

## Consumer Debt Litigation Index

### Top Recommendations for Reform in Connecticut

**Connecticut's Score: 26/100**

**Connecticut's National Rank: 18th**

Consumer debt lawsuits dominate civil court dockets across the country. In an overwhelming number of cases—more than 70% in many places—the people sued do not respond or defend themselves. As a result, courts often enter default judgments without determining whether the defendant even knows about it, it is timely, or has merit. In turn, people face high fees and interest, onerous payment plans, seizure of wages and possessions, and potential imprisonment. States across the country have established laws and practices aimed at reducing unjust lawsuits and producing fairer outcomes. To support states in their respective efforts, the National Center for Access to Justice in 2024 created the Consumer Debt Litigation Index in consultation with a panel of experts. The Index ranks the states on their progress in adopting 24 best policies (“benchmarks”) for fairness. See our Top Recommendations and Complete Findings, below.

#### 1. Establish Pleading Requirements (Benchmark 6)

**Why:** People facing debt collection lawsuits often have difficulty understanding the claim against them. Lax pleading requirements also invite illegitimate lawsuits. Requiring complaints to name the original creditor, demonstrate ownership of the debt, and itemize specific amounts sought can deter meritless filings and enable defendants to assert legitimate defenses, promoting fairness. Delaware, New Mexico, New York, and Washington, D.C. all require consumer debt complaints to include all three key elements. Connecticut does not meet the benchmark because it does not require that complaints in consumer debt collection actions include (a) the name of the original creditor, (b) the basis of plaintiff's standing, and (c) an itemization of the amount sought.

**How:** Connecticut should adopt a law or practice that requires plaintiffs in all consumer debt cases to allege: (a) the name of the original creditor; (b) the plaintiff's standing (e.g. the chain of ownership of the debt); and (c) an itemization of the amount sought, including debt principal, interest, fees, costs, and other charges to date. If it does so, the state's score would increase 10 points.

## 2. Require Government Notice of a Consumer Debt Lawsuit (Benchmark 1)

**Why:** All too often, process servers hired by debt collectors fail to serve a notice of a complaint to a defendant and then file a false affidavit claiming that the notice has been properly served. This practice—commonly referred to as "sewer service" because sometimes process servers literally throw the notice in the gutter—means that people never get notice that they are being sued. This makes it impossible to respond to the lawsuit and mount a defense. To address this issue, New York requires the court clerk to send to the defendant, by first class mail, an additional notice of a lawsuit arising out of a consumer credit transaction, and provides that default judgment will not be entered if the notice is returned as undeliverable. Connecticut, however, allows service by a marshall appointed by the court. While these quasi-officials have the imprimatur of government, they may have financial incentives to collect debt, which can compromise the integrity of the process. Further, the state does not require supplemental notice from the court.

**How:** Connecticut should fix the problem of ineffective or fraudulent ("sewer") service by adopting a law that either (a) requires a public official (such as a sheriff) to complete service; or (b) requires the court to send the defendant, by first class mail, supplemental notice of a new consumer debt lawsuit and deny default judgment if that notice is returned as undeliverable. If it does so, the state's score would increase 5 points.

## 3. Update Garnishment and Attachment Exemptions (Benchmark 15) and Require Prior Notice of Garnishment (Benchmark 16)

**Why:** Without sufficient protections, garnishment and attachment orders to seize money or assets from a debtor to pay a creditor can leave people unhoused, unable to keep a car to drive to work, and stuck in cycles of poverty. Federal law exempts some funds from garnishment and some property from attachment, but debtors often do not learn what funds and property are exempt or how to assert exemptions. Further, the federal exemptions are out of date and inadequate to preserve even a very basic standard of living. Some states have increased garnishment and asset exemptions (Benchmark 15). For example, in consumer debt cases Texas has adopted garnishment exemptions that protect 100% of a person's wages, and attachment exemptions that protect a home (of any value) and personal property (including a car) up to a value of \$100,000 for a family or \$50,000 for an individual. Some states—including Indiana, Massachusetts, New Jersey, New Mexico, and Ohio—require that notice be sent to a debtor prior to actual garnishment that explains exemptions, how to challenge the garnishment or attachment, and how to assert the exemptions (Benchmark 16). Connecticut, however, has not yet increased its garnishment and attachment exemptions sufficiently to protect a home or a person's car. Connecticut also has not yet required that creditors send notice to the debtor of an impending garnishment or attachment before it begins.

