



Substitute Senate Bill No. 984

Public Act No. 13-81

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 45a-78 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The Probate Court Administrator shall, from time to time, recommend to the judges of the Supreme Court, for adoption and promulgation pursuant to the provisions of section 51-14, uniform rules [for practice and] of procedure in the [courts of probate] Probate Courts. Any rules [for practice and] of procedure so adopted and promulgated shall be mandatory upon all [courts of probate] Probate Courts. To assist [him] the Probate Court Administrator in formulating such recommendations, the Probate Court Administrator shall meet with the Probate Assembly at least annually, and may meet with members of the bar of this state and with the general public.

(b) The Probate Court Administrator shall, from time to time, [compile into a probate practice book all rules regarding practice and procedure in the courts of probate and all forms prescribed for use in probate courts] publish the rules of procedure for the Probate Courts. The Probate Court Administrator [shall cause the probate practice book to be published, shall pay for the probate practice book] may pay

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the expenses of publication from the fund established under section 45a-82 and shall sell the [probate practice] book of Probate Court rules of procedure, at a price determined by the Probate Court Administrator. The proceeds from the sales shall be added to and shall become a part of said fund.

Sec. 2. Section 45a-176 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

[Except when any beneficiary is a trustee of a testamentary or inter vivos trust, if any fiduciary of a decedent's estate is one of the beneficiaries of the residue of the estate, and if all dispositions, if any, to other beneficiaries are bequests of specific personal property or of an amount certain or devises of specific real property, any fiduciary may, in lieu of any other accounting required under this chapter, file with the court of probate having jurisdiction of the estate a statement under the penalties of false statement that all debts, funeral expenses, taxes and expenses of administration have been paid, and all bequests and devises have been or will be distributed. The statement shall include the total of any amount reported on the return of claims filed under section 45a-397, an itemized list of all funeral expenses, taxes and expenses of administration, and a representation that all distributees have received a copy of the statement. Any distributee or other interested party not satisfied with the adequacy or content of the statement may request the filing of an account under section 45a-175 or object to the statement by petitioning the court for a hearing at any time prior to the court's approval of the statement. The court may, for cause shown, refuse to accept the statement and require an accounting from the fiduciary. The court of probate] If a fiduciary is permitted to submit a financial report in lieu of an account pursuant to rules of procedure adopted under section 45a-78, as amended by this act, and the Probate Court approves the financial report, the Probate Court may enter a decree releasing [and discharging] the fiduciary and the

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sureties on [his] the fiduciary's bond, if any, from any further liability with respect to all items shown on the financial report.

Sec. 3. Section 17a-525 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Any person aggrieved by an order, denial or decree of [the Court of Probate] a Probate Court under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, including any relative or friend, on behalf of any person found to have psychiatric disabilities, shall have the right of appeal [as in other cases] in accordance with sections 45a-186 to 45a-193, inclusive, as amended by this act. [The Court of Probate, on an appeal, shall make all necessary orders of notice to the parties to the proceedings and to such other persons as it deems advisable and may require the appellant to give bond, with sufficient surety, to the state to prosecute such appeal to effect and to pay all the legal costs and expenses thereof if unsuccessful, and may refuse to allow such appeal unless such bond is given or, at its discretion, allow such appeal without such bond.] On the trial of an appeal, the Superior Court may require the state's attorney or, in [his] the state's attorney's absence, some other practicing attorney of the court to be present for the protection of the interests of the state and of the public.

Sec. 4. Section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Except as provided in sections 45a-187 and 45a-188, any person aggrieved by any order, denial or decree of a [court of probate] Probate Court 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, sections 45a-644 to 45a-677, inclusive, or

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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] Probate Court, 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] Probate Court is located, or, if the [court of probate] Probate Court 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-543, 17a-543a or 17a-685, [45a-650,] sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73 shall be on the record and shall not be a trial de novo.

(b) Each person who files an appeal pursuant to this section shall [mail a copy of the complaint to the court of probate that rendered the order, denial or decree appealed from, and] serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy at the place of residence of the interested party being served or at the address for the interested party on file with [said court of probate] the Probate

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Court, except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent person.

