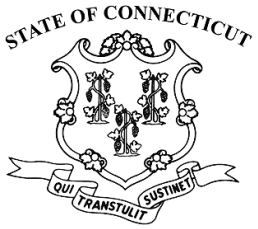

Senate Bill No. 1283

Public Act No. 25-153

AN ACT CONCERNING THE ADOPTION OF THE CONNECTICUT UNIFORM COLLABORATIVE LAW ACT.

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

Section 1. (NEW) (*Effective October 1, 2025*) Sections 1 to 22, inclusive, of this act may be cited as the Connecticut Uniform Collaborative Law Act.

Sec. 2. (NEW) (*Effective October 1, 2025*) As used in this section and sections 3 to 22, inclusive, of this act:

(1) "Collaborative law communication" means a statement, whether oral or in a record, or verbal or nonverbal, that: (A) Is made to conduct, participate in, continue or reconvene a collaborative law process; and (B) occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.

(2) "Collaborative law participation agreement" means an agreement by a person to participate in a collaborative law process.

(3) "Collaborative law process" means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which a person: (A) Signs a collaborative law participation agreement; and (B) is represented by a collaborative lawyer.

(4) "Collaborative lawyer" means a lawyer who represents a party in a collaborative law process.

(5) "Collaborative matter" means a dispute, transaction, claim, problem or issue for resolution, including a dispute, claim or issue in a proceeding, which is described in a collaborative law participation agreement and arises under the family or domestic relations law of this state, including:

(A) Marriage, divorce, dissolution, annulment and property distribution;

(B) Child custody, visitation and parenting time;

(C) Alimony, maintenance and child support;

(D) Adoption;

(E) Parentage; and

(F) Premarital, marital and postmarital agreements.

(6) "Law firm" means: (A) Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited liability company or association; and (B) lawyers who are employed in a legal services organization, or the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency or instrumentality.

(7) "Nonparty participant" means a person, other than a party and the party's collaborative lawyer, that participates in a collaborative law process.

(8) "Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

(10) "Proceeding" means a judicial, administrative, arbitral or other adjudicative process before a tribunal, including related prehearing and post-hearing motions, conferences and discovery.

(11) "Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) "Related to a collaborative matter" means involving the same parties, dispute, transaction, claim, problem or issue for resolution as the collaborative matter.

(14) "Sign" means, with present intent to authenticate or adopt a record to: (A) Execute or adopt a tangible symbol; or (B) attach to or logically associate with the record an electronic symbol, sound or process.

(15) "Tribunal" means court, arbitrator, administrative agency or other body acting in an adjudicative capacity which, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter.

Sec. 3. (NEW) (*Effective October 1, 2025*) The provisions of sections 1 to 22, inclusive, of this act apply to a collaborative law participation agreement that meets the requirements of section 4 of this act, signed on or after October 1, 2025.

Sec. 4. (NEW) (*Effective October 1, 2025*) (a) A collaborative law participation agreement shall:

(1) Be in a record;

(2) Be signed by the parties;

(3) State the parties' intention to resolve a collaborative matter through a collaborative law process under sections 1 to 22, inclusive, of this act;

(4) Describe the nature and scope of the matter;

(5) Identify the collaborative lawyer who represents each party in the process; and

(6) Contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the collaborative law process.

(b) Parties may agree to include in a collaborative law participation agreement additional provisions not inconsistent with sections 1 to 22, inclusive, of this act.

Sec. 5. (NEW) (*Effective October 1, 2025*) (a) A collaborative law process begins when the parties sign a collaborative law participation agreement.

(b) A tribunal may not order a party to participate in a collaborative law process over that party's objection.

(c) A collaborative law process is concluded by a: (1) Resolution of a collaborative matter as evidenced by a signed record; (2) resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the matter will not be resolved in the process; or (3) termination of the process as set forth in subsection (d) of this section.

(d) A collaborative law process terminates when a party:

(1) Gives notice to the other parties in a record that the process is ended;

(2) (A) Begins a proceeding related to a collaborative matter without the agreement of all parties; or (B) in a pending proceeding related to the matter: (i) Initiates a pleading, motion, order to show cause or request for a conference with the tribunal; or (ii) takes similar action requiring notice to be sent to the parties; or

(3) Except as provided in subsection (g) of this section, discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.

(e) A party's collaborative lawyer shall give prompt notice to all other parties in a record of a discharge or withdrawal.

(f) A party may terminate a collaborative law process with or without cause.

