



General Assembly

February Session, 2000

Raised Bill No. 594

LCO No. 2429

Referred to Committee on Judiciary

Introduced by:
(JUD)

***An Act Concerning The Responsibilities Of The Office Of
Protection And Advocacy For Persons With Disabilities.***

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

1 Section 1. Section 45a-694 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 Upon such application for a determination of an individual's ability
4 to give informed consent to sterilization being filed, the court shall
5 appoint legal counsel to represent any respondent who has not
6 selected a counsel to represent him in response to the application. Such
7 legal counsel shall be from a panel of attorneys admitted to practice in
8 this state provided by the Probate Court Administrator in accordance
9 with regulations promulgated by the Probate Court Administrator in
10 accordance with section 45a-77. In establishing such panel, the Probate
11 Court Administrator shall seek recommendations from the Office of
12 Protection and Advocacy, [of the Department of Consumer Protection,]
13 which may be included in such panel. The reasonable compensation of
14 an appointed legal counsel shall be established by the court. Such
15 compensation shall be charged to the respondent provided, if the court
16 finds such respondent is unable to pay such compensation, it shall be

17 paid from funds appropriated to the Department of Social Services.

18 Sec. 2. Section 45a-695 of the general statutes, as amended by section
19 30 of public act 99-84, is repealed and the following is substituted in
20 lieu thereof:

21 At any hearing upon such application, the court shall receive
22 evidence concerning the respondent's ability to give informed consent.
23 Such evidence shall include, but shall not be limited to, reports in
24 writing signed under penalty of false statement from an
25 interdisciplinary team of at least three impartial panel members
26 appointed by the court from a panel of physicians, psychologists,
27 educators, social and residential workers [provided by the Office of
28 Protection and Advocacy for Persons with Disabilities] who have
29 personally observed, examined or worked with such respondent at
30 some time during the twelve months preceding such hearing. Such
31 appointments shall be made in accordance with regulations to be
32 promulgated by the Probate Court Administrator in accordance with
33 section 45a-77. The reasonable compensation of such appointed panel
34 members shall be established by the court. Such compensation shall be
35 charged to the respondent provided, if the court finds such respondent
36 is unable to pay such compensation, it shall be paid from funds
37 [appropriated to said advocacy office] of the court. Each such
38 appointed panel member shall make his or her written report under
39 penalty of false statement on a separate form provided for that
40 purpose by [said advocacy office] the court and shall answer such
41 questions as may be set forth on such form as fully and completely as
42 reasonably possible. The reports shall contain specific information
43 regarding the respondent's ability to give informed consent and shall
44 indicate the specific aspects of informed consent which the respondent
45 lacks. Each such appointed panel member shall state upon the forms
46 the reasons for his or her opinion. Such respondent or his or her
47 counsel shall have the right to present evidence and cross-examine
48 witnesses who testify at any hearing on the application. If such
49 respondent or his or her counsel notifies the court not less than three

50 days before the hearing that he or she wishes to cross-examine the
51 appointed panel members, the court shall order such members to
52 appear.

Statement of Purpose:

To make the Probate Court responsible for choosing and paying for a panel of experts in sterilization cases and makes a technical change to reflect that the Office of Protection and Advocacy is no longer part of the Department of Consumer Protection.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]