



Substitute Senate Bill No. 155

Public Act No. 14-104

AN ACT CONCERNING PROBATE COURTS.

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

Section 1. Section 45a-731 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

A final decree of adoption, whether issued by a court of this state or a court of any other jurisdiction, shall have the following effect in this state:

(1) All rights, duties and other legal consequences of the biological relation of a child and parent shall thereafter exist between the adopted person and the [adopting] adoptive parent and the relatives of such [adopting] adoptive parent. Such adopted person shall be treated as if such adopted person were the biological child of the [adopting] adoptive parent, for all purposes including the applicability of statutes which do not expressly exclude an adopted person in their operation or effect;

(2) The [adopting] adoptive parent and the adopted person shall have rights of inheritance from and through each other and the biological and adopted relatives of the [adopting] adoptive parent. The right of inheritance of an adopted person extends to the heirs of such

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adopted person, and such heirs shall be the same as if such adopted person were the biological child of the [adopting] adoptive parent;

(3) The adopted person and the biological children and other adopted children of the [adopting] adoptive parent shall be treated, unless otherwise provided by statute, as siblings, having rights of inheritance from and through each other. Such rights of inheritance extend to the heirs of such adopted person and of the biological children and other adopted children, and such heirs shall be the same as if each such adopted person were the biological child of the [adopting] adoptive parent;

(4) The adopted person shall, except as hereinafter provided, be treated as if such adopted person were the biological child of the [adopting] adoptive parent for purposes of the applicability of all documents and instruments, whether executed before or after the adoption decree is issued, which do not expressly exclude an adopted person in their operation or effect. The words "child", "children", "issue", "descendant", "descendants", "heir", "heirs", "lawful heirs", "grandchild" and "grandchildren", when used in any will or trust instrument shall include legally adopted persons unless such document clearly indicates a contrary intention. Nothing in this section shall be construed to alter or modify the provisions of section 45a-257 concerning revocation of a will or codicil when a child is born as the result of artificial insemination;

(5) Except in the case of an adoption as provided in subdivision (2) or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of section 45a-734, as amended by this act, the legal relationship between the adopted person and the adopted person's biological parent or parents and the relatives of such biological parent or parents is terminated for all purposes, including the applicability of statutes which do not expressly include such an adopted person in their operation and effect. The biological parent or parents of the adopted

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person are relieved of all parental rights and responsibilities;

(6) Except in the case of an adoption as provided in subdivision (2) or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of section 45a-734, as amended by this act, the biological parent or parents and their relatives shall have no rights of inheritance from or through the adopted person, nor shall the adopted person have any rights of inheritance from or through the biological parent or parents of the adopted person and the relatives of such biological parent or parents, except as provided in this section;

(7) Except in the case of an adoption as provided in subdivision (2) or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of section 45a-734, as amended by this act, the legal relationship between the adopted person and the adopted person's biological parent or parents and the relatives of such biological parent or parents is terminated for purposes of the construction of documents and instruments, whether executed before or after the adoption decree is issued, which do not expressly include the individual by name or by some designation not based on a parent and child or blood relationship, except as provided in this section;

(8) Notwithstanding the provisions of subdivisions (1) to (7), inclusive, of this section, when one of the biological parents of a minor child has died, [and the surviving parent has remarried subsequent to such parent's death,] adoption of such child [by the person with whom such remarriage is contracted] shall not affect the rights of such child to inherit from or through the deceased parent and the deceased parent's relatives;

(9) Nothing in this section shall deprive an adopted person who is the biological child of a veteran who served in time of war as defined in subsection (a) of section 27-103 of aid under the provisions of section 27-140 or deprive a child receiving benefits under the Social Security

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Act, 42 USC Sec. 301 et seq., as amended from time to time, from continued receipt of benefits authorized under said act;

