



General Assembly

January Session, 2003

**Amendment**

LCO No. 6914

\*SB0085306914SD0\*

Offered by:

SEN. MCDONALD, 27<sup>th</sup> Dist.  
REP. LAWLOR, 99<sup>th</sup> Dist.  
SEN. SULLIVAN, 5<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. HANDLEY, 4<sup>th</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.  
SEN. PETERS, 20<sup>th</sup> Dist.  
SEN. MURPHY, 16<sup>th</sup> Dist.  
SEN. FINCH, 22<sup>nd</sup> Dist.  
SEN. FONFARA, 1<sup>st</sup> Dist.

To: Subst. Senate Bill No. 853

File No. 277

Cal. No. 191

**"AN ACT CONCERNING AN ADDRESS CONFIDENTIALITY PROGRAM."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2003*) For the purposes of  
4 sections 501 to 549, inclusive, of this act:

5 (1) "Domestic partner" means a person who is a party to a domestic  
6 partnership; and

7 (2) "Domestic partnership" means a partnership between two  
8 persons that is registered pursuant to section 503 of this act and that  
9 has not been dissolved.

10 Sec. 502. (NEW) (*Effective October 1, 2003*) (a) Two persons are

11 eligible to register a domestic partnership if they affirm that:

12 (1) They are in a relationship of mutual support, caring and  
13 commitment, and intend to remain in such relationship for the  
14 indefinite future;

15 (2) They are each at least eighteen years of age;

16 (3) They are each capable of consenting to the domestic partnership;

17 (4) They are not related by blood in a manner that would prohibit  
18 them from being married to each other in this state;

19 (5) Neither person is a member of another domestic partnership or a  
20 party to a marriage under the laws of this state that has not been  
21 dissolved or annulled, as the case may be;

22 (6) They have a common residence; and

23 (7) They are members of the same sex.

24 (b) For the purposes of this section, "have a common residence"  
25 means that both persons share the same residence, except that (1) it is  
26 not necessary that the legal right to possess or occupy the residence be  
27 in the names of both persons, (2) two persons may have a common  
28 residence even if one or both persons have an additional residence,  
29 and (3) two persons do not cease to have a common residence if one  
30 person leaves the common residence with the intent to return.

31 Sec. 503. (NEW) (*Effective October 1, 2003*) (a) Two persons desiring  
32 to register a domestic partnership may complete and file a declaration  
33 of domestic partnership with the Secretary of the State.

34 (b) The declaration shall be in such form as the Secretary of the State  
35 shall prescribe and shall require the two persons to state that (1) they  
36 meet the requirements of section 502 of this act, (2) they understand  
37 that a domestic partnership may be dissolved only by the death of one  
38 of the parties or a decree of dissolution of the domestic partnership by

39 a court of competent jurisdiction, and (3) they consent to the  
40 jurisdiction of the superior court for the purpose of a proceeding for  
41 the dissolution of the domestic partnership or the legal separation of  
42 the domestic partners even if one or both domestic partners cease to be  
43 residents of, or maintain a domicile in, this state.

44 (c) The declaration shall be signed and acknowledged by both  
45 persons before a notary public or other person authorized to take  
46 acknowledgments.

47 (d) Any person who files a declaration of domestic partnership  
48 knowing that it contains any false, incomplete or misleading  
49 information concerning any fact material to such declaration shall be  
50 guilty of a class A misdemeanor.

51 (e) Upon being satisfied that the declaration of domestic partnership  
52 form is complete, the Secretary of the State shall register the domestic  
53 partnership in a registry of domestic partnerships and provide the  
54 domestic partners with a certified copy of the filed declaration of  
55 domestic partnership form.

56 Sec. 504. (NEW) (*Effective October 1, 2003*) No person who has  
57 registered a domestic partnership pursuant to section 503 of this act  
58 may enter into a marriage in this state unless such domestic  
59 partnership has been dissolved as provided in subsection (a) of section  
60 505 of this act.

61 Sec. 505. (NEW) (*Effective October 1, 2003*) (a) A domestic partnership  
62 may be dissolved only by the death of one of the parties or a decree of  
63 dissolution of the domestic partnership by a court of competent  
64 jurisdiction.

65 (b) The superior court shall have jurisdiction over all proceedings  
66 relating to the dissolution of domestic partnerships and the legal  
67 separation of domestic partners. The dissolution of a domestic  
68 partnership and the legal separation of domestic partners shall follow  
69 the same procedures, and the domestic partners shall possess the same

70 rights, protections and benefits, and be subject to the same  
71 responsibilities, obligations and duties, whether provided by statute,  
72 common law or rule of court, as apply to the dissolution of marriage  
73 and the legal separation of spouses in a marriage, respectively, except  
74 that proceedings for the dissolution of a domestic partnership or the  
75 legal separation of the domestic partners of a domestic partnership  
76 may be filed in the superior court even if neither domestic partner is a  
77 resident of, or maintains a domicile in, this state at the time such  
78 proceedings are filed.

79 Sec. 506. Subsection (b) of section 17a-543 of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective*  
81 *October 1, 2003*):

82 (b) No medical or surgical procedures may be performed without  
83 the patient's written informed consent or, if the patient has been  
84 declared incapable of caring for himself or herself pursuant to sections  
85 45a-644 to 45a-662, inclusive, and a conservator of the person has been  
86 appointed pursuant to section 45a-650, the written consent of such  
87 conservator. If the head of the hospital, in consultation with a  
88 physician, determines that the condition of an involuntary patient not  
89 declared incapable of caring for himself or herself pursuant to said  
90 sections is of an extremely critical nature and such patient is incapable  
91 of informed consent, medical or surgical procedures may be performed  
92 with the written informed consent of: (1) The patient's conservator or  
93 guardian, if he or she has one; (2) such person's next of kin, including  
94 the domestic partner, if any, of the patient; (3) a person designated by  
95 the patient pursuant to section 1-56r; or (4) a qualified physician  
96 appointed by a judge of the Probate Court. Notwithstanding the  
97 provisions of this section, if obtaining the consent provided for in this  
98 section would cause a medically harmful delay to a voluntary or  
99 involuntary patient whose condition is of an extremely critical nature,  
100 as determined by personal observation by a physician or the senior  
101 clinician on duty, emergency treatment may be provided without  
102 consent.

103 Sec. 507. Subsection (a) of section 19a-279c of the general statutes is  
104 repealed and the following is substituted in lieu thereof (*Effective*  
105 *October 1, 2003*):

106 (a) Any member of the following classes of persons, in the order of  
107 priority listed, may make an anatomical gift of all or a part of the  
108 decedent's body for an authorized purpose, unless the decedent, before  
109 or at the time of death, has made an unrevoked refusal to make that  
110 anatomical gift: (1) The spouse or domestic partner of the decedent; (2)  
111 a person designated by the decedent pursuant to section 1-56r; (3) an  
112 adult son or daughter of the decedent; (4) either parent of the  
113 decedent; (5) an adult brother or sister of the decedent; (6) a  
114 grandparent of the decedent; (7) a guardian of the person of the  
115 decedent at the time of death; (8) any person legally authorized to  
116 make health care decisions for the decedent prior to death, including,  
117 but not limited to, a health care agent appointed under section 19a-576;  
118 and (9) a conservator of the person, as defined in section 45a-644.

119 Sec. 508. Section 19a-550 of the general statutes is repealed and the  
120 following is substituted in lieu thereof (*Effective October 1, 2003*):

121 (a) (1) As used in this section, (A) "nursing home facility" shall have  
122 the same meaning as provided in section 19a-521, and (B) "chronic  
123 disease hospital" means a long-term hospital having facilities, medical  
124 staff and all necessary personnel for the diagnosis, care and treatment  
125 of chronic diseases; and (2) for the purposes of subsections (c) and (d)  
126 of this section, and subsection (b) of section 19a-537, "medically  
127 contraindicated" means a comprehensive evaluation of the impact of a  
128 potential room transfer on the patient's physical, mental and  
129 psychosocial well-being, which determines that the transfer would  
130 cause new symptoms or exacerbate present symptoms beyond a  
131 reasonable adjustment period resulting in a prolonged or significant  
132 negative outcome that could not be ameliorated through care plan  
133 intervention, as documented by a physician in a patient's medical  
134 record.

135 (b) There is established a patients' bill of rights for any person  
136 admitted as a patient to any nursing home facility or chronic disease  
137 hospital. The patients' bill of rights shall be implemented in accordance  
138 with the provisions of Sections 1919(c)(2), 1919(c)(2)(D) and  
139 1919(c)(2)(E) of the Social Security Act. The patients' bill of rights shall  
140 provide that each such patient: (1) Is fully informed, as evidenced by  
141 the patient's written acknowledgment, prior to or at the time of  
142 admission and during the patient's stay, of the rights set forth in this  
143 section and of all rules and regulations governing patient conduct and  
144 responsibilities; (2) is fully informed, prior to or at the time of  
145 admission and during the patient's stay, of services available in the  
146 facility, and of related charges including any charges for services not  
147 covered under Titles XVIII or XIX of the Social Security Act, or not  
148 covered by basic per diem rate; (3) is entitled to choose the patient's  
149 own physician and is fully informed, by a physician, of the patient's  
150 medical condition unless medically contraindicated, as documented by  
151 the physician in the patient's medical record, and is afforded the  
152 opportunity to participate in the planning of the patient's medical  
153 treatment and to refuse to participate in experimental research; (4) in a  
154 residential care home or a chronic disease hospital is transferred from  
155 one room to another within the facility only for medical reasons, or for  
156 the patient's welfare or that of other patients, as documented in the  
157 patient's medical record and such record shall include documentation  
158 of action taken to minimize any disruptive effects of such transfer,  
159 except a patient who is a Medicaid recipient may be transferred from a  
160 private room to a nonprivate room, provided no patient may be  
161 involuntarily transferred from one room to another within the facility  
162 if (A) it is medically established that the move will subject the patient  
163 to a reasonable likelihood of serious physical injury or harm, or (B) the  
164 patient has a prior established medical history of psychiatric problems  
165 and there is psychiatric testimony that as a consequence of the  
166 proposed move there will be exacerbation of the psychiatric problem  
167 which would last over a significant period of time and require  
168 psychiatric intervention; and in the case of an involuntary transfer  
169 from one room to another within the facility, the patient and, if known,

170 the patient's legally liable relative, guardian or conservator, the  
171 patient's domestic partner, if any, or a person designated by the patient  
172 in accordance with section 1-56r, is given at least thirty days' and no  
173 more than sixty days' written notice to ensure orderly transfer from  
174 one room to another within the facility, except where the health, safety  
175 or welfare of other patients is endangered or where immediate transfer  
176 from one room to another within the facility is necessitated by urgent  
177 medical need of the patient or where a patient has resided in the  
178 facility for less than thirty days, in which case notice shall be given as  
179 many days before the transfer as practicable; (5) is encouraged and  
180 assisted, throughout the patient's period of stay, to exercise the  
181 patient's rights as a patient and as a citizen, and to this end may voice  
182 grievances and recommend changes in policies and services to facility  
183 staff or to outside representatives of the patient's choice, free from  
184 restraint, interference, coercion, discrimination or reprisal; (6) shall  
185 have prompt efforts made by the facility to resolve grievances the  
186 patient may have, including those with respect to the behavior of other  
187 patients; (7) may manage the patient's personal financial affairs, and is  
188 given a quarterly accounting of financial transactions made on the  
189 patient's behalf; (8) is free from mental and physical abuse, corporal  
190 punishment, involuntary seclusion and any physical or chemical  
191 restraints imposed for purposes of discipline or convenience and not  
192 required to treat the patient's medical symptoms. Physical or chemical  
193 restraints may be imposed only to ensure the physical safety of the  
194 patient or other patients and only upon the written order of a  
195 physician that specifies the type of restraint and the duration and  
196 circumstances under which the restraints are to be used, except in  
197 emergencies until a specific order can be obtained; (9) is assured  
198 confidential treatment of the patient's personal and medical records,  
199 and may approve or refuse their release to any individual outside the  
200 facility, except in case of the patient's transfer to another health care  
201 institution or as required by law or third-party payment contract; (10)  
202 receives services with reasonable accommodation of individual needs  
203 and preferences, except where the health or safety of the individual  
204 would be endangered, and is treated with consideration, respect, and

