



Assembly

Raised Bill No. 154

February Session, 2014

LCO No. 1142



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

1 Section 1. Section 17a-498 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) Upon [such] an application being filed in the Probate Court
4 pursuant to the Probate Court's jurisdiction under section 17a-497,
5 such court shall assign a time, not later than ten business days
6 [thereafter] after the date the application was filed, and a place for
7 hearing such application, and shall cause reasonable notice [thereof] of
8 such hearing to be given to the respondent and to such relative or
9 relatives and friends as [it] the court deems advisable. [Said] The notice
10 shall inform [such] the respondent that he or she has a right to be
11 present at the hearing; that he or she has a right to counsel; that he or
12 she, if indigent, has a right to have counsel appointed to represent him
13 or her; and that he or she has a right to cross-examine witnesses
14 testifying at any hearing upon such application.

15 (b) (1) If the court finds such respondent is indigent or otherwise

16 unable to pay for counsel, the court shall appoint counsel for such
17 respondent, unless such respondent refuses counsel and the court
18 finds that the respondent understands the nature of his or her refusal.
19 The court shall provide such respondent a reasonable opportunity to
20 select his or her own counsel to be appointed by the court. If the
21 respondent does not select counsel or if counsel selected by the
22 respondent refuses to represent such respondent or is not available for
23 such representation, the court shall appoint counsel for the respondent
24 from a panel of attorneys admitted to practice in this state provided by
25 the Probate Court Administrator in accordance with regulations
26 promulgated by the Probate Court Administrator in accordance with
27 section 45a-77. The reasonable compensation of appointed counsel
28 shall be established by, and paid from funds appropriated to, the
29 Judicial Department, [however,] except that if funds have not been
30 included in the budget of the Judicial Department for such purposes,
31 such compensation shall be established by the Probate Court
32 Administrator and paid from the Probate Court Administration Fund.

33 (2) Prior to such hearing, such respondent or his or her counsel, in
34 accordance with the provisions of sections 52-146d to 52-146i,
35 inclusive, shall be afforded access to all records including, [without
36 limitation] but not limited to, hospital records if such respondent is
37 hospitalized, and shall be entitled to take notes [therefrom] from any of
38 such records. If such respondent is hospitalized at the time of the
39 hearing, the hospital shall make available at such hearing for use by
40 [the patient] such hospitalized respondent or his or her counsel all
41 records in its possession relating to the condition of [the] such
42 hospitalized respondent. Notwithstanding the provisions of sections
43 52-146d to 52-146i, inclusive, and subject to the rules of evidence as
44 provided in subsection (h) of this section, all such hospital records
45 directly relating to the [patient] hospitalized respondent shall be
46 admissible at the request of any party or the [Court of] Probate Court
47 in any proceeding relating to confinement to or release from a hospital
48 for psychiatric disabilities. [Nothing herein shall prevent timely

49 objection to the admissibility of evidence in accordance with the rules
50 of civil procedure.]

51 (c) (1) The court shall require the certificates, signed under penalty
52 of false statement, of at least two impartial physicians selected by the
53 court, one of whom shall be a practicing psychiatrist, ~~[both]~~ and each
54 of whom shall be licensed to practice medicine in the state of
55 Connecticut and shall have been ~~[practitioners]~~ a practitioner of
56 medicine for at least one year and shall not be connected with the
57 hospital for psychiatric disabilities to which the application is being
58 made, or related by blood or marriage to the applicant, or to the
59 respondent. Such certificates shall indicate that ~~[they]~~ the physicians
60 have personally examined ~~[such person within]~~ the respondent not
61 more than ten days ~~[of]~~ prior to such hearing. The court shall appoint
62 such physicians from a list of physicians and psychiatrists provided by
63 the Commissioner of Mental Health and Addiction Services and such
64 appointments shall be made in accordance with regulations ~~[to be]~~
65 promulgated by the Probate Court Administrator in accordance with
66 section 45a-77. Each such physician shall make a report on a separate
67 form provided for that purpose by the ~~[Department of Mental Health~~
68 ~~and Addiction Services]~~ Probate Court Administrator and shall answer
69 such questions as may be set forth on such form as fully and
70 completely as reasonably possible. Such form shall include, but not be
71 limited to, questions relating to the specific psychiatric disabilities
72 alleged, whether or not the respondent is dangerous to himself or
73 herself or others, whether or not such illness has resulted or will result
74 in serious disruption of the respondent's mental and behavioral
75 functioning, whether or not hospital treatment is both necessary and
76 available, whether or not less restrictive placement is recommended
77 and available and whether or not the respondent is incapable of
78 understanding the need to accept the recommended treatment on a
79 voluntary basis. ~~[Any]~~ Each such physician shall state upon the form
80 the reasons for his or her opinions. Such respondent or his or her
81 counsel shall have the right to present evidence and cross-examine

82 witnesses who testify at any hearing on the application. If such
83 respondent notifies the court not less than three days before the
84 hearing that he or she wishes to cross-examine the examining
85 physicians, the court shall order such physicians to appear.

