



**Substitute House Bill No. 7082**

**Public Act No. 17-136**

**AN ACT CONCERNING PROBATE COURT OPERATIONS.**

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

Section 1. Section 4-61dd of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(a) Any person having knowledge of any matter involving corruption, unethical practices, violation of state laws or regulations, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state department or agency, ~~or~~ any quasi-public agency, as defined in section 1-120, [or any Probate Court](#) or any person having knowledge of any matter involving corruption, violation of state or federal laws or regulations, gross waste of funds, abuse of authority or danger to the public safety occurring in any large state contract, may transmit all facts and information in such person's possession concerning such matter to the Auditors of Public Accounts. The Auditors of Public Accounts shall review such matter and report their findings and any recommendations to the Attorney General. Upon receiving such a report, the Attorney General shall make such investigation as the Attorney General deems proper regarding such report and any other information that may be reasonably derived from such report. Prior to conducting an investigation of any information that may be reasonably derived from such report, the Attorney General shall consult with the Auditors of Public Accounts concerning the relationship of such additional information to the report that has been issued pursuant to this subsection. Any such subsequent investigation deemed appropriate by the Attorney General shall only be conducted with the concurrence and assistance of the Auditors of Public Accounts. At the request of the Attorney General or on their own initiative, the auditors shall assist in the investigation.

(b) (1) The Auditors of Public Accounts may reject any complaint received pursuant to subsection (a) of this section if the Auditors of Public Accounts determine one or more of the following:

- (A) There are other available remedies that the complainant can reasonably be expected to pursue;
- (B) The complaint is better suited for investigation or enforcement by another state agency;
- (C) The complaint is trivial, frivolous, vexatious or not made in good faith;
- (D) Other complaints have greater priority in terms of serving the public good;
- (E) The complaint is not timely or is too long delayed to justify further investigation; or

(F) The complaint could be handled more appropriately as part of an ongoing or scheduled regular audit.

(2) If the Auditors of Public Accounts reject a complaint pursuant to subdivision (1) of this subsection, the Auditors of Public Accounts shall provide a report to the Attorney General setting out the basis for the rejection.

(3) If at any time the Auditors of Public Accounts determine that a complaint is more appropriately investigated by another state agency, the Auditors of Public Accounts shall refer the complaint to such agency. The investigating agency shall provide a status report regarding the referred complaint to the Auditors of Public Accounts upon request.

(c) Notwithstanding the provisions of section 12-15, the Commissioner of Revenue Services may, upon written request by the Auditors of Public Accounts, disclose return or return information, as defined in section 12-15, to the Auditors of Public Accounts for purposes of preparing a report under subsection (a) or (b) of this section. Such return or return information shall not be published in any report prepared in accordance with subsection (a) or (b) of this section, and shall not otherwise be redisclosed, except that such information may be redisclosed to the Attorney General for purposes of an investigation authorized by subsection (a) of this section. Any person who violates the provisions of this subsection shall be subject to the provisions of subsection (g) of section 12-15.

(d) The Attorney General may summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section or for the purpose of investigating a suspected violation of subsection (a) of section 4-275 until such time as the Attorney General files a civil action pursuant to section 4-276. Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of section 1-210, the Auditors of Public Accounts and the Attorney General shall not, after receipt of any information from a person under the provisions of this section or sections 4-276 to 4-280, inclusive, disclose the identity of such person without such person's consent unless the Auditors of Public Accounts or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation.

(e) (1) No state officer or employee, as defined in section 4-141, no quasi-public agency officer or employee, no officer or employee of a large state contractor and no appointing authority shall take or threaten to take any personnel action against any state or quasi-public agency employee or any employee of a large state contractor in retaliation for (A) such employee's or contractor's disclosure of information to (i) an employee of the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) of this section; (ii) an employee of the state agency or quasi-public agency where such state officer or employee is employed; (iii) an employee of a state agency pursuant to a mandated reporter statute or pursuant to subsection (b) of section 17a-28; (iv) an employee of the Probate Court where such employee is employed; or [(iv)] (v) in the case of a large state contractor, an employee of the contracting state agency concerning information involving the large state contract; or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a

complaint against the state agency, quasi-public agency, [Probate Court](#), large state contractor or appointing authority concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this section. The human rights referee may order a state agency, [\[or\] quasi-public agency or Probate Court](#) to produce (i) an employee of such agency, [\[or\] quasi-public agency or Probate Court](#) to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such agency, [\[or\] quasi-public agency or Probate Court](#) fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees, and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection: (A) A state or quasi-public agency employee who alleges that a personnel action has been threatened or taken may file an appeal not later than ninety days after learning of the specific incident giving rise to such claim with the Employees' Review Board under section 5-202, or, in the case of a state or quasi-public agency employee covered by a collective bargaining contract, in accordance with the procedure provided by such contract; or (B) an employee of a large state contractor alleging that such action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any state or quasi-public agency employee or any employee of a large state contractor, which personnel action occurs not later than two years after the employee first transmits facts and information concerning a matter under subsection (a) of this section or discloses information under subdivision (1) of this subsection to the Auditors of Public Accounts, the Attorney General or an employee of a state agency, [\[or\] quasi-public agency or Probate Court](#), as applicable, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subsection (a) of this section or subdivision (1) of this subsection.

(5) If a state officer or employee, as defined in section 4-141, a quasi-public agency officer or employee, an officer or employee of a large state contractor or an appointing authority takes or threatens to take any action to impede, fail to renew or cancel a contract between a state agency and a large state contractor, or between a large state contractor and its subcontractor, in retaliation for the disclosure of information pursuant to subsection (a) of this section or subdivision (1) of this subsection to any agency listed in subdivision (1) of

this subsection, such affected agency, contractor or subcontractor may, not later than ninety days after learning of such action, threat or failure to renew, bring a civil action in the superior court for the judicial district of Hartford to recover damages, attorney's fees and costs.