**How:** Connecticut should update and expand its garnishment and attachment provisions so that it protects a home of unlimited value (or at least the median value of a home in the state) and also a car of value up to at least \$15,000. Further, Connecticut should require advance notice to a debtor before garnishment or attachment begins that explains (a) potential exemptions; (b) how to challenge the order; and (c) how to assert exemptions. If Connecticut does so, the state's score would increase 10 points.

## What Would Happen if Connecticut were to Implement these Recommendations?

These three recommendations, if adopted by the state, would substantially increase Connecticut's score and ranking. For more on how Connecticut can do better, see the complete findings below and visit NCAJ's [Consumer Debt Litigation Index](https://ncaj.org/state-rankings/consumer-debt) at <https://ncaj.org/state-rankings/consumer-debt> or reach out to NCAJ at [NCAJ@fordham.edu](mailto:NCAJ@fordham.edu).

# Complete Consumer Debt Litigation Index Findings for Connecticut

## I. Issue Area: Help people know when they are being sued and where to find help.

### 1 - Government Notice of Lawsuits

Score: 0/5

Does the state respond to the problem of ineffective or fraudulent ("sewer") service in consumer debt lawsuits by: a. Public Official Service - requiring that a public official (e.g. the court or the sheriff) handle service? or, b. Court Supplemental Notice - requiring the court to send the defendant, by first class mail, supplemental notice of a new consumer debt lawsuit and deny default judgment if that notice is returned as undeliverable?

**No**

Connecticut does not meet this benchmark because it does not meet either sub-benchmark 1a or 1b. Connecticut does not meet sub-benchmark 1a because Connecticut requires that in most cases process be served by a state marshal, who, while appointed by the court, is not a public official. Conn. Gen. Stat. Sec. 52-50. Connecticut does not meet sub-benchmark 1b because Connecticut does not require the court to mail supplemental notice of a new consumer debt lawsuit to the defendant and deny default judgment if such notice is returned as undeliverable.

### 2 - Guidance on Finding Help

Score: 0/5

Does the state require that notice to the defendant in a consumer debt lawsuit include guidance on where to seek help, including free legal assistance?

**No**

Connecticut does not meet this benchmark because it does not require that notice in a consumer debt lawsuit provide guidance for defendants on where to find free legal help. Rather, the court summons form states only "If you have questions about the summons and complaint, you should talk to an attorney." See Summons - Civil, Conn. Sup. Ct., <https://www.jud.ct.gov/webforms/forms/cv001.pdf> (last visited Nov. 10, 2023). Note: In an "answer form" available online on the Judiciary's website, <https://www.jud.ct.gov/webforms/forms/CV040A1.pdf>, Connecticut includes a statement that refers site

visitors to a volunteer attorney program at this page, [https://www.jud.ct.gov/volunteer\\_atty\\_prgm.htm](https://www.jud.ct.gov/volunteer_atty_prgm.htm). At the bottom of the Volunteer Attorney Program page, a section titled Volunteer Attorney Schedules allows site visitors to click on links to four categories of assistance, two of which are pertinent to consumer debt: Contract Collection, at [https://www.jud.ct.gov/VAP\\_contractcollections.pdf](https://www.jud.ct.gov/VAP_contractcollections.pdf), and Small Claims Court, at [https://www.jud.ct.gov/VAP\\_smallclaims.pdf](https://www.jud.ct.gov/VAP_smallclaims.pdf). For the site visitor able to follow these links, the schedules for volunteer attorney programs are posted, but the lawyers are available for Contract Collections only once per two months, and for Small Claims only once per month, and for each category the lawyers are available for only two hours on the given date. Nor do the notices make mention of obtaining legal assistance from the civil legal aid organizations in the state, or of obtaining help from other service providers. Overall, the call for guidance in Benchmark 2 for guidance on finding legal help is not met.

## II. Issue Area: Make it easier to respond to a lawsuit.

### 3 - Simplified Answer

Score: 2/2

Does the state provide a simple Answer process by making available an Answer form for use by unrepresented persons in consumer debt lawsuits?

Yes

Connecticut meets this benchmark because Connecticut has template Answer forms for both superior court (Form JD-CV-106) and small claims court (Form JD-CIV-40A1).

### 4 - No Notarization Requirement to Answer

Score: 2/2

Does the state make it easier to respond to consumer debt lawsuits by never requiring defendants to have an Answer notarized before filing?