(c) In addition to the notice given under subsection (b) of this section, each person who files an appeal pursuant to this section shall mail a copy of the complaint to the Probate Court that rendered the order, denial or decree appealed from. The Probate Court and the judge of probate that rendered the order, denial or decree appealed from shall not be made parties to the appeal and shall not be named in the complaint as parties.

[(c)] (d) Not later than fifteen days after a person files an appeal under this section, the person who filed the appeal shall file or cause to be filed with the clerk of the Superior Court a document containing (1) the name, address and signature of the person making service, and (2) a statement of the date and manner in which a copy of the complaint was served on [the court of probate and] each interested party and mailed to the Probate Court that rendered the order, denial or decree appealed from.

[(d)] (e) If service has not been made on an interested party, the Superior Court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify any necessary party not yet served.

[(e)] (f) A hearing in an appeal from probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699, 45a-703 or 45a-717 shall commence, unless a stay has been issued pursuant to subsection [(f)] (g) of this section, not later than ninety days after the appeal has been filed.

[(f)] (g) The filing of an appeal under this section shall not, of itself,

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stay enforcement of the order, denial or decree from which the appeal is taken. A motion for a stay may be made to the [Court of] Probate Court or the Superior Court. The filing of a motion with the [Court of] Probate Court shall not preclude action by the Superior Court.

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

[(h)] (i) (1) Except for matters described in subdivision (3) of this subsection, in any appeal filed under this section, the appeal may be referred by the Superior Court to a special assignment probate judge appointed in accordance with section 45a-79b, who is assigned by the Probate Court Administrator for the purposes of such appeal, except that such appeal shall be heard by the Superior Court if any party files a demand for such hearing in writing with the Superior Court not later than twenty days after service of the appeal.

(2) An appeal referred to a special assignment probate judge pursuant to this subsection shall proceed in accordance with the rules for references set forth in the rules of the judges of the Superior Court.

(3) The following matters shall not be referred to a special assignment probate judge pursuant to this subsection: Appeals under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, children's matters as defined in subsection (a) of section 45a-8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive, and 45a-690 to 45a-700, inclusive, and any matter in a [court of probate] Probate Court heard on the record in accordance with sections 51-72 and 51-73.

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Sec. 5. Section 45a-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) When it appears to any [court of probate] Probate Court, pending proceedings before it for the settlement of the estate of a deceased person as a testate estate, that the will under which such proceedings were commenced and have been continued had been revoked in accordance with the provisions of subsection (b) of section 45a-257 of the general statutes, revision of 1958, revised to January 1, 1995, with respect to any will executed on or after October 1, 1967, and prior to January 1, 1997, or in accordance with the provisions of section 45a-257 with respect to any will executed on or after January 1, 1997, the court shall have power to revoke, annul and set aside any order or decree proving or approving the will so revoked and any other order or decree made and passed by such court in the settlement of the estate under such will.

(b) The court may thereafter proceed with the settlement of the estate under a subsequent will if there is one or, if there is no subsequent will, may grant administration on the estate of such deceased person and proceed with the settlement of the estate as an intestate estate upon such notice to all parties in interest as the court orders.

Sec. 6. Section 45a-436 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) On the death of a spouse, the surviving spouse may elect, as provided in subsection (c) of this section, to take a statutory share of the real and personal property passing under the will of the deceased spouse. The "statutory share" means a life estate of one-third in value of all the property passing under the will, real and personal, legally or equitably owned by the deceased spouse at the time of his or her death, after the payment of all debts and charges against the estate.

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The right to such third shall not be defeated by any disposition of the property by will to other parties.

(b) If the deceased spouse has by will devised or bequeathed a portion of his or her property to his or her surviving spouse, such provision shall be taken to be in lieu of the statutory share unless the contrary is expressly stated in the will or clearly appears therein; but, in any such case, the surviving spouse may elect to take the statutory share in lieu of the provision of the will.

