



Substitute House Bill No. 6438

Public Act No. 11-128

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 45a-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section, "children's matters" means: (1) Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2) termination of parental rights matters under sections 45a-706 to 45a-719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733, inclusive, and sections 45a-736 and 45a-737; (4) claims for paternity under section 46b-172a; (5) emancipation of minor matters under sections 46b-150 to 46b-150e, inclusive; and (6) voluntary admission matters under section 17a-11.

[(b) The Probate Court Administrator shall, within available resources, establish a regional children's probate court in a region that shall consist of the probate districts of New Haven, Branford, East Haven, Hamden, Milford, North Branford, North Haven, Orange, West Haven and Woodbridge. In establishing such court, the Probate Court Administrator shall consult with the probate judges of such districts, each of whom may participate on a voluntary basis.]

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[(c)] (b) [In addition to the court established under subsection (b) of this section, the] The Probate Court Administrator may establish [six additional] seven regional children's probate courts in regions designated by the Probate Court Administrator. In establishing such courts, the Probate Court Administrator shall consult with the probate judges of the districts located in each designated region, each of whom may participate on a voluntary basis.

[(d)] (c) The Probate Court Administrator may establish a regional children's probate court under this section in (1) any existing probate court facility within a district located in a region, or (2) a separate facility located in a region as may be designated by the Probate Court Administrator. Each regional children's probate court shall be established and operated with the advice of the participating probate judges of such districts and the administrative judge appointed under subsection [(g)] (f) of this section. Such participating probate judges and administrative judge shall serve as the judges of the regional children's probate court, except as provided in subdivision (1) of subsection [(g)] (f) of this section. Such judges shall hear and determine all children's matters as may come before them on a docket separate from other probate matters.

[(e)] (d) (1) For the purposes of this section, the Probate Court Administrator may, subject to the provisions of section 45a-84, expend from the Probate Court Administration Fund established under section 45a-82 such amounts as the Probate Court Administrator may deem reasonable and necessary for the establishment, improvement, maintenance and operations of court facilities located in each such designated region.

(2) Nothing in this section shall be construed to relieve any town of its obligation to provide and maintain court facilities pursuant to section 45a-8.

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[[f)] (e) The Probate Court Administrator may, subject to the provisions of section 45a-84, expend moneys from the Probate Court Administration Fund to pay for necessary improvements of a facility designated as a regional children's probate court under this section, to pay operating expenses of a regional children's probate court and to reimburse participating towns or cities for any costs of leasing office space for a regional children's probate court, and any necessary improvements thereto, and for expenses under subsection [(g)] (f) of this section.

[(g)] (f) (1) The Probate Court Administrator, with the advice of the participating probate judges of the districts located in the designated region, shall appoint an administrative judge for each regional children's probate court. The administrative judge shall be a probate judge at the time of such appointment. If the administrative judge ceases to serve as a probate judge after such appointment, the administrative judge may continue to serve as administrative judge at the pleasure of the Probate Court Administrator, but shall not have the powers granted to an elected probate judge and shall not hear and determine children's matters before such regional children's probate court. Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of the administrative judge and such compensation shall be paid from the Probate Court Administration Fund. Such compensation, together with the administrative judge's compensation as a probate judge of the district to which he or she was elected, shall not exceed the compensation provided for a judge of probate under subdivision (4) of subsection (a) of section 45a-95a. The administrative judge shall have such benefits as may inure to him or her as a probate judge and shall receive no additional benefits, except for compensation provided under this section.

(2) Each administrative judge shall be responsible for the

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management of cases, coordination of social services, staff, financial management and record keeping for the regional children's probate court for which the administrative judge is appointed. The administrative judge may, with the approval of the Probate Court Administrator, purchase furniture, office supplies, computers and other equipment and contract for services that the administrative judge may deem necessary or advisable for the expeditious conduct of the business of the regional children's probate court. Such expenses shall be paid for pursuant to section 45a-8. If a separate facility for a regional children's probate court is established pursuant to subdivision (2) of subsection [(d)] (c) of this section, the participating town or city shall be reimbursed for such expenses from the Probate Court Administration Fund upon presentation of vouchers to the Probate Court Administrator.