Yes

Connecticut meets this benchmark because the pertinent Superior Court rules articulate no requirement that answers be notarized or verified. See Conn. Prac. Book, at iii (2023), <https://www.jud.ct.gov/Publications/PracticeBook/PB.pdf>, [<https://perma.cc/K6A9-FPWR>]; id. § 10-46 (“The defendant in the answer shall specially deny such allegations of the complaint as the defendant intends to controvert, admitting the truth of the other allegations, unless the defendant intends in good faith to controvert all the allegations, in which case he or she may deny them generally.”); id. § 24-16 (no verification or notarization requirement for small-claims court answers). Nor do the superior court (Form JD-CV-106) or small claims court (Form JD-CIV-40A1) answer templates require pleadings to be verified or notarized.

### 5 - No Fee to Answer

Score: 5/5

Does the state permit the filing of an Answer in consumer debt lawsuits without charging a filing fee?

Yes

Connecticut meets the benchmark because there is no fee to file an answer, although there are fees to file counterclaims in small claims court and superior court as well as fees to transfer a case from small claims to the regular docket. See Conn. Gen. Stat. Ann. § 52-259(b) (West 2018) (stating that defendants must pay \$95.00 to file a counterclaim in small claims court and that the fee to transfer a case from small claims to the regular docket is \$125.00); id. § 52-259(j) (stating that each counterclaim on the regular docket of the Superior Court requires a fee of \$205.00). In these pertinent sections of law, no fee is listed for filing an answer without a counterclaim.

### III. Issue Area: Require the creditor to provide evidence of a valid debt claim.

#### 6 - Pleading Requirement

Score: 0/10

Does the state require consumer debt complaints to allege all of the following: a. Name of original creditor; b. Basis of plaintiff's standing (e.g. chain of ownership of debt); and c. Itemization of amount sought including debt principal, interest, fees, costs, and other charges to date?

No

Connecticut does not meet the benchmark because it does not require that complaints in consumer debt collection actions include (a) the name of the original creditor, (b) the basis of plaintiff's standing, or (c) an itemization of the amount sought. See Conn. Gen. Stat. Ann. § 52-91.

#### 7 - Authenticated Records for Default

Score: 0/10

Does the state require the following be established before a default judgment can be granted: a. Proof of Service b. Validity of debt through authenticated business records (e.g. contract, account statements, or other evidence of obligation); and c. Amount of judgment through authenticated business records, itemizing damages, court fees, attorneys' fees, and interest?

No

Connecticut does not meet this benchmark because the state does not meet sub-benchmark (a) (proof of service). Connecticut does not meet sub-benchmark (a) (proof of service) because it does not require a plaintiff to establish (prior to an entry of default judgment) the validity of service. See Conn. R. Supp. P. § 17-25. Section 17-20(c) of the Civil Practice Book provides that "It shall be the responsibility of counsel filing a motion for default for failure to appear to serve the defaulting party with a copy of the motion," but it does not require submission of proof of such service to the court. State of Conn. Judicial Branch, 2024 Official Connecticut Practice Book, 258 (2024), <https://www.jud.ct.gov/publications/PracticeBook/PB.pdf>. Connecticut meets sub-benchmark (b) (validity of debt through authenticated business records) because it requires that if "the instrument on which the contract is based is a negotiable instrument or assigned contract," the plaintiff must provide an affidavit establishing ownership by the plaintiff, an executed copy of the instrument or contract, and specific information linking the original creditor to the current plaintiff. See *id.* at § 17-25(b)(1)(A). Connecticut meets sub-benchmark (c) (amount of judgment through authenticated business records) because it requires a plaintiff to file an affidavit with a motion for default as to "the amount due or the principal owed" provides "an itemization of interest, attorney's fees and other lawful charges claimed," and if there is interest claimed, to separately state the amount of that interest and "the dates from which and to which interest is computed, the rate of interest, the manner in which it was calculated and the authority upon which the claim for interest is based." See *id.* at § 17-25(b)(1). See also CT Gen Stat § 52-84. (2022) ("When any process has been served on any defendant and returned to court, if he does not appear on or before the second day after the return day, judgment by default may be rendered against him"). In Connecticut's small claims courts the state does not meet sub-benchmark (a) (proof of service) because it does not require proof of service prior to default. Section 24-10 of the Civil Practice Book requires plaintiffs to file with the small claims court "A statement of how service has been made, together with the delivery confirmation or return receipt or electronic delivery confirmation and the original writ and notice of suit shall be filed with the clerk. The writ and notice of suit and the statement of service shall be returned to the court not later than one month after the date of service," but there is no statutory requirement that the court verify service before granting default. State of Conn. Judicial Branch, 2024 Official Connecticut Practice Book, 290-91 (2024), <https://www.jud.ct.gov/publications/PracticeBook/PB.pdf>. The state meets sub-benchmark (b) (validity of debt through authenticated business records) because it requires submission of documents linking the original creditor with the current plaintiff. *Id.* at § 24-24(b). The state also meets sub-