(c) The surviving spouse, or the conservator or guardian of the estate of the surviving spouse, with the approval, after notice and hearing, of the [court of probate] Probate Court by which such conservator or guardian was appointed, shall, not later than one hundred fifty days [from the date of the appointment of the first fiduciary, as defined in section 45a-353] after the mailing of the decree admitting the will to probate, file a notice, in writing, of his or her intention to take the statutory share with the [court of probate] Probate Court before which the estate is in settlement, and if such notice is not so filed, the surviving spouse shall be barred of such statutory share.

(d) If the [court of probate] Probate Court has allowed a support allowance under section 45a-320 from the deceased spouse's estate for support of the surviving spouse and for the support of his or her family, the surviving spouse shall not take his or her statutory share until the expiration of the time for which the support allowance is made.

(e) The statutory share shall be set out by the fiduciary charged with the administration of the estate or, in the discretion of the [probate court] Probate Court on its own motion or on application by any interested person, by distributors appointed by the [court of probate] Probate Court. The statutory share may consist of personal property or real property, or both, according to the judgment of the fiduciary or

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distributors.

(f) The provisions of this section with regard to the statutory share of the surviving spouse in the property of the deceased spouse shall not apply to any case in which, by written contract made before or after marriage, either party has received from the other what was intended as a provision in lieu of the statutory share.

(g) A surviving [husband or wife] spouse shall not be entitled to a statutory share, as provided in subsection (a) of this section, or an intestate share, as provided in section 45a-437, in the property of the other if such surviving spouse, without sufficient cause, abandoned the other and continued such abandonment to the time of the other's death.

(h) The provisions of this section shall apply to estates of all persons dying on or after July 1, 1985.

Sec. 7. Section 45a-484 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Except as otherwise provided by the trust or section 45a-520 with respect to charitable trusts, a [probate court] Probate Court having jurisdiction under this section may terminate a trust, in whole or in part, on application therefor by the trustee, by any beneficiary entitled to income from the trust, or by such beneficiary's legal representative, after reasonable notice to all beneficiaries who are known and in being and who have vested or contingent interests in the trust, and after holding a hearing, if the court determines that all of the following apply: (1) The continuation of the trust is (A) uneconomic when the costs of operating the trust, probable income and other relevant factors are considered, or (B) not in the best interest of the beneficiaries; (2) the termination of the trust is equitable and practical; and (3) the current market value of the trust does not exceed the sum of one hundred fifty

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thousand dollars.

(b) If the [probate court] Probate Court orders termination of the trust, in whole or in part, it shall direct that the principal and undistributed income be distributed to the beneficiaries in such manner as the [probate court] Probate Court determines is equitable. The [probate court] Probate Court may also make such other order as it deems necessary or appropriate to protect the interests of the beneficiaries.

(c) No trust may be terminated over the objection of its settlor or where the interest of the beneficiaries cannot be ascertained. The provisions of this section shall not apply to spendthrift trusts.

(d) A [probate court] Probate Court may terminate a testamentary trust pursuant to this section if the [probate court] Probate Court has jurisdiction over the accounts of the testamentary trustee. A [probate court] Probate Court may terminate an inter vivos trust pursuant to this section if the trustee or settlor has his or its principal place of business in, or resides in, that probate district.

Sec. 8. Section 45a-648 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) An application for involuntary representation may be filed by any person alleging that a respondent is incapable of managing his or her affairs or incapable of caring for himself or herself and stating the reasons for the alleged incapability. The application shall be filed in the [court of probate] Probate Court in the district in which the respondent resides, is domiciled or is located at the time of the filing of the application.

(b) An application for involuntary representation for a nondomiciliary of the state shall be made pursuant to the provisions of sections 45a-667g to 45a-667o, inclusive.

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(c) An application for involuntary representation may be filed by the parent or guardian of a minor child up to one hundred eighty days prior to the date such child attains eighteen years of age if the parent or guardian anticipates that such minor child will require a conservator upon attaining eighteen years of age. The hearing on such application shall be held not more than thirty days prior to the date such child attains eighteen years of age. The court may grant such application, provided such order shall take effect no earlier than the date the child attains eighteen years of age.

