



General Assembly

January Session, 2011

Amendment

LCO No. 7599

HB0643807599HDO

Offered by:

REP. OLSON, 46th Dist.

SEN. DOYLE, 9th Dist.

To: Subst. House Bill No. 6438

File No. 616

Cal. No. 362

"AN ACT CONCERNING PROBATE COURT OPERATIONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 45a-316 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

16 administrator or executor.

17 (b) Any person interested in the estate of a deceased person and
18 having a need to obtain financial or medical information concerning
19 the deceased person for the limited purpose of investigating a
20 potential cause of action of the estate, surviving spouse, children, heirs
21 or other dependents of the deceased person, or a potential claim for
22 benefits under a workers' compensation act, an insurance policy or
23 other benefits in favor of the estate, surviving spouse, children, heirs or
24 other dependents of the deceased person, may apply to the court of
25 probate having jurisdiction of the estate of the deceased person for the
26 appointment of a temporary administrator. The court of probate may
27 grant the application and appoint a temporary administrator for such
28 limited purpose if the court finds that such appointment would be in
29 the interests of the estate or in the interests of the surviving spouse,
30 children, heirs or other dependents of the deceased person. If the court
31 appoints a temporary administrator under this subsection, the court
32 may require a probate bond or may waive such bond requirement. The
33 court shall limit the authority of the temporary administrator to
34 disclose the information obtained by the temporary administrator, as
35 appropriate, and may issue an appropriate order for the disclosure of
36 such information. Any order appointing a temporary administrator
37 under this subsection, and any certificate of the appointment of a
38 fiduciary issued by the clerk of the court, shall indicate (1) the duration
39 of the temporary administrator's appointment, and (2) that such
40 temporary administrator has no authority over the assets of the
41 deceased person.

42 Sec. 502. Subsection (a) of section 45a-317 of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective*
44 *October 1, 2011*):

45 (a) The temporary administrator or officer appointed pursuant to
46 the provisions of subsection (a) of section 45a-316, as amended by this
47 act, shall take immediate possession of all the real and personal
48 property of the deceased, collect the rents, debts and income thereof

49 and do any additional acts necessary for the preservation of the estate
50 that the court authorizes."