(f) Any employee of a state **[or] agency, quasi-public agency, [Probate Court](#)** or large state contractor, who is found by the Auditors of Public Accounts, the Attorney General, a human rights referee or the Employees' Review Board to have knowingly and maliciously made false charges under subsection (a) of this section, shall be subject to disciplinary action by such employee's appointing authority up to and including dismissal. In the case of a state or quasi-public agency employee, such action shall be subject to appeal to the Employees' Review Board in accordance with section 5-202, or in the case of state or quasi-public agency employees included in collective bargaining contracts, the procedure provided by such contracts.

(g) On or before September first, annually, the Auditors of Public Accounts shall submit, in accordance with the provisions of section 11-4a, to the clerk of each house of the General Assembly a report indicating the number of matters for which facts and information were transmitted to the auditors pursuant to this section during the preceding state fiscal year and the disposition of each such matter.

(h) Each contract between a state or quasi-public agency and a large state contractor shall provide that, if an officer, employee or appointing authority of a large state contractor takes or threatens to take any personnel action against any employee of the contractor in retaliation for such employee's disclosure of information to any employee of the contracting state or quasi-public agency or the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) or subdivision (1) of subsection (e) of this section, the contractor shall be liable for a civil penalty of not more than five thousand dollars for each offense, up to a maximum of twenty per cent of the value of the contract. Each violation shall be a separate and distinct offense and in the case of a continuing violation each calendar day's continuance of the violation shall be deemed to be a separate and distinct offense. The executive head of the state or quasi-public agency may request the Attorney General to bring a civil action in the superior court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.

(i) Each state agency or quasi-public agency shall post a notice of the provisions of this section relating to state employees and quasi-public agency employees in a conspicuous place that is readily available for viewing by employees of such agency or quasi-public agency. [Each Probate Court shall post a notice of the provisions of this section relating to Probate Court employees in a conspicuous place that is readily available for viewing by employees of such court.](#) Each large state contractor shall post a notice of the provisions of this section relating to large state contractors in a conspicuous place which is readily available for viewing by the employees of the contractor.

(j) No person who, in good faith, discloses information in accordance with the provisions of this section shall be liable for any civil damages resulting from such good faith disclosure.

(k) As used in this section:

(1) "Large state contract" means a contract between an entity and a state or quasi-public agency, having a value of five million dollars or more; and

(2) "Large state contractor" means an entity that has entered into a large state contract with a state or quasi-public agency.

(1) (1) No officer or employee of a state shellfish grounds lessee shall take or threaten to take any personnel action against any employee of a state shellfish grounds lessee in retaliation for (A) such employee's disclosure of information to an employee of the leasing agency concerning information involving the state shellfish grounds lease, or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, an employee of a state shellfish grounds lessee or the employee's attorney may file a complaint against the state shellfish grounds lessee concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this subsection. The human rights referee may order a state shellfish grounds lessee to produce (i) an employee of such lessee to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such state shellfish grounds lessee fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection, an employee of a state shellfish grounds lessee who alleges that a personnel action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any employee of a state shellfish grounds lessee, which personnel action occurs not later than two years after the employee first transmits facts and information to an employee of the leasing agency concerning the state shellfish grounds lease, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subdivision (1) of this subsection.

Sec. 2. Section 4a-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) If a party to any action or proceeding in any court or a person whose property rights may be affected by any such action or proceeding is confined by order of any court, or as provided in section 17a-502 or 17a-506, in any institution for persons with psychiatric disabilities in this state, a copy of all process, notices and



documents required to be served upon such confined person by means other than personal service shall be sent by registered or certified mail to such confined person at the institution where such person is confined and, [except as provided in this subsection](#), another copy thereof shall be sent by registered or certified mail to the superintendent of the institution where such person is confined. Such mailing and proof of delivery thereof shall satisfy any requirement under law for service of such process, notices or documents by means other than personal service and shall be deemed equivalent to any service of such process, notices or documents required under law by means other than personal service. [A] [Except as provided in this subsection](#), a copy of all process, notices or documents that are required to be served by means of personal service on such confined person shall be sent by registered or certified mail to the superintendent of the institution where such person is confined, in addition to being served personally on such confined person. [If the institution where such person is confined is the party initiating the action or proceeding, a copy of all process, notices or documents may be sent by first class mail to the superintendent of the institution rather than by registered or certified mail.](#) As soon as practical and reasonable after receiving a copy of any process, notice or document under this subsection, such superintendent or such superintendent's representative shall deliver such copy of the process, notice or document to such confined person.

(b) No action or proceeding shall abate because of any failure to comply with the provisions of this section, but the court before whom any such action or proceeding is pending shall, upon finding noncompliance with any of said provisions, order immediate compliance with said provisions.

Sec. 3. Section 45a-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) For the purposes of this section, "children's matters" means: (1) Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2) termination of parental rights matters under sections 45a-706 to 45a-719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733, inclusive, and sections 45a-736 and 45a-737; (4) claims for paternity under section 46b-172a; (5) emancipation of minor matters under sections 46b-150 to 46b-150e, inclusive; and (6) voluntary admission matters under section 17a-11.

(b) The Probate Court Administrator may establish seven [\[regional children's probate courts\]](#) [Regional Children's Probate Courts](#) in regions designated by the Probate Court Administrator. In establishing such courts, the Probate Court Administrator shall consult with the probate judges of the districts located in each designated region, each of whom may participate on a voluntary basis.