benchmark (c) (amount of judgment through authenticated business records) because it requires prior to an entry of judgment (in default or otherwise), that the plaintiff file an affidavit of debt stating, among other things, the amount owed, itemization of charges, how any interest was computed, the basis on which the plaintiff claims the statute of limitations has not expired, a copy of the instrument or contract. Id. Note: The Connecticut Code also imposes requirements prior to entry of default in cases initiated by a "consumer collection agency." Conn. Gen. Stat. Ann. § 36a-813(b) (West 2023). Except for the fact that these requirements apply only to consumer collection agencies (and not to all plaintiffs in consumer debt cases), these Code requirements would meet sub-benchmarks (b) and (c) because they require "a sworn affidavit that lists the name, address and dates of ownership of each owner of the debt, from the charge-off creditor to the current owner" and the attachment of "documentation to the affidavit that fully substantiates the amount of the debt." Id. at § 36a-813(b).

## IV. Issue Area: Require consumer debt collection actions to be brought within a reasonable time of non-payment.

### 8 - Burden on Plaintiff to Allege Timeliness

Score: 0/2

Does the state place the pleading burden on the consumer debt plaintiff to allege in the Complaint the timeliness of each claim, including each of the following: a. applicable statute of limitations; b. date that claim accrued; and c. date that statute of limitations expires?

**No**

Connecticut does not meet this benchmark because there is no requirement for a consumer debt complaint to include: (a) the applicable statute of limitations, (b) the date the claim accrued, or (c) the date the statute of limitations expired. Rather, the defendant is required to plead the statute of limitations as a defense, or it will be waived. See Conn. Jud. Branch, Connecticut Practice Book § 10-50 (2023), <https://www.jud.ct.gov/Publications/PracticeBook/PB.pdf>. See also Connecticut General Statutes § 36a-814, generally prohibiting out of time actions, and actions that the creditor knows are out of time, but not providing the level of detail called for in the Benchmark. See also the Connecticut Practice Book, providing in Small Claims Court proceedings that the plaintiff "shall state the basis upon which the plaintiff claims that the statute of limitations has not expired," Connecticut Practice Book § 24-9 (2023), but not providing the level of detail called for in this benchmark.

### 9 - Four Year Statute of Limitations

Score: 0/5

Does the state require 4-year (or shorter) statute of limitations for the causes of action most commonly used to pursue consumer debt collection: breach of contract (written or oral), open account, account stated, unjust enrichment, conversion, bad check?

**No**

Connecticut does not meet this Benchmark because it does not impose a 4-year (or shorter) statute of limitations for all consumer debt claims. In particular, Connecticut has the following limitations periods: • breach of written contract: 6-year limitations period (CT Gen Stat § 52-576. (2022)); • breach of oral contract: 3-year limitations period (CT Gen Stat § 52-581. (2022)); • open account: 6-year limitations period (CT Gen Stat § 52-576. (2022)); • account stated ("an action for any article charged on an account in a store"): 6-year limitations period (CT Gen Stat § 52-576. (2022)); • unjust enrichment: 3 or 6-year limitations period (CT Gen Stat § 52-576. (2022) CT Gen Stat § 52-577. (2022)). 6 years for a contract claim under CT Gen Stat § 52-576. (2022) and 3 years for a tort claim under CT Gen Stat § 52-577. (2022).; • conversion: 3-year limitations period (CT Gen Stat § 52-577. (2022)); and • passing a bad check: 3 years after dishonor of the draft or 10 years after the date of the draft-year limitations period (CT Gen Stat § 42a-3-118. (2022)).



**10 - Prohibit Revival of Time-Barred Claims****Score: 0/2**

Does the state prohibit revival of time-barred consumer debt claims, even where defendant makes subsequent payment toward a debt?