(g) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues, if not later than thirty days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection (e) of this section is sent to the parties:

(1) The unrepresented party engages a successor collaborative lawyer; and

(2) In a signed record: (A) The parties consent to continue the collaborative law process by reaffirming the collaborative law participation agreement; (B) such agreement is amended to identify the successor collaborative lawyer; and (C) the successor collaborative lawyer confirms the lawyer's representation of a party in the

collaborative law process.

(h) A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

(i) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

Sec. 6. (NEW) (*Effective October 1, 2025*) (a) The parties to a proceeding pending before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties shall promptly file a notice of such agreement, on a form prescribed by the Office of the Chief Court Administrator, with the tribunal after the agreement is signed. Subject to the provisions of subsection (c) of this section and sections 7 and 8 of this act, the filing of a notice of such agreement operates as an application for a stay of the proceeding.

(b) The parties shall promptly file notice in a record with the tribunal when a collaborative law process concludes. The stay of the proceeding under subsection (a) of this section is lifted when the notice is filed. The notice shall not specify any reason for termination of the process.

(c) A tribunal in which a proceeding is stayed under subsection (a) of this section may require the parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report shall include only information on whether the process is ongoing or concluded. The status report shall not include a report, assessment, evaluation, recommendation, finding or other communication regarding a collaborative law process or collaborative law matter. A tribunal shall not consider a communication made in violation of the provisions of this subsection.

(d) A tribunal shall provide parties notice and an opportunity to be

heard before dismissing a proceeding in which a notice of collaborative law process is filed based on delay or failure to prosecute.

Sec. 7. (NEW) (*Effective October 1, 2025*) During a collaborative law process, a tribunal may issue emergency orders to protect the health, safety, welfare or interest of a party or household member as defined in section 46b-38a of the general statutes.

Sec. 8. (NEW) (*Effective October 1, 2025*) A tribunal may approve an agreement resulting from a collaborative law process.

Sec. 9. (NEW) (*Effective October 1, 2025*) (a) Except as provided in subsection (c) of this section, a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter.

(b) Except as provided in subsection (c) of this section and sections 10 and 11 of this act, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection (a) of this section.

(c) A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party to: (1) Ask a tribunal to approve an agreement resulting from the collaborative law process; or (2) seek or defend an emergency order to protect the health, safety, welfare or interest of a party or household member, as defined in section 46b-38a of the general statutes, if a successor lawyer is not immediately available to represent the party or household member; in which case, a collaborative lawyer, or lawyer in a law firm with which the collaborative lawyer is associated, may represent such party or household member only until the person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety,

welfare or interest of the person.

Sec. 10. (NEW) (*Effective October 1, 2025*) (a) The disqualification of a collaborative lawyer pursuant to the provisions of subsection (a) of section 9 of this act applies to a collaborative lawyer representing a party with or without fee.

(b) After a collaborative law process concludes, another lawyer, in a law firm with which a collaborative lawyer disqualified under the provisions of subsection (a) of section 9 of this act is associated, may represent a party without fee in the collaborative matter or a matter related to the collaborative matter if:

(1) The party has an annual income that qualifies the party for free legal representation under the criteria established by the law firm for free legal representation;

(2) The collaborative law participation agreement so provides; and

(3) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

Sec. 11. (NEW) (*Effective October 1, 2025*) (a) The disqualification of a collaborative lawyer pursuant to the provisions of subsection (a) of section 9 of this act applies to a collaborative lawyer representing a party that is a government or governmental subdivision, agency or instrumentality.

(b) After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or governmental subdivision, agency or instrumentality in the collaborative matter or a matter related to the collaborative matter if: (1) The collaborative law participation

agreement so provides; and (2) the collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

Sec. 12. (NEW) (*Effective October 1, 2025*) Except as provided by law other than sections 1 to 22, inclusive, of this act, during the collaborative law process, on the request of another party, a party shall make timely, full, candid and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall update promptly previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

Sec. 13. (NEW) (*Effective October 1, 2025*) The provisions of sections 1 to 22, inclusive, of this act do not affect the: (1) Professional responsibility obligations and standards applicable to a lawyer or other licensed professional; or (2) obligation of a person to report abuse or neglect, abandonment or exploitation of a child or adult under the law of this state.