86 (2) The court shall cause a recording of the testimony of such
87 hearing to be made, to be transcribed only in the event of an appeal
88 from the decree rendered [hereunder] under this section. A copy of
89 such transcript shall be furnished without charge to any appellant
90 whom the [Court of] Probate Court finds unable to pay for [the same]
91 such copy. The cost of such transcript shall be paid from funds
92 appropriated to the Judicial Department.

93 (3) If [, on such hearing,] the court finds by clear and convincing
94 evidence that the [person complained of] respondent has psychiatric
95 disabilities and is dangerous to himself or herself or others or gravely
96 disabled, it shall make an order for his or her commitment, considering
97 whether or not a less restrictive placement is available, to a hospital for
98 psychiatric disabilities to be named in such order, there to be confined
99 for the period of the duration of such psychiatric disabilities or until he
100 or she is discharged or converted to voluntary status pursuant to
101 section 17a-506 in due course of law. Such court order shall further
102 command some suitable person to convey such person to such hospital
103 for psychiatric disabilities and deliver him or her, with a copy of such
104 order and of such certificates, to the keeper thereof. In appointing a
105 person to execute such order, the court shall give preference to a near
106 relative or friend of the person with psychiatric disabilities, so far as it
107 deems it practicable and judicious. Notice of any action taken by the
108 court shall be given to the respondent and his or her attorney, if any, in
109 such manner as the court concludes would be appropriate under the
110 circumstances.

111 (d) If the respondent refuses to be examined by the court-appointed
112 physicians as [herein] provided in subsection (c) of this section, the
113 court may issue a warrant for the apprehension of the respondent and

114 a police officer for the town in which such court is located or if there is
115 no such police officer then the state police shall deliver the respondent
116 to a general hospital where the respondent shall be examined by two
117 physicians, one of whom shall be a practicing psychiatrist, in
118 accordance with subsection (c) of this section. If as a result of such
119 examination, the respondent is committed under section 17a-502,
120 transportation of the respondent to any such hospital, if such
121 respondent is a female, shall be in accordance with the provisions of
122 section 17a-505. If the respondent is not committed under section 17a-
123 502, [he] the respondent shall be released and the reports of such
124 physicians shall be sent to the [Court of] Probate Court to satisfy the
125 requirement of examination [of] by two physicians under subsection
126 (c) of this section.

127 (e) The respondent shall be given the opportunity to elect voluntary
128 status under section 17a-506 at any time prior to adjudication of the
129 application, subject to the following provisions: (1) In the event that a
130 patient is in the hospital, the patient shall be informed by a member of
131 the hospital staff within twenty-four hours prior to the time an
132 application is filed with the court, that he or she may continue in the
133 hospital on a voluntary basis under the provisions of section 17a-506,
134 and any application for involuntary commitment by the hospital shall
135 include a statement that such voluntary status has been offered to the
136 respondent and refused, and (2) in the event that a respondent is not
137 hospitalized, the notice of hearing shall inform the respondent that [he
138 or she] the respondent has the right to enter the hospital on a
139 voluntary basis under the provisions of section 17a-506, and, if the
140 respondent enters the hospital under [said] section 17a-506, the
141 application for involuntary commitment shall be withdrawn. When
142 any patient who has elected voluntary status following the filing of an
143 application but prior to adjudication in any proceeding for involuntary
144 commitment thereafter notifies the hospital that he or she wants to be
145 released, a new application for involuntary commitment may be filed.
146 If such new application is filed [within] not later than forty-five days

147 after the patient's election of voluntary status on a prior application,
148 the application for involuntary commitment may, at the discretion of
149 the judge, be heard on the merits, notwithstanding the patient's
150 subsequent request to remain a voluntary patient under the provisions
151 of section 17a-506. Notwithstanding the provisions of sections 17a-29,
152 17a-540, 17a-543, 17a-544, subsection (f) of section 17a-547 and section
153 17a-548, [in the event that] if a patient under section 17a-506 refuses to
154 accept medication or treatment in accordance with the treatment plan
155 prescribed by the attending physician and such patient is imminently
156 dangerous to himself or others, an application for involuntary
157 commitment may be filed for such patient in accordance with the
158 provisions of this section.