205 full recognition of the patient's dignity and individuality, including  
206 privacy in treatment and in care for the patient's personal needs; (11) is  
207 not required to perform services for the facility that are not included  
208 for therapeutic purposes in the patient's plan of care; (12) may  
209 associate and communicate privately with persons of the patient's  
210 choice, including other patients, send and receive the patient's  
211 personal mail unopened and make and receive telephone calls  
212 privately, unless medically contraindicated, as documented by the  
213 patient's physician in the patient's medical record, and receives  
214 adequate notice before the patient's room or roommate in the facility is  
215 changed; (13) is entitled to organize and participate in patient groups  
216 in the facility and to participate in social, religious and community  
217 activities that do not interfere with the rights of other patients, unless  
218 medically contraindicated, as documented by the patient's physician in  
219 the patient's medical records; (14) may retain and use the patient's  
220 personal clothing and possessions unless to do so would infringe upon  
221 rights of other patients or unless medically contraindicated, as  
222 documented by the patient's physician in the patient's medical record;  
223 (15) is assured privacy for visits by the patient's spouse or domestic  
224 partner or a person designated by the patient in accordance with  
225 section 1-56r and, if the patient is married and both the patient and the  
226 patient's spouse are inpatients in the facility, they are permitted to  
227 share a room, unless medically contraindicated, as documented by the  
228 attending physician in the medical record; (16) is fully informed of the  
229 availability of and may examine all current state, local and federal  
230 inspection reports and plans of correction; (17) may organize, maintain  
231 and participate in a patient-run resident council, as a means of  
232 fostering communication among residents and between residents and  
233 staff, encouraging resident independence and addressing the basic  
234 rights of nursing home and chronic disease hospital patients and  
235 residents, free from administrative interference or reprisal; (18) is  
236 entitled to the opinion of two physicians concerning the need for  
237 surgery, except in an emergency situation, prior to such surgery being  
238 performed; (19) is entitled to have the patient's family, including the  
239 domestic partner, if any, of the patient, or a person designated by the

240 patient in accordance with section 1-56r meet in the facility with the  
241 families of other patients in the facility to the extent the facility has  
242 existing meeting space available which meets applicable building and  
243 fire codes; (20) is entitled to file a complaint with the Department of  
244 Social Services and the Department of Public Health regarding patient  
245 abuse, neglect or misappropriation of patient property; (21) is entitled  
246 to have psychopharmacologic drugs administered only on orders of a  
247 physician and only as part of a written plan of care designed to  
248 eliminate or modify the symptoms for which the drugs are prescribed  
249 and only if, at least annually, an independent external consultant  
250 reviews the appropriateness of the drug plan; (22) is entitled to be  
251 transferred or discharged from the facility only pursuant to section  
252 19a-535 or section 19a-535b, as applicable; (23) is entitled to be treated  
253 equally with other patients with regard to transfer, discharge and the  
254 provision of all services regardless of the source of payment; (24) shall  
255 not be required to waive any rights to benefits under Medicare or  
256 Medicaid or to give oral or written assurance that the patient is not  
257 eligible for, or will not apply for benefits under Medicare or Medicaid;  
258 (25) is entitled to be provided information by the facility as to how to  
259 apply for Medicare or Medicaid benefits and how to receive refunds  
260 for previous payments covered by such benefits; (26) on or after  
261 October 1, 1990, shall not be required to give a third party guarantee of  
262 payment to the facility as a condition of admission to, or continued  
263 stay in, the facility; (27) in the case of an individual who is entitled to  
264 medical assistance, is entitled to have the facility not charge, solicit,  
265 accept or receive, in addition to any amount otherwise required to be  
266 paid under Medicaid, any gift, money, donation or other consideration  
267 as a precondition of admission or expediting the admission of the  
268 individual to the facility or as a requirement for the individual's  
269 continued stay in the facility; and (28) shall not be required to deposit  
270 the patient's personal funds in the facility.

271 (c) The patients' bill of rights shall provide that a patient in a rest  
272 home with nursing supervision or a chronic and convalescent nursing  
273 home may be transferred from one room to another within a facility

274 only for the purpose of promoting the patient's well-being, except as  
275 provided pursuant to subparagraph (C) or (D) of this subsection or  
276 subsection (d) of this section. Whenever a patient is to be transferred,  
277 the facility shall effect the transfer with the least disruption to the  
278 patient and shall assess, monitor and adjust care as needed subsequent  
279 to the transfer in accordance with subdivision (10) of subsection (b) of  
280 this section. When a transfer is initiated by the facility and the patient  
281 does not consent to the transfer, the facility shall establish a  
282 consultative process that includes the participation of the attending  
283 physician, a registered nurse with responsibility for the patient and  
284 other appropriate staff in disciplines as determined by the patient's  
285 needs, and the participation of the patient, the patient's family,  
286 including the domestic partner, if any, of the patient, a person  
287 designated by the patient in accordance with section 1-56r or other  
288 representative. The consultative process shall determine: (1) What  
289 caused consideration of the transfer; (2) whether the cause can be  
290 removed; and (3) if not, whether the facility has attempted alternatives  
291 to transfer. The patient shall be informed of the risks and benefits of  
292 the transfer and of any alternatives. If subsequent to the completion of  
293 the consultative process a patient still does not wish to be transferred,  
294 the patient may be transferred without the patient's consent, unless  
295 medically contraindicated, only (A) if necessary to accomplish physical  
296 plant repairs or renovations that otherwise could not be accomplished;  
297 provided, if practicable, the patient, if the patient wishes, shall be  
298 returned to the patient's room when the repairs or renovations are  
299 completed; (B) due to irreconcilable incompatibility between or among  
300 roommates, which is actually or potentially harmful to the well-being  
301 of a patient; (C) if the facility has two vacancies available for patients of  
302 the same sex in different rooms, there is no applicant of that sex  
303 pending admission in accordance with the requirements of section 19a-  
304 533 and grouping of patients by the same sex in the same room would  
305 allow admission of patients of the opposite sex, which otherwise  
306 would not be possible; (D) if necessary to allow access to specialized  
307 medical equipment no longer needed by the patient and needed by  
308 another patient; or (E) if the patient no longer needs the specialized

309 services or programming that is the focus of the area of the facility in  
310 which the patient is located. In the case of an involuntary transfer, the  
311 facility shall, subsequent to completion of the consultative process,  
312 provide the patient and the patient's legally liable relative, guardian or  
313 conservator if any or other responsible party if known, with at least  
314 fifteen days' written notice of the transfer, which shall include the  
315 reason for the transfer, the location to which the patient is being  
316 transferred, and the name, address and telephone number of the  
317 regional long-term care ombudsman, except that in the case of a  
318 transfer pursuant to subparagraph (A) of this subsection at least thirty  
319 days' notice shall be provided. Notwithstanding the provisions of this  
320 subsection, a patient may be involuntarily transferred immediately  
321 from one room to another within a facility to protect the patient or  
322 others from physical harm, to control the spread of an infectious  
323 disease, to respond to a physical plant or environmental emergency  
324 that threatens the patient's health or safety or to respond to a situation  
325 that presents a patient with an immediate danger of death or serious  
326 physical harm. In such a case, disruption of patients shall be  
327 minimized; the required notice shall be provided within twenty-four  
328 hours after the transfer; if practicable, the patient, if the patient wishes,  
329 shall be returned to the patient's room when the threat to health or  
330 safety which prompted the transfer has been eliminated; and, in the  
331 case of a transfer effected to protect a patient or others from physical  
332 harm, the consultative process shall be established on the next business  
333 day.

334 (d) Notwithstanding the provisions of subsection (c) of this section,  
335 unless medically contraindicated, a patient who is a Medicaid recipient  
336 may be transferred from a private to a nonprivate room. In the case of  
337 such a transfer, the facility shall (1) give at least thirty days' written  
338 notice to the patient and the patient's legally liable relative, guardian  
339 or conservator, if any, the patient's domestic partner, if any, a person  
340 designated by the patient in accordance with section 1-56r or other  
341 responsible party, if known, which notice shall include the reason for  
342 the transfer, the location to which the patient is being transferred and

343 the name, address and telephone number of the regional long-term  
344 care ombudsman; and (2) establish a consultative process to effect the  
345 transfer with the least disruption to the patient and assess, monitor  
346 and adjust care as needed subsequent to the transfer in accordance  
347 with subdivision (10) of subsection (b) of this section. The consultative  
348 process shall include the participation of the attending physician, a  
349 registered nurse with responsibility for the patient and other  
350 appropriate staff in disciplines as determined by the patient's needs,  
351 and the participation of the patient, the patient's family, including the  
352 domestic partner, if any, of the patient, a person designated by the  
353 patient in accordance with section 1-56r or other representative.

354 (e) Any facility that negligently deprives a patient of any right or  
355 benefit created or established for the well-being of the patient by the  
356 provisions of this section shall be liable to such patient in a private  
357 cause of action for injuries suffered as a result of such deprivation.  
358 Upon a finding that a patient has been deprived of such a right or  
359 benefit, and that the patient has been injured as a result of such  
360 deprivation, damages shall be assessed in the amount sufficient to  
361 compensate such patient for such injury. In addition, where the  
362 deprivation of any such right or benefit is found to have been wilful or  
363 in reckless disregard of the rights of the patient, punitive damages may  
364 be assessed. A patient may also maintain an action pursuant to this  
365 section for any other type of relief, including injunctive and  
366 declaratory relief, permitted by law. Exhaustion of any available  
367 administrative remedies shall not be required prior to commencement  
368 of suit under this section.

369 (f) In addition to the rights specified in subsections (b), (c) and (d) of  
370 this section, a patient in a nursing home facility is entitled to have the  
371 facility manage the patient's funds as provided in section 19a-551.

372 Sec. 509. Subdivision (8) of section 19a-570 of the general statutes is  
373 repealed and the following is substituted in lieu thereof (*Effective*  
374 *October 1, 2003*):

375 (8) "Next of kin" means any member of the following classes of  
376 persons, in the order of priority listed: (A) The spouse or domestic  
377 partner of the patient; (B) an adult son or daughter of the patient; (C)  
378 either parent of the patient; (D) an adult brother or sister of the patient;  
379 and (E) a grandparent of the patient.