(10) Except as provided in subdivision (11) of this section, the provisions of law in force prior to October 1, 1959, affected by the provisions of this section shall apply to the estates or wills of persons dying prior to said date and to inter vivos instruments executed prior to said date and which on said date were not subject to the grantor's power to revoke or amend;

(11) The provisions of subdivisions (1) to (9), inclusive, of this section shall apply to the estate or wills of persons dying prior to October 1, 1959, and to inter vivos instruments executed prior to said date and which on said date were not subject to the grantor's power to revoke or amend, unless (A) a contrary intention of the testator or grantor is demonstrated by clear and convincing evidence, or (B) distribution of the estate or under the will or under the inter vivos instrument has been or will be made pursuant to court order entered prior to October 1, 1991;

(12) No fiduciary, distributee of the estate or person to whom a legacy has been paid shall be liable to any other person for any action taken or benefit received prior to October 1, 1991, provided any such action was taken or benefit was received in good faith by such fiduciary, distributee or legatee with respect to the applicability of statutes concerning the rights of inheritance or rights to take of adopted persons under any instrument executed prior to October 1, 1959;

(13) No fiduciary shall have the obligation to determine the rights of inheritance or rights to take of an adopted person under an instrument executed prior to October 1, 1959, unless the fiduciary receives a written claim for benefits by or on behalf of such adopted person.

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Sec. 2. Section 45a-734 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person eighteen years of age or older may, by written agreement with another person at least eighteen years of age but younger than himself or herself, unless the other person is his or her [wife, husband] spouse, brother, sister, uncle or aunt of the whole or [half-blood] half blood, adopt the other person as his or her child, provided the written agreement shall be approved by the [court of probate] Probate Court for the district in which the [adopting] proposed adoptive parent resides or, if the [adopting parent is not an inhabitant of] proposed adoptive parent does not reside in this state, for the district in which the adopted person resides.

[(b) The Court of Probate may, upon presentation of the agreement of adoption for approval, cause public notice to be given of the time and place of hearing on the agreement. If at the hearing the court finds that it will be for the welfare of the adopted person and for the public interest that the agreement be approved, it may pass an order of approval of it and cause the agreement and the order to be recorded. Thereupon]

(b) The Probate Court shall cause notice of the time and place of hearing on the proposed adoption to be given to each party to the adoption agreement. If the spouse of the proposed adoptive parent is not a party to the adoption agreement, notice shall be given to the spouse. The court may give notice to other persons interested in the welfare of the proposed adoptive parent or adopted person. The court shall approve the adoption agreement if it finds that the proposed adoptive parent and adopted person share a relationship that is similar to that between a parent and an adult child and that the adoption is in the best interests of the proposed adoptive parent and adopted person. Upon the court's approval of the adoption agreement, the adopted person shall become the legal child of the [adopting person] adoptive

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parent, and the [adopting person] adoptive parent shall become the legal parent of the adopted person, and the provisions of section 45a-731, as amended by this act, shall apply.

(c) One parent of an adult child may join in an adoption agreement between the parent's spouse and the adult child. Upon the court's approval of the adoption agreement, the legal relationship between the adult child and the parent who did not join in the adoption agreement shall be terminated in accordance with subdivisions (5), (6) and (7) of section 45a-731, as amended by this act, and the adopted person shall be the child of the parent and spouse who joined in the adoption agreement, except that the adoption shall not affect the rights of the adopted person to inherit from or through a parent who died before the adoption occurred, as provided in subdivision (8) of section 45a-731, as amended by this act.

(d) One parent of an adult child may join in an adoption agreement between one other person and the adult child. Upon the court's approval of the adoption agreement, the legal relationship between the adult child and the parent who did not join the adoption agreement shall be terminated in accordance with subdivisions (5), (6) and (7) of section 45a-731, as amended by this act, and the adopted person shall be the child of the parent and other person who joined the adoption agreement, except that the adoption shall not affect the rights of the adopted person to inherit from or through a parent who died before the adoption occurred, as provided in subdivision (8) of section 45a-731, as amended by this act.