**No**

Connecticut does not meet this Benchmark because, even though it bars revival of the statute of limitations on purchased debt, it does not apply that limitation to all forms of debt. Specifically, Connecticut General Statutes § 36a-814 states: "Initiation of cause of action for purchased debt prohibited when statute of limitations has expired. Limitations period not extended by payment or affirmation. . . . (b) No creditor or consumer collection agency that purchased debt shall initiate a cause of action to collect the debt owed by a consumer debtor when such creditor or consumer collection agency knows or reasonably should know that the applicable statute of limitations on such cause of action has expired. (c) Notwithstanding any other provision of law, when the applicable statute of limitations on a cause of action to collect debt owed by a consumer has expired, any subsequent payment toward or oral or written affirmation of the debt owed by the consumer shall not extend the limitations period within which the creditor or consumer collection agency that purchased the debt may bring the cause of action." Because Connecticut does not similarly bar revival of the statute of limitation on all consumer debt, however, it does not meet this Benchmark.

**V. Issue Area: Prohibit attorneys' fee shifting, and cap interest.****11 - Prohibit Attorneys' Fees Shifting****Score: 0/3**

Does the state prohibit attorneys' fee shifting in consumer debt lawsuits regardless of contractual provision or reciprocity in fee shifting?

**No**

Connecticut does not meet this benchmark because it does not prohibit attorney fee shifting in consumer debt lawsuits regardless of contractual provisions. The law caps attorneys fees for prevailing creditors at fifteen percent of the amount of the judgment. Conn. Gen. Stat. § 42-150aa.

**12 - Interest Caps****Score: 0/3**

Does the state cap interest in consumer debt lawsuits (regardless of any contractual provision) as follows: a. Pre-judgment interest for debt buyers capped at an annual rate of 7% (or less); and b. Post-judgment interest for all creditors capped at 5% (or less) of the judgment?

**No**

Connecticut does not meet this benchmark because it does not satisfy the requirements of sub-benchmarks (a) or (b). With respect to (a)(prejudgment interest), Connecticut law states: "The compensation for forbearance of property loaned at a fixed valuation, or for money, shall, in the absence of any agreement to the contrary, be at the rate of eight per cent a year; and, in computing interest, three hundred sixty days may be considered to be a year." Conn. Gen. Stat. § 37-1 (2020). Thus, Connecticut does not limit prejudgment interest to 7% or less (as is required to meet sub-benchmark (a)). With respect to (b)(post-judgment interest), Connecticut law states "interest at the rate of ten per cent a year, and no more, may be recovered and allowed in civil actions or arbitration proceedings under chapter 909, including actions to recover money loaned at a greater rate, as damages for the detention of money after it becomes payable." Conn. Gen. Stat. § 37-3(a) (2020). Thus, Connecticut does not limit post-judgment interest on debt to 5% or less of the judgment (as is required to meet sub-benchmark (b)).

## VI. Issue Area: Reduce the likelihood that consumer debt collection actions leave people homeless, or perpetuate a cycle of debt.

### 13 - Require Court Order to Garnish or Attach

Score: 5/5

Does the state in consumer debt lawsuits require a court order for garnishment and attachment?

Yes

Connecticut meets the benchmark because a judgment creditor must apply to the court for an execution and a "turnover order," which directs the judgment debtor to transfer specified personal property. Conn. Gen. Stat. § 52-356b(a). With regard to small claims actions, the judgment creditor must file a written application on certain forms for an execution to collect an unsatisfied money judgment. Conn. Practice Books § 24-32(a).

### 14 - Bank Account Garnishment Exemptions Are Self Executing

Score: 2/2

Does state law require in consumer debt lawsuits that garnishment exemptions for bank accounts are self-executing?

Yes

Connecticut meets the benchmark because Conn. Gen. Stat. § 52-367b(a)(2) requires financial institutions to automatically leave at least \$1,000 in a judgment debtor's account.

### 15 - Essential Exemptions

Score: 0/5

Does the state prevent people from becoming impoverished, unhoused, or unable to work by exempting income and assets from attachment and garnishment, as follows: a. Income of at least \$576.92 per week, the minimum to keep a family of four above the federal poverty level, as defined by the U.S. Federal Poverty Guidelines in 2023; b. Home, regardless of value, or at least the median price of a home in the state; and c. Car value, state exemption for, at least, the first \$15,000 in value?