380 Sec. 510. Section 31-51jj of the general statutes is repealed and the  
381 following is substituted in lieu thereof (*Effective October 1, 2003*):

382 (a) For purposes of this section:

383 (1) "Emergency" means a situation in which a member of the  
384 employee's family or a person designated by the employee in  
385 accordance with section 1-56r has died, has experienced a serious  
386 physical injury or is ill and in need of medical attention; and

387 (2) "Member of the employee's family" means a mother, father,  
388 husband, wife, domestic partner, son, daughter, sister or brother of the  
389 employee.

390 (b) An employer shall notify an employee of an incoming  
391 emergency telephone call for the employee if the caller states that the  
392 emergency involves a member of the employee's family or a person  
393 designated by the employee in accordance with section 1-56r. It shall  
394 not be a violation of this section if the employer proves, by a  
395 preponderance of the evidence, that he or she made reasonable efforts  
396 to notify the employee of the emergency telephone call.

397 (c) The failure of an employer to comply with any provision of this  
398 section shall be an infraction.

399 Sec. 511. Section 54-85d of the general statutes is repealed and the  
400 following is substituted in lieu thereof (*Effective October 1, 2003*):

401 An employer shall not deprive an employee of employment, or  
402 threaten or otherwise coerce such employee with respect thereto,  
403 because the employee, as a parent, spouse, domestic partner, child or  
404 sibling of a victim of homicide, or as a person designated by the victim

405 in accordance with section 1-56r, attends court proceedings with  
406 respect to the criminal case of the person or persons charged with  
407 committing the crime that resulted in the death of the victim.

408 Sec. 512. Section 1-1k of the general statutes is repealed and the  
409 following is substituted in lieu thereof (*Effective October 1, 2003*):

410 Except as otherwise provided by the general statutes, "victim of  
411 crime" or "crime victim" means an individual who suffers direct or  
412 threatened physical, emotional or financial harm as a result of a crime  
413 and includes immediate family members of a minor, incompetent  
414 individual or homicide victim, including a domestic partner, if any, of  
415 such incompetent individual or homicide victim, and a person  
416 designated by a homicide victim in accordance with section 1-56r.

417 Sec. 513. Subsection (a) of section 54-91c of the general statutes is  
418 repealed and the following is substituted in lieu thereof (*Effective*  
419 *October 1, 2003*):

420 (a) For the purposes of this section, "victim" means a person who is  
421 a victim of a crime, the legal representative of such person, a member  
422 of a deceased victim's immediate family, including the domestic  
423 partner, if any, of such deceased victim, or a person designated by a  
424 deceased victim in accordance with section 1-56r.

425 Sec. 514. Subsection (a) of section 54-126a of the general statutes is  
426 repealed and the following is substituted in lieu thereof (*Effective*  
427 *October 1, 2003*):

428 (a) For the purposes of this section, "victim" means a person who is  
429 a victim of a crime, the legal representative of such person, a member  
430 of a deceased victim's immediate family, including the domestic  
431 partner, if any, of such deceased victim, or a person designated by a  
432 deceased victim in accordance with section 1-56r.

433 Sec. 515. Subdivision (4) of section 54-201 of the general statutes is  
434 repealed and the following is substituted in lieu thereof (*Effective*

435 *October 1, 2003*):

436 (4) ["Relative of any person" means the] "Relative" means a person's  
437 spouse, domestic partner, parent, grandparent, stepparent, child,  
438 including a natural born [, step] child, a stepchild, and an adopted  
439 child, grandchild, brother, sister, half brother [,] or half sister or  
440 [spouse's parents] a parent of a person's spouse or domestic partner.

441 Sec. 516. Section 5-248a of the general statutes is repealed and the  
442 following is substituted in lieu thereof (*Effective October 1, 2003*):

443 (a) Each permanent employee, as defined in subdivision (21) of  
444 section 5-196, shall be entitled to the following: (1) A maximum of  
445 twenty-four weeks of family leave of absence within any two-year  
446 period upon the birth or adoption of a child of such employee, or upon  
447 the serious illness of a child, spouse, domestic partner or parent of  
448 such employee; and (2) a maximum of twenty-four weeks of medical  
449 leave of absence within any two-year period upon the serious illness of  
450 such employee. Any such leave of absence shall be without pay. Upon  
451 the expiration of any such leave of absence, the employee shall be  
452 entitled (A) to return to the employee's original job from which the  
453 leave of absence was provided or, if not available, to an equivalent  
454 position with equivalent pay, except that in the case of a medical leave,  
455 if the employee is medically unable to perform the employee's original  
456 job upon the expiration of such leave, the Personnel Division of the  
457 Department of Administrative Services shall endeavor to find other  
458 suitable work for such employee in state service, and (B) to all  
459 accumulated seniority, retirement, fringe benefit and other service  
460 credits the employee had at the commencement of such leave. Such  
461 service credits shall not accrue during the period of the leave of  
462 absence.

463 (b) The leave of absence benefits granted by this section shall be in  
464 addition to any other paid leave benefits and benefits provided under  
465 subdivision (7) of subsection (a) of section 46a-60 which are otherwise  
466 available to the employee.

467 (c) Any permanent employee who requests a medical leave of  
468 absence due to the employee's serious illness or a family leave of  
469 absence due to the serious illness of a child, spouse, domestic partner  
470 or parent pursuant to subsection (a) of this section shall be required by  
471 the employee's appointing authority, prior to the inception of such  
472 leave, to provide sufficient written certification from the physician of  
473 such employee, child, spouse, domestic partner or parent of the nature  
474 of such illness and its probable duration. For the purposes of this  
475 section, "serious illness" means an illness, injury, impairment or  
476 physical or mental condition that involves (1) inpatient care in a  
477 hospital, hospice or residential care facility, or (2) continuing treatment  
478 or continuing supervision by a health care provider.

479 (d) Any permanent employee who requests a family leave of  
480 absence pursuant to subsection (a) of this section shall submit to the  
481 employee's appointing authority, prior to the inception of such leave, a  
482 signed statement of the employee's intent to return to the employee's  
483 position in state service upon the termination of such leave.

484 (e) Notwithstanding the provisions of subsection (b) of section 38a-  
485 554, the state shall pay for the continuation of health insurance benefits  
486 for the employee during any leave of absence taken pursuant to this  
487 section. In order to continue any other health insurance coverages  
488 during such leave, the employee shall contribute that portion of the  
489 premium the employee would have been required to contribute had  
490 the employee remained an active employee during the leave period.

491 Sec. 517. Section 31-51kk of the general statutes is repealed and the  
492 following is substituted in lieu thereof (*Effective October 1, 2003*):

493 As used in sections 31-51kk to 31-51qq, inclusive, as amended by  
494 this act:

495 (1) "Eligible employee" means an employee who has been employed  
496 (A) for at least twelve months by the employer with respect to whom  
497 leave is requested; and (B) for at least one thousand hours of service  
498 with such employer during the twelve-month period preceding the

499 first day of the leave;

500 (2) "Employ" includes to allow or permit to work;

501 (3) "Employee" means any person engaged in service to an employer  
502 in the business of the employer;

503 (4) "Employer" means a person engaged in any activity, enterprise  
504 or business who employs seventy-five or more employees, and  
505 includes any person who acts, directly or indirectly, in the interest of  
506 an employer to any of the employees of such employer and any  
507 successor in interest of an employer, but shall not include the state, a  
508 municipality, a local or regional board of education, or a private or  
509 parochial elementary or secondary school. The number of employees  
510 of an employer shall be determined on October first annually;

511 (5) "Employment benefits" means all benefits provided or made  
512 available to employees by an employer, including group life insurance,  
513 health insurance, disability insurance, sick leave, annual leave,  
514 educational benefits and pensions, regardless of whether such benefits  
515 are provided by practice or written policy of an employer or through  
516 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of  
517 the United States Code;

518 (6) "Health care provider" means (A) a doctor of medicine or  
519 osteopathy who is authorized to practice medicine or surgery by the  
520 state in which the doctor practices; (B) a podiatrist, dentist,  
521 psychologist, optometrist or chiropractor authorized to practice by the  
522 state in which such person practices and performs within the scope of  
523 the authorized practice; (C) an advanced practice registered nurse,  
524 nurse practitioner, nurse midwife or clinical social worker authorized  
525 to practice by the state in which such person practices and performs  
526 within the scope of the authorized practice; (D) Christian Science  
527 practitioners listed with the First Church of Christ, Scientist in Boston,  
528 Massachusetts; (E) any health care provider from whom an employer  
529 or a group health plan's benefits manager will accept certification of  
530 the existence of a serious health condition to substantiate a claim for

531 benefits; (F) a health care provider as defined in subparagraphs (A) to  
532 (E), inclusive, of this subdivision who practices in a country other than  
533 the United States, who is licensed to practice in accordance with the  
534 laws and regulations of that country; or (G) such other health care  
535 provider as the Labor Commissioner determines, performing within  
536 the scope of the authorized practice. The commissioner may utilize any  
537 determinations made pursuant to chapter 568;

538 (7) "Parent" means a biological parent, foster parent, adoptive  
539 parent, stepparent or legal guardian of an eligible employee or an  
540 eligible employee's spouse or domestic partner, or an individual who  
541 stood in loco parentis to an employee when the employee was a son or  
542 daughter;

543 (8) "Person" means one or more individuals, partnerships,  
544 associations, corporations, business trusts, legal representatives or  
545 organized groups of persons;

546 (9) "Reduced leave schedule" means a leave schedule that reduces  
547 the usual number of hours per workweek, or hours per workday, of an  
548 employee;

549 (10) "Serious health condition" means an illness, injury, impairment,  
550 or physical or mental condition that involves (A) inpatient care in a  
551 hospital, hospice, nursing home or residential medical care facility; or  
552 (B) continuing treatment, including outpatient treatment, by a health  
553 care provider;

554 (11) "Son or daughter" means a biological, adopted or foster child,  
555 stepchild, legal ward, or child of a person standing in loco parentis,  
556 who is (A) under eighteen years of age; or (B) eighteen years of age or  
557 older and incapable of self-care because of a mental or physical  
558 disability; [and]

559 (12) "Spouse" means a husband or wife, as the case may be; and

560 (13) "Domestic partner" shall have the same meaning as provided in

561 section 501 of this act.

562 Sec. 518. Section 31-51ll of the general statutes is repealed and the  
563 following is substituted in lieu thereof (*Effective October 1, 2003*):

564 (a) Subject to section 31-51mm, as amended by this act, an eligible  
565 employee shall be entitled to a total of sixteen workweeks of leave  
566 during any twenty-four-month period, such twenty-four-month period  
567 to begin with the first day of leave taken, for one or more of the  
568 following:

569 (1) Upon the birth of a son or daughter of the employee;

570 (2) Upon the placement of a son or daughter with the employee for  
571 adoption or foster care;

572 (3) In order to care for the spouse  or domestic partner of the  
573 employee or a son, daughter or parent of the employee, if such spouse,  
574 domestic partner, son, daughter or parent has a serious health  
575 condition; or

576 (4) Because of a serious health condition of the employee.

577 (b) Entitlement to leave under subdivision (1) or (2) of subsection (a)  
578 of this section may accrue prior to the birth or placement of a son or  
579 daughter when such leave is required because of such impending birth  
580 or placement.