(c) The Probate Court Administrator may establish a [\[regional children's probate court\]](#) [Regional Children's Probate Court](#) under this section in (1) any existing [\[probate court\]](#) [Probate Court](#) facility within a district located in a region, or (2) a separate facility located in a region as may be designated by the Probate Court Administrator. Each [\[regional children's probate court\]](#) [Regional Children's Probate Court](#) shall be established and operated with the advice of the participating probate judges of such districts and the administrative judge appointed under subsection (f) of this section. Such participating probate judges and administrative judge shall serve as the judges of the [\[regional children's probate court\]](#) [Regional Children's Probate Court](#), except as provided in subdivision (1) of subsection (f) of this section. Such judges shall hear and determine all children's matters as may come before them on a docket separate from other probate matters.

(d) (1) For the purposes of this section, the Probate Court Administrator may, subject to the provisions of section 45a-84, expend from the Probate Court Administration Fund established under section 45a-82 such

amounts as the Probate Court Administrator may deem reasonable and necessary for the establishment, improvement [ ] and maintenance [and operations] of court facilities located in each such designated region and for the operation of each Regional Children's Probate Court.

(2) Nothing in this section shall be construed to relieve any town of its obligation to provide and maintain court facilities pursuant to section 45a-8.

(e) The Probate Court Administrator may, subject to the provisions of section 45a-84, expend moneys from the Probate Court Administration Fund to [pay for necessary improvements of a facility designated as a regional children's probate court under this section, to pay operating expenses of a regional children's probate court and to] reimburse participating towns or cities for any costs of leasing office space for a [regional children's probate court] Regional Children's Probate Court, and any necessary improvements thereto, and for expenses under subsection (f) of this section.

(f) (1) The Probate Court Administrator, with the advice of the participating probate judges of the districts located in the designated region, shall appoint an administrative judge for each [regional children's probate court] Regional Children's Probate Court. The administrative judge shall be a probate judge at the time of such appointment. If the administrative judge ceases to serve as a probate judge after such appointment, the administrative judge may continue to serve as administrative judge at the pleasure of the Probate Court Administrator, but shall not have the powers granted to an elected probate judge and shall not hear and determine children's matters before such [regional children's probate court] Regional Children's Probate Court. Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of the administrative judge and such compensation shall be paid from the Probate Court Administration Fund. Such compensation, together with the administrative judge's compensation as a probate judge of the district to which he or she was elected, shall not exceed the compensation provided for a judge of probate under subdivision (4) of subsection (a) of section 45a-95a. The administrative judge shall have such benefits as may inure to him or her as a probate judge and shall receive no additional benefits, except for compensation provided under this section and retirement benefits calculated in accordance with sections 45a-34 to 45a-54, inclusive.

(2) Each administrative judge shall be responsible for the management of cases, coordination of social services, staff, financial management and record keeping for the [regional children's probate court] Regional Children's Probate Court for which the administrative judge is appointed. The administrative judge may, with the approval of the Probate Court Administrator, purchase furniture, office supplies, computers and other equipment and contract for services that the administrative judge may deem necessary or advisable for the expeditious conduct of the business of the [regional children's probate court]. Such expenses shall be paid for pursuant to section 45a-8. If a separate facility for a regional children's probate court is established pursuant to subdivision (2) of subsection (c) of this section, the participating town or city shall be reimbursed for such expenses from the Probate Court Administration Fund upon presentation of vouchers to the Probate Court Administrator] Regional Children's Probate Court.

(g) Each administrative judge for a [regional children's probate court] Regional Children's Probate Court may, [with the approval of the Probate Court Administrator] if authorized by the Probate Court Budget Committee under section 45a-85, employ such persons as may be required for the efficient operation of the [regional children's probate court] Regional Children's Probate Court. Such employees shall be employees of the [regional children's probate court] Regional Children's Probate Court and shall be entitled to the benefits of [probate court] Probate Court employees under this chapter. Such employees shall not be deemed to be

state employees.

(h) Any [\[probate court\] Probate Court](#) within a region designated under subsection (b) of this section may transfer children's matters to the [\[regional children's probate court\] Regional Children's Probate Court](#) for such region. Any [\[regional children's probate court\] Regional Children's Probate Court](#) may accept transfers and referrals of children's matters from [\[probate courts\] Probate Courts](#) within its region.

(i) Each [\[regional children's probate court\] Regional Children's Probate Court](#) shall be considered a [\[probate court\] Probate Court](#) for the purposes of this chapter.

(j) The Probate Court Administrator shall establish policies and procedures to implement the provisions of this section.

Sec. 4. Subsection (a) of section 45a-8b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The Probate Court Administrator shall establish, within available appropriations, an extended family guardianship and assisted care pilot program in the [\[regional children's probate court\] Regional Children's Probate Court](#) for the district of New Haven, established pursuant to section 45a-8a, [as amended by this act](#), for the purpose of reducing the number of children who are placed out of their communities and in foster care due to abuse and neglect. The program shall be designed to (1) provide outreach to extended family members and nonrelative caregivers in the community and appoint such family members or nonrelative caregivers as guardians, (2) seek volunteers to act as assisted care providers to assist guardians in caring for children, and (3) provide and pay for needed services to assist guardians in meeting the needs of such children. Under the program, each guardian appointed by the court shall be eligible to receive a maximum grant of one thousand dollars per child.

Sec. 5. Section 45a-8c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The Probate Court Administrator may, within available appropriations, establish a truancy clinic within (1) any [\[regional children's probate court\] Regional Children's Probate Court](#) that serves a town designated as an alliance district pursuant to section 10-262u, or (2) any Probate Court that serves a town designated as an alliance district that is not served by a [\[regional children's probate court\] Regional Children's Probate Court](#). The administrative judge of the [\[regional children's probate court\] Regional Children's Probate Court](#) or the [\[judge of the Probate Court\] probate judge](#), as the case may be, or the designee of such administrative judge or such [probate judge](#), shall administer the truancy clinic for such administrative judge's or such [probate judge's](#) respective court.