[[c)] (d) A person is guilty of fraudulent or malicious application or false testimony when such person (1) wilfully files a fraudulent or malicious application for involuntary representation or appointment of a temporary conservator, (2) conspires with another person to file or cause to be filed such an application, or (3) wilfully testifies either in court or by report to the court falsely to the incapacity of any person in any proceeding provided for in sections 45a-644 to 45a-663, inclusive. Fraudulent or malicious application or false testimony is a class D felony.

Sec. 9. Subdivision (1) of subsection (a) of section 45a-649 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) Upon an application for involuntary representation, the court shall issue a citation to the following enumerated parties to appear before it at a time and place named in the citation, which shall be served on the parties at least ten days before the hearing date, or in the case of an application made pursuant to section 17a-543 or 17a-543a, at least seven days before the hearing date, [, which date in any event] Except as provided in subsection (c) of section 45a-648, as amended by this act, or unless continued by the court for cause shown, the hearing on an application under this section shall be held not [be] more than thirty days after the receipt of the application by the [Court of] Probate

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[unless continued for cause shown] Court. Notice of the hearing shall be sent [within] not more than thirty days after receipt of the application. In addition to such notice, (A) notice for a matter brought under sections 45a-667g to 45a-667o, inclusive, shall be given in the manner provided in section 45a-667n, and (B) notice for a matter brought under section 45a-667p, as amended by this act, shall be given in the manner provided in section 45a-667q.

Sec. 10. (NEW) (*Effective October 1, 2013*) The rules of evidence in civil actions adopted by the judges of the Superior Court shall apply to all hearings held pursuant to sections 45a-644 to 45a-667v, inclusive, of the general statutes. All testimony at a hearing held pursuant to sections 45a-644 to 45a-667v, inclusive, of the general statutes shall be given under oath or affirmation.

Sec. 11. (NEW) (*Effective October 1, 2013*) If a conserved person, as defined in section 45a-644 of the general statutes, notifies the Probate Court in any manner that the conserved person wants to attend a hearing pursuant to sections 45a-644 to 45a-663, inclusive, of the general statutes, but is unable to do so, the Probate Court shall schedule the hearing at a place that would facilitate attendance by the conserved person.

Sec. 12. Section 45a-656b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) For the purposes of this section: (A) "Institution for long-term care" means a facility that has been federally certified as a skilled nursing facility, an intermediate care facility, a residential care home, an extended care facility, a nursing home, a rest home or a rehabilitation hospital or facility; and (B) "person under conservatorship" means a conserved person or a person under voluntary representation pursuant to section 45a-646.

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[(a)] (2) Except as provided in subsections (b), (c), (d), (e) and (f) of this section, a conservator may not terminate a tenancy or lease of a [conserved] person [, as defined in section 45a-644] under conservatorship, sell or dispose of any real property or household furnishings of the [conserved] person under conservatorship, or change the [conserved person's] residence of the person under conservatorship unless a [court of probate] Probate Court finds, after a hearing, that such termination, sale, disposal or change is necessary or that the [conserved] person under conservatorship agrees to such termination, sale, disposal or change.

(b) If the conservator determines it is necessary to cause the [conserved] person under conservatorship to be placed in an institution for long-term care or to change the [conserved person's] residence of the person under conservatorship, the conservator shall file a report of the intended placement in an institution for long-term care or change of residence with the [court of probate] Probate Court that appointed the conservator. The court shall hold a hearing to consider the report. If, after the hearing, the conservator obtains permission of the court for the intended placement or change of residence, the conservator may make such a placement or implement such a change of residence. The hearing shall be held not less than five days after the filing of the report, excluding Saturdays, Sundays and holidays, and not less than seventy-two hours before the placement in the institution for long-term care or the change of residence, except that if the placement in an institution for long-term care results from the [conserved person's] discharge from a hospital of a person under conservatorship, the conservator may make the placement before filing the report, provided the conservator (1) files the report not later than five days after making such placement, and (2) includes in the report a statement as to the hospital discharge and related circumstances requiring the placement of the [conserved] person under conservatorship in the institution for long-term care. No such

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placement made before the filing of the report of the conservator shall continue unless ordered by the [Court of] Probate Court after a hearing held pursuant to this section.

