



General Assembly

Substitute Bill No. 594

February Session, 2000

***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 Section 45a-694 of the general statutes is repealed and the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] such respondent in response to
7 the application. Such legal counsel shall be from a panel of attorneys
8 admitted to practice in this state provided by the Probate Court
9 Administrator in accordance with regulations promulgated by the
10 Probate Court Administrator in accordance with section 45a-77. In
11 establishing such panel, the Probate Court Administrator shall seek
12 recommendations from the Office of Protection and Advocacy, [of the
13 Department of Consumer Protection,] which may be included in such
14 panel. The reasonable compensation of an appointed legal counsel
15 shall be established by the court. Such compensation shall be charged
16 to the respondent provided, if the court finds such respondent is
17 unable to pay such compensation, it shall be paid from [funds
18 appropriated to the Department of Social Services] the Probate Court
19 Administration Fund.

20 Sec. 2. Section 45a-695 of the general statutes, as amended by section
21 30 of public act 99-84, is repealed and the following is substituted in
22 lieu thereof:

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

54 such members to appear.

JUD	Committee Vote:	Yea	40	Nay	0	JFS
HS	Committee Vote:	Yea	17	Nay	0	JF
APP	Committee Vote:	Yea	41	Nay	0	JF