(b) If the Probate Court Administrator establishes truancy clinics pursuant to subsection (a) of this section, the principal of any elementary or middle school located in a town designated as an alliance district, or the principal's designee, may refer to a truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a, or at risk of becoming a truant. Upon receiving such referral, the truancy clinic shall prepare a citation and summons for the parent or guardian of the child to appear at the clinic. An attendance officer authorized pursuant to section 10-199, or a police officer authorized pursuant to section 10-200, shall deliver the citation and summons and a copy of the referral to the parent or guardian.



(c) The administrative judge of the [[regional children's probate court](#)] [Regional Children's Probate Court](#) that serves a town designated as an alliance district or the [[judge of the Probate Court](#)] [probate judge](#) that serves a town designated as an alliance district, as the case may be, may refer any matter referred to a truancy clinic to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter.

(d) The truancy clinics shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy clinics shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the clinics.

(e) The Probate Court Administrator shall establish policies and procedures to implement the truancy clinics and measure the effectiveness of the truancy clinics.

(f) Not later than September 1, 2015, and annually thereafter, each administrative judge of a [[regional children's probate court](#)] [Regional Children's Probate Court](#) that serves a town designated as an alliance district in which a truancy clinic has been established and each [[judge of a Probate Court](#)] [probate judge](#) that serves a town designated as an alliance district in which a truancy clinic has been established shall file a report with the Probate Court Administrator assessing the effectiveness of each truancy clinic in such administrative judge's or such [probate](#) judge's respective court.

(g) Not later than January 1, 2016, the Probate Court Administrator shall submit, in accordance with section 11-4a, a report assessing the effectiveness of the truancy clinics to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

Sec. 6. Section 45a-8d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) [~~A matter being heard at a regional children's probate court may be assigned to a probate court officer to perform any of the following functions:~~] As used in this section, "family specialist" means a staff position established by the Probate Court Budget Committee under section 45a-85 to perform the functions set forth in subsection (c) of this section.

(b) If authorized by the Probate Court Budget Committee, a Regional Children's Probate Court or a Probate Court that is not located in a region served by a Regional Children's Probate Court may employ a family specialist. A family specialist employed by a Probate Court may, with the consent of the Probate Court judge, perform functions under this section for another Probate Court that is not located in a region served by a Regional Children's Probate Court.

(c) A family specialist may perform any of the following functions in connection with children's matters, as defined in subsection (a) of section 45a-8a, as amended by this act:

(1) Conduct conferences with interested parties, attorneys for interested parties, representatives from the Department of Children and Families and social service providers, when appropriate;

(2) Facilitate the development of the family's plan for the care of the minor;

- (3) Facilitate the development of a visitation plan;
- (4) Coordinate with the Department of Children and Families to facilitate a thorough review of the matter being heard;
- (5) Assess whether the family's plan for the care of the minor, if any, is in the minor's best interests;
- (6) Assist the family in accessing community services; and
- (7) Conduct follow-up regarding orders of the court.

[(b)] (d) The [probate court officer] family specialist may file with the court a report that may include:

- (1) An assessment of the minor's and family's history;
- (2) An assessment of the parent's and any proposed guardian's involvement with the minor;
- (3) Information regarding the physical, social and emotional status of the interested parties;
- (4) An assessment of the family's plan for the care of the minor; and
- (5) Any other information or data that is relevant to determine if the proposed court action is in the best interests of the minor.

[(c)] (e) Any report filed by a [probate court officer] family specialist pursuant to subsection [(b)] (d) of this section shall be admissible in evidence. If a party or an attorney for a party notifies the court prior to a scheduled hearing that such party or attorney wishes to examine the [probate court officer] family specialist who filed the report, the court shall order such [probate court officer] family specialist to appear at the hearing.

Sec. 7. Section 45a-623 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

Before a hearing on the merits in any case under sections 45a-603 to 45a-622, inclusive, that is contested, the [Court of Probate] Probate Court shall, on the motion of any party other than a party who [made application] applied for the removal of a parent as a guardian, or may, on the court's own motion or motion of the party who [made application] applied for the removal of a parent as a guardian, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the [Court of Probate] Probate Court may, on the court's own motion or motion of any interested party, transfer any proceeding under sections 45a-603 to 45a-622, inclusive, to a [regional children's probate court] Regional Children's Probate Court established pursuant to section 45a-8a, as amended by this act. If the case is transferred and venue altered, the clerk of the [Court of Probate] Probate Court shall transmit to the clerk of the Superior Court or the [regional children's probate court] Regional Children's Probate Court to which the case was transferred, the original files and papers in the case.

Sec. 8. Subsection (g) of section 45a-715 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

- (g) Before a hearing on the merits in any case in which a petition for termination of parental rights is

contested in a Probate Court, the Probate Court shall, on the motion of any legal party except the petitioner, or may on its own motion or that of the petitioner, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the Probate Court may, on the court's own motion or that of any interested party, transfer any termination of parental rights case to a [regional children's probate court] [Regional Children's Probate Court](#) established pursuant to section 45a-8a, [as amended by this act](#). If the case is transferred, the clerk of the Probate Court shall transmit to the clerk of the Superior Court or the [regional children's probate court] [Regional Children's Probate Court](#) to which the case was transferred, the original files and papers in the case. The Superior Court or the [regional children's probate court] [Regional Children's Probate Court](#) to which the case was transferred, upon hearing after notice as provided in sections 45a-716 and 45a-717, may grant the petition as provided in section 45a-717.

Sec. 9. Section 45a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) The fees set forth in this section apply to each filing made in a Probate Court on or after [\[January 1, 2016\]](#) [January 1, 2018](#), in any matter other than a decedent's estate.