(c) A report filed under subsection (b) of this section with respect to placement in an institution for long-term care shall set forth the basis for the conservator's determination, what community resources are available and have been considered to avoid the placement, and the reasons why the [conserved person's] physical, mental and psychosocial needs of the person under conservatorship cannot be met in a less restrictive and more integrated setting. Such community resources include, but are not limited to, resources provided by the area agencies on aging, the Department of Social Services, the Office of Protection and Advocacy for Persons with Disabilities, the Department of Mental Health and Addiction Services, the Department of Developmental Services, any center for independent living, as defined in section 17b-613, any residential care home or any congregate or subsidized housing. The conservator shall give notice of the placement of the [conserved] person under conservatorship in an institution for long-term care and a copy of such report to the [conserved] person under conservatorship, the [conserved person's] attorney for the person under conservatorship and any interested parties as determined by the court. Service shall be by first-class mail. The conservator shall provide a certification to the court that service was made in the manner prescribed by this subsection.

(d) The [conserved] person under conservatorship may, at any time, request a hearing by the court on the person's placement in an institution for long-term care which hearing may determine the availability of a less restrictive alternative for the person's placement. On request of the [conserved] person under conservatorship made after the initial hearing held under subsection (b) of this section, the court shall hold a hearing on the placement not later than ten days,

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excluding Saturdays, Sundays and holidays, after receipt by the court of such request. The court shall not be required to conduct a hearing under this subsection more than three times in any twelve-month period following the hearing held under subsection (b) of this section authorizing the initial placement, except that the court shall conduct a hearing whenever information not previously available to the court is submitted with a request for a hearing.

(e) After the initial hearing held under subsection (b) of this section, the court may hold a hearing on a conservator's report and the placement of the [conserved] person under conservatorship in an institution for long-term care in any case even if no request for a hearing is made.

(f) If the court, after a hearing on the placement of the [conserved] person under conservatorship in an institution for long-term care, determines that the [conserved person's] physical, mental and psychosocial needs of the person under conservatorship can be met in a less restrictive and more integrated setting within the resources available to the [conserved] person under conservatorship, either through the [conserved person's own] estate of the person under conservatorship or through private or public assistance, the court shall order that the [conserved] person under conservatorship be placed and maintained in a less restrictive and more integrated setting.

(g) A [conserved] person under conservatorship may waive the right to a hearing required under this section if the [conserved person's] attorney for the person under conservatorship has consulted with the [conserved] person under conservatorship and the attorney has filed with the court a record of the waiver. Such a waiver shall be invalid if the waiver does not represent the [conserved person's own] wishes of the person under conservatorship.

[(h) For purposes of this section, an "institution for long-term care"

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means a facility that has been federally certified as a skilled nursing facility, an intermediate care facility, a residential care home, an extended care facility, a nursing home, a rest home or a rehabilitation hospital or facility.]

Sec. 13. Section 45a-317a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Any person interested in the estate of a deceased person and having a need to obtain financial information concerning the deceased person for the limited purpose of determining whether the estate may be settled as a small estate under section 45a-273, or 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 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] Probate Court having jurisdiction of the estate of the deceased person for the appointment of an estate examiner. The [court of probate] Probate Court may grant the application and appoint an estate examiner 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 an estate examiner under this section, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the estate examiner to disclose the information obtained by the estate examiner, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing an estate examiner under this section, and any certificate of the appointment of a fiduciary issued by the clerk of the court, shall indicate (1) the duration of the estate

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examiner's appointment, and (2) that such estate examiner has no authority over the assets of the deceased person.