581 (c) (1) Leave under subdivision (1) or (2) of subsection (a) of this  
582 section for the birth or placement of a son or daughter may not be  
583 taken by an employee intermittently or on a reduced leave schedule  
584 unless the employee and the employer agree otherwise. Subject to  
585 subdivision (2) of this subsection concerning an alternative position,  
586 subdivision (2) of subsection (f) of this section concerning the duties of  
587 the employee and subdivision (5) of subsection (b) of section 31-51mm,  
588 as amended by this act, concerning sufficient certification, leave under  
589 subdivision (3) or (4) of subsection (a) of this section for a serious  
590 health condition may be taken intermittently or on a reduced leave

591 schedule when medically necessary. The taking of leave intermittently  
592 or on a reduced leave schedule pursuant to this subsection shall not  
593 result in a reduction of the total amount of leave to which the  
594 employee is entitled under subsection (a) of this section beyond the  
595 amount of leave actually taken.

596 (2) If an employee requests intermittent leave or leave on a reduced  
597 leave schedule under subdivision (3) or (4) of subsection (a) of this  
598 section that is foreseeable based on planned medical treatment, the  
599 employer may require the employee to transfer temporarily to an  
600 available alternative position offered by the employer for which the  
601 employee is qualified and that (A) has equivalent pay and benefits and  
602 (B) better accommodates recurring periods of leave than the regular  
603 employment position of the employee, provided the exercise of this  
604 authority shall not conflict with any provision of a collective  
605 bargaining agreement between such employer and a labor  
606 organization which is the collective bargaining representative of the  
607 unit of which the employee is a part.

608 (d) Except as provided in subsection (e) of this section, leave  
609 granted under subsection (a) of this section may consist of unpaid  
610 leave.

611 (e) (1) If an employer provides paid leave for fewer than sixteen  
612 workweeks, the additional weeks of leave necessary to attain the  
613 sixteen workweeks of leave required under sections 5-248a and 31-  
614 51kk to 31-51qq, inclusive, as amended by this act, may be provided  
615 without compensation.

616 (2) (A) An eligible employee may elect, or an employer may require  
617 the employee, to substitute any of the accrued paid vacation leave,  
618 personal leave or family leave of the employee for leave provided  
619 under subdivision (1), (2) or (3) of subsection (a) of this section for any  
620 part of this sixteen-week period of such leave under said subsection.

621 (B) An eligible employee may elect, or an employer may require the  
622 employee, to substitute any of the accrued paid vacation leave,

623 personal leave, or medical or sick leave of the employee for leave  
624 provided under subdivision (3) or (4) of subsection (a) of this section  
625 for any part of the sixteen-week period of such leave under said  
626 subsection, except that nothing in section 5-248a or 31-51kk to 31-51qq,  
627 inclusive, as amended by this act, shall require an employer to provide  
628 paid sick leave or paid medical leave in any situation in which such  
629 employer would not normally provide any such paid leave.

630 (f) (1) In any case in which the necessity for leave under subdivision  
631 (1) or (2) of subsection (a) of this section is foreseeable based on an  
632 expected birth or placement of a son or daughter, the employee shall  
633 provide the employer with not less than thirty days' notice, before the  
634 date of the leave is to begin, of the employee's intention to take leave  
635 under said subdivision (1) or (2), except that if the date of the birth or  
636 placement of a son or daughter requires leave to begin in less than  
637 thirty days, the employee shall provide such notice as is practicable.

638 (2) In any case in which the necessity for leave under subdivision (3)  
639 or (4) of subsection (a) of this section is foreseeable based on planned  
640 medical treatment, the employee (A) shall make a reasonable effort to  
641 schedule the treatment so as not to disrupt unduly the operations of  
642 the employer, subject to the approval of the health care provider of the  
643 employee or the health care provider of the spouse, domestic partner,  
644 son, daughter [, spouse] or parent of the employee, as appropriate; and  
645 (B) shall provide the employer with not less than thirty days' notice,  
646 before the date the leave is to begin, of the employee's intention to take  
647 leave under said subdivision (3) or (4), except that if the date of the  
648 treatment requires leave to begin in less than thirty days, the employee  
649 shall provide such notice as is practicable.

650 (g) In any case in which [a husband and wife] spouses or domestic  
651 partners entitled to leave under subsection (a) of this section are  
652 employed by the same employer, the aggregate number of workweeks  
653 of leave to which both may be entitled may be limited to sixteen  
654 workweeks during any twenty-four-month period, if such leave is  
655 taken: (1) Under subdivision (1) or (2) of subsection (a) of this section;

656 or (2) to care for a sick parent under subdivision (3) of said subsection.

657 (h) Unpaid leave taken pursuant to sections 5-248a and 31-51kk to  
658 31-51qq, inclusive, as amended by this act, shall not be construed to  
659 affect an employee's qualification for exemption under chapter 558.

660 (i) Notwithstanding the provisions of sections 5-248a and 31-51kk to  
661 31-51qq, inclusive, as amended by this act, all further rights granted by  
662 federal law shall remain in effect.

663 Sec. 519. Subsections (a) and (b) of section 31-51mm of the general  
664 statutes are repealed and the following is substituted in lieu thereof  
665 (*Effective October 1, 2003*):

666 (a) An employer may require that request for leave based on a  
667 serious health condition in subdivision (3) or (4) of subsection (a) of  
668 section 31-51ll, as amended by this act, be supported by a certification  
669 issued by the health care provider of the eligible employee or of the  
670 spouse, domestic partner, son, daughter [, spouse] or parent of the  
671 employee, as appropriate. The employee shall provide, in a timely  
672 manner, a copy of such certification to the employer.

673 (b) Certification provided under subsection (a) of this section shall  
674 be sufficient if it states:

675 (1) The date on which the serious health condition commenced;

676 (2) The probable duration of the condition;

677 (3) The appropriate medical facts within the knowledge of the  
678 health care provider regarding the condition;

679 (4) (A) For purposes of leave under subdivision (3) of subsection (a)  
680 of section 31-51ll, as amended by this act, a statement that the eligible  
681 employee is needed to care for the spouse, domestic partner, son,  
682 daughter [, spouse] or parent and an estimate of the amount of time  
683 that such employee needs to care for the spouse, domestic partner, son,  
684 daughter [, spouse] or parent; and (B) for purposes of leave under

685 subdivision (4) of subsection (a) of section 31-51ll, as amended by this  
686 act, a statement that the employee is unable to perform the functions of  
687 the position of the employee;

688 (5) In the case of certification for intermittent leave or leave on a  
689 reduced leave schedule for planned medical treatment, the dates on  
690 which such treatment is expected to be given and the duration of such  
691 treatment;

692 (6) In the case of certification for intermittent leave or leave on a  
693 reduced leave schedule under subdivision (4) of subsection (a) of  
694 section 31-51ll, as amended by this act, a statement of the medical  
695 necessity of the intermittent leave or leave on a reduced leave  
696 schedule, and the expected duration of the intermittent leave or  
697 reduced leave schedule; and

698 (7) In the case of certification for intermittent leave or leave on a  
699 reduced leave schedule under subdivision (3) of subsection (a) of  
700 section 31-51ll, as amended by this act, a statement that the employee's  
701 intermittent leave or leave on a reduced leave schedule is necessary for  
702 the care of the spouse, domestic partner, son, daughter [,] or parent [or  
703 spouse] who has a serious health condition, or will assist in their  
704 recovery, and the expected duration and schedule of the intermittent  
705 leave or reduced leave schedule.

706 Sec. 520. Section 45a-646 of the general statutes is repealed and the  
707 following is substituted in lieu thereof (*Effective October 1, 2003*):

708 Any person may make application to the court of probate in the  
709 district in which he or she resides or has his or her domicile for  
710 voluntary representation either for the appointment of a conservator of  
711 the person or a conservator of the estate, or both. If the application  
712 excuses bond, no bond shall be required by the court unless later  
713 requested by the respondent or unless facts are brought to the  
714 attention of the court that a bond is necessary for the protection of the  
715 respondent. Upon receipt of the application, the court shall set a time  
716 and place for hearing and shall give such notice as it may direct to the

717 petitioner, the petitioner's spouse or domestic partner, if any, the  
718 Commissioner of Administrative Services, if the respondent is  
719 receiving aid or care from the state, and to other interested parties, if  
720 any. After seeing the respondent in person and hearing his or her  
721 reasons for the application and after explaining to the respondent that  
722 granting the petition will subject the respondent or respondent's  
723 property, as the case may be, to the authority of the conservator, the  
724 court may grant voluntary representation and thereupon shall appoint  
725 a conservator of the person or estate or both, and shall not make a  
726 finding that the petitioner is incapable. The conservator of the person  
727 or estate or both, shall have all the powers and duties of a conservator  
728 of the person or estate of an incapable person appointed pursuant to  
729 section 45a-650. If the respondent subsequently becomes disabled or  
730 incapable, the authority of the conservator shall not be revoked as a  
731 result of such disability or incapacity.

732 Sec. 521. Subsection (a) of section 45a-649 of the general statutes is  
733 repealed and the following is substituted in lieu thereof (*Effective*  
734 *October 1, 2003*):

735 (a) Upon an application for involuntary representation, the court  
736 shall issue a citation to the following enumerated parties to appear  
737 before it at a time and place named in the citation, which shall be  
738 served on the parties at least seven days before the hearing date, which  
739 date shall not be more than thirty days after the receipt of the  
740 application by the Court of Probate unless continued for cause shown.  
741 Notice of the hearing shall be sent within thirty days after receipt of  
742 the application. (1) The court shall direct that personal service be  
743 made, by a state marshal, constable or an indifferent person, upon the  
744 following: (A) The respondent, except that if the court finds personal  
745 service on the respondent would be detrimental to the health or  
746 welfare of the respondent, the court may order that such service be  
747 made upon counsel for the respondent, if any, and if none, upon the  
748 attorney appointed under subsection (b) of this section; (B) the  
749 respondent's spouse or domestic partner, if any, if the spouse or  
750 domestic partner is not the applicant, except that in cases where the

751 application is for involuntary representation pursuant to section 17b-  
752 456, and there is no spouse or domestic partner, the court shall order  
753 notice by certified mail to the children of the respondent and if none,  
754 the parents of the respondent and if none, the brothers and sisters of  
755 the respondent or their representatives, and if none, the next of kin of  
756 such respondent. (2) The court shall order such notice as it directs to  
757 the following: (A) The applicant; (B) the person in charge of welfare in  
758 the town where the respondent is domiciled or resident and if there is  
759 no such person, the first selectman or chief executive officer of the  
760 town if the respondent is receiving assistance from the town; (C) the  
761 Commissioner of Social Services, if the respondent is in a state-  
762 operated institution or receiving aid, care or assistance from the state;  
763 (D) the Administrator of Veterans Affairs if the respondent is receiving  
764 veterans' benefits or the Veterans Home and Hospital, or both, if the  
765 respondent is receiving aid or care from such hospital, or both; (E) the  
766 Commissioner of Administrative Services, if the respondent is  
767 receiving aid or care from the state; (F) the children of the respondent  
768 and if none, the parents of the respondent and if none, the brothers  
769 and sisters of the respondent or their representatives; (G) the person in  
770 charge of the hospital, nursing home or some other institution, if the  
771 respondent is in a hospital, nursing home or some other institution. (3)  
772 The court, in its discretion, may order such notice as it directs to other  
773 persons having an interest in the respondent and to such persons the  
774 respondent requests be notified.