(b) The fee to file each of the following motions, petitions or applications in a Probate Court is two hundred twenty-five dollars:

(1) With respect to a minor child: (A) Appoint a temporary guardian, temporary custodian, guardian, coguardian, permanent guardian or statutory parent, (B) remove a guardian, including the appointment of another guardian, (C) reinstate a parent as guardian, (D) terminate parental rights, including the appointment of a guardian or statutory parent, (E) grant visitation, (F) make findings regarding special immigrant juvenile status, (G) approve placement of a child for adoption outside this state, (H) approve an adoption, (I) validate a foreign adoption, (J) review, modify or enforce a cooperative postadoption agreement, (K) review an order concerning contact between an adopted child and his or her siblings, (L) resolve a dispute concerning a standby guardian, (M) approve a plan for voluntary services provided by the Department of Children and Families, (N) determine whether the termination of voluntary services provided by the Department of Children and Families is in accordance with applicable regulations, (O) conduct an in-court review to modify an order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S) appoint a successor custodian under section 45a-559c, (T) resolve a dispute concerning custodianship under sections 45a-557 to 45a-560b, inclusive, and (U) grant authority to purchase real estate;

(2) Determine paternity;

(3) Determine the age and date of birth of an adopted person born outside the United States;

(4) With respect to adoption records: (A) Appoint a guardian ad litem for a biological relative who cannot be located or appears to be incompetent, (B) appeal the refusal of an agency to release information, (C) release medical information when required for treatment, and (D) grant access to an original birth certificate;

(5) Approve an adult adoption;

(6) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or

place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I) grant authority to consent to involuntary medication, (J) determine whether informed consent has been given for voluntary admission to a hospital for psychiatric disabilities, (K) determine life-sustaining medical treatment, (L) transfer to or from another state, (M) modify the conservatorship in connection with a periodic review, (N) excuse accounts under rules of procedure approved by the Supreme Court under section 45a-78, (O) terminate the conservatorship, and (P) grant a writ of habeas corpus;

(7) With respect to a power of attorney: (A) Compel an account by an agent, (B) review the conduct of an agent, (C) construe the power of attorney, and (D) mandate acceptance of the power of attorney;

[(7)] (8) Resolve a dispute concerning advance directives or life-sustaining medical treatment when the individual does not have a conservator or guardian;

[(8)] (9) With respect to an elderly person as defined in section 17b-450: (A) Enjoin an individual from interfering with the provision of protective services to such elderly person, and (B) authorize the Commissioner of Social Services to enter the premises of such elderly person to determine whether such elderly person needs protective services;

[(9)] (10) With respect to an adult with intellectual disability: (A) Appoint a temporary limited guardian, guardian or standby guardian, (B) grant visitation, (C) determine competency to vote, (D) modify the guardianship in connection with a periodic review, (E) determine life-sustaining medical treatment, (F) approve an involuntary placement, (G) review an involuntary placement, [and] (H) authorize a guardian to manage the finances of such adult, and (I) grant a writ of habeas corpus;

[(10)] (11) With respect to psychiatric disability: (A) Commit an individual for treatment, (B) issue a warrant for examination of an individual at a general hospital, (C) determine whether there is probable cause to continue an involuntary confinement, (D) review an involuntary confinement for possible release, (E) authorize shock therapy, (F) authorize medication for treatment of psychiatric disability, (G) review the status of an individual under the age of sixteen as a voluntary patient, and (H) recommit an individual under the age of sixteen for further treatment;

[(11)] (12) With respect to drug or alcohol dependency: (A) Commit an individual for treatment, (B) recommit an individual for further treatment, and (C) terminate an involuntary confinement;

[(12)] (13) With respect to tuberculosis: (A) Commit an individual for treatment, (B) issue a warrant to enforce an examination order, and (C) terminate an involuntary confinement;

[(13)] (14) Compel an account by the trustee of an inter vivos trust, [attorney-in-fact,] custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of an ecclesiastical society or cemetery association;

[(14)] (15) With respect to a testamentary or inter vivos trust: (A) Construe, divide, reform or terminate the trust, (B) enforce the provisions of a pet trust, and (C) excuse a final account under rules of procedure approved by the Supreme Court under section 45a-78;

[(15)] (16) Authorize a fiduciary to establish a trust;

[ ]

~~(16)~~ ~~(17)~~ Appoint a trustee for a missing person;

~~[(17)]~~ ~~(18)~~ Change a person's name;

~~[(18)]~~ ~~(19)~~ Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;

~~[(19)]~~ ~~(20)~~ Require the Department of Public Health to issue a delayed birth certificate;

~~[(20)]~~ ~~(21)~~ Compel the board of a cemetery association to disclose the minutes of the annual meeting;

~~[(21)]~~ ~~(22)~~ Issue an order to protect a grave marker;

~~[(22)]~~ ~~(23)~~ Restore rights to purchase, possess and transport firearms;

~~[(23)]~~ ~~(24)~~ Issue an order permitting sterilization of an individual; ~~[and]~~

~~(25)~~ Approve the transfer of structured settlement payment rights; and

~~[(24)]~~ ~~(26)~~ With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give advice or instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.

(c) The fee to file a petition for custody of the remains of a deceased person in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the state is obligated to pay funeral and burial expenses under section 17b-84.

(d) The fee for a fiduciary to request the release of funds from a restricted account in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the court approves the request without notice and hearing in accordance with the rules of procedure adopted by the Supreme Court under section 45a-78.

(e) The fee to register a conservator of the person or conservator of the estate order from another state under section 45a-667r or 45a-667s, or to register both types of orders for the same person at the same time, is one hundred fifty dollars.

~~[(e)]~~ ~~(f)~~ The fee for mediation conducted by a member of the panel established by the Probate Court Administrator is three hundred fifty dollars per day or part thereof.