159 (f) The respondent shall be present at any hearing for his or her
160 commitment under this section. If the respondent is medicated at that
161 time, the hospital shall provide written notice to the court [shall be
162 notified by the hospital in writing] of such fact and of the common
163 effects of such medication.

164 (g) The hospital shall notify each patient at least annually that such
165 patient has a right to a further hearing pursuant to this section. [In the
166 event that] If the patient requests such hearing, it shall be held by the
167 [court of probate which ordered the confinement of such patient]
168 Probate Court for the district in which the hospital is located. Any such
169 request shall be immediately filed with the appropriate court by the
170 hospital. After such request is filed with the Probate Court, it shall
171 proceed in the manner provided in subsections (a), (b), (c) and (f) of
172 this section. In addition, the hospital shall furnish [each court of
173 probate] the Probate Court for the district in which the hospital is
174 located on a monthly basis with a list of all patients confined [therein]
175 in the hospital involuntarily [by such court who have been confined]
176 without release for one year since the last annual review under this
177 section of the patient's commitment or since the original commitment.
178 The hospital shall include in such notification the type of review
179 [which] the patient last received. If the patient's last annual review had

180 a hearing, the [probate court notified] Probate Court shall, within
181 fifteen business days thereafter, appoint an impartial physician who is
182 a psychiatrist from the list provided by the Commissioner of Mental
183 Health and Addiction Services as set forth in subsection (c) of this
184 section and not connected with the hospital in which the patient is
185 confined [nor] or related by blood or marriage to the original applicant
186 or to the respondent, which physician shall see and examine each such
187 patient within fifteen business days after his appointment and make a
188 report forthwith to such court of the condition of the patient on forms
189 provided by the Department of Mental Health and Addiction Services.
190 If the [Court of] Probate Court concludes that the confinement of any
191 such patient should be reviewed by such court for possible release of
192 the patient, the court, on its own motion, shall proceed in the manner
193 provided in subsections (a), (b), (c) and (f) of this section, except that
194 the examining physician shall be considered one of the physicians
195 required by subsection (c) of this section. If the patient's last annual
196 review did not result in a hearing, and in any event at least every two
197 years, the [probate court notified] Probate Court shall, within fifteen
198 business days, proceed with a hearing in the manner provided in
199 subsections (a), (b), (c) and (f) of this section. All costs and expenses,
200 including Probate Court entry fees provided by statute, in conjunction
201 with the annual psychiatric review and the judicial review under this
202 subsection, except costs for physicians appointed pursuant to this
203 subsection, shall be established by, and paid from funds appropriated
204 to, the Judicial Department, [however,] except that if funds have not
205 been included in the budget of the Judicial Department for such costs
206 and expenses, such payment shall be made from the Probate Court
207 Administration Fund. Compensation of any physician appointed to
208 conduct the annual psychiatric review, to examine a patient for any
209 hearing held as a result of such annual review or for any other biennial
210 hearing required pursuant to sections 17a-75 to 17a-83, inclusive, 17a-
211 450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-
212 550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618,
213 inclusive, shall be paid by the state from funds appropriated to the

214 Department of Mental Health and Addiction Services in accordance
215 with rates established by the Department of Mental Health and
216 Addiction Services.

217 (h) The rules of evidence applicable to civil matters in the Superior
218 Court shall apply to hearings under this section.

219 Sec. 2. Section 17a-499 of the general statutes is repealed and the
220 following is substituted in lieu thereof (*Effective October 1, 2014*):

221 All proceedings of the [Court of] Probate Court, upon application
222 made under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-
223 450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by
224 this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and
225 17a-615 to 17a-618, inclusive, shall be in writing and filed in such court,
226 and, whenever a court passes an order for the admission of any person
227 to any state hospital for psychiatric disabilities, [it shall record the
228 same] the court shall record the order and give a certified copy of such
229 order and of the reports of the physicians to the person by whom such
230 person is to be taken to the hospital, as the warrant for such taking and
231 commitment, and shall also forthwith transmit a like copy to the
232 Commissioner of Mental Health and Addiction Services, and, in the
233 case of a person in the custody of the Commissioner of Correction, to
234 the Commissioner of Correction. Whenever a court passes an order for
235 the commitment of any person to any hospital for psychiatric
236 disabilities, it shall, within three business days, provide [a copy of the
237 order of commitment to] the Commissioner of Mental Health and
238 Addiction Services [who shall maintain] with access to identifying
239 information including, but not limited to, name, address, sex, date of
240 birth and date of commitment on all commitments ordered on and
241 after June 1, 1998. All commitment applications, orders of commitment
242 and commitment papers issued by any court in committing persons
243 with psychiatric disabilities to public or private hospitals for
244 psychiatric disabilities shall be in accordance with a form prescribed
245 by the [Attorney General] Probate Court Administrator, which form

