



General Assembly

Substitute Bill No. 470

February Session, 2004

* SB00470PH 031704 *

**AN ACT CONCERNING THE DEPARTMENT OF MENTAL
RETARDATION GUARDIANSHIP ASSESSMENT AND REVIEW
PROCESS.**

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

1 Section 1. Section 45a-674 of the general statutes, as amended by
2 section 4 of public act 03-51, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 At any hearing for appointment of a plenary guardian or limited
5 guardian of the person with mental retardation, the court shall receive
6 evidence as to the condition of the respondent, including a written
7 report or testimony by a Department of Mental Retardation assessment
8 team appointed by the Commissioner of Mental Retardation or his
9 designee, no member of which is related by blood, marriage or
10 adoption to either the applicant or the respondent and each member of
11 which has personally observed or examined the respondent within
12 forty-five days next preceding such hearing. The assessment team shall
13 be comprised of at least [~~three~~] two representatives from among
14 appropriate disciplines having expertise in the evaluation of persons
15 alleged to be mentally retarded. The assessment team members shall
16 make their report on a form provided for that purpose by the Office of
17 the Probate Court Administrator and shall answer questions on such
18 form as fully and completely as possible. The report shall contain
19 specific information regarding the severity of the mental retardation of

20 the respondent and those specific areas, if any, in which he needs the
21 supervision and protection of a guardian, and shall state upon the
22 form the reasons for such opinions. The applicant, respondent or his
23 counsel shall have the right to present evidence and cross-examine
24 witnesses who testify at any hearing on the application. If such
25 respondent or his counsel notifies the court not less than three days
26 before the hearing that he wishes to cross-examine the witnesses, the
27 court shall order such witnesses to appear. The fees for such
28 assessment team shall be paid from funds appropriated to the
29 Department of Mental Retardation.

30 Sec. 2. Subsection (a) of section 45a-681 of the general statutes, as
31 amended by section 10 of public act 03-51, is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2004*):

33 (a) The court shall review each guardianship of the person with
34 mental retardation or limited guardianship of the person with mental
35 retardation at least every three years and shall either continue, modify
36 or terminate the order for guardianship. (1) The court shall receive and
37 review written evidence as to the condition of the ward. [The] Except
38 as provided in subdivision (2) of this subsection, the guardian, the
39 attorney for the ward and a Department of Mental Retardation
40 professional or, if requested by the ward or by the court, an assessment
41 team appointed by the Commissioner of Mental Retardation or his
42 designee shall each submit a written report to the court [within] not
43 later than forty-five days [of] after the court's request for such report.
44 (2) In the case of a ward who is functioning adaptively and
45 intellectually within the severe or profound range of mental
46 retardation, as determined by the Department of Mental Retardation,
47 the court shall receive and review written reports as to the condition of
48 the ward only from the guardian and the attorney for the ward,
49 provided the court may require a Department of Mental Retardation
50 professional or assessment team to submit a written report as to the
51 condition of such ward. Each written report shall be submitted to the
52 court not later than forty-five days after the court's request for such
53 report. (3) If the ward is unable to request or obtain an attorney, the

54 court shall appoint an attorney for the ward. If the ward is unable to
55 pay for the services of the attorney, the reasonable compensation of
56 such attorney shall be established by, and paid from funds
57 appropriated to, the Judicial Department; however, if funds have not
58 been included in the budget of the Judicial Department for such
59 purposes, such compensation shall be established by the Probate Court
60 Administrator and paid from the Probate Court Administration Fund.
61 The Department of Mental Retardation professional or assessment
62 team shall personally observe or examine the ward within the forty-
63 five-day period preceding the date of submission of its report.

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

PH *Joint Favorable Subst.*