



House of Representatives

General Assembly

File No. 24

February Session, 2000

House Bill No. 5148

House of Representatives, March 8, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

An Act Concerning The Right Of A Parent To Determine Funeral Arrangements For A Minor Child.

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

1 Section 45a-604 of the general statutes, as amended by section 4 of
2 public act 99-84, is repealed and the following is substituted in lieu
3 thereof:

4 As used in sections 45a-603 to 45a-622, inclusive:

5 (1) "Mother" means (A) a woman who can show proof by means of a
6 birth certificate or other sufficient evidence of having given birth to a
7 child and (B) an adoptive mother as shown by a decree of a court of
8 competent jurisdiction or otherwise;

9 (2) "Father" means a man who is a father under the law of this state
10 including a man who, in accordance with section 46b-172, executes a
11 binding acknowledgment of paternity and a man determined to be a
12 father under chapter 815y;

13 (3) "Parent" means a mother as defined in subdivision (1) of this
14 section or a "father" as defined in subdivision (2) of this section;

15 (4) "Minor" or "minor child" means a person under the age of
16 eighteen;

17 (5) "Guardianship" means guardianship of the person of a minor,
18 and includes: (A) The obligation of care and control; [and] (B) the
19 authority to make major decisions affecting the minor's welfare,
20 including, but not limited to, consent determinations regarding
21 marriage, enlistment in the armed forces and major medical,
22 psychiatric or surgical treatment; and (C) upon the death of the minor,
23 the authority to make decisions concerning funeral arrangements and
24 the disposition of the body of the minor;

25 (6) "Guardian" means one who has the authority and obligations of
26 "guardianship" as defined in subdivision (5) of this section;

27 (7) "Termination of parental rights" means the complete severance
28 by court order of the legal relationship, with all its rights and
29 responsibilities, between the child and the child's parent or parents so
30 that the child is free for adoption, except that it shall not affect the right
31 of inheritance of the child or the religious affiliation of the child.

JUD Committee Vote: Yea 37 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Probate Court (Judicial Department)

Municipal Impact: None

OLR Bill Analysis

HB 5148

AN ACT CONCERNING THE RIGHT OF A PARENT TO DETERMINE FUNERAL ARRANGEMENTS FOR A MINOR CHILD.

SUMMARY:

This bill gives a dead child's guardians, that is, the child's parents or a court-appointed guardian, including the Department of Children and Families, the right to make decisions about the funeral and disposition of the body. By law, guardians may already make some decisions for children under age 18, including consent to marriage, medical treatment, and military enlistment.

EFFECTIVE DATE: October 1, 2000

PARENTS AS A MINOR CHILD'S GUARDIANS

Unless a probate court orders otherwise, the father and mother are

equal guardians of their minor child. If one parent dies, the survivor becomes the child's sole guardian.

A probate court can remove as guardians one or both of a child's living parents under some circumstances (generally, by consent or where the child has experienced serious abuse or neglect while under the parent's care or supervision) and appoint someone else in their place. The bill specifies that whoever had guardianship of a child at the time of death has the authority to make funeral arrangements and decide how to dispose of the body.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0