Sec. 14. (NEW) (*Effective October 1, 2025*) Prior to the date on which a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:

(1) Assess with the prospective party factors the lawyer reasonably believes relate to whether a collaborative law process is appropriate for the prospective party's matter;

(2) Provide the prospective party with information that the lawyer reasonably believes is sufficient for the party to make an informed decision about the material benefits and risks of a collaborative law process as compared to the material benefits and risks of other

reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration or expert evaluation; and

(3) Advise the prospective party that: (A) After signing a collaborative law participation agreement if a party initiates a proceeding or seeks tribunal intervention in a pending proceeding related to the collaborative matter, the collaborative law process terminates; (B) participation in a collaborative law process is voluntary and any party has the right to terminate unilaterally a collaborative law process with or without cause; and (C) the collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before a tribunal to represent a party in a proceeding related to the collaborative matter, except as authorized by subsection (c) of section 9 of this act, subsection (b) of section 10 of this act or subsection (b) of section 11 of this act.

Sec. 15. (NEW) (*Effective October 1, 2025*) (a) Prior to the date on which a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall make reasonable inquiry whether the prospective party has a history of a coercive or violent relationship with another prospective party.

(b) Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.

(c) If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer may not begin or continue a collaborative law process unless: (1) The party or the prospective party requests beginning or continuing a process; and (2) the collaborative lawyer

reasonably believes that the safety of the party or prospective party can be protected adequately during a process.

Sec. 16. (NEW) (*Effective October 1, 2025*) A collaborative law communication is confidential to the extent agreed by the parties in a signed record or as provided by law of this state other than the provisions of sections 1 to 22, inclusive, of this act.

Sec. 17. (NEW) (*Effective October 1, 2025*) (a) Subject to the provisions of sections 18 and 19 of this act, a collaborative law communication is privileged under subsection (b) of this section, is not subject to discovery and is not admissible in evidence.

(b) In a proceeding, the following privileges apply: (1) A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication; and (2) a nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.

(c) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.

Sec. 18. (NEW) (*Effective October 1, 2025*) (a) A privilege under subsection (b) of section 17 of this act may be waived in a record or orally during a proceeding if it is expressly waived by all parties and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.

(b) A person that makes a disclosure or representation about a collaborative law communication which prejudices another person in a proceeding may not assert a privilege under subsection (b) of section 17 of this act but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.

Sec. 19. (NEW) (*Effective October 1, 2025*) (a) There is no privilege under subsection (b) of section 17 of this act for a collaborative law communication that is: (1) Available to the public under the Freedom of Information Act, as defined in section 1-200 of the general statutes, or made during a session of a collaborative law process that is open, or is required by law to be open, to the public; (2) a threat or statement of a plan to inflict bodily injury or commit a crime of violence; (3) intentionally used to plan a crime, commit or attempt to commit a crime or conceal an ongoing crime or ongoing criminal activity; or (4) in an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.

(b) The privileges under subsection (b) of section 17 of this act for a collaborative law communication do not apply to the extent that a communication is sought or offered to prove or disprove: (1) A claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process; or (2) abuse, neglect, abandonment or exploitation of a child or adult, unless the Department of Children and Families or the Department of Social Services is a party to or otherwise participates in the process.

(c) There is no privilege under subsection (b) of section 17 of this act if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality and the collaborative law communication is sought or offered in: (1) A court proceeding involving a felony or misdemeanor; or (2) a proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

(d) If a collaborative law communication is subject to an exception under subsection (b) or (c) of this section, only the part of the

communication necessary for the application of the exception may be disclosed or admitted.

(e) Disclosure or admission of evidence excepted from the privilege under subsection (b) or (c) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

(f) The privileges under subsection (b) of section 17 of this act do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. The provisions of this subsection do not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

Sec. 20. (NEW) (*Effective October 1, 2025*) (a) If an agreement fails to meet the requirements of section 4 of this act, or a lawyer fails to comply with the provisions of section 14 or 15 of this act, a tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if they: (1) Signed a record indicating an intention to enter into a collaborative law participation agreement; and (2) reasonably believed they were participating in a collaborative law process.

(b) If a tribunal makes the findings specified in subsection (a) of this section, and the interests of justice require, the tribunal may: (1) Enforce an agreement evidenced by a record resulting from the process in which the parties participated; (2) apply the disqualification provisions of sections 5, 6, 9, 10 and 11 of this act; and (3) apply a privilege under the provisions of subsection (b) of section 17 of this act.

Sec. 21. (NEW) (*Effective October 1, 2025*) In applying and construing the provisions of sections 1 to 22, inclusive, of this act, consideration

shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 22. (NEW) (*Effective October 1, 2025*) The provisions of sections 1 to 22, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 USC 7001, et seq., but do not modify, limit or supersede Section 101(c) of said act, 15 USC 7001(c) or authorize electronic delivery of any of the notices described in Section 103(b) of said act, 15 USC 7003(b).

Governor's Action:
Approved July 8, 2025