[(c)] (e) A married person shall not adopt a person under the provisions of this section unless both [husband and wife] the married person and the married person's spouse join in the adoption agreement, except that the [Court of] Probate Court may approve an adoption agreement by either of them upon finding that there is sufficient reason why the other should not join in the agreement.

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[(d) When one of the biological parents of an adult has died and the surviving parent remarries, the person with whom the remarriage is celebrated may become an adopting parent without the biological parent's joining in the adoption except to consent in writing. Upon the approval of the court, the adopted person shall be in law the child of both.]

Sec. 3. Section 45a-437 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) If there is no will, or if any part of the property, real or personal, legally or equitably owned by the decedent at the time of his or her death, is not effectively disposed of by the will or codicil of the decedent, the portion of the intestate estate of the decedent, determined after payment of any support allowance from principal pursuant to section 45a-320, which the surviving spouse shall take is:

(1) If there is no surviving issue or parent of the decedent, the entire intestate estate absolutely;

(2) If there is no surviving issue of the decedent but the decedent is survived by a parent or parents, the first one hundred thousand dollars plus three-quarters of the balance of the intestate estate absolutely;

(3) If there are surviving issue of the decedent all of whom are also issue of the surviving spouse, the first one hundred thousand dollars plus one-half of the balance of the intestate estate absolutely;

(4) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, one-half of the intestate estate absolutely.

(b) For the purposes of this section: [issue shall include]

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(1) Issue includes children born out of wedlock [and the issue of such children] who qualify for inheritance under the provisions of section 45a-438, as amended by this act, and the legal representatives of such children;

(2) A father of a child born out of wedlock shall be considered a parent if the father qualifies for inheritance from or through the child under the provisions of section 45a-438b, as amended by this act.

Sec. 4. Section 45a-438 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) After distribution has been made of the intestate estate to the surviving spouse in accordance with section 45a-437, as amended by this act, [all] the residue of the real and personal estate shall be distributed [in equal proportions] equally, according to its value at the time of distribution, among the children, including children born after the death of the decedent, as provided in subsection (a) of section 45a-785, and the legal representatives of any of them who may be dead, except that children or other descendants who receive estate by advancement of the intestate in the intestate's lifetime shall themselves or their representatives have only so much of the estate as will, together with such advancement, make their share equal to what they would have been entitled to receive had no such advancement been made.

(b) Except as provided in section 45a-731, as amended by this act, for the purposes of [intestate succession by, through or from a person, an individual is the child of his genetic parents, regardless of marital status of such parents. With respect to a child born out of wedlock, the father of a child born out of wedlock shall be considered a parent if (1) the father and mother have married after the child's birth, or (2) the father has been adjudicated the father of the child by a court of

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competent jurisdiction, or (3) the father has acknowledged under oath in writing that he is the father of the child, or (4) after the death of either the father or the child, paternity has been established by the Probate Court by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his] this chapter, a child born out of wedlock and the child's legal representatives shall qualify for inheritance from or through the father if (1) the father's paternity was established by a written acknowledgment of paternity under section 46b-172, or (2) the father's paternity has been adjudicated by a court of competent jurisdiction under chapter 815y.

[(c) For the purposes of this section legal representatives shall include legal representatives of children born out of wedlock, provided any such child qualifies for inheritance under subsection (b) of this section.]

Sec. 5. Section 45a-438b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

[For the purposes of this chapter, the father of a child born out of wedlock shall be considered a parent, provided paternity is established (1) prior to the death of such father by a court of competent jurisdiction or (2) after the death of such father by the Probate Court, provided paternity established after death is ineffective to qualify the father or his kindred to inherit from or through the child unless it is demonstrated by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his.]

