



# House of Representatives

General Assembly

**File No. 490**

February Session, 2004

House Bill No. 5597

*House of Representatives, April 6, 2004*

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

## **AN ACT CONCERNING TERMINATION OF PARENTAL RIGHTS BASED ON CONSENT.**

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

1 Section 1. Subsection (a) of section 45a-187 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2004*):

4 (a) An appeal under section 45a-186 by [those] persons of the age of  
5 majority and who are present or who have legal notice to be present, or  
6 who have been given notice of their right to request a hearing or have  
7 filed a written waiver of their right to a hearing, shall be taken within  
8 thirty days, except as otherwise provided in this section. If such  
9 persons have no notice to be present and are not present, or have not  
10 been given notice of their right to request a hearing, [then] such appeal  
11 shall be taken within twelve months, except for appeals by such  
12 persons from [a decree] an order of termination of parental rights,  
13 other than an order of termination of parental rights based on consent,

14 or a decree of adoption, in which case appeal shall be taken within  
15 ninety days. An appeal from an order of termination of parental rights  
16 based on consent, which order is issued on or after the effective date of  
17 this section, shall be taken within twenty days.

18 Sec. 2. Subsection (a) of section 45a-716 of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2004*):

21 (a) Upon receipt of a petition for termination of parental rights, the  
22 Court of Probate or the Superior Court, on a case transferred to it from  
23 the Court of Probate in accordance with the provisions of subsection  
24 (g) of section 45a-715, shall set a time and place for hearing the  
25 petition. The time for hearing shall be not more than thirty days after  
26 the filing of the petition, except, in the case of a petition for termination  
27 of parental rights based on consent that is filed on or after the effective  
28 date of this section, the time for hearing shall be not more than ten  
29 days after the filing of such petition.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

**JUD**      *Joint Favorable*

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

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Probate Court	PCAF - None	None	None

Note: PCAF=Probate Court Administration Fund

**Municipal Impact:** None

**Explanation**

The bill, which would not result in any fiscal impact, shortens both the period that a court must hold a hearing on a petition to terminate parental rights and the time limit for appealing orders granting such petitions.<sup>1</sup>

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<sup>1</sup> There are 550-650 matters involving the termination of parental rights that come before the state’s probate courts annually.

**OLR BILL ANALYSIS**

HB 5597

***AN ACT CONCERNING TERMINATION OF PARENTAL RIGHTS  
BASED ON CONSENT*****SUMMARY:**

This bill shortens, from 30 to 10 days, the period within which a court must hold a hearing on a petition to terminate parental rights when a parent has consented to the termination (see COMMENT). And it shortens, from 90 to 20 days, the time limit for appealing probate court orders granting such petitions.

EFFECTIVE DATE: October 1, 2004

**COMMENT****Conflict With Minimum Notice Requirement**

By law, parents and other interested parties must receive at least 10 days advance notice of hearings on petitions terminating parental rights. This cannot be done under the bill's shortened time frame.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 38    Nay 3