

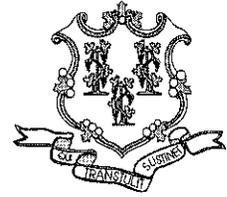


STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

March 17, 2014



S.B. No. 360 AN ACT CONCERNING THE APPLICABILITY OF PROBATE COURT ORDERS TO STATE AGENCIES.

The Department of Children and Families (DCF) **opposes** S.B. No. 360, An Act Concerning the Applicability of Probate Court Orders to State Agencies. This bill requires state agencies to follow any order, denial or decree of a Probate Court that is applicable to a determination made by a state agency.

DCF believes that Section 1 of this bill is unnecessary and interferes with due process of law. Existing statutes confers authority on the Probate Court to enter and enforce orders against state agencies, including DCF, when the legislature has deemed that appropriate. Likewise, existing law requires state agencies to either comply with a Probate Court order or appeal an adverse decision to the Superior Court. The bill appears to be a blanket statement requiring state agencies to comply with Probate Court orders regardless of whether the state agency is a party to the case. This gives Probate Court judges unprecedented and ill-defined power that is not available even to Superior Courts. In addition, the bill is confusing in that it uses definitions from the Uniform Administrative Procedures Act, which apply only to administrative appeals from state agency decisions and cannot properly be applied to the Probate Court context.