the Connecticut General Statutes. If the personal data is maintained in coded form, the commission shall transcribe the data into a commonly understandable form before disclosure.

(c) Commission personnel shall verify the identity of any person requesting access to his or her own personal data.

(d) The commission may refuse to disclose to a person medical, psychiatric or psychological data regarding that person if it is determined by the commission that such disclosure would be detrimental to the person, or if such non-disclosure is otherwise permitted or required by law. If the commission refuses to disclose medical, psychiatric or psychological data to a person, it shall inform the person of his or her right to seek judicial relief provided by section 4-195 of the Connecticut General Statutes.

(e) If the commission refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and the nondisclosure is not mandated by law, the commission shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If nondisclosure is recommended by such person's medical doctor, the commission shall not disclose the personal data and shall inform such person of the judicial relief provided under section 4-195 of the Connecticut General Statutes.

(f) The commission shall maintain a record of each person, individual, agency or organization who has obtained access to or to whom disclosure has been made of personal data in accordance with subsection (c) of section 4-193 of the Connecticut General Statutes, together with a reason for each such disclosure or access. This record shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer. This record shall be disclosed to any person upon written request.

(Adopted effective November 4, 2002)



**Sec. 6-38b-27. Procedures for contesting content**

The following procedure shall be used in order to provide an opportunity to contest the accuracy, completeness or relevancy of personal data:

(1) Any individual may file a written request with the commission for correction of personal data pertaining to him or her.

(2) Within thirty days of receipt of such request, the commission shall give written notice to such individual that it will make the correction, or if the correction is not to be made as submitted, the commission shall state the reason for its denial of such request and notify the person of his or her right to add his or her own statement to his or her personal data records.

(3) Following such denial by the commission, the individual requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what he or she believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the commission's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(Adopted effective November 4, 2002)

**Sec. 6-38b-28. Uses to be made of the personal data**

(a) State marshal files are routinely used in the performance of the commission's statutory mandate under section 6-38b and other relevant sections of chapter 78 of the Connecticut General Statutes concerning the appointment of state marshals.

(b) Employment records are routinely used for evaluating the qualifications of employment applicants.

(c) Personnel files are routinely used for recording and evaluating the work performance of commission employees. Personnel files are used also for payroll and other employment-related record keeping, as required by the Department of Administrative Services, the Office of the Comptroller, the Office of Policy and Management and other legal authorities.

(d) Records contained in the commission's personal data system shall be retained for the period indicated for such records in the commission's retention and destruction of records schedule, as amended from time to time, approved by the state records administrator pursuant to section 11-8a of the Connecticut General Statutes.

(e) When an individual is asked by the commission to supply personal data, the commission, upon request, shall disclose to that individual:

(1) The name of the agency requesting the personal data;

(2) The legal authority under which the commission is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and commission regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data;

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(5) The proposed use to be made of the requested personal data.

(Adopted effective November 4, 2002)