246 shall be uniform throughout the state. [For all such commitment
247 applications and orders, the Commissioner of Mental Health and
248 Addiction Services shall cause suitable blanks, in accordance with said
249 form, to be printed and furnished at the expense of the state.] State
250 hospitals and other hospitals for persons with psychiatric disabilities
251 shall, so far as they are able, upon reasonable request of any officer of a
252 court having the power of commitment, send one or more trained
253 attendants or nurses to attend any hearing concerning the commitment
254 of any person with psychiatric disabilities and any such attendant or
255 nurse, when present, shall be designated by the court as the authority
256 to serve commitment process issued under the provisions of sections
257 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to
258 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550,
259 inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618,
260 inclusive.

261 Sec. 3. Section 17a-510 of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective October 1, 2014*):

263 (a) Any person who is a patient in a hospital for psychiatric
264 disabilities upon the order of any [court of probate] Probate Court, or
265 his or her representative, may make application to the [court of
266 probate] Probate Court for the district in which [such] the hospital is
267 located for his or her release from [said] the hospital. Upon receipt of
268 any such application, such court shall assign a time, not later than ten
269 days [thereafter] after the date the application was filed, and a place
270 for hearing such application, and shall cause reasonable notice
271 [thereof] of such hearing to be given to the applicant, to the
272 superintendent of the hospital where the applicant is confined and to
273 such relative or relatives and friends as [it] the court deems advisable.
274 [Such] The notice shall inform the applicant that he or she has a right
275 to be present at the hearing and to present evidence at the hearing; that
276 he or she has a right to counsel; that he or she, if indigent, has a right to
277 have counsel appointed to represent him or her; and that he or she has
278 a right to cross-examine witnesses at any hearing upon such

279 application. Notwithstanding the provisions of chapter 899, hospital
280 records shall be admissible in evidence, subject to the rules of evidence
281 as provided in subsection (b) of this section. [Nothing herein shall
282 prevent timely objection to the admissibility of evidence in accordance
283 with the rules of civil procedure.] Unless the court finds that further
284 confinement of the applicant is necessary in accordance with the
285 standards set forth in section 17a-498, as amended by this act, the court
286 shall order the release of such person. All of the expenses in connection
287 with an application filed under this section shall be paid by the
288 applicant, unless the applicant is indigent or otherwise unable to pay
289 such expenses, in which case such expenses shall be paid by the state
290 from funds appropriated to the Department of Mental Health and
291 Addiction Services, in accordance with rates established by [said] the
292 department, and attorney's fees shall be established by, and paid from
293 funds appropriated to, the Judicial Department, [however,] except that
294 if funds have not been included in the budget of the Judicial
295 Department for such attorney's fees, such fees shall be established by
296 the Probate Court Administrator and paid from the Probate Court
297 Administration Fund, provided in no event shall the expenses be paid
298 for any one applicant for more than two hearings in any one year,
299 including the hearing provided for in subsection (g) of section 17a-498,
300 as amended by this act. Such court may, for reasonable cause shown,
301 order any person confined in a hospital for psychiatric disabilities to be
302 removed to any other hospital for psychiatric disabilities in this state. If
303 the officers, directors or trustees of a state hospital for psychiatric
304 disabilities are notified by the superintendent of such [institution]
305 hospital or other person in a managerial capacity that he or she has
306 reason to believe that any person committed [thereto] to such hospital
307 by order of a [probate court] Probate Court does not have psychiatric
308 disabilities or is not a suitable subject to be confined in such
309 [institution] hospital, or is appropriate for voluntary status, such
310 officers, directors or trustees may discharge such person or convert the
311 status of such person to voluntary status pursuant to section 17a-506.
312 The superintendent or other director of such [institution] hospital shall

313 notify such person's next of kin or close friend of such person's
314 discharge, provided such [patient] person consents in writing to such
315 notification.

316 (b) The rules of evidence applicable to civil matters in the Superior
317 Court shall apply to hearings under this section.

