

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-129—sHB 6440

Judiciary Committee

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

SUMMARY: This act substitutes the term “intellectual disability” for “mental retardation,” and makes similar related substitutions, in numerous sections of the General Statutes. The act also specifies that for purposes of numerous sections of the statutes, “intellectual disability” and “mental retardation” mean a significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. This definition is already used for mental retardation in many sections of the law.

The act 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 age 18 to file an application for guardianship up to 180 days before the minor’s 18th birthday. Under the act, a probate court may grant such an application according to existing law for guardianship applications, but the probate court’s order can take effect no earlier than the minor’s 18th birthday (§ 1).

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

EFFECTIVE DATE: October 1, 2011

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 Acts

PA 11-4 substitutes the term “intellectual disability” for “mental retardation” in the Department of Developmental Services (DDS) statutes pertaining to its provision of autism services.

PA 11-16 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.”

OLR PUBLIC ACT SUMMARY

OLR Tracking: JO:SP:PF:ts