775 Sec. 522. Section 45a-654 of the general statutes is repealed and the  
776 following is substituted in lieu thereof (*Effective October 1, 2003*):

777 (a) Upon written application for appointment of a temporary  
778 conservator brought by any person deemed by the court to have  
779 sufficient interest in the welfare of the respondent, including but not  
780 limited to the spouse or domestic partner or any relative of the  
781 respondent, the first selectman, chief executive officer or head of the  
782 department of welfare of the town of residence or domicile of any  
783 respondent, the Commissioner of Social Services, the board of directors  
784 of any charitable organization, as defined in section 21a-190a, or the

785 chief administrative officer of any nonprofit hospital or such officer's  
786 designee, the Court of Probate may appoint a temporary conservator,  
787 if it finds that: (1) The respondent is incapable of managing his or her  
788 affairs or incapable of caring for himself or herself, and (2) irreparable  
789 injury to the mental or physical health or financial or legal affairs of the  
790 respondent will result if a temporary conservator is not appointed  
791 pursuant to this section. The court may, in its discretion, require the  
792 temporary conservator to give a probate bond. The temporary  
793 conservator shall have charge of the property or of the person of the  
794 respondent or both for such period of time or for such specific occasion  
795 as the court finds to be necessary, provided a temporary appointment  
796 shall not be valid for more than thirty days, unless at any time while  
797 the appointment of a temporary conservator is in effect, an application  
798 is filed for appointment of a conservator of the person or estate under  
799 section 45a-650. The court may extend the appointment of the  
800 temporary conservator until the disposition of such application, or for  
801 an additional thirty days, whichever occurs first.

802 (b) Except as provided in subsection (e) of this section, an  
803 appointment of a temporary conservator shall not be made unless a  
804 report is presented to the judge, signed by a physician licensed to  
805 practice medicine or surgery in this state, stating: (1) That the  
806 physician has examined such person and the date of such examination,  
807 which shall not be more than three days prior to the date of  
808 presentation to the judge; (2) that it is the opinion of the physician that  
809 the respondent is incapable of managing his or her affairs or of caring  
810 for himself or herself; and (3) the reasons for such opinion.

811 (c) The court may, ex parte and without prior notice to the  
812 respondent, appoint a temporary conservator upon making the  
813 findings required by subsection (a) of this section. After making such  
814 appointment, the court shall immediately: (1) Appoint an attorney to  
815 represent the respondent, provided if the respondent is unable to pay  
816 for the services of such attorney, the reasonable compensation for such  
817 attorney shall be established by, and paid from funds appropriated to,  
818 the Judicial Department, however, if funds have not been included in

819 the budget of the Judicial Department for such purposes, such  
820 compensation shall be established by the Probate Court Administrator  
821 and paid from the Probate Court Administration Fund; and (2) give  
822 notice by mail, or such other notice as the court deems appropriate, to  
823 the respondent, the respondent's spouse or domestic partner or next of  
824 kin and such attorney, which notice shall include: (A) A copy of the  
825 application for appointment of temporary conservator and the  
826 accompanying physician's report; and (B) a copy of the decree  
827 appointing a temporary conservator. If the court determines that notice  
828 to the respondent under this subsection would be detrimental to the  
829 health or welfare of the respondent, the court may give such notice  
830 only to the respondent's spouse or domestic partner or next of kin and  
831 the respondent's attorney. Thereafter, the court shall, upon the written  
832 request of the respondent, the respondent's spouse or domestic partner  
833 or next of kin or the respondent's attorney, or may upon its own  
834 motion, hold a hearing. Such hearing shall be held within seventy-two  
835 hours of receipt of such request, excluding Saturdays, Sundays and  
836 holidays, and upon such notice as the court deems appropriate. After  
837 hearing, the court may confirm or revoke the appointment of the  
838 temporary conservator.

839 (d) If the court determines that an ex parte appointment of a  
840 temporary conservator pursuant to subsection (c) of this section is not  
841 appropriate but finds substantial evidence that appointment of a  
842 temporary conservator may be necessary, the court shall hold a  
843 hearing on the application. Unless continued by the court for cause,  
844 such hearing shall be held within seventy-two hours of receipt of the  
845 application, excluding Saturdays, Sundays and holidays. Prior to such  
846 hearing, the court shall appoint an attorney to represent the  
847 respondent in accordance with subsection (c) of this section and shall  
848 give such notice as it deems appropriate to the respondent, the  
849 respondent's spouse or domestic partner or next of kin and such  
850 attorney, which notice shall include a copy of the application for  
851 appointment of a temporary conservator and the accompanying  
852 physician's report. After hearing and upon making the findings

853 required by subsection (a) of this section, the court may appoint a  
854 temporary conservator.

855 (e) The court may waive the medical evidence requirement under  
856 subsection (b) of this section if the court finds that the evidence is  
857 impossible to obtain because of the refusal of the respondent to be  
858 examined by a physician. In any such case the court may, in lieu of  
859 medical evidence, accept other competent evidence. In any case in  
860 which the court waives the requirement of medical evidence as  
861 provided in this subsection, the court shall (1) make a specific finding  
862 in any decree issued on the application stating why medical evidence  
863 was not required, and (2) if a hearing has not been held, schedule a  
864 hearing under subsection (c) of this section, which hearing shall take  
865 place within seventy-two hours of the issuance of the court's decree.

866 (f) On termination of the temporary conservatorship, the temporary  
867 conservator shall file a written report with the court of his or her  
868 actions as temporary conservator.

869 Sec. 523. Section 45a-661 of the general statutes is repealed and the  
870 following is substituted in lieu thereof (*Effective October 1, 2003*):

871 When any person under voluntary or involuntary representation  
872 becomes a settled inhabitant of any town in the state in a probate  
873 district other than the one in which a conservator was appointed, and  
874 is an actual resident in such district, the court of probate in which the  
875 conservator was appointed shall, upon motion of the conservator, the  
876 first selectman or the chief executive officer of the town in which the  
877 person under conservatorship resides or [of the husband or wife] the  
878 spouse or domestic partner or a relative of the person under  
879 conservatorship, transfer the file to the probate district in which the  
880 person under conservatorship resides at the time of the application. A  
881 transfer of the file shall be accomplished by the probate court in which  
882 the conservator was originally appointed by making copies of all  
883 recorded documents in the court and certifying each of them and then  
884 causing them to be delivered to the court for the district in which the

885 person under conservatorship resides. When the transfer is made, the  
886 court of probate in which the person under conservatorship resides at  
887 the time of transfer shall thereupon assume jurisdiction over the  
888 conservatorship and all further accounts shall be filed with such court.

889 Sec. 524. Section 45a-257a of the general statutes is repealed and the  
890 following is substituted in lieu thereof (*Effective October 1, 2003*):

891 (a) If a testator fails to provide by will for the testator's surviving  
892 spouse who married the testator after the execution of the will or fails  
893 to provide by will for the testator's surviving domestic partner who  
894 registered a domestic partnership with the testator pursuant to section  
895 503 of this act after the execution of the will, the surviving spouse or  
896 domestic partner shall receive the same share of the estate the  
897 surviving spouse or domestic partner would have received if the  
898 decedent left no will unless: (1) It appears from the will that the  
899 omission was intentional; or (2) the testator provided for the spouse or  
900 domestic partner by transfer outside the will and the intent that the  
901 transfer be in lieu of a testamentary provision is shown by the  
902 testator's statements, or is reasonably inferred from the amount of the  
903 transfer or other evidence.

904 (b) In satisfying a share provided in subsection (a) of this section,  
905 devises and legacies made by the will abate in accordance with section  
906 45a-426.

907 (c) A surviving spouse or domestic partner receiving a share under  
908 this section may not elect to take a statutory share under section 45a-  
909 436, as amended by this act.

910 Sec. 525. Section 45a-273 of the general statutes is repealed and the  
911 following is substituted in lieu thereof (*Effective October 1, 2003*):

912 (a) The surviving spouse or domestic partner of any person who  
913 dies, or if there is no surviving spouse or domestic partner, any of the  
914 next of kin of such decedent, or if there is no next of kin or if such  
915 surviving spouse or domestic partner or next of kin refuses, then any

916 suitable person whom the court deems to have a sufficient interest  
917 may, in lieu of filing an application for admission of a will to probate  
918 or letters of administration, file an affidavit or statement signed under  
919 penalty of false statement in the court of probate in the district wherein  
920 the decedent resided, stating, if such is the case, that all debts of the  
921 decedent have been paid in the manner prescribed by section 45a-392,  
922 at least to the extent of the fair value of all of the decedent's assets,  
923 when (1) such decedent leaves property of the type described in  
924 subsection (b) of this section, and (2) the aggregate value of any such  
925 property as described in subsection (b) of this section does not exceed  
926 the sum of twenty thousand dollars. In addition, such affidavit or  
927 statement shall state that the decedent either did, or did not, receive  
928 aid or care from the state, which shall also include aid or care from the  
929 Department of Veterans' Affairs, whichever is true.

930 (b) Such property includes: (1) A deposit in any bank; (2) equity in  
931 shares in any savings and loan association, federal savings and loan  
932 association or credit union, doing business in this state; (3) corporate  
933 stock or bonds; (4) any unpaid wages due from any corporation, firm,  
934 individual, association or partnership located in this state; (5) a death  
935 benefit payable from any fraternal order or shop society or payable  
936 under any insurance policy for which the decedent failed to name a  
937 beneficiary entitled under the bylaws and regulations of such order or  
938 society or under the terms of such insurance policy to receive such  
939 death benefit; (6) other personal property, tangible or intangible,  
940 including a motor vehicle or motor vehicles and a motor boat or motor  
941 boats registered in [his] the decedent's name; or (7) an unreleased  
942 interest in a mortgage with or without value.

943 (c) Thereafter, except as provided in subsection (e) of this section,  
944 the judge of probate for such district shall issue a decree finding that  
945 no probate proceedings have been instituted in connection with the  
946 estate of such decedent and authorizing either the holder of such  
947 property or the registrant thereof, including the authority issuing the  
948 registration, to transfer the same or pay the amount thereof to the  
949 persons legally entitled thereto. The court of probate may issue such

950 certificates and other documents as may be necessary to carry out the  
951 intent of this section. If the petitioner indicates in such affidavit that  
952 the assets listed in such affidavit or a portion thereof are necessary to  
953 pay the funeral director who buried such decedent or to pay debts due  
954 for the last sickness of the decedent, the court may order the payment  
955 of such assets directly to such funeral director or to those creditors to  
956 whom debts are due for the last sickness of the decedent to the extent  
957 necessary to pay their preferred claims for funeral expenses or  
958 expenses for the decedent's last sickness, or may order such assets sold  
959 and the proceeds from such sale paid directly to the funeral director or  
960 such creditors. If the petitioner indicates in such affidavit that the  
961 decedent received public assistance or institutional care from the state  
962 of Connecticut, the court shall not issue a decree until thirty days after  
963 notification to the Department of Administrative Services. Any decree  
964 issued by the court may authorize the surviving spouse or domestic  
965 partner or next of kin, or some suitable person whom the court deems  
966 to have a sufficient interest, to release an interest in any mortgage  
967 reported under the provisions of this section.