[(h)] (g) Each administrative judge for a regional children's probate court may, with the approval of the Probate Court Administrator, employ such persons as may be required for the efficient operation of the regional children's probate court. Such employees shall be employees of the regional children's probate court and shall be entitled to the benefits of probate court employees under this chapter. Such employees shall not be deemed to be state employees.

[(i)] (h) Any probate court within a region designated under subsection (b) [or (c)] of this section may transfer children's matters to the regional children's probate court for such region. Any regional children's probate court may accept transfers and referrals of children's matters from probate courts within its region.

[(j)] (i) Each regional children's probate court shall be considered a probate court for the purposes of this chapter.

[(k)] (j) The Probate Court Administrator shall establish policies and procedures to implement the provisions of this section. [On or before

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January 3, 2007, the Probate Court Administrator shall submit a report concerning the operation and effectiveness of the regional children's probate courts established under this section to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with section 11-4a.]

Sec. 2. Subdivision (9) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(9) (A) "Employee" means any person who:

(i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;

(ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;

(iii) Is elected to serve as a member of the General Assembly of this state;

(iv) Is a salaried officer or paid member of any police department or fire department;

(v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves;

(vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent, irrespective of the manner in which he or she is appointed or employed. Nothing in this subdivision shall be construed as affecting

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any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment; [or]

(vii) Is an officer or enlisted person of the National Guard or other armed forces of the state called to active duty by the Governor while performing his or her active duty service; or

(viii) Is elected to serve as a probate judge for a probate district established in section 45a-2.

(B) "Employee" shall not be construed to include:

(i) Any person to whom articles or material are given to be treated in any way on premises not under the control or management of the person who gave them out;

(ii) One whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business;

(iii) A member of the employer's family dwelling in his house; but, if, in any contract of insurance, the wages or salary of a member of the employer's family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter;

(iv) Any person engaged in any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week;

(v) An employee of a corporation who is a corporate officer and

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who elects to be excluded from coverage under this chapter by notice in writing to his employer and to the commissioner; or

(vi) Any person who is not a resident of this state but is injured in this state during the course of his employment, unless such person (I) works for an employer who has a place of employment or a business facility located in this state at which such person spends at least fifty per cent of his employment time, or (II) works for an employer pursuant to an employment contract to be performed primarily in this state.

Sec. 3. Section 45a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

In addition to the basic charges and costs specified in sections 45a-106 to 45a-108, inclusive, the following expenses shall be payable to the courts of probate: (1) For recording each page or fraction thereof after the first five pages of any one document, three dollars; (2) for each notice in excess of two with respect to any hearing or continued hearing, two dollars; (3) for any expenses incurred by the court of probate for newspaper publication of notices, certified or registered mailing of notices, or for service of process or notice, the actual amount of the expenses so incurred; (4) for providing copies of any document from a file in the court of any matter within the jurisdiction of the court, five dollars for a copy of any such document up to five pages in length and one dollar per copy for each additional page or fractional part thereof as the case may be, provided there shall be furnished without charge to the fiduciary or if none, to the petitioner with respect to any probate matter one uncertified copy of each decree, certificate or other court order setting forth the action of the court on any proceeding in such matter; (5) for certifying copies of any document from a file in the court of any matter before the court, five dollars per each copy certified for the first two pages of a document, and two dollars for each copy certified for each page after the second

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page of such document, provided no charge shall be made for any copy certified or otherwise that the court is required by statute to make; [and] (6) for retrieval of a file not located on the premises of the court, the actual cost or ten dollars, whichever is greater; and (7) for copying probate records through the use of a hand-held scanner, as defined in section 1-212, twenty dollars per day.