318 Sec. 4. Section 4a-17 of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective October 1, 2014*):

320 [In] (a) If a party to any action or proceeding in any court [to which
321 any person] is confined by order of any court, or as provided by
322 section 17a-502 or 17a-506 in any institution for persons with
323 psychiatric disabilities in this state, [is a party or which affects or
324 relates to the property rights of any such person,] a copy of all process,
325 notices and documents required to be served upon such confined
326 person [either personally or at such confined person's abode or by
327 mail] by means other than personal service shall be sent by [registered
328 or certified] first class mail to such confined person at the institution
329 where such person is confined and to the [Commissioner of
330 Administrative Services at Hartford, another copy thereof shall be so
331 mailed to the] superintendent of the institution where such person is
332 confined. [or left with the superintendent or the superintendent's
333 representative at his or her office, and another copy thereof so served
334 upon the superintendent of such institution or the superintendent's
335 representative, for such confined person, which shall be equivalent to
336 and constitute service thereof at the usual place of abode of such
337 confined person whether he or she then has another usual place of
338 abode or not; and as soon thereafter as practical and reasonable, such
339 superintendent or such superintendent's representative shall deliver
340 such copy to such confined person. Whenever service or notice is
341 required by publication only, two copies thereof shall be sent to the
342 superintendent of the institution by registered or certified mail, and
343 one copy shall also be so mailed to the Commissioner of
344 Administrative Services at Hartford; and such superintendent or such

345 superintendent's representative shall deliver one copy thereof to the
346 confined person as soon as practical and reasonable.] Such mailing
347 shall satisfy and be deemed equivalent to any requirement under law
348 for service of such process, notices or documents by means other than
349 personal service. A copy of all process, notices or documents that are
350 required to be served personally on such confined person shall be sent
351 by first class mail to the superintendent of the institution where such
352 person is confined, in addition to being served personally on such
353 confined person.

354 (b) No action or proceeding shall abate because of any failure to
355 comply with the provisions of this section, but the court before whom
356 any such action or proceeding is pending shall, upon finding
357 noncompliance with any of said provisions, order immediate
358 compliance with said provisions.

359 Sec. 5. Section 45a-645b of the 2014 supplement to the general
360 statutes is repealed and the following is substituted in lieu thereof
361 (*Effective October 1, 2014*):

362 The rules of evidence [in] applicable to civil [actions adopted by the
363 judges of] matters in the Superior Court shall apply to all hearings held
364 pursuant to sections 45a-644 to 45a-667v, inclusive. All testimony at a
365 hearing held pursuant to sections 45a-644 to 45a-667v, inclusive, shall
366 be given under oath or affirmation.

367 Sec. 6. Subsection (b) of section 45a-650 of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective*
369 *October 1, 2014*):

370 (b) The rules of evidence [in] applicable to civil [actions adopted by
371 the judges of] matters in the Superior Court shall apply to all hearings
372 pursuant to this section. All testimony at a hearing held pursuant to
373 this section shall be given under oath or affirmation.

374 Sec. 7. Section 17b-751a of the 2014 supplement to the general

375 statutes is repealed and the following is substituted in lieu thereof
376 (*Effective July 1, 2014*):

377 A grandparent or other relative caregiver who is appointed a
378 guardian of a child or children [through] by the Superior Court or
379 Probate Court and who is not a recipient of subsidized guardianship
380 subsidies under section 17a-126 or foster care payments from the
381 Department of Children and Families shall, within available
382 appropriations, be eligible to apply for grants under the Kinship Fund
383 and Grandparents and Relatives Respite Fund administered by the
384 [Department of Social Services through the] Probate Court.

385 Sec. 8. Section 17b-751d of the 2014 supplement to the general
386 statutes is repealed and the following is substituted in lieu thereof
387 (*Effective July 1, 2014*):

388 (a) The Department of Social Services shall be the lead state agency
389 for community-based, prevention-focused programs and activities
390 designed to strengthen and support families to prevent child abuse
391 and neglect. The responsibilities of the department shall include, but
392 not be limited to, collaborating with state agencies, hospitals, clinics,
393 schools and community service organizations, to: (1) Initiate programs
394 to support families at risk for child abuse or neglect; (2) assist
395 organizations to recognize child abuse and neglect; (3) encourage
396 community safety; (4) increase broad-based efforts to prevent child
397 abuse and neglect; (5) create a network of agencies to advance child
398 abuse and neglect prevention; and (6) increase public awareness of
399 child abuse and neglect issues. The department, subject to available
400 state, federal and private funding, shall be responsible for
401 implementing and maintaining programs and services, including, but
402 not limited to: (A) The Nurturing Families Network, established
403 pursuant to subsection (a) of section 17b-751b; (B) Family
404 Empowerment Initiative programs; (C) Help Me Grow; (D) [the
405 Kinship Fund and Grandparent's Respite Fund; (E)] Family School
406 Connection; [(F)] (E) support services for residents of a respite group

407 home for girls; [(G)] (F) legal services on behalf of indigent children;
408 [(H)] (G) volunteer services; [(I)] (H) family development training; [(J)]
409 (I) shaken baby syndrome prevention; and [(K)] (I) child sexual abuse
410 prevention.