~~[(f)]~~ ~~(g)~~ The fee to request a continuance in a Probate Court is fifty dollars, plus the actual expenses of rescheduling the hearing that are payable under section 45a-109, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the hearing, or both. The fee shall be payable by the party who requests the continuance of a scheduled hearing or whose failure to appear necessitates the continuance.



**[(g)] (h)** The fee to file a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court is two hundred fifty dollars.

**[(h)] (i)** Except as provided in subsection (d) of section 45a-111, fees imposed under this section shall be paid at the time of filing.

**[(i)] (j)** If a statute or rule of procedure approved by the Supreme Court under section 45a-78 specifies filings that may be combined into a single motion, petition or application, the fee under this section for the combined filing is the amount equal to the largest of the individual filing fees applicable to the underlying motions, petitions or applications.

**[(j)] (k)** No fee shall be charged under this section if exempted or waived under section 45a-111 or any other provision of the general statutes.

Sec. 10. Subsection (b) of section 45a-609 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) The court shall order notice of the hearing to be given, at least ten days before the date of the hearing, to the Commissioner of Children and Families by first class mail and to both parents and to the minor, if over twelve years of age, by personal service or service at the parent's usual place of abode or the minor's usual place of abode, as the case may be, in accordance with section 52-50, except that in lieu of personal service on, or service at the usual place of abode of, a parent or the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of such service on a form provided by the Probate Court Administrator, the court may order notice to be given by first class mail at least ten days prior to the date of the hearing. **[If such delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. If the parents reside out of or are absent]** If the parent to be notified resides out of or is absent from the state, the court shall order notice to be given by first class mail at least ten days prior to the date of the hearing. If the whereabouts of the [parents are] parent to be notified are unknown, or if delivery cannot reasonably be effected, the court may order notice to be given by publication. Any notice by publication under this subsection shall be in a newspaper [which has a circulation at the parents' last-known place of residence] of general circulation in the place of the last known address of the parent to be notified, whether within or without this state, or, if no such address is known, in the place where the application was filed. In either case, such notice shall be given at least ten days before the date of the hearing. If the applicant alleges that the whereabouts of a respondent are unknown, such allegation shall be made under penalty of false statement and shall also state the last-known address of the respondent and the efforts which have been made by the applicant to obtain a current address. The applicant shall have the burden of ascertaining the names and addresses of all parties in interest and of proving to the satisfaction of the court that the applicant used all proper diligence to discover such names and addresses. Except in the case of newspaper notice, the notice of hearing shall include the following: (1) The notice of hearing, (2) the application for removal of parent as guardian, (3) any supporting documents and affidavits filed with such application, (4) any other orders or notices made by the **[Court of Probate]** Probate Court, and (5) any request for investigation by the Department of Children and Families or any other person or agency. Such notice shall also inform the respondent of the right to have an attorney represent the respondent in the matter, and if the respondent is unable to obtain or to pay an attorney, the respondent may request the **[Court of Probate]** Probate Court to appoint an attorney to represent the respondent. Newspaper notice shall include such facts as the court may direct.

Sec. 11. Subdivision (3) of subsection (a) of section 45a-649 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(3) The court shall order such notice as it directs to the following: (A) The applicant; (B) the person in charge of welfare in the town where the respondent is domiciled or resident and, if there is no such person, the first selectman or chief executive officer of the town if the respondent is receiving assistance from the town; (C) the Commissioner of Social Services, if the respondent is in a state-operated institution or receiving aid, care or assistance from the state; (D) the Commissioner of Veterans Affairs if the respondent is receiving veterans' benefits or the Veterans Residential Services facility, or both, if the respondent is receiving aid or care from said facility, or both; (E) the Commissioner of Administrative Services, if the respondent is receiving aid or care from the state; (F) the children of the respondent and if none, the parents of the respondent and if none, the brothers and sisters of the respondent or their representatives **;** [and if none, the next of kin of the respondent; and](#) (G) the person in charge of the hospital, nursing home or some other institution, if the respondent is in a hospital, nursing home or some other institution.

Sec. 12. Section 45a-599 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

When any minor for whom a guardian has been appointed becomes a resident of any town in the state in a probate district other than the one in which a guardian was appointed, such court in that district may, upon motion of any person deemed by the court to have sufficient interest in the welfare of the respondent, including, but not limited to, the guardian or a relative of the minor under guardianship, transfer the file to the probate district in which the minor under guardianship resides at the time of the application, provided the transfer is in the best interest of the minor. **[A transfer of the file shall be accomplished by the probate court in which the guardianship matter is on file by making copies of all documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the minor under guardianship resides. When the transfer is made, the court of probate in which the minor under guardianship resides at the time of transfer shall thereupon assume jurisdiction over the guardianship and all further accounts shall be filed with such court.]** [Upon issuance of an order to transfer a file under this section, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the guardianship.](#)

Sec. 13. Section 45a-661 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

When any person under voluntary or involuntary representation becomes a settled inhabitant of any town in the state in a probate district other than the one in which a conservator was appointed, and is an actual resident in such district, the Probate Court in which the conservator was appointed shall, upon motion of the conservator, the person under conservatorship, the first selectman or the chief executive officer of the town in which the person under conservatorship resides or the husband or wife or a relative of the person under conservatorship, transfer the file to the probate district in which the person under conservatorship resides at the time of the application, if the court determines that the requested transfer is the preference of the person under conservatorship. **[A transfer of the file shall be accomplished by the Probate Court in which the conservator was originally appointed by making copies of all recorded documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the person under conservatorship resides. When the transfer is made, the Probate Court in which the person under**

conservatorship resides at the time of transfer shall thereupon assume jurisdiction over the conservatorship and all further accounts shall be filed with such court.] Upon issuance of an order to transfer a file under this section, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the conservatorship.