Sec. 4. Subsection (a) of section 45a-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The surviving spouse of any person who dies, or if there is no surviving spouse, any of the next of kin of such decedent, or if there is no next of kin or if such surviving spouse or next of kin refuses, then any suitable person whom the court deems to have a sufficient interest may, in lieu of filing an application for admission of a will to probate or letters of administration, file an affidavit or statement signed under penalty of false statement in the court of probate in the district in which the decedent resided, stating, if such is the case, that all debts of the decedent have been paid in the manner prescribed by section [45a-392] 45a-365, at least to the extent of the fair value of all of the decedent's assets, when (1) such decedent leaves property of the type described in subsection (b) of this section, and (2) the aggregate value of any such property as described in subsection (b) of this section does not exceed the sum of forty thousand dollars. In addition, such affidavit or statement shall state that the decedent either did, or did not, receive aid or care from the state, which shall also include aid or care from the Department of Veterans' Affairs, whichever is true.

Sec. 5. Subsection (e) of section 45a-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(e) If an affidavit is filed under subsection (a) of this section in lieu

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of an application for admission of a will to probate or letters of administration and the fair value of the property of the decedent exceeds the total amount of claims, including any amounts allowed to the family under section 45a-320, the court shall proceed as follows: (1) If no purported last will and testament is found, the court shall order distribution of the excess in accordance with the laws of intestate succession; (2) if the decedent left a duly executed last will and testament and the will provides for a distribution which is the same as that under the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; (3) if the decedent left a duly executed last will and testament and the will provides for a distribution different from that under the laws of intestate succession, and the heirs at law of such decedent sign a written waiver of their right to contest the will, the court shall order the excess to be paid in accordance with the terms of the will; (4) if the will directs a distribution different from the laws of intestate succession, and the heirs at law do not waive their right to contest the admission of such will, the will shall be offered for probate in accordance with section 45a-286. In such case, the court may issue a decree under this section only if the persons entitled to take the bequests under the will consent, in writing, to the distribution of the bequests in accordance with the laws of intestate succession. If the claims against the estate exceed the value of the property of such decedent, the claims shall be paid in accordance with the priorities set forth in section [45a-392] 45a-365. As used in this subsection, the term "will" includes any duly executed codicil thereto.

Sec. 6. Section 45a-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

When any decedent is entitled to payment of medical benefits, federal or state, or insurance or health benefits or proceeds, or other intangible personal property owned by or payable to [him] the

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decedent or to [his] the decedent's estate in a sum not exceeding one thousand dollars, the judge of probate for the district within which such decedent resided may name an administrator, ex parte, for the purpose of enabling distribution to the surviving spouse or, if there is no surviving spouse, to the next of kin of such decedent or to the funeral director or physician, as the case may be, upon evidence satisfactory to him that all debts have been paid or provided for as prescribed by section [45a-392] 45a-365.

Sec. 7. Subsection (b) of section 45a-597 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) If the estate is less than sufficient to pay all such expenses in full, the provisions of section [45a-392] 45a-365 as to order of payment shall govern.

Sec. 8. Section 45a-754 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) [The state shall furnish each court of probate with an index and a book in which shall be recorded only applications, agreements, orders, waivers, affidavits and returns of notice of hearing, appointments of guardians ad litem and decrees in] All records of cases related to termination of parental rights, removal of a parent as guardian, appointment of a statutory parent, [and] adoption matters, temporary guardianship and emancipation of a minor shall be confidential and shall not be open to inspection by or disclosed to any third party, except that (1) such records shall be available to (A) the parties in any such case and their counsel; (B) the Department of Children and Families; (C) any licensed child-placing agency involved in any such case; (D) any judge or employee of a court of this state who, in the performance of his or her duties, requires access to such records; (E) the office of the Probate Court Administrator; and (F) courts of other

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states under the provisions of sections 46b-115a to 46b-115gg, inclusive; and (2) access to and disclosure of adoption records shall be in accordance with subsection (b) of this section.

[(b) The probate court shall also maintain locked files which shall be used for the filing of sealed envelopes, each of which shall contain all the papers filed in court regarding the removal of a parent as guardian, petitions for termination of parental rights, appointment of statutory parent and adoption.

(c) In the case of an application for the removal of a parent as guardian, a petition for termination of parental rights, an application for a statutory parent or an application for adoption, the envelopes shall be marked only with the words "Adoption Matter" and the names of the adopting parents and the name borne by the minor before the adoption. In the case of a removal of parent as guardian or in the case of a termination of parental rights matter which does not result in an adoption matter, the envelopes shall be marked only with the words "Removal Of Parent As Guardian" or "Termination Of Parental Rights Matter" and the name of the minor.]