411 (b) Not later than sixty days after October 5, 2009, the Commissioner
412 of Social Services shall report, in accordance with section 11-4a, to the
413 joint standing committees of the General Assembly, having cognizance
414 of matters relating to human services and appropriations and the
415 budgets of state agencies on the integration of the duties described in
416 subsection (a) of this section into the department.

417 Sec. 9. Section 45a-8c of the general statutes is repealed and the
418 following is substituted in lieu thereof (*Effective from passage*):

419 (a) The Probate Court Administrator may, within available
420 appropriations, establish a pilot truancy clinic within the [regional
421 children's probate court] Regional Children's Probate Courts for [the
422 district of] Waterbury and New Haven. The administrative judge of
423 [the regional children's probate court for the district of Waterbury]
424 each Regional Children's Probate Court, or the administrative judge's
425 designee, shall administer the truancy clinic for the administrative
426 judge's respective court.

427 (b) The principal of any elementary or middle school in the
428 Waterbury or New Haven school district, as the case may be, or the
429 principal's designee, may refer to the truancy clinic a parent or
430 guardian with a child enrolled in such school who is a truant, as
431 defined in section 10-198a, or at risk of becoming a truant. Upon
432 receiving such referral, the truancy clinic shall prepare a citation and
433 summons for the parent or guardian of the child to appear at the clinic.
434 An attendance officer authorized pursuant to section 10-199, or [an] a
435 police officer authorized pursuant to section 10-200, shall deliver the
436 citation [,] and summons and a copy of the referral to the parent or
437 guardian.

438 (c) The administrative judge of the [regional children's probate
439 court] Regional Children's Probate Court for [the district of] Waterbury
440 or New Haven may refer any matter referred to the truancy clinic to a
441 probate magistrate or attorney probate referee assigned by the Probate
442 Court Administrator pursuant to section 45a-123a to hear the matter.

443 (d) The truancy [clinic] clinics shall operate for the purpose of
444 identifying and resolving the cause of a child's truancy using
445 nonpunitive procedures. After the initial appearance made pursuant to
446 the summons described in subsection (b) of this section, the
447 participation of a parent or guardian in the truancy clinic shall be
448 voluntary. The truancy [clinic] clinics shall establish protocols for clinic
449 participation and shall establish programs and relationships with
450 schools, individuals, public and private agencies, and other
451 organizations to provide services and support for parents, guardians
452 and children participating in the [clinic] clinics.

453 (e) The Probate Court Administrator shall establish policies and
454 procedures to implement the truancy [clinic] clinics and measure the
455 [clinic's] effectiveness of the truancy clinics.

456 (f) Not later than September 1, [2012] 2014, and annually thereafter,
457 the administrative judge of the [regional children's probate court]
458 Regional Children's Probate Court for [the district of] Waterbury and
459 the administrative judge of the Regional Children's Probate Court for
460 the district of New Haven shall each file a report with the Probate
461 Court Administrator assessing the [truancy clinic's] effectiveness of the
462 district's truancy clinic.

463 (g) Not later than January 1, [2015] 2016, the Probate Court
464 Administrator shall submit, in accordance with section 11-4a, a report
465 assessing the effectiveness of the truancy [clinic] clinics to the joint
466 standing committees of the General Assembly having cognizance of
467 matters relating to the judiciary and education.