Sec. 14. Section 45a-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Whenever a claim has been rejected, in whole or in part, as provided in section 45a-360, the person whose claim has been rejected may, within thirty days from and including the date of such rejection, make application to the [Court of] Probate Court to hear and decide such claim or, in the alternative, may apply to said court [for the appointment of one or more disinterested persons, at least one of whom shall be an attorney-at-law, admitted to practice in this state, to be a commissioner or commissioners to hear and decide] to refer the claim to a probate magistrate or attorney probate referee to hear such claim. [The Court of Probate shall not appoint as a commissioner any officer or employee of the Court of Probate or any person employed by or associated in the practice of law with the judge of said court.] The court may, in its discretion, grant the application, hear and decide such claim if the application so requests or [appoint such commissioner or commissioners to hear and decide] refer such claim to a probate magistrate or attorney probate referee if the application so requests. The court shall notify the applicant and the fiduciary of its action granting or denying the application within fifteen days after receipt of the application.

[(b) Upon application of such commissioner or commissioners or upon its own motion, the Court of Probate shall give notice of the time and place set forth for the hearing to decide such claim to such persons as the court may direct at least ten days before the hearing date.]

[(c)] (b) If the application to receive and decide such claim by the court or for the [appointment of a commissioner or commissioners] referral of such claim to a probate magistrate or attorney probate

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referee is denied, the claimant shall commence suit within one hundred twenty days from and including the date of the denial of [his] the claimant's application or be barred from asserting or recovering on such claim from the fiduciary, the estate of the decedent or any creditor or beneficiary of the estate.

[(d) (1) If the Court of Probate appoints more than one commissioner, it shall appoint an odd number of commissioners and a determination by a majority of such commissioners shall constitute the decision of the commissioners. (2) When any commissioner is unable to complete his duties, the Court of Probate may appoint a successor commissioner or allow the remaining commissioners to complete the duties of the commissioners. (3) The Court of Probate may remove any commissioner for cause and appoint another in his place.

(e) The determination of such commissioner or commissioners shall be final on the date the report of such commissioner or commissioners is filed in the Court of Probate, and the court shall thereupon enter an order approving the report unless the court finds that the commissioner or commissioners were guilty of misconduct substantially affecting the validity of the report or that the report is clearly erroneous. Upon rejection of the report, the Court of Probate may hear and determine such claim or appoint a different commissioner or commissioners to hear and determine such claim as otherwise provided in this section.

(f) Such commissioner or commissioners may be allowed such reasonable compensation and expenses as the Court of Probate shall determine, the cost of which may be apportioned between the creditor and the estate as the court shall direct. In the event that the Court of Probate shall receive and decide a claim, costs shall not be assessed other than those permitted by sections 45a-105 and 45a-107.]

(c) If the Probate Court refers the claim to a probate magistrate or

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attorney probate referee, the provisions of section 45a-123 shall govern the proceedings.

Sec. 15. Subsection (a) of section 45a-667p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except for an individual under voluntary representation as provided in section [45a-647] 45a-646, a conserved person, a conserved person's attorney, a conservator of the person or a conservator of the estate appointed in this state or any person who has received notice pursuant to subdivision (2) of subsection (a) of section 45a-649 may petition a [court of probate] Probate Court to transfer the conservatorship of the person or the conservatorship of the estate, or both, to another state.

Sec. 16. Section 46a-81a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

For the purposes of sections 4a-60a [, 45a-726a] and 46a-81b to 46a-81q, inclusive, "sexual orientation" means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference, but excludes any behavior which constitutes a violation of part VI of chapter 952.

