
OLR Bill Analysis

sHB 6440

AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITY AND STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITY.

SUMMARY:

This bill makes technical changes by substituting the term “intellectual disability” for “mental retardation” in numerous sections of the general statutes, except for references to intermediate care facilities. This reflects changes in federal law and within the developmental disabilities community.

The bill specifies that for purposes of the general statutes, “intellectual disability” and “mental retardation” have the same meaning: a significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. Current law already applies this definition of mental retardation to many sections of the law. The bill also specifies that to the extent required by federal law, “intellectual disability” has the same meaning as “mental retardation.”

The bill makes other changes to the Department of Developmental Services (DDS) statutes, including:

1. specifying that the right to request a hearing for a final determination by DDS denying someone eligibility for department programs and services only extends to people with intellectual disabilities (rather than anyone denied eligibility) or their parents, guardians, conservators, or other legal representatives (§ 7);
2. specifying that for purposes of the department’s community residential facility revolving loan program, such facilities are open to people with “autism spectrum disorder” instead of just

“autism,” to encompass all autism diagnoses on the autism spectrum (§ 13); and

3. replacing references to “community training homes” with “community companion homes and community living arrangements” to reflect updated terminology.

The bill also makes a change regarding applications for guardianship. It allows a minor’s parent or guardian who anticipates that the minor will need a guardian after turning 18 to file an application for guardianship up to 180 days before the minor’s eighteenth birthday. Under the bill, a probate court may grant such an application according to existing law for guardianship applications, provided that the order takes effect no earlier than the minor’s eighteenth birthday (§ 1).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2011

SUBSTITUTION OF “INTELLECTUAL DISABILITY” FOR “MENTAL RETARDATION”

The bill specifies that the substitution of the term “intellectual disability” for “mental retardation,” as well as the substitution of related phrases, applies to specified sections of the general statutes as well as to public acts passed in the 2011 session.

The bill requires the Legislative Commissioners’ Office to make technical, grammatical, and punctuation changes needed to carry out these purposes when codifying the bill.

BACKGROUND

Updated Terminology

A recently enacted federal law, known as “Rosa’s Law” (P. L. 111-256), changes references in federal law from “mental retardation” to “intellectual disability” and from a “mentally retarded individual” to an “individual with an intellectual disability.”

The new edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) by the American Psychiatric Association, scheduled to take effect in May 2013, will change the term “mental retardation” to “intellectual disability” and the term “autistic disorder” to “autism spectrum disorder.”

Related Bills

HB 6278 (File 93), reported favorably by the Public Health Committee, substitutes the term “intellectual disability” for “mental retardation” and “autism spectrum disorder” for “autism” in the DDS statutes pertaining to its provision of autism services.

sHB 6279 (File 466), reported favorably by the Public Health Committee, updates terminology used by DDS and the Office of Protection and Advocacy for Persons With Disabilities in their provision of services. It substitutes the term “intellectual disability” for “mental retardation.” It also uses the term “autism spectrum disorder” instead of just “autism” to encompass all autism diagnoses on the autism spectrum.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/12/2011)