468 Sec. 10. (NEW) (*Effective July 1, 2014*) Whenever a Probate Court

469 appoints a conservator of the person or a conservator of the estate, the
470 court may also appoint a successor conservator of the person or
471 successor conservator of the estate. The successor conservator shall act
472 as conservator if the court accepts the resignation of the conservator or
473 removes the conservator or if the conservator is adjudicated incapable
474 or dies. The successor conservator may assume the duties of
475 conservator immediately upon the Probate Court's action of accepting
476 the resignation of the conservator of the person or conservator of the
477 estate or removing such conservator, upon such conservator being
478 adjudicated incapable or upon the death of such conservator, provided
479 a successor conservator of the estate may not assume the duties of
480 conservator of the estate before furnishing a probate bond or providing
481 proof of a restricted account if a bond or restricted account was
482 required from the conservator of the estate. The successor conservator
483 shall immediately inform the Probate Court that has jurisdiction over
484 the conservator of the person or conservator of the estate that the
485 successor conservator assumed the role of conservator of the person or
486 conservator of the estate and the reasons for assuming such role. The
487 Probate Court may issue a decree, without notice and hearing,
488 confirming the successor conservator's appointment after the
489 requirements of this section are met.

490 Sec. 11. Section 19a-575a of the general statutes is repealed and the
491 following is substituted in lieu thereof (*Effective October 1, 2014*):

492 (a) Any person eighteen years of age or older may execute a
493 document that contains health care instructions, the appointment of a
494 health care representative, the designation of a conservator of the
495 person for future incapacity and a document of anatomical gift. Any
496 such document shall be signed and dated by the maker with at least
497 two witnesses and may be in the substantially following form:

498 THESE ARE MY HEALTH CARE INSTRUCTIONS.
499 MY APPOINTMENT OF A HEALTH CARE REPRESENTATIVE,
500 THE DESIGNATION OF MY CONSERVATOR OF THE PERSON

501 FOR MY FUTURE INCAPACITY
502 AND
503 MY DOCUMENT OF ANATOMICAL GIFT
504

505 To any physician who is treating me: These are my health care
506 instructions including those concerning the withholding or withdrawal
507 of life support systems, together with the appointment of my health
508 care representative, the designation of my conservator of the person
509 for future incapacity and my document of anatomical gift. As my
510 physician, you may rely on these health care instructions and any
511 decision made by my health care representative or conservator of my
512 person, if I am incapacitated to the point when I can no longer actively
513 take part in decisions for my own life, and am unable to direct my
514 physician as to my own medical care.

515 I, ..., the author of this document, request that, if my condition is
516 deemed terminal or if I am determined to be permanently
517 unconscious, I be allowed to die and not be kept alive through life
518 support systems. By terminal condition, I mean that I have an
519 incurable or irreversible medical condition which, without the
520 administration of life support systems, will, in the opinion of my
521 attending physician, result in death within a relatively short time. By
522 permanently unconscious I mean that I am in a permanent coma or
523 persistent vegetative state which is an irreversible condition in which I
524 am at no time aware of myself or the environment and show no
525 behavioral response to the environment. The life support systems
526 which I do not want include, but are not limited to: Artificial
527 respiration, cardiopulmonary resuscitation and artificial means of
528 providing nutrition and hydration. I do want sufficient pain
529 medication to maintain my physical comfort. I do not intend any direct
530 taking of my life, but only that my dying not be unreasonably
531 prolonged.

532 I appoint ... to be my health care representative. If my attending
533 physician determines that I am unable to understand and appreciate

534 the nature and consequences of health care decisions and unable to
535 reach and communicate an informed decision regarding treatment, my
536 health care representative is authorized to make any and all health care
537 decisions for me, including (1) the decision to accept or refuse any
538 treatment, service or procedure used to diagnose or treat my physical
539 or mental condition, except as otherwise provided by law such as for
540 psychosurgery or shock therapy, as defined in section 17a-540, and (2)
541 the decision to provide, withhold or withdraw life support systems. I
542 direct my health care representative to make decisions on my behalf in
543 accordance with my wishes, as stated in this document or as otherwise
544 known to my health care representative. In the event my wishes are
545 not clear or a situation arises that I did not anticipate, my health care
546 representative may make a decision in my best interests, based upon
547 what is known of my wishes.

548 If is unwilling or unable to serve as my health care
549 representative, I appoint to be my alternative health care
550 representative.

551 If a conservator of my person should need to be appointed, I
552 designate be appointed my conservator. If is unwilling or unable
553 to serve as my conservator, I designate I designate to be
554 successor conservator. No bond shall be required of either of them in
555 any jurisdiction.

556 I hereby make this anatomical gift, if medically acceptable, to take
557 effect upon my death.

558 I give: (check one)

T1 (1) any needed organs or parts

T2 (2) only the following organs or parts

559 to be donated for: (check one)

T3 (1) any of the purposes stated in subsection (a) of section 19a-289j
T4 (2) these limited purposes

560 These requests, appointments, and designations are made after
561 careful reflection, while I am of sound mind. Any party receiving a
562 duly executed copy or facsimile of this document may rely upon it
563 unless such party has received actual notice of my revocation of it.