No

Connecticut does not meet the benchmark because it does not meet sub-benchmarks (b) or (c). Connecticut law provides as follows: (a) Income: Connecticut meets sub-benchmark (a) because it exempts the greater of 75% of a person's weekly disposable earnings or 40 times the federal or state minimum wage, whichever is less, in effect when the person is paid. Conn. Gen. Stat. § 52-361a(f). Forty times the Connecticut minimum wage (\$15 per hour in 2023) is \$600 per week. State Minimum Wage Laws, U.S. Dep't of Labor (Sept. 30, 2023), <https://www.dol.gov/agencies/whd/minimum-wage/state>. (b) Home: Connecticut does not meet sub-benchmark (b) because a home that is used as a person's primary residence is exempt only up to a value of \$250,000 subject to a certain limited exception. Conn. Gen. Stat. § 52-352b(21). (c) Car: Connecticut does not meet sub-benchmark (c) because up to two cars are exempt only up to an aggregate value of \$7,000. Conn. Gen. Stat. § 52-352b(10). For more information on garnishment exemptions see Michael Best and Carolyn Carter, No Fresh Start 2023, National Consumer Law Center (Dec. 2023), [https://www.nclc.org/wp-content/uploads/2023/12/2023\\_Report\\_No-Fresh-Start-3.pdf](https://www.nclc.org/wp-content/uploads/2023/12/2023_Report_No-Fresh-Start-3.pdf).

### 16 - Require Prior Notice of Garnishment

Score: 0/5



Does the state require notice to debtor prior to actual garnishment that explains all of the following: a. potential exemptions? b. how to challenge the order? and c. how to assert exemptions?

**No**

Connecticut does not meet this benchmark because it does not require prior notice to the judgment debtor of garnishment exemptions or how to assert them. Instead such notice occurs concurrently with execution. See Conn. Gen. Stat. Ann. §§ 52-361b(a)–(b) (West 2023). If Connecticut's notice were served prior to execution, Connecticut would meet the benchmark because its required notice would satisfy all three sub-benchmarks. It would satisfy sub-benchmark (a) because the notice is required to set out the most commonly available exemptions; sub-benchmark (b) because it is required to explain how to set aside the judgment on which the garnishment is based as a way to challenge the garnishment; and sub-benchmark (c) because it is required to explain how to assert exemptions. Id. at §§ 52-361b(a)–(b).

## VII. Issue Area: Eliminate debtors' prison.

### 17 - Prohibit Incarceration for Failure to Obey a Court Order to Pay Consumer Debt

**Score: 5/5**

Does the state prohibit incarceration for contempt for failure to obey a court order to pay all or part of a consumer debt judgment?

**Yes**

Connecticut meets the benchmark because it does not permit incarceration for contempt for failure to obey a court order to pay all or part of a debt judgment. In *Pease v. Charlotte Hungerford Hospital*, 325 Conn. 363, 368 (2017), the Connecticut Supreme Court held that, "outside of the marital dissolution and child support context, ordinary monetary judgments and taxations of costs are not subject to enforcement by civil contempt absent extraordinary circumstances." The court reserved the question of what, if any, "extraordinary circumstances" would justify the enforcement of civil contempt for monetary judgments (as no such extraordinary circumstances were alleged in that case and it was a case of first impression). Id. at 378 n.15.

### 18 - Prohibit Incarceration for Failure to Obey a Court Order to Appear at a Debtor's Examination, Unless Nonappearance Was Willful

**Score: 0/5**

Does the state prohibit arrest and/or incarceration for contempt for failure to appear at a debtor's examination (i.e. a judgment enforcement proceeding), unless the person's failure to appear was willful?

**No**

Connecticut does not meet the benchmark because the law provides that if a judgment debtor neglects or refuses to attend a debtor's examination the judge "may commit the judgment debtor for contempt." Conn. Gen. Stat. Ann. § 52-399.

### 19 - Provide Right to Counsel

**Score: 5/5**

Does the state provide a lawyer without charge in any contempt or other proceeding in which incarceration is a potential outcome in a consumer debt lawsuit?