Except as provided in section 45a-731, as amended by this act, for the purposes of this chapter, a father and his kindred shall qualify for inheritance from or through a child who was born out of wedlock if (1) the father's paternity was established by a written acknowledgment of

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paternity under section 46b-172, or (2) the father's paternity has been adjudicated by a court of competent jurisdiction under chapter 815y.

Sec. 6. Section 45a-439 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) (1) If there are no children or any legal representatives of them, then, after the portion of the husband or wife, if any, is distributed or set out, the residue of the estate shall be distributed equally to the parent or parents of the intestate, [provided] except that no parent who has abandoned a minor child and continued such abandonment until the time of death of such child [,] shall be entitled to share in the estate of such child or be deemed a parent for the purposes of subdivisions (2) to (4), inclusive, of this subsection. (2) If there is no parent, the residue of the estate shall be distributed equally to the brothers and sisters of the intestate and those who legally represent them. (3) If there is no parent or brothers and sisters or those who legally represent them, the residue of the estate shall be distributed equally to the next of kin in equal degree, [, No] and no representatives shall be admitted among collaterals after the representatives of brothers and sisters. (4) If there is no next of kin, [then] the residue of the estate shall be distributed equally to the stepchildren and those who legally represent them.

(b) When any will executed prior to January 1, 1902, fails for any reason to dispose of the whole or any part of the estate of the testator, and such estate becomes intestate, the [same] estate shall be distributed in accordance with the statutes of distribution in force at the time such will was executed.

(c) Real property subject to the life use of husband or wife, remaining undivided at the expiration of such life use, shall be distributed in the same manner by the same or other distributors, or the [same] real property may be distributed during the continuance of

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such life interest and subject thereto.

(d) In ascertaining the next of kin in all cases, the rule of the civil law shall be used.

(e) Relatives of the half blood shall take the same share under this section that they would take if they were of the whole blood.

(f) For the purposes of this section:

(1) A father of a child born out of wedlock shall be considered a parent if the father qualifies for inheritance under section 45a-438b, as amended by this act; and

(2) Next of kin shall include the kindred of a deceased father of a child born out of wedlock if the father would have qualified for inheritance from or through the child under section 45a-438b, as amended by this act, had the father survived the child.

Sec. 7. Section 46b-172a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person claiming to be the father of a child born out of wedlock may [at any time, but no later than sixty days after the date of notice under section 45a-716,] file a claim for paternity with the [court of probate] Probate Court for the district in which either the mother or the child resides, on forms provided by such court. The claim may be filed at any time during the life of the child, whether before, on or after the date the child reaches the age of eighteen, or after the death of the child, but not later than sixty days after the date of notice under section 45a-716. The claim shall contain the claimant's name and address, the name and last-known address of the mother and the month and year of the birth or expected birth of the child. Not later than five days after the filing of a claim for paternity, the [judge of the court of probate] court shall cause a certified copy of such claim to be served upon the

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mother or prospective mother of such child by personal service or service at her usual place of abode, and to the Attorney General by first class mail. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231. The claim for paternity shall be admissible in any action for paternity under section 46b-160, and shall estop the claimant from denying his paternity of such child and shall contain language that he acknowledges liability for contribution to the support and education of the child after [its] the child's birth and for contribution to the pregnancy-related medical expenses of the mother.

(b) If a claim for paternity is filed by the father of any minor child born out of wedlock, the [court of probate] Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

(c) The child shall be made a party to the action [. Said child] and shall be represented by a guardian ad litem appointed by the court in accordance with section 45a-708. Payment shall be made in accordance with such section from funds appropriated to the Judicial Department, [however] except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

(d) In the event that the mother or the claimant father is a minor, the court shall appoint a guardian ad litem to represent him or her in accordance with the provisions of section 45a-708. Payment shall be made in accordance with said section from funds appropriated to the Judicial Department, [however] except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