Sec. 17. Section 45a-353 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

For the purposes of sections 45a-266, 45a-353 to 45a-384, inclusive, [45a-390] and 45a-436, as amended by this act, the following terms shall have the following meanings, unless otherwise specifically provided:

(a) "Fiduciary" means an ancillary or domiciliary executor, administrator, administrator c.t.a., administrator d.b.n., administrator

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c.t.a.d.b.n. and temporary administrator of the estate of a decedent;

(b) "Assets" means all property and property interests, whether real or personal, tangible or intangible, corporeal or incorporeal, and choate or inchoate, of a decedent at the time of his death or of the estate of a decedent;

(c) "Beneficiary" means any person entitled to legal title to any assets (1) under the statutes governing descent and distribution, (2) under the provisions of a will or codicil, (3) by virtue of a right of election, (4) in settlement of a will contest, or (5) by mutual distribution; but shall not include the recipient of assets pursuant to a widow's allowance or family allowance paid by order of the [Court of] Probate Court;

(d) "Claim" means all claims against a decedent (1) existing at the time of the decedent's death or (2) arising after the decedent's death, including, but not limited to, claims which are mature, unmatured, liquidated, unliquidated, contingent, founded in tort, or in the nature of exoneration, specific performance or replevin;

(e) "Creditor" means any person having a claim;

(f) "Demonstrative disposition" means a testamentary disposition to be taken out of specified or identified property;

(g) "Distributee" means a person who receives assets under the statutes governing descent and distribution;

(h) "First fiduciary" means the fiduciary first appointed by the [court of probate] Probate Court to administer the estate of a decedent;

(i) "General disposition" means a testamentary disposition not amounting to a demonstrative, residuary or specific disposition;

(j) "Newspaper notice" means notice published in a newspaper having a substantial general circulation in the probate district in which

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an estate is in settlement;

(k) "Notice" means a written instrument containing the required information sent to the person to whom the notice is to be given by certified mail or registered mail and the date on which such notice shall be deemed given shall be the date of mailing; provided in the case of notice required to be given by a [court of probate] Probate Court, the term "notice" shall include such forms of notification in addition to certified or registered mail as the [Court of] Probate Court shall in its discretion direct;

(l) "Person" means a natural person, association, board, corporation, limited liability company, partnership or other firm or entity;

(m) "Specific disposition" means a testamentary disposition of a specified or identified item;

(n) "Testamentary disposition" means a disposition of assets by will.

Sec. 18. Subsection (g) of section 45a-369 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(g) (1) If at any time payment with respect to an obligation described in subsection (a) of section 45a-368, as amended by this act, is made by a beneficiary having a lower order of liability than another beneficiary or beneficiaries, or out of assets due such beneficiary having a lower order of liability, then the beneficiary having a lower order of liability shall be entitled to recover the amount so paid from any beneficiary prior in liability to him under subsection (a) of this section who remains liable under sections 45a-266, 45a-353 to 45a-384, inclusive, as amended by this act, [45a-390] and 45a-436, as amended by this act, without regard to the limitations of sections 45a-370 and 45a-373. (2) If by application of subdivision (1) of subsection (g) of this section any beneficiary has paid more than his ratable obligation, as

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defined in section 45a-370, such beneficiary shall be entitled to contribution from any beneficiary within the same order of liability without regard to the limitations of sections 45a-370 and 45a-373.

Sec. 19. Subsection (f) of section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(f) A fee of fifty dollars shall be payable to the court by any creditor applying to the [Court of] Probate Court pursuant to section 45a-364, as amended by this act, [or 45a-401] for consideration of a claim. If such claim is allowed by the court, the court may order the fiduciary to reimburse the amount of such fee from the estate.

Sec. 20. Subsection (a) of section 45a-368 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Subject to the provisions of sections 45a-369 to 45a-375, inclusive, as amended by this act, a beneficiary is liable, in an action or actions, to the extent of the fair market value on the date of distribution of any assets received by him as a beneficiary from the estate of a decedent, for the expenses of administering the estate, claims, funeral expenses of the decedent, and all taxes for which the estate is liable, which have not previously been recovered out of assets held by the fiduciary or from any other source described in subsection (b) of this section. [or in section 45a-409.] For purposes of this section, the date of distribution of real estate specifically devised and real estate passing under the laws of descent and distribution shall be the date of the decedent's death.

Sec. 21. Sections 45a-190, 45a-390 to 45a-419, inclusive, 45a-726a and 45a-727b of the general statutes are repealed. (*Effective July 1, 2013*)

Approved June 5, 2013