T5 Date, 20..

T6 L.S.

564 This document was signed in our presence by the author of this
565 document, who appeared to be eighteen years of age or older, of sound
566 mind and able to understand the nature and consequences of health
567 care decisions at the time this document was signed. The author
568 appeared to be under no improper influence. We have subscribed this
569 document in the author's presence and at the author's request and in
570 the presence of each other.

T7
T8	(Witness)	(Witness)
T9
T10	(Number and Street)	(Number and Street)
T11
T12	(City, State and Zip Code)	(City, State and Zip Code)

T13	STATE OF CONNECTICUT	}	ss.
T14			
T15			
T16	COUNTY OF		

571 We, the subscribing witnesses, being duly sworn, say that we
572 witnessed the execution of these health care instructions, the

573 appointments of a health care representative, the designation of a
574 conservator for future incapacity and a document of anatomical gift by
575 the author of this document; that the author subscribed, published and
576 declared the same to be the author's instructions, appointments and
577 designation in our presence; that we thereafter subscribed the
578 document as witnesses in the author's presence, at the author's request,
579 and in the presence of each other; that at the time of the execution of
580 said document the author appeared to us to be eighteen years of age or
581 older, of sound mind, able to understand the nature and consequences
582 of said document, and under no improper influence, and we make this
583 affidavit at the author's request this day of 20...

T17
T18 (Witness) (Witness)

584 Subscribed and sworn to before me this day of 20..

T19
T20 Commissioner of the Superior Court
T21 Notary Public
T22 My commission expires:

585 (Print or type name of all persons signing under all signatures)

586 (b) Except as provided in section 19a-579b, an appointment of health
587 care representative may only be revoked by the declarant, in writing,
588 and the writing shall be signed by the declarant and two witnesses.

589 (c) The attending physician or other health care provider shall make
590 the revocation of an appointment of health care representative a part of
591 the declarant's medical record.

592 (d) In the absence of knowledge of the revocation of an appointment
593 of health care representative, a person who carries out an advance
594 directive pursuant to the provisions of this chapter shall not be subject

595 to civil or criminal liability or discipline for unprofessional conduct for
596 carrying out such advance directive.

597 (e) The revocation of an appointment of health care representative
598 does not, of itself, revoke the living will of the declarant.

599 Sec. 12. Section 45a-645 of the general statutes is repealed and the
600 following is substituted in lieu thereof (*Effective October 1, 2014*):

601 (a) Any person who has attained at least eighteen years of age, and
602 who is of sound mind, may designate in writing a person or persons
603 whom he or she desires to be appointed as conservator or successor
604 conservator of his or her person or estate or both, if he or she is
605 thereafter found to be incapable of managing his or her affairs or
606 incapable of caring for himself or herself.

607 (b) The designation shall be executed, witnessed and revoked in the
608 same manner as provided for wills in sections 45a-251 and 45a-257,
609 except that any person who is so designated as a conservator shall not
610 qualify as a witness.

611 (c) Such written instrument may excuse the person or persons so
612 designated from giving the probate bond required under the
613 provisions of section 45a-650, as amended by this act, if appointed
614 thereafter as a conservator.

615 Sec. 13. Subsection (h) of section 45a-650 of the general statutes is
616 repealed and the following is substituted in lieu thereof (*Effective*
617 *October 1, 2014*):

618 (h) The respondent or conserved person may appoint, designate or
619 nominate a conservator or successor conservator pursuant to section
620 19a-575a, as amended by this act, 19a-580e, 19a-580g or 45a-645, as
621 amended by this act, or may, orally or in writing, nominate a
622 conservator or successor conservator who shall be appointed unless
623 the court finds that the appointee, designee or nominee is unwilling or

624 unable to serve or there is substantial evidence to disqualify such
625 person. If there is no such appointment, designation or nomination or
626 if the court does not appoint the person appointed, designated or
627 nominated by the respondent or conserved person, the court may
628 appoint any qualified person, authorized public official or corporation
629 in accordance with subsections (a) and (b) of section 45a-644. In
630 considering whom to appoint as conservator or successor conservator,
631 the court shall consider (1) the extent to which a proposed conservator
632 has knowledge of the respondent's or conserved person's preferences
633 regarding the care of his or her person or the management of his or her
634 affairs, (2) the ability of the proposed conservator to carry out the
635 duties, responsibilities and powers of a conservator, (3) the cost of the
636 proposed conservatorship to the estate of the respondent or conserved
637 person