Sec. 14. Subsection (h) of section 45a-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(h) When any protected person becomes a resident of any probate district in this state other than the one in which a guardian was appointed, or becomes a resident of any probate district in this state other than the one to which the guardianship file has been transferred under this section, the court in which the guardianship matter is on file may, upon motion of any person deemed by the court to have sufficient interest in the welfare of the protected person, including, but not limited to, the guardian, the Commissioner of Developmental Services or the commissioner's designee, or a relative of the protected person, transfer the file to the probate district in which the protected person resides at the time of the motion, provided the transfer is in the protected person's best interest. [A transfer of the file shall be accomplished by the Probate Court in which the guardianship matter is on file by making copies of all documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the protected person resides. When the transfer is made, the Probate Court in which the protected person resides at the time of transfer shall thereupon assume jurisdiction over the guardianship and all further accounts shall be filed with such court.] Upon issuance of an order to transfer a file under this section, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the guardianship.

Sec. 15. Subsection (b) of section 45a-98d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(b) Upon issuance of a transfer order under subsection (a) of this section, the transferring court shall [cause certified copies of all documents in the transferring court's file to be delivered to the transferee court] transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall proceed on the underlying petition, application or motion as if it had originally been filed with the transferee court. No additional filing fee shall apply with respect to the transferred petition, application or motion.

Sec. 16. Section 52-225k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) [An] Except as provided in subsection (b) of this section, an application under sections 52-225g to 52-225l, inclusive, for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the superior court for the judicial district in which the payee resides or in which the structured settlement obligor or annuity issuer maintains its principal place of business or in the superior court or before the responsible administrative authority that approved the structured settlement agreement.

(b) An application for approval of (b) the transfer of structured settlement payment rights by a conservator or guardian appointed by a Probate Court of this state shall be brought by the transferee in the Probate Court having jurisdiction over the conservator or guardian. Upon the filing of an application in a Probate Court

under this section, the court shall give notice of the time and place of the hearing by first class mail to the interested parties and to the parties to the conservatorship or guardianship matter. The court shall hear and decide the matter in accordance with the provisions of sections 52-225g to 52-225l, inclusive.

[(b)] (c) Not less than twenty days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 52-225i, the transferee shall file with the court or responsible administrative authority and serve on all interested parties a notice of the proposed transfer and the application for its approval, including with the notice:

- (1) A copy of the transferee's application;
- (2) A copy of the transfer agreement;
- (3) A copy of the disclosure statement required under section 52-225h;
- (4) A listing of each of the payee's dependents, together with each dependent's age;
- (5) Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and
- (6) Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall be not less than fifteen days after service of the transferee's notice, in order to be considered by the court or responsible administrative authority.

Sec. 17. Section 45a-317a of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2018):

Any person interested in the estate of a deceased person and having a need to obtain financial information concerning the deceased person for the limited purpose of determining whether the estate may be settled as a small estate under section 45a-273, or having a need to obtain financial or medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the Probate Court having jurisdiction of the estate of the deceased person for the appointment of an estate examiner. The Probate Court may grant the application and appoint an estate examiner for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints an estate examiner under this section, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the estate examiner to disclose the information obtained by the estate examiner, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing an estate examiner under this section, and any certificate of [the] appointment [of a fiduciary] issued by the clerk of the court, shall indicate (1) the duration of the estate examiner's appointment, and (2) that such estate examiner has no authority over the assets of the deceased person.

Sec. 18. Section 45a-669 of the general statutes is repealed and the following is substituted in lieu thereof

(Effective January 1, 2018):

[For purposes of sections 45a-669 to 45a-683, inclusive, the following terms shall have the following meanings] [As used in sections 45a-669 to 45a-683, inclusive, as amended by this act, and section 19 of this act:](#)

[(a)] (1) "Plenary guardian" means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital, nursing home facility, as defined in section 19a-521, or residential care home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, [as amended by this act](#), to supervise all aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be totally unable to meet essential requirements for his or her physical health or safety and totally unable to make informed decisions about matters related to his or her care.

[(b)] (2) "Legally competent" means having the legal power to direct one's personal and financial affairs. All persons in this state eighteen years of age and over are legally competent unless determined otherwise by a court in accordance with the provisions of sections 45a-669 to 45a-683, inclusive, [as amended by this act](#), or unless otherwise provided by law.

[(c)] (3) "Limited guardian" means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital or nursing home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, [as amended by this act](#), to supervise certain specified aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be able to do some, but not all, of the tasks necessary to meet essential requirements for his or her physical health or safety or to make some, but not all, informed decisions about matters related to his or her care.

[(d)] (4) "Intellectual disability" [[means the condition defined as intellectual disability pursuant to](#)] [has the same meaning as provided in](#) section 1-1g.

[(e)] (5) "Respondent" means an adult person for whom a petition for guardianship or limited guardianship of the person has been filed.

[(f)] (6) "Unable to meet essential requirements for his or her physical health or safety" means the inability through one's own efforts and through acceptance of assistance from family, friends and other available private and public sources, to meet one's needs for medical care, nutrition, clothing, shelter, hygiene or safety so that, in the absence of a guardian, serious physical injury, illness or disease is likely to occur.

[(g)] (7) "Unable to make informed decisions about matters related to his or her care" means the inability of a person with intellectual disability to achieve a rudimentary understanding, after conscientious efforts at explanation, of information necessary to make decisions about his or her need for physical or mental health care, food, clothing, shelter, hygiene, protection from physical abuse or harm, or other care.

[\(8\) "Unable to manage his or her finances" means the inability of a person with intellectual disability to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to perform the functions inherent in managing his or her finances.](#)



[(h)] (9) "Protected person" means a person for whom a guardianship is granted under sections 45a-669 to 45a-683, inclusive, as amended by this act.