968 (d) If there is no surviving spouse or domestic partner or next of kin  
969 of a person who dies leaving property as described in this section, the  
970 funeral director who buried such decedent or any creditor to whom a  
971 debt is due for the last sickness of the decedent may file in such court  
972 of probate an affidavit as described in this section that such funeral  
973 director or any creditor to whom a debt is due for the last sickness of  
974 the decedent has a lawful preferred claim for funeral expenses or  
975 expenses for the decedent's last sickness. Thereupon such court may,  
976 in its discretion, authorize either the holder of such property or the  
977 registrant thereof, as aforesaid, to transfer the property or pay from the  
978 property the amount of such claim, or to pay proceeds from the sale of  
979 any such assets ordered sold by the court, to such funeral director or  
980 any creditor to whom a debt is due for the last sickness of the  
981 decedent, in satisfaction of the amount of the claim of each.

982 (e) If an affidavit is filed under subsection (a) of this section in lieu  
983 of an application for admission of a will to probate or letters of

984 administration and the fair value of the property of the decedent  
985 exceeds the total amount of claims, including any amounts allowed to  
986 the family under section 45a-320, as amended by this act, the court  
987 shall proceed as follows: (1) If no purported last will and testament is  
988 found, the court shall order distribution of the excess in accordance  
989 with the laws of intestate succession; (2) if the decedent left a duly  
990 executed last will and testament and the will provides for a  
991 distribution which is the same as that under the laws of intestate  
992 succession, the court shall order distribution of the excess in  
993 accordance with the laws of intestate succession; (3) if the decedent left  
994 a duly executed last will and testament and the will provides for a  
995 distribution different from that under the laws of intestate succession,  
996 and the heirs at law of such decedent sign a written waiver of their  
997 right to contest the will, the court shall order the excess to be paid in  
998 accordance with the terms of the will; (4) if the will directs a  
999 distribution different from the laws of intestate succession, and the  
1000 heirs at law do not waive their right to contest the admission of such  
1001 will, the will shall be offered for probate in accordance with section  
1002 45a-286. In such case, the court may issue a decree under this section  
1003 only if the persons entitled to take the bequests under the will consent,  
1004 in writing, to the distribution of the bequests in accordance with the  
1005 laws of intestate succession. If the claims against the estate exceed the  
1006 value of the property of such decedent, the claims shall be paid in  
1007 accordance with the priorities set forth in section 45a-392. As used in  
1008 this subsection, the term "will" includes any duly executed codicil  
1009 thereto.

1010 (f) Any such transfer or payment shall, to the extent of the amount  
1011 so transferred or paid, discharge the registrant or holder of such  
1012 property from liability to any person on account thereof.

1013 (g) As a condition of such transfer or payment, the registrant or  
1014 holder may require the filing of appropriate waivers, the execution of a  
1015 bond of indemnity and a receipt for such transfer or payment.

1016 (h) The authority issuing the transfer of registration shall charge a

1017 fee of three dollars for the transfer of each motor vehicle and a fee of  
1018 one dollar for the transfer of each motor boat under this section.

1019 (i) Any transfer or payment under the provisions of this section  
1020 shall be exempt from taxation under the provisions of chapter 219.

1021 (j) (1) Any person to whom such transfer or payment has been made  
1022 shall be liable for the value thereof to the Commissioner of Revenue  
1023 Services for any succession or transfer tax on the property transferred  
1024 or payment made and to the executor or administrator of the estate of  
1025 the decedent thereafter appointed.

1026 (2) The Commissioner of Revenue Services shall be given notice by  
1027 the court of probate of the issuance of any such decree upon such form  
1028 as may be provided by said commissioner unless such surviving  
1029 spouse or domestic partner or next of kin, or other suitable person  
1030 whom the court deems to have a sufficient interest, files with the court  
1031 of probate a sworn return provided for by chapter 216, in which event  
1032 the judge of probate may incorporate in the decree a statement that the  
1033 Commissioner of Revenue Services has issued a finding that no  
1034 succession or transfer tax is due, or that any such tax computed by  
1035 [him] the commissioner as due has been paid. Such statement shall be  
1036 conclusive evidence of the consent by the Commissioner of Revenue  
1037 Services to the transfer or payment of such property as provided in  
1038 this section free from any claim for such tax, notwithstanding any  
1039 provision in chapter 216 to the contrary.

1040 Sec. 526. Section 45a-274 of the general statutes is repealed and the  
1041 following is substituted in lieu thereof (*Effective October 1, 2003*):

1042 When any decedent is entitled to payment of medical benefits,  
1043 federal or state, or insurance or health benefits or proceeds, or other  
1044 intangible personal property owned by or payable to [him or to his]  
1045 such decedent or such decedent's estate in a sum not exceeding one  
1046 thousand dollars, the judge of probate for the district within which  
1047 such decedent resided may name an administrator, ex parte, for the  
1048 purpose of enabling distribution to the surviving spouse or domestic

1049 partner or, if there is no surviving spouse or domestic partner, to the  
1050 next of kin of such decedent or to the funeral director or physician, as  
1051 the case may be, upon evidence satisfactory to [him] such  
1052 administrator that all debts have been paid or provided for as  
1053 prescribed by section 45a-392.

1054 Sec. 527. Section 45a-284 of the general statutes is repealed and the  
1055 following is substituted in lieu thereof (*Effective October 1, 2003*):

1056 Whenever the sole owner of a safe deposit box dies, [his  
1057 ] the decedent's next of kin, spouse or domestic partner, or any person  
1058 showing a sufficient interest in the presence of a will may apply to the  
1059 Court of Probate for an order to open the decedent's safe deposit box  
1060 to obtain any will or cemetery deed that may be contained therein. The  
1061 Court of Probate may issue such order ex parte. The safe deposit box  
1062 shall be opened in the presence of an officer of the bank who shall  
1063 make return of such order to the court stating: (1) That only the will or  
1064 cemetery deed was removed from the safe deposit box, or (2) that there  
1065 was no such will or cemetery deed in the safe deposit box and nothing  
1066 was removed.

1067 Sec. 528. Subsection (c) of section 45a-303 of the general statutes is  
1068 repealed and the following is substituted in lieu thereof (*Effective*  
1069 *October 1, 2003*):

1070 (c) (1) Upon hearing as required by this section, the court of probate  
1071 having jurisdiction shall grant administration of the intestate  
1072 decedent's estate to any one or more persons or their designees  
1073 appointed in the following order, provided such person or persons are  
1074 entitled to share in the estate of the decedent: (A) The surviving spouse  
1075 or domestic partner, (B) any child of the decedent or any guardian of  
1076 such child as the court shall determine, (C) any grandchild of the  
1077 decedent or any guardian of such grandchild as the court shall  
1078 determine, (D) the decedent's parents, (E) any brother or sister of the  
1079 decedent, (F) the next of kin entitled to share in the estate, or, on their  
1080 refusal, incapacity or failure to give bond or upon the objection of any

1081 heir or creditor to such appointment found reasonable by the court, to  
1082 any other person whom the court deems proper.

1083 (2) If the intestate decedent lived out of the state leaving property  
1084 within the state, the court of probate having jurisdiction shall, upon  
1085 notice and hearing as required by this section, grant administration to  
1086 such person as the court deems proper.

1087 Sec. 529. Section 45a-318 of the general statutes is repealed and the  
1088 following is substituted in lieu thereof (*Effective October 1, 2003*):

1089 (a) Any person eighteen years of age or older may execute in  
1090 advance of such person's death a cremation authorization on a form  
1091 authorized by the Department of Public Health for the incineration or  
1092 cremation of such person's body upon the death of such person. Any  
1093 such document shall be signed and dated by the maker, and attested in  
1094 writing by two witnesses that the maker was of sound mind and  
1095 capacity at the time of execution of the authorization. The maker shall  
1096 include on the form authorized by the Department of Public Health the  
1097 name, residence address and residence telephone number [for the  
1098 spouse] of such person's spouse or domestic partner or, if there is no  
1099 surviving spouse or domestic partner, then the next of kin or  
1100 designated person, duly acknowledged in writing, who shall be  
1101 notified within the forty-eight-hour waiting period prior to a  
1102 cremation upon the death of such person. If the spouse or domestic  
1103 partner, next of kin or designated person is unavailable at the time of  
1104 death of such person, the funeral director shall refer [this] the matter to  
1105 the Court of Probate for the district of the domicile or residence of the  
1106 deceased to grant custody and control to some suitable person.

1107 (b) The custody and control of the remains of deceased residents of  
1108 this state shall belong to the surviving spouse or domestic partner of  
1109 the deceased. If the surviving spouse or domestic partner had  
1110 abandoned, and at the time of death was living apart from, the  
1111 deceased, or if there is no spouse or domestic partner surviving, then  
1112 such custody and control shall belong to the next of kin, unless the

1113 decedent, in a duly acknowledged writing, designated another person  
1114 to have custody and control of the remains of the decedent. The court  
1115 of probate for the district of the domicile of the deceased may at any  
1116 time, upon the petition of any of the next of kin or such person, award  
1117 such custody and control to that person who seems to the court most  
1118 fit to have the same. If a deceased resident of the state leaves no  
1119 spouse, domestic partner, next of kin or designated person surviving,  
1120 or if the spouse, domestic partner, next of kin or designated person  
1121 cannot be contacted after due diligence to assume custody and control  
1122 of the remains of such decedent as provided in this section, or if the  
1123 spouse, domestic partner, next of kin or designated person refuses to  
1124 assume such custody and control, the court of probate for the district  
1125 of the domicile or residence of the deceased may, upon the petition of a  
1126 selectman or chief officer of such town, a licensed funeral director or  
1127 the director of health of such town, grant such custody and control to  
1128 some suitable person. If a person has executed a cremation  
1129 authorization for the incineration or cremation of such person's body  
1130 upon death on a form authorized by the Department of Public Health,  
1131 as [described] provided in subsection (a) of this section, and a good  
1132 faith effort has been made to notify the spouse, domestic partner, next  
1133 of kin or designated person, or an order from the Probate Court has  
1134 been obtained, then such instructions may be relied upon by any  
1135 person acting reasonably and in good faith in reliance upon such  
1136 written instructions and shall permit any licensed funeral director to  
1137 obtain a cremation certificate [.] and a cremation permit and to carry  
1138 out the cremation, in accordance with the provisions of section 19a-  
1139 323. If the funeral director's decision and conduct in the performance  
1140 of a cremation was reasonable and warranted under the circumstances,  
1141 then no person may challenge the funeral director's decision to obtain  
1142 a cremation certificate [.] and a cremation permit and [the carrying] to  
1143 carry out [of] such cremation.

1144 (c) This section shall not apply to the disposition of a body of a  
1145 deceased person under the provisions of sections 19a-270 and 54-102;  
1146 nor shall it affect the powers and duties of the Chief Medical Examiner

1147 under the provisions of sections 19a-406 to 19a-408, inclusive.

1148 Sec. 530. Section 45a-320 of the general statutes is repealed and the  
1149 following is substituted in lieu thereof (*Effective October 1, 2003*):

1150 (a) The Court of Probate may allow out of any real or personal  
1151 estate of a deceased person in settlement before such court, including a  
1152 small estate being settled under the provisions of section 45a-273, as  
1153 amended by this act, such amount as it may judge necessary for the  
1154 support of the surviving spouse or domestic partner or family of the  
1155 deceased during the settlement of the estate.