**Yes**

Connecticut meets the benchmark because there is case law in the state providing that when incarceration is a possibility during a contempt proceeding, a person unable to afford an attorney must be provided access to

counsel. Dube v. Lopes, 40 Conn. Sup. 111, 481 A.2d 1293 (Super. Ct. 1984) (holding that "It is crystal clear that a person may not be incarcerated by the state without first being advised of his constitutional right to counsel, and, if indigent, without having counsel appointed to represent him, whether the contempt proceedings are initiated by a private person or the state.").

## VIII. Issue Area: Prevent government from undue intervention on behalf of creditor.

### 20 - Prohibit Collaboration Between Creditors and Prosecutors

Score: 0/2

Does the state prohibit relationships (including financial relationships) in which prosecutors lend the authority of their offices to facilitate the activities of debt collectors (e.g. payments by creditors to prosecutors who threaten or bring criminal prosecutions in bad check cases)?

No

Connecticut does not meet this benchmark because there is no statutory or judicial prohibition on relationships or financial arrangements between prosecutors and debt collectors. See Conn. Gen. Stat. § 53a-128.

### 21 - Prohibit Paying Bail/Bond to Creditor

Score: 0/2

Does the state prohibit use of bail to pay the creditor in all contempt proceedings, or in other proceedings in a consumer debt lawsuit in which incarceration is a possible outcome?

No

Connecticut does not meet the benchmark because the Connecticut state statutes do not include an express prohibition on the use of bail or bond to pay a creditor. Connecticut law authorizes judges to "commit the judgment debtor for contempt in case of his neglect or refusal to attend or be sworn at the examination or to answer any question put to him during the examination." Conn. Gen. Stat. Ann § 52-399. Furthermore, if a judge finds that the person has engaged in willful and continued failure to comply with a discovery order in a debt claims case, the judge may "commit the person for contempt and may further find such person personally liable for such damages as may have been sustained as a result of the contempt." Conn. Gen. Stat. Ann § 52-400b.

### 22 - Limit Frequency of Examinations

Score: 0/5

Does the state in consumer debt litigation schedule or otherwise limit financial examinations to no more than once per year?

No

Connecticut does not meet this benchmark because any judgment debtor against whom an execution has been returned unsatisfied or who has failed to respond within 30 days to any post-judgment interrogatories may be examined under oath concerning their property and means of paying such judgment. The statute does not limit the frequency or timing of such examination, other than "at such time and place [a] judge appoints and on such reasonable notice to the debtor as such judge prescribed." Conn. Gen. Stat. § 52-397.

## IX. Issue Area: Collect data to improve the system.

### 23 - Data Collection: Number of Lawsuits

Score: 0/3

Do state courts at least annually collect and publish statewide data on number of consumer debt lawsuits?

**No**

Connecticut does not meet the benchmark because it does not require state courts to collect or publish the number or disposition of consumer debt lawsuits. While Connecticut state courts voluntarily report certain metrics in respect of cases before the courts, including as they relates to small claims court and as to collections cases generally, they do not disclose data specific to consumer debt lawsuits. See, e.g., Judicial Branch Statistics - Small Claims Cases, Conn. Jud. Branch, <https://www.jud.ct.gov/statistics/smallclaims/> (last visited Nov. 10, 2023); Judicial Branch Statistics - Civil Cases, Conn. Jud. Branch, <https://www.jud.ct.gov/statistics/civil/default.htm> (last visited Nov. 10, 2023); Movement of Added Civil Cases By Case Type, Conn. Jud. Branch, [https://www.jud.ct.gov/statistics/civil/civil\\_casetypeAdd\\_2022.pdf](https://www.jud.ct.gov/statistics/civil/civil_casetypeAdd_2022.pdf) (last visited Jan. 24, 2024).

### 24 - Data Collection: Disposition of Lawsuits

Score: 0/2

Do state courts at least annually collect and publish statewide data on types of dispositions of consumer debt lawsuits?

**No**

Connecticut does not meet the benchmark because it does not require state courts to collect or publish the number or disposition of consumer debt lawsuits. While Connecticut state courts voluntarily report certain metrics in respect of cases before the courts, including as they relate to small claims court and collections cases generally, they do not disclose data specific to consumer debt lawsuits or their dispositions. See, e.g., Judicial Branch Statistics - Small Claims Cases, Conn. Jud. Branch, <https://www.jud.ct.gov/statistics/smallclaims/> (last visited Nov. 10, 2023); Judicial Branch Statistics - Civil Cases, Conn. Jud. Branch, <https://www.jud.ct.gov/statistics/civil/default.htm> (last visited Nov. 10, 2023).

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