



General Assembly

Substitute Bill No. 5219

February Session, 2004

* _____ HB05219JUD__030904_____ *

AN ACT CONCERNING PROBATE COURT STERILIZATION ORDERS.

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

1 Section 1. Section 45a-690 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 For the purposes of sections 45a-690 to 45a-700, inclusive, and
4 section 2 of this act:

5 [(a)] (1) "Sterilization" means a surgical or other medical procedure,
6 the purpose of which is to render an individual permanently incapable
7 of procreating;

8 [(b)] (2) "Informed consent" means consent that is [(1)] (A) based
9 upon an understanding of the nature and consequences of sterilization,
10 [; (2)] (B) given by a person competent to make such a decision, and
11 [(3)] (C) wholly voluntary and free from coercion, express or implied;

12 [(c)] (3) "Institution" means a state school or hospital or other
13 residential facility operated or leased by the state of Connecticut; and

14 [(d)] (4) "Best interest" shall include all of the following factors: [(1)]
15 (A) Less drastic alternative contraceptive methods have proved
16 unworkable or inapplicable, [(2)] (B) the individual is physiologically
17 sexually mature, [(3)] (C) there is no evidence of infertility, [(4)] (D) the
18 individual has the capability and a reasonable opportunity for sexual

19 activity, [(5)] (E) the individual is unable to understand reproduction
20 or contraception and there exists the likely permanence of that
21 inability, [(6)] (F) the physical or emotional inability to care for the
22 child, [(7)] (G) the proponents of the sterilization are seeking
23 sterilization in good faith and their primary concern is for the best
24 interests of the respondent rather than their own convenience or the
25 convenience of the public, and [(8)] (H) in the case of females,
26 procreation would endanger the life or severely impair the health of
27 the individual.

28 Sec. 2. (NEW) (*Effective from passage*) Except as otherwise provided
29 in this section, an order or decree of a court of probate permitting
30 sterilization pursuant to sections 45a-690 to 45a-700, inclusive, of the
31 general statutes shall be stayed, for a period of not less than ten days
32 from the date of such order or decree, to afford the respondent an
33 opportunity to file an appeal pursuant to part VII of chapter 801b of
34 the general statutes. If no such appeal is filed within such time period,
35 the stay shall be lifted. If such appeal is filed within such time period,
36 the stay shall remain in effect pending the outcome of the appeal. The
37 provisions of this section shall not stay any such order or decree if the
38 court finds that the respondent (1) has attained the age of eighteen
39 years, (2) is able to give informed consent to a sterilization procedure,
40 and (3) has given informed consent, in writing, to such sterilization.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

JUD *Joint Favorable Subst.*