1156 (b) In making such allowance, the court may in its discretion include  
1157 in its decree ordering such allowance any one or more of the following  
1158 provisions, to the extent they are not mutually inconsistent: (1) A  
1159 provision that such allowance shall run (A) for the entire period the  
1160 estate is in settlement, or (B) for a fixed period of time not to exceed the  
1161 period of settlement, in which case such allowance shall be subject to  
1162 renewal by the court in its discretion; (2) a provision that such  
1163 allowance is to be paid in a lump sum; (3) a provision that such an  
1164 allowance made for a surviving spouse or domestic partner shall vest  
1165 in such spouse or domestic partner retroactively as of the moment of  
1166 death [of his spouse] so that it will be a fixed sum certain as of said  
1167 date of death and shall not terminate with the subsequent death or  
1168 remarriage of the surviving spouse or domestic partner, such  
1169 allowance to be the absolute property of the surviving spouse or  
1170 domestic partner, or, if deceased, of the estate of such surviving spouse  
1171 or domestic partner, without restriction as to use, encumbrance or  
1172 disposition and for the purpose of this section, the right to seek such a  
1173 vested allowance shall be a vested right as of the date of death of the  
1174 deceased spouse or domestic partner, and (4) a provision that such  
1175 allowance shall be charged ultimately in whole or in part against any  
1176 right the surviving spouse or domestic partner or other family member  
1177 for whom an allowance is ordered may have to the income of the estate  
1178 earned during the period of settlement.

1179 (c) The court may also allow for the use during the settlement of the  
1180 estate by such surviving spouse or domestic partner or family of any  
1181 motor vehicle maintained by the decedent during [his] the decedent's  
1182 lifetime as a family car.

1183 Sec. 531. Subsection (c) of section 45a-341 of the general statutes is  
1184 repealed and the following is substituted in lieu thereof (*Effective*  
1185 *October 1, 2003*):

1186 (c) If the court grants administration of a decedent's estate to a  
1187 person other than (1) the person designated in the will as executor or  
1188 successor to such executor, (2) the surviving spouse or domestic  
1189 partner, (3) any child of the decedent or any guardian of such child as  
1190 the court shall determine, (4) any grandchild of the decedent or any  
1191 guardian of such grandchild as the court shall determine, (5) the  
1192 decedent's parents, (6) any brother or sister of the decedent, or (7) the  
1193 next of kin entitled to share in the estate, the fiduciary appointed by  
1194 the court shall file an inventory as required by this section prior to the  
1195 sale, either under a power in the will or under the laws of this state, of  
1196 any property other than real estate; except that if the fiduciary  
1197 appointed is a state bank and trust company or national banking  
1198 association authorized to do business in this state, such fiduciary shall  
1199 not be required to file such an inventory of intangible personal  
1200 property prior to sale. The fiduciary shall send a copy of such  
1201 inventory to each person interested in the estate and shall notify each  
1202 such person by regular mail, that a sale of certain items in the  
1203 inventory is contemplated. Such notice shall inform the recipient that  
1204 he or she may object to such sale by filing a notice of objection in  
1205 writing with the court of probate having jurisdiction of the estate of the  
1206 decedent within five days after receipt of such notice of sale. Upon  
1207 receipt of such notice of objection, the court shall set a time and place  
1208 for a hearing, with notice to all persons interested in the estate.

1209 Sec. 532. Subsection (c) of section 45a-353 of the general statutes is  
1210 repealed and the following is substituted in lieu thereof (*Effective*  
1211 *October 1, 2003*):

1212 (c) "Beneficiary" means any person entitled to legal title to any assets  
1213 (1) under the statutes governing descent and distribution, (2) under the  
1214 provisions of a will or codicil, (3) by virtue of a right of election, (4) in  
1215 settlement of a will contest, or (5) by mutual distribution; but shall not  
1216 include the recipient of assets pursuant to [a widow's allowance or  
1217 family allowance] an allowance for the support of the surviving spouse  
1218 or domestic partner or the family of the decedent paid by order of the  
1219 Court of Probate.

1220 Sec. 533. Subsection (b) of section 45a-356 of the general statutes is  
1221 repealed and the following is substituted in lieu thereof (*Effective*  
1222 *October 1, 2003*):

1223 (b) No fiduciary shall be chargeable for any assets that a fiduciary  
1224 may have paid or distributed at any time pursuant to [a widow's  
1225 allowance or family allowance] an allowance for the support of the  
1226 surviving spouse or domestic partner or the family of the decedent  
1227 ordered by the Court of Probate.

1228 Sec. 534. Section 45a-366 of the general statutes is repealed and the  
1229 following is substituted in lieu thereof (*Effective October 1, 2003*):

1230 The funeral expenses and expenses of the last illness of a married  
1231 person or a person who has registered a domestic partnership  
1232 pursuant to section 503 of this act shall be paid out of his or her estate,  
1233 if sufficient therefor. If such estate is not sufficient therefor, such  
1234 expenses shall be paid by his or her surviving spouse or domestic  
1235 partner.

1236 Sec. 535. Section 45a-383 of the general statutes is repealed and the  
1237 following is substituted in lieu thereof (*Effective October 1, 2003*):

1238 When it appears to the Court of Probate that the assets of the estate  
1239 of any deceased person in settlement before the court, exclusive of the  
1240 articles which may be legally set out to the surviving spouse or  
1241 domestic partner and the allowance for support of such spouse or  
1242 domestic partner and that of the family of the deceased, will not be

1243 more than sufficient to pay the funeral expenses, the expenses of  
1244 settling the estate, the expenses of the last sickness and the lawful taxes  
1245 and claims due the state of Connecticut and the United States, the  
1246 court may, after notice and hearing, ascertain the amount of such  
1247 funeral and other expenses and of such taxes and preferred claims, and  
1248 order that the settlement of the estate be completed without following  
1249 the procedures otherwise required by sections 45a-376 to 45a-382,  
1250 inclusive.

1251 Sec. 536. Section 45a-435 of the general statutes is repealed and the  
1252 following is substituted in lieu thereof (*Effective October 1, 2003*):

1253 When the personal property of the deceased, exclusive of household  
1254 goods exempt from execution, is not sufficient for the payment of his  
1255 or her debts, the Court of Probate shall set out such household goods  
1256 and may set out any other exempt property to the surviving spouse or  
1257 domestic partner.

1258 Sec. 537. Section 45a-436 of the general statutes is repealed and the  
1259 following is substituted in lieu thereof (*Effective October 1, 2003*):

1260 (a) On the death of a spouse or domestic partner, the surviving  
1261 spouse or domestic partner may elect, as provided in subsection (c) of  
1262 this section, to take a statutory share of the real and personal property  
1263 passing under the will of the deceased spouse [. The] or domestic  
1264 partner. For the purposes of this section, "statutory share" means a life  
1265 estate of one-third in value of all the property passing under the will,  
1266 real and personal, legally or equitably owned by the deceased spouse  
1267 or domestic partner at the time of his or her death, after the payment of  
1268 all debts and charges against the estate. The right to such [third]  
1269 statutory share shall not be defeated by any disposition of the property  
1270 by will to other parties.

1271 (b) If the deceased spouse or domestic partner has by will devised  
1272 or bequeathed a portion of his or her property to his or her surviving  
1273 spouse or domestic partner, such provision shall be taken to be in lieu  
1274 of the statutory share unless the contrary is expressly stated in the will

1275 or clearly appears therein; but, in any such case, the surviving spouse  
1276 or domestic partner may elect to take the statutory share in lieu of the  
1277 provision of the will.

1278 (c) The surviving spouse or domestic partner, or the conservator or  
1279 guardian of the estate of the surviving spouse or domestic partner,  
1280 with the approval, after notice and hearing, of the court of probate by  
1281 which such conservator or guardian was appointed, shall, not later  
1282 than one hundred fifty days from the date of the appointment of the  
1283 first fiduciary, as defined in section 45a-353, file a notice, in writing, of  
1284 his or her intention to take the statutory share with the court of probate  
1285 before which the estate is in settlement [,] and, if such notice is not so  
1286 filed, the surviving spouse or domestic partner shall be barred of such  
1287 statutory share.

1288 (d) If the court of probate has allowed a support allowance under  
1289 section 45a-320, as amended by this act, from the deceased spouse's or  
1290 domestic partner's estate for support of the surviving spouse or  
1291 domestic partner and for the support of his or her family, the surviving  
1292 spouse or domestic partner shall not take his or her statutory share  
1293 until the expiration of the time for which the support allowance is  
1294 made.

1295 (e) The statutory share shall be set out by the fiduciary charged with  
1296 the administration of the estate or, in the discretion of the probate  
1297 court on its own motion or on application by any interested person, by  
1298 distributors appointed by the court of probate. The statutory share  
1299 may consist of personal property or real property, or both, according  
1300 to the judgment of the fiduciary or distributors.

1301 (f) The provisions of this section with regard to the statutory share  
1302 of the surviving spouse or domestic partner in the property of the  
1303 deceased spouse or domestic partner shall not apply to any case in  
1304 which, by written contract made before or after marriage or before or  
1305 after the registration of a domestic partnership pursuant to section 503  
1306 of this act, either party has received from the other what was intended

1307 as a provision in lieu of the statutory share.

1308 (g) A surviving [husband or wife] spouse or domestic partner shall  
1309 not be entitled to a statutory share, as provided in subsection (a) of this  
1310 section, or an intestate share, as provided in section 45a-437, as  
1311 amended by this act, in the property of the other if such surviving  
1312 spouse or domestic partner, without sufficient cause, abandoned the  
1313 other and continued such abandonment to the time of the other's  
1314 death.

1315 (h) The provisions of this section shall apply to estates of all persons  
1316 dying on or after [July 1, 1985] the effective date of this section.

1317 Sec. 538. Section 45a-437 of the general statutes is repealed and the  
1318 following is substituted in lieu thereof (*Effective October 1, 2003*):

1319 (a) If there is no will, or if any part of the property, real or personal,  
1320 legally or equitably owned by the decedent at the time of his or her  
1321 death, is not effectively disposed of by the will or codicil of the  
1322 decedent, the portion of the intestate estate of the decedent,  
1323 determined after payment of any support allowance from principal  
1324 pursuant to section 45a-320, as amended by this act, which the  
1325 surviving spouse or domestic partner shall take is:

1326 (1) If there is no surviving issue or parent of the decedent, the entire  
1327 intestate estate absolutely;

1328 (2) If there is no surviving issue of the decedent but the decedent is  
1329 survived by a parent or parents, the first one hundred thousand  
1330 dollars plus three-quarters of the balance of the intestate estate  
1331 absolutely;

1332 (3) If there are surviving issue of the decedent all of whom are also  
1333 issue of the surviving spouse or domestic partner, the first one  
1334 hundred thousand dollars plus one-half of the balance of the intestate  
1335 estate absolutely;

1336 (4) If there are surviving issue of the decedent one or more of whom

1337 are not issue of the surviving spouse or domestic partner, one-half of  
1338 the intestate estate absolutely.

1339 (b) For the purposes of this section, issue shall include children born  
1340 out of wedlock and the issue of such children who qualify for  
1341 inheritance under the provisions of section 45a-438, as amended by  
1342 this act.