[(d)] (b) Access to [such] adoption records shall be in accordance with sections 45a-743 to 45a-753, inclusive. The records may also be disclosed upon order of the judge of probate to a petitioner who requires such information for the health or medical treatment of any adopted person. If such information is so required and is not within the records, the biological parent or parents or blood relatives may be contacted in accordance with the procedures in [said] section 45a-753.

[(e) Any person who discloses any information contained in the indexes, record books and papers, except as provided in sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-757, inclusive, shall be fined not more than five hundred dollars or imprisoned not more than six

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months or both.]

Sec. 9. Section 45a-765 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

All proceedings, documents, correspondence and findings by the board shall be returned to the probate court initiating the application and shall be confidential [and placed in sealed envelopes] as required by section 45a-754, as amended by this act.

Sec. 10. (NEW) (*Effective October 1, 2011*) Any person seeking online access to any data processing system operated by the Office of the Probate Court Administrator, or seeking, in any other medium, information stored in such data processing system, may be required to pay to the Office of the Probate Court Administrator an amount, as established in a fee schedule determined by the Probate Court Administrator, for deposit in the Probate Court Administration Fund established in section 45a-82 of the general statutes. Such fee schedule may include reasonable charges for personal services, fringe benefits, supplies and any other expenses related to maintaining, improving and providing such data processing services including, but not limited to, program modifications, training expenses, central processor user time and the rental and maintenance of equipment.

Sec. 11. Subsection (a) of section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) [Any] Except as provided in sections 45a-187, as amended by this act, and 45a-188, as amended by this act, any person aggrieved by any order, denial or decree of a court of probate in any matter, unless otherwise specially provided by law, may, not later than forty-five days after the mailing of an order, denial or decree for a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, as

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amended by this act, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to 45a-705, inclusive, and not later than thirty days after mailing of an order, denial or decree for any other matter in a court of probate, appeal therefrom to the Superior Court. Such an appeal shall be commenced by filing a complaint in the superior court in the judicial district in which such court of probate is located, or, if the court of probate is located in a probate district that is in more than one judicial district, by filing a complaint in a superior court that is located in a judicial district in which any portion of the probate district is located, except that (1) an appeal under subsection (b) of section 12-359, subsection (b) of section 12-367 or subsection (b) of section 12-395 shall be filed in the judicial district of Hartford, and (2) an appeal in a matter concerning removal of a parent as guardian, termination of parental rights or adoption shall be filed in any superior court for juvenile matters having jurisdiction over matters arising in any town within such probate district. The complaint shall state the reasons for the appeal. A copy of the order, denial or decree appealed from shall be attached to the complaint. Appeals from any decision rendered in any case after a recording is made of the proceedings under section 17a-498, 17a-685, 45a-650, 51-72 or 51-73 shall be on the record and shall not be a trial de novo.

Sec. 12. Subsection (a) of section 45a-186a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) In an appeal from an order, denial or decree of a court of probate made after a hearing that is on the record pursuant to subsection (a) of section 45a-186, as amended by this act, not later than thirty days after service is made of [an] such appeal under section 45a-186, as amended by this act, or within such further time as may be allowed by the Superior Court, the Court of Probate shall transcribe any portion of the recording of the proceedings that has not been transcribed. The

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expense for such transcript shall be charged against the person who filed the appeal, except that if the person who filed the appeal is unable to pay such expense and files an affidavit with the court demonstrating the inability to pay, the expense of the transcript shall be paid by the Probate Court Administrator and paid from the Probate Court Administration Fund.

Sec. 13. Section 45a-187 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) An appeal [under section 45a-186] by persons of the age of majority who are present or who have legal notice to be present, or who have been given notice of their right to request a hearing or have filed a written waiver of their right to a hearing, shall be taken within [thirty days] the time provided in section 45a-186, as amended by this act, except as otherwise provided in this section. If such persons have no notice to be present and are not present, or have not been given notice of their right to request a hearing, such appeal shall be taken within twelve months, except for appeals by such persons from an order of termination of parental rights, other than an order of termination of parental rights based on consent, or a decree of adoption, in which case appeal shall be taken within ninety days. An appeal from an order of termination of parental rights based on consent, which order is issued on or after October 1, 2004, shall be taken within twenty days.

