



General Assembly

January Session, 2011

Raised Bill No. 6435

LCO No. 3695

03695_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT REQUIRING NOTICE OF THE RIGHT TO APPEAL A WRITTEN ORDER, DENIAL OR DECREE OF A COURT OF PROBATE.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (1) Unless otherwise
2 provided by law, upon issuing any written order, denial or decree in
3 any matter that may be subject to an appeal, a court of probate shall
4 include in the order, denial or decree a statement in boldface type of a
5 minimum size of twelve points in substantially the following form:

6 "If you disagree with this decision, you may have the right to appeal
7 this decision to the Superior Court in accordance with section ... of the
8 Connecticut General Statutes."

9 (2) The court of probate shall indicate in such statement the sections
10 of the general statutes that may form the basis for an appeal.

11 Sec. 2. Subsection (a) of section 45a-186 of the general statutes is
12 repealed and the following is substituted in lieu thereof (*Effective*
13 *October 1, 2011*):

14 (a) Any person aggrieved by any order, denial or decree of a court

15 of probate in any matter, unless otherwise [specially] provided by law,
16 may, not later than forty-five days after the mailing of an order, denial
17 or decree for a matter heard under any provision of section 45a-593,
18 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, or
19 sections 45a-690 to 45a-705, inclusive, and not later than thirty days
20 after mailing of an order, denial or decree for any other matter in a
21 court of probate, appeal therefrom to the Superior Court. Such an
22 appeal shall be commenced by filing a complaint in the superior court
23 in the judicial district in which such court of probate is located, or, if
24 the court of probate is located in a probate district that is in more than
25 one judicial district, by filing a complaint in a superior court that is
26 located in a judicial district in which any portion of the probate district
27 is located, except that (1) an appeal under subsection (b) of section 12-
28 359, subsection (b) of section 12-367 or subsection (b) of section 12-395
29 shall be filed in the judicial district of Hartford, and (2) an appeal in a
30 matter concerning removal of a parent as guardian, termination of
31 parental rights or adoption shall be filed in any superior court for
32 juvenile matters having jurisdiction over matters arising in any town
33 within such probate district. The complaint shall state the reasons for
34 the appeal. A copy of the order, denial or decree appealed from shall
35 be attached to the complaint. Appeals from any decision rendered in
36 any case after a recording is made of the proceedings under section
37 17a-498, 17a-685, 45a-650, 51-72 or 51-73 shall be on the record and
38 shall not be a trial de novo.

39 Sec. 3. Subsection (g) of section 45a-186 of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2011*):

42 (g) Nothing in this section shall prevent any person aggrieved by
43 any order, denial or decree of a court of probate in any matter, unless
44 otherwise [specially] provided by law, from filing a petition for a writ
45 of habeas corpus, a petition for termination of involuntary
46 representation or a petition for any other available remedy.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	45a-186(a)
Sec. 3	<i>October 1, 2011</i>	45a-186(g)

Statement of Purpose:

To inform parties in a probate matter of their right to appeal a written order, denial or decree of a court of probate, and make a conforming technical change.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]