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[(e) Upon the motion of the putative father, the mother, or his or her counsel, or the judge of probate having jurisdiction over such application, filed not later than three days prior to any hearing scheduled on such claim, the Probate Court Administrator shall appoint a three-judge court from among the several judges of probate to hear such claim. Such three-judge court shall consist of at least one judge who is an attorney-at-law admitted to practice in this state. The judge of the court of probate having jurisdiction over such application under the provisions of this section shall be a member, provided such judge may disqualify himself in which case all three members of such court shall be appointed by the Probate Court Administrator. Such three-judge court when convened shall have all the powers and duties set forth 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, and shall be subject to all of the provisions of law as if it were a single-judge court. The judges of such court shall designate a chief judge from among their members. All records for any case before the three-judge court shall be maintained in the court of probate having jurisdiction over the matter as if the three-judge court had not been appointed.]

[(f)] (e) By filing a claim under this section, the putative father submits to the jurisdiction of the [court of probate] Probate Court.

[(g)] (f) Once alleged parental rights of the father have been adjudicated in his favor under subsection (b) of this section, or acknowledged as provided for under section 46b-172, his rights and responsibilities shall be equivalent to those of the mother, including those rights defined under section 45a-606. Thereafter, disputes involving custody, visitation or support shall be transferred to the Superior Court under chapter 815j, except that the [probate court] Probate Court may enter a temporary order for custody, visitation or support until an order is entered by the Superior Court.

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[(h)] (g) Failing perfection of parental rights as prescribed by this section, any person claiming to be the father of a child born out of wedlock (1) who has not been adjudicated the father of such child by a court of competent jurisdiction, or (2) who has not acknowledged in writing that he is the father of such child, or (3) who has not contributed regularly to the support of such child or (4) whose name does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but not limited to, guardianship and adoption, unless he has shown a reasonable degree of interest, concern or responsibility for the child's welfare.

[(i)] (h) Notwithstanding the provisions of this section, after the death of the father of a child born out of wedlock, a party deemed by the court to have a sufficient interest may file a claim for paternity on behalf of such father with the [probate court] Probate Court for the district in which either the putative father resided or the party filing the claim resides. If a claim for paternity is filed pursuant to this subsection, the [court of probate] Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

Sec. 8. (NEW) (*Effective October 1, 2014*) (a) For the purposes of this section and section 9 of this act, a minor child shall be considered dependent upon the court if the court has (1) removed a parent or other person as guardian of the minor child, (2) appointed a guardian or coguardian for the minor child, (3) terminated the parental rights of a parent of the minor child, or (4) approved the adoption of the minor child.

(b) At any time during the pendency of a petition to remove a parent or other person as guardian under section 45a-609 or 45a-610 of the general statutes, or to appoint a guardian or coguardian under section 45a-616 of the general statutes, a party may file a petition

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requesting the Probate Court to make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile status under 8 USC 1101(a)(27)(J). The Probate Court shall cause notice of the hearing on the petition to be given by first class mail to each person listed in subsection (b) of section 45a-609 of the general statutes, and such hearing may be held at the same time as the hearing on the underlying petition for removal or appointment. If the court grants the petition to remove the parent or other person as guardian or appoint a guardian or coguardian, the court shall make written findings on the following: (1) The age of the minor child; (2) the marital status of the minor child; (3) whether the minor child is dependent upon the court; (4) whether reunification of the minor child with one or both of the minor child's parents is not viable due to any of the grounds sets forth in subdivisions (2) to (5), inclusive, of section 45a-610 of the general statutes; and (5) whether it is not in the best interests of the minor child to be returned to the minor child's or parent's country of nationality or last habitual residence.

(c) If the court has previously granted a petition to remove a parent or other person as guardian under section 45a-609 or 45a-610 of the general statutes or to appoint a guardian or coguardian under section 45a-616 of the general statutes, a parent, guardian or attorney for the minor child may file a petition requesting that the court make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile under 8 USC 1101(a)(27)(J). The court shall cause notice of the hearing on the petition to be given by first class mail to each parent, guardian and attorney for the minor child, to the minor child if the minor child is twelve years of age or older and to other persons as the court determines. The court shall make written findings on the petition in

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accordance with subsection (b) of this section.