Sec. 19. (NEW) (*Effective January 1, 2018*) (a) A plenary or limited guardian appointed under section 45a-676 of the general statutes may petition for authority to manage the finances of a protected person whose assets do not exceed ten thousand dollars. The petition shall be filed in the Probate Court that appointed the guardian. If a petition under this section is filed simultaneously with a guardianship petition under section 45a-670 of the general statutes, the court may conduct one hearing on both petitions.

(b) The court shall cause notice of a hearing under this section to be given in the manner specified in sections 45a-671 and 45a-672 of the general statutes. The protected person is entitled to counsel in accordance with section 45a-673 of the general statutes and has the right to attend the hearing as set forth in section 45a-675 of the general statutes.

(c) At a hearing under this section, the court shall receive evidence on the ability of the protected person to manage his or her finances, including a written report or testimony by a Department of Developmental Services assessment team in accordance with section 45a-674 of the general statutes.

(d) If the court finds by clear and convincing evidence that (1) the protected person's assets do not exceed ten thousand dollars, and (2) the protected person is unable to manage his or her finances, the court may authorize the plenary or limited guardian to hold and manage all or any part of the protected person's income and assets for the benefit of the protected person and may assign other specific duties to the guardian with respect to the protected person's finances. Except as provided in section 45a-139 of the general statutes, or in rules of procedure adopted under section 45a-78 of the general statutes, the court shall require a probate bond of the guardian. Unless excused by the court, the guardian shall file an inventory of all assets of the protected person not later than sixty days after the date on which the decree granting authority over the protected person's finances is mailed and shall submit periodic and final accounts in accordance with section 45a-177 of the general statutes, as amended by this act.

(e) The guardian's authority to manage the finances of the protected person shall terminate on the date on which the assets first exceed ten thousand dollars, provided the court may extend the guardian's authority for a period not to exceed sixty days if a person files a petition to appoint a conservator under sections 45a-644 to 45a-663, inclusive, of the general statutes. The guardian shall inform the court, in writing, not later than thirty days after the date on which the protected person's assets first exceed ten thousand dollars.

Sec. 20. Section 45a-177 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) All conservators, guardians and trustees, including (1) those entrusted with testamentary trusts unless excused by the will creating the trust, (2) conservators of the person authorized under subsection (a) of section 45a-656 to manage the finances of a conserved person, and (3) guardians of adults with intellectual disability authorized under section 19 of this act to manage the finances of a protected person, shall render periodic accounts of their trusts signed under penalty of false statement to the Probate Court having jurisdiction for allowance, at least once during each three-year period and more frequently if required by the court or by the will or trust instrument creating the trust. At the end of each three-year period from the date of the last allowance of a periodic account, or upon the earlier receipt of a final account, there shall be a hearing on all periodic accounts not previously allowed, and the final account, if any, in accordance with

sections 45a-178 and 45a-179.

(b) If the estate held by any person in any such fiduciary capacity is less than two thousand dollars, or, in the case of a corporate fiduciary under the supervision of the Banking Commissioner or any other fiduciary bonded by a surety company authorized to do business in this state, ten thousand dollars, such fiduciary shall not be required to render such account unless so ordered by the court.

Sec. 21. Subsection (f) of section 45a-175 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(f) If the court finds such appointment to be necessary and in the best interests of the estate, the court upon its own motion may appoint an auditor to be selected from a list provided by the Probate Court Administrator, to examine accounts over which the court has jurisdiction under this section, except those accounts on matters in which the fiduciary or cofiduciary is a corporation having trust powers. **[The Probate Court Administrator shall promulgate regulations in accordance with section 45a-77 concerning the compilation of a list of qualified auditors.]** The list of auditors compiled by the Probate Court Administrator shall be comprised of individuals who hold a license from the State Board of Accountancy as a certified public accountant or public accountant. The Probate Court Administrator may from time to time establish hourly rates and allowable expenses for the compensation of auditors under this section. Costs of the audit may be charged to the fiduciary, any party in interest and the estate, in such proportion as the court shall direct if the court finds such charge to be equitable. Any such share may be paid from the fund established under section 45a-82, subject to the approval of the Probate Court Administrator, if it is determined that the person obligated to pay such share is unable to pay or to charge such amount to the estate would cause undue hardship.

Sec. 22. Subsection (a) of section 45a-616a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In appointing a guardian of the person of a minor pursuant to section 45a-616 or at any time following such appointment, the Court of Probate may establish a permanent guardianship if the court provides notice to each parent that the parent may not petition for reinstatement as guardian or petition to terminate the permanent guardianship, except as provided in subsection (b) of this section, or the court indicates on the record why such notice could not be provided, and the court finds by clear and convincing evidence that the establishment of a permanent guardianship is in the best interests of the minor and that the following have been proven by clear and convincing evidence:

- (1) One of the grounds for termination of parental rights, as set forth in subparagraphs (A) to ~~[(G)]~~ (H), inclusive, of subdivision (2) of subsection (g) of section 45a-717 exists, or the parents have voluntarily consented to the appointment of a permanent guardian;
- (2) Adoption of the minor is not possible or appropriate;
- (3) (A) If the minor is at least twelve years of age, such minor consents to the proposed appointment of a permanent guardian, or (B) if the minor is under twelve years of age, the proposed permanent guardian is a relative or already serving as the permanent guardian of at least one of the minor's siblings;
- (4) The minor has resided with the proposed permanent guardian for at least one year; and

(5) The proposed permanent guardian is suitable and worthy and committed to remaining the permanent guardian and assuming the rights and responsibilities for the minor until the minor reaches the age of majority.

Sec. 23. Section 45a-752 of the general statutes is repealed. (*Effective from passage*)

Approved June 30, 2017