[(b) An appeal from any probate order for the payment of claims or dividends on claims against any insolvent estate shall not be allowed unless it is taken within thirty days after the making of such order.]

[(c)] (b) An order, denial or decree of a court of probate shall not be invalid because of the disqualification of the judge unless an appeal therefrom is taken within [thirty days] the time provided in section 45a-186, as amended by this act, this section and section 45a-188, as

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amended by this act.

Sec. 14. Section 45a-188 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Except as provided in this section, all appeals by persons who are minors at the time of the making of the order, denial or decree appealed from shall be taken within twelve months after they arrive at the age of majority.

(b) In the case of any minor who has a guardian or guardian ad litem appointed and qualified by any court of probate in this state at the time of the making of the order, denial or decree, [the time in which] the minor or anyone on his behalf may appeal therefrom [shall be one month from the date of such order, denial or decree if the guardian or guardian ad litem has had legal notice, as provided for the particular proceeding, of the time and place of the hearing on such proceeding concerning which such order, denial or decree was made] within the time provided in section 45a-186, as amended by this act, if the guardian or guardian ad litem had legal notice of the time and place of the hearing.

[(c) All appeals by persons not inhabitants of this state who were not present at such time and did not have legal notice to be present shall be taken within twelve months thereafter.]

[(d)] (c) Any judge or clerk of the Court of Probate or any fiduciary may cause written notice of any order, denial or decree of the Court of Probate to be given to any person of the age of majority, or to the guardian or guardian ad litem of any minor who has not had legal notice of the hearing on the proceeding at which the order, denial or decree was passed and who may be aggrieved thereby. In any such case the person, minor, guardian or guardian ad litem may appeal only within [one month] the time provided in section 45a-186, as amended

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by this act, after receiving such notice.

Sec. 15. Section 45a-113a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Whenever a court determines that a refund is due an applicant, petitioner, moving party or other person for any overpayment of costs, fees, charges or expenses incurred under the provisions of sections 45a-106 to 45a-112, inclusive, as amended by this act, the Probate Court Administrator shall, upon receipt of certification of such overpayment by the court of probate that issued the invoice for such costs, fees, charges or expenses, cause a refund of such overpayment to be issued from the Probate Court Administration Fund.

Sec. 16. Section 45a-287 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If the testator, at his death, was not domiciled in this state, his will may be proved in any district in this state in which: (1) The testator last resided; (2) any of the testator's real or tangible personal property is situated; (3) any of the testator's bank accounts are maintained or evidences of other intangible property of the testator are situated; (4) any one of the executors or trustees named in the will resides, or, in the case of a bank or trust company, has an office; or (5) any cause of action in favor of the testator arose or any debtor of the testator resides or has an office. If the will of any such testator may be proved in more than one district, the court which first assumes jurisdiction thereof pursuant to this section shall retain the same as to all the property of the testator situated in this state at the time of his death together with any property which subsequently comes into possession of any of the executors, trustees or other fiduciaries of the testator's estate appointed in this state.

(b) Any proceeding for the proving of a will of a testator pursuant to

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this section shall be commenced by an application of any person who is named as an executor of such will or by any other person who is interested in such estate. The application shall set forth a statement of the basis for jurisdiction by the court of probate of the district in which such application is filed. The court shall give notice of the hearing on such application to the Commissioner of Revenue Services, to any person named as an executor or trustee in such will, to the heirs at law of the testator, as determined by the laws of this state, and to such other persons as the court may order. Any will which has been denied probate or establishment by judgment or decree of a competent court in the testator's domicile may not be proved in this state except where such denial of probate or establishment is for a cause which is not grounds for rejection of a will of a testator domiciled in this state. Except as otherwise provided in this section, the laws of this state relating to proof and admission of wills to probate for domiciliary testators shall apply to proceedings under this section.

(c) Whenever a testator of a will which is proved in this state pursuant to this section expressly provided in his will that he elects to have the administration and disposition of his estate governed by the laws of this state, then the validity, effect and interpretation of such will, and the administration and disposition of such estate, wherever situated, including rights of creditors and rights of inheritance, shall be determined by the laws of this state in the same manner as if such testator had been domiciled in this state at the time of his death, except as otherwise provided in this section. The rights of persons who are creditors of the testator or of his estate or who may possess or claim rights of inheritance to or elections against the testator's estate pursuant to the laws of the jurisdiction in which the testator was domiciled at the time of his death shall be governed by and subject to the laws of such jurisdiction as to any real or tangible property situated in such jurisdiction or as to any bank accounts which are maintained or other intangible property of the testator the evidences of which are

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situated in such jurisdiction at the time of the testator's death. Any proceeding pursuant to this subsection shall not be deemed to impair or otherwise adversely affect the claim of any other state or any possession of the United States, for inheritance, succession, estate or other death taxes which may be due and payable by reason of the testator's death.

(d) All property of a testator whose will is proved under this section shall be subject to the laws of this state relating to the taxation of inheritances and successions, [provided] except that such laws shall not be applied on the basis that the testator was a domiciliary of this state unless there is a finding that such person was domiciled in this state as provided in section 45a-309. Costs of the court of probate under section 45a-105, for proceedings in the settlement of the estate of a nondomiciliary testator whose will is proved under this section, shall be determined on the basis of an assumed gross taxable value equal to the sum of (1) the actual gross taxable estate determined under section 12-349 and (2) the value set forth in the inventory of such estate under section 45a-341 of all property therein which is not part of the actual gross taxable estate, excluding any insurance proceeds exempt from taxation under section 12-342.

(e) In proceedings in the settlement of estates under this section, for the purpose of computing the costs of the court of probate under section 45a-107, the testator shall be deemed to have been domiciled in this state, unless the court of probate determines that the proceedings in this state are ancillary to proceedings in the state of the testator's domicile.

Sec. 17. Subsection (a) of section 45a-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) When any person domiciled in this state dies intestate, the

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court of probate in the district in which the deceased was domiciled at his death shall have jurisdiction to grant letters of administration.

(2) When any person not domiciled in this state dies intestate, administration may be granted by the Court of Probate determined under the jurisdictional prerequisites provided in subsection (a) of section 45a-287, as amended by this act, for nondomiciliary testators, and the provisions of subsection [(d)] (e) of section 45a-287, as amended by this act, regarding Probate Court costs applicable to testate estates shall apply also to intestate estates granted administration under this section.

Sec. 18. Section 45a-316 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Whenever, upon the application of a creditor or other person interested in the estate of a deceased person, it is found by the court of probate having jurisdiction of the estate that the granting of administration on the estate or the probating of the will of the deceased will be delayed, or that it is necessary for the protection of the estate of the deceased, the court may, with or without notice, appoint a temporary administrator to hold and preserve the estate until the appointment of an administrator or the probating of the will. The court shall require from such administrator a probate bond. If the court deems it more expedient, it may order any state marshal or constable to take possession of the estate until the appointment of an administrator or executor.

(b) Any person interested in the estate of a deceased person and having a need to obtain financial or medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for benefits under a workers' compensation act, an insurance policy or

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other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the court of probate having jurisdiction of the estate of the deceased person for the appointment of a temporary administrator. The court of probate may grant the application and appoint a temporary administrator for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints a temporary administrator under this subsection, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the temporary administrator to disclose the information obtained by the temporary administrator, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing a temporary administrator under this subsection, and any certificate of the appointment of a fiduciary issued by the clerk of the court, shall indicate (1) the duration of the temporary administrator's appointment, and (2) that such temporary administrator has no authority over the assets of the deceased person.

Sec. 19. Subsection (a) of section 45a-317 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The temporary administrator or officer appointed pursuant to the provisions of subsection (a) of section 45a-316, as amended by this act, shall take immediate possession of all the real and personal property of the deceased, collect the rents, debts and income thereof and do any additional acts necessary for the preservation of the estate that the court authorizes.

Approved July 8, 2011