Sec. 9. (NEW) (*Effective October 1, 2014*) (a) At any time during the pendency of a petition to terminate parental rights under any provision of sections 45a-715 to 45a-717, inclusive, of the general statutes, or to approve an adoption under section 45a-727 of the general statutes, a party may file a petition requesting the Probate Court to make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile status under 8 USC 1101(a)(27)(J). The Probate Court shall cause notice of the hearing on the petition to be given by first class mail to each person listed in subsection (b) of section 45a-716 of the general statutes, and such hearing may be held at the same time as the hearing on the underlying petition to terminate parental rights or approve an adoption. If the court grants the petition to terminate parental rights or approve the adoption, the court shall make written findings on the following: (1) The age of the minor child; (2) the marital status of the minor child; (3) whether the minor child is dependent upon the court; (4) whether reunification of the minor child with one or both of the minor child's parents is not viable due to any of the grounds set forth in subdivision (2) of subsection (g) of section 45a-717 of the general statutes; and (5) whether it is not in the best interests of the minor child to be returned to the minor child's or parent's country of nationality or last habitual residence.

(b) If the court has previously granted a petition to terminate parental rights under section 45a-717 of the general statutes or to approve an adoption under section 45a-727 of the general statutes, a statutory parent, guardian, adoptive parent or attorney for the minor child may file a petition requesting that the court make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the

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minor child as having special immigrant juvenile under 8 USC 1101(a)(27)(J). The court shall order notice of the hearing on the petition to be given by first class mail to the statutory parent, each guardian, adoptive parent and attorney for the minor child, to the minor child if the minor child is twelve years of age or older and to other persons as the court determines. The court shall make written findings in accordance with subsection (a) of this section.

Sec. 10. Section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) For the purposes of this section, "records of cases of juvenile matters" includes, but is not limited to, court records, records regarding juveniles maintained by the Court Support Services Division, records regarding juveniles maintained by an organization or agency that has contracted with the Judicial Branch to provide services to juveniles, records of law enforcement agencies including fingerprints, photographs and physical descriptions, and medical, psychological, psychiatric and social welfare studies and reports by juvenile probation officers, public or private institutions, social agencies and clinics.

(b) All records of cases of juvenile matters, as provided in section 46b-121, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, except that: (1) [The records concerning any matter transferred from a court of probate pursuant to section 45a-623 or subsection (g) of section 45a-715 or any appeal from probate to the superior court for juvenile matters pursuant to subsection (b) of section 45a-186 shall be available to the court of probate from which such matter was

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transferred or from which such appeal was taken; (2) such] Such records shall be available to (A) the attorney representing the child or youth, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (B) the parents or guardian of the child or youth until such time as the child or youth reaches the age of majority or becomes emancipated, (C) an adult adopted person in accordance with the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the Division of Criminal Justice who, in the performance of their duties, require access to such records, (E) employees of the Judicial Branch who, in the performance of their duties, require access to such records, (F) another court under the provisions of subsection (d) of section 46b-115j, (G) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority or has been emancipated, (H) the Department of Children and Families, [and] (I) the employees of the Division of Public Defender Services who, in the performance of their duties related to Division of Public Defender Services assigned counsel, require access to such records, and (J) judges and employees of the Probate Court who, in the performance of their duties, require access to such records; and [(3)] (2) all or part of the records concerning a youth in crisis with respect to whom a court order was issued prior to January 1, 2010, may be made available to the Department of Motor Vehicles, provided such records are relevant to such order. Any records of cases of juvenile matters, or any part thereof, provided to any persons, governmental [and] or private agencies, [and] or institutions pursuant to this section shall not be disclosed, directly or indirectly, to any third party not specified in subsection (d) of this section, except as provided by court order, [or] in the report required under section 54-76d or 54-91a or as otherwise provided by law.