1343 Sec. 539. Section 45a-438 of the general statutes is repealed and the  
1344 following is substituted in lieu thereof (*Effective October 1, 2003*):

1345 (a) After distribution has been made of the intestate estate to the  
1346 surviving spouse or domestic partner, if any, in accordance with  
1347 section 45a-437, as amended by this act, all the residue of the real and  
1348 personal estate shall be distributed in equal proportions, according to  
1349 its value at the time of distribution, among the children and the legal  
1350 representatives of any of them who may be dead, except that children  
1351 or other descendants who receive estate by advancement of the  
1352 intestate in the intestate's lifetime shall themselves or their  
1353 representatives have only so much of the estate as will, together with  
1354 such advancement, make their share equal to what they would have  
1355 been entitled to receive had no such advancement been made.

1356 (b) Except as provided in section 45a-731, for purposes of intestate  
1357 succession by, through or from a person, an individual is the child of  
1358 his or her genetic parents, regardless of the marital or domestic  
1359 partnership status of such parents. With respect to a child born out of  
1360 wedlock, the father of a child born out of wedlock shall be considered  
1361 a parent if (1) the father and mother have married after the child's  
1362 birth, or (2) the father has been adjudicated the father of the child by a  
1363 court of competent jurisdiction, or (3) the father has acknowledged  
1364 under oath in writing that he is the father of the child, or (4) after the  
1365 death of either the father or the child, paternity has been established by  
1366 the Probate Court by clear and convincing evidence that the father has  
1367 acknowledged in writing that he is the father of the child and has  
1368 openly treated the child as his.

1369 (c) For the purposes of this section, legal representatives shall  
1370 include legal representatives of children born out of wedlock,  
1371 provided any such child qualifies for inheritance under subsection (b)  
1372 of this section.

1373 Sec. 540. Section 45a-439 of the general statutes is repealed and the  
1374 following is substituted in lieu thereof (*Effective October 1, 2003*):

1375 (a) (1) If there are no children or any legal representatives of them,  
1376 then, after the portion of the [husband or wife] surviving spouse or  
1377 domestic partner, if any, is distributed or set out, the residue of the  
1378 estate shall be distributed equally to the parent or parents of the  
1379 intestate, provided no parent who has abandoned a minor child and  
1380 continued such abandonment until the time of death of such child,  
1381 shall be entitled to share in the estate of such child or be deemed a  
1382 parent for the purposes of subdivisions (2) to (4), inclusive, of this  
1383 subsection. (2) If there is no parent, the residue of the estate shall be  
1384 distributed equally to the brothers and sisters of the intestate and those  
1385 who legally represent them. (3) If there is no parent or brothers and  
1386 sisters or those who legally represent them, the residue of the estate  
1387 shall be distributed equally to the next of kin in equal degree. No  
1388 representatives shall be admitted among collaterals after the  
1389 representatives of brothers and sisters. (4) If there is no next of kin,  
1390 then the residue of the estate shall be distributed equally to the  
1391 stepchildren and those who legally represent them.

1392 (b) When any will executed prior to January 1, 1902, fails for any  
1393 reason to dispose of the whole or any part of the estate of the testator,  
1394 and such estate becomes intestate, the same shall be distributed in  
1395 accordance with the statutes of distribution in force at the time such  
1396 will was executed.

1397 (c) Real property subject to the life use of [husband or wife] a spouse  
1398 or domestic partner, remaining undivided at the expiration of such life  
1399 use, shall be distributed in the same manner by the same or other  
1400 distributors, or the same may be distributed during the continuance of

1401 such life interest and subject thereto.

1402 (d) In ascertaining the next of kin in all cases, the rule of the civil  
1403 law shall be used.

1404 (e) Relatives of the half blood shall take the same share under this  
1405 section that they would take if they were of the whole blood.

1406 Sec. 541. Section 45a-440a of the general statutes is repealed and the  
1407 following is substituted in lieu thereof (*Effective October 1, 2003*):

1408 It shall be presumed that the deaths of [husband and wife] both  
1409 spouses or domestic partners were simultaneous when there is no  
1410 evidence to indicate the priority of death of either.

1411 Sec. 542. Section 45a-443 of the general statutes is repealed and the  
1412 following is substituted in lieu thereof (*Effective October 1, 2003*):

1413 After the share or interest of the [husband or wife] spouse or  
1414 domestic partner has been distributed and set out, in the distribution  
1415 of any estate, the share or interest of any distributee of the estate may  
1416 be distributed and set out to such distributee in real or personal  
1417 property, or both.

1418 Sec. 543. Subsection (b) of section 45a-448 of the general statutes is  
1419 repealed and the following is substituted in lieu thereof (*Effective*  
1420 *October 1, 2003*):

1421 (b) All damages recovered for injuries resulting in death, which  
1422 death occurred on or after October 1, 1961, after payment of the costs  
1423 and expenses of suit, all expenses of last illness and all funeral bills, the  
1424 expenses of administration and claims against the estate and such  
1425 amount for the support of the surviving spouse or domestic partner or  
1426 family of the deceased during the settlement of the estate as the Court  
1427 of Probate may allow, shall be distributed as personal estate in  
1428 accordance with the last will and testament of the deceased if there is  
1429 one or, if not, in accordance with the law concerning the distribution of  
1430 intestate personal estate. Such damages shall not be subject to taxation

1431 under the provisions of chapter 216.

1432 Sec. 544. Subsection (a) of section 45a-450 of the general statutes is  
1433 repealed and the following is substituted in lieu thereof (*Effective*  
1434 *October 1, 2003*):

1435 (a) When the real property of any deceased person, or any part  
1436 thereof or interest therein, is devised or distributed or set out to the  
1437 devisee or devisees, heir or heirs or spouse or domestic partner of such  
1438 decedent or is legally divided by the voluntary act of all the persons  
1439 interested therein or descends to the heir or heirs or spouse or  
1440 domestic partner of such decedent, the fiduciary of the estate of such  
1441 decedent shall, within one month thereafter, or, in case of descent to  
1442 the heir or heirs or spouse or domestic partner of such decedent,  
1443 within one month after the acceptance by the court of the final  
1444 administration account of such fiduciary, procure from the judge, clerk  
1445 or assistant clerk of the court of probate having jurisdiction of the  
1446 settlement of the estate of such decedent, and cause to be recorded in  
1447 the land records of each of the towns in which such real property is  
1448 situated, a certificate signed by such judge, clerk or assistant clerk.  
1449 Such certificate shall contain the name and place of residence of each  
1450 person to whom such real property, or any portion thereof or interest  
1451 therein, is distributed, set out or divided or descends, and a particular  
1452 description of the estate, portion or interest distributed, set out or  
1453 divided or descending to each person.

1454 Sec. 545. Subdivision (3) of section 45a-468a of the general statutes is  
1455 repealed and the following is substituted in lieu thereof (*Effective*  
1456 *October 1, 2003*):

1457 (3) "Heir" means a person, including the surviving spouse or  
1458 domestic partner, who is entitled under the statutes of intestate  
1459 succession to the property of a decedent.

1460 Sec. 546. Subsection (d) of section 5-259 of the general statutes is  
1461 repealed and the following is substituted in lieu thereof (*Effective*  
1462 *October 1, 2003*):

1463 (d) Notwithstanding the provisions of subsection (a) of this section,  
1464 the state shall pay for a member of any such state-sponsored  
1465 retirement system, or a participant in an alternate retirement program  
1466 who meets the service requirements of section 5-162 or subsection (a)  
1467 of section 5-166, and who begins receiving benefits from such system  
1468 or program on or after November 1, 1989, eighty per cent of the  
1469 portion of the premium charged for [his] such member's individual  
1470 coverage and eighty per cent of any additional cost for [his] such  
1471 member's form of coverage. Upon the death of any such member, any  
1472 surviving spouse or domestic partner of such member who begins  
1473 receiving benefits from such system shall be eligible for coverage  
1474 under this section and the state shall pay for any such spouse or  
1475 domestic partner eighty per cent of the portion of the premium  
1476 charged for [his] such spouse's or domestic partner's individual  
1477 coverage and eighty per cent of any additional cost for [his] such  
1478 spouse's or domestic partner's form of coverage.

1479 Sec. 547. Subsection (a) of section 38a-554 of the general statutes is  
1480 repealed and the following is substituted in lieu thereof (*Effective*  
1481 *October 1, 2003*):

1482 (a) The plan shall be one under which the individuals eligible to be  
1483 covered include: (1) Each eligible employee; (2) the spouse or domestic  
1484 partner of each eligible employee, who shall be considered a  
1485 dependent for the purposes of this section; and (3) dependent  
1486 unmarried children, who are under the age of nineteen or are full-time  
1487 students under the age of twenty-three at an accredited institution of  
1488 higher learning.

1489 Sec. 548. Section 38a-554 of the general statutes is amended by  
1490 adding subsection (e) as follows (*Effective October 1, 2003*):

1491 (NEW) (e) Notwithstanding any provision of this section, any  
1492 insurance company, health care center, hospital or medical service  
1493 corporation or fraternal benefit society may issue to a religious  
1494 employer a group health insurance policy that excludes coverage

1495 under this section for a domestic partner of an eligible employee. As  
1496 used in this subsection, "religious employer" means an employer that  
1497 is a qualified church-controlled organization, as defined in 26 USC  
1498 3121, or a church-affiliated organization.

1499 Sec. 549. Section 46b-37 of the general statutes is repealed and the  
1500 following is substituted in lieu thereof (*Effective October 1, 2003*):

1501 (a) Any purchase made by either [a husband or wife] spouse in a  
1502 marriage or either domestic partner in a domestic partnership, in his or  
1503 her own name, shall be presumed, in the absence of notice to the  
1504 contrary, to be made by [him or her] such spouse or domestic partner  
1505 as an individual and [he or she] such spouse or domestic partner shall  
1506 be liable for the purchase.

1507 (b) Notwithstanding the provisions of subsection (a) of this section,  
1508 it shall be the joint duty of each spouse or domestic partner to support  
1509 his or her family, and both spouses or domestic partners shall be liable  
1510 for: (1) The reasonable and necessary services of a physician or dentist;  
1511 (2) hospital expenses rendered to the [husband or wife or] spouse or  
1512 domestic partner or to a minor child while residing in the family of his  
1513 or her parents; (3) the rental of any dwelling unit actually occupied by  
1514 [the husband and wife] both spouses or domestic partners as a  
1515 residence and reasonably necessary to them for that purpose; and (4)  
1516 any article purchased by either spouse or domestic partner which has  
1517 in fact gone to the support of the family, or for the joint benefit of both.

1518 (c) Notwithstanding the provisions of subsection (a) of this section,  
1519 a spouse or domestic partner who abandons his or her spouse or  
1520 domestic partner without cause shall be liable for the reasonable  
1521 support of such other spouse or domestic partner while abandoned.

1522 (d) No action may be maintained against either spouse or domestic  
1523 partner under the provisions of this section, either during or after any  
1524 period of separation from the other spouse or domestic partner, for  
1525 any liability incurred by the other spouse or domestic partner during  
1526 the separation, if, during the separation, the spouse or domestic

1527 partner who is liable for support of the other spouse or domestic  
1528 partner has provided the other spouse or domestic partner with  
1529 reasonable support.

1530 (e) Abandonment without cause by a spouse or domestic partner  
1531 shall be a defense to any liability pursuant to the provisions of  
1532 subdivisions (1) to (4), inclusive, of subsection (b) of this section for  
1533 expenses incurred by and for the benefit of such spouse or domestic  
1534 partner. Nothing in this subsection shall affect the duty of a parent to  
1535 support his or her minor child."