(c) All records of cases of juvenile matters involving delinquency

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proceedings, or any part thereof, shall be confidential and for the use of the court in juvenile matters and shall not be disclosed except as provided in this section.

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) Judicial Branch employees who, in the performance of their duties, require access to such records, (2) judges and employees of the Probate Court who, in the performance of their duties, require access to such records, and ~~[(2)]~~ (3) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child, (C) the design and delivery of treatment programs pursuant to section 46b-121j, or (D) the delivery of court diversionary programs. Such employees and authorized agents include, but are not limited to, law enforcement officials, community-based youth service bureau officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters and officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, the Court Support Services Division and agencies under contract with the Judicial Branch. Such records shall also be available to (i) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (ii) the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (iii) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (iv) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations, (v) a state or federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be

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limited to that information necessary for the collection of and application for such moneys, and (vi) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information, or as otherwise provided by law.

(e) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, may be disclosed upon order of the court to any person who has a legitimate interest in the information and is identified in such order. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court.

(f) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be available to the victim of the crime committed by such child to the same extent as the record of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom such victim may request such information. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court.

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(g) Information concerning a child who has escaped from a detention center or from a facility to which [he] the child has been committed by the court or for whom an arrest warrant has been issued with respect to the commission of a felony may be disclosed by law enforcement officials.

(h) Nothing in this section shall be construed to prohibit any person employed by the Judicial Branch from disclosing any records, information or files in [his] such employee's possession to any person employed by the Division of Criminal Justice as a prosecutorial official, inspector or investigator who, in the performance of his or her duties, requests such records, information or files, or to prohibit any such employee of said division from disclosing any records, information or files in [his] such employee's possession to any such employee of the Judicial Branch who, in the performance of his or her duties, requests such records, information or files.

(i) Nothing in this section shall be construed to prohibit a party from making a timely objection to the admissibility of evidence consisting of records of cases of juvenile matters, or any part thereof, in any Superior Court or Probate Court proceeding, or from making a timely motion to seal any such record pursuant to the rules of the superior court or the rules of procedure adopted under section 45a-78.

[(i)] (j) A state's attorney shall disclose to the defendant or [his] such defendant's counsel in a criminal prosecution, without the necessity of a court order, exculpatory information and material contained in any record disclosed to such state's attorney pursuant to this section and may disclose, without a court order, information and material contained in any such record which could be the subject of a disclosure order.

[(j)] (k) Notwithstanding the provisions of subsection (d) of this section, any information concerning a child that is obtained during any

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mental health screening or assessment of such child, during the provision of services pursuant to subsection (b) of section 46b-149, or during the performance of an educational evaluation pursuant to subsection (e) of section 46b-149, shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity providing such services or performing such screening, assessment or evaluation. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or provision of services to the child, or pursuant to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

[[k)] (l) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, containing information that a child has been convicted as delinquent for a violation of subdivision (e) of section 1-1h, subsection (c) of section 14-147, subsection (a) of section 14-215, section 14-222, subsection (b) of section 14-223, subsection (a), (b) or (c) of section 14-224, section 30-88a or subsection (b) of section 30-89, shall be disclosed to the Department of Motor Vehicles for administrative use in determining whether administrative sanctions regarding such child's motor vehicle operator's license are warranted. Records disclosed pursuant to this subsection shall not be further disclosed.

[(l)] (m) Records of cases of juvenile matters involving adoption proceedings, or any part thereof, shall be confidential and may only be disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

Sec. 11. (*Effective October 1, 2014*) (a) Wherever the words "adopting parent" are used in the following general statutes, "adoptive parent" shall be substituted in lieu thereof: 45a-727, 45a-736 and 45a-746.

(b) The Legislative Commissioners' Office shall, in codifying said

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sections of the general statutes pursuant to subsection (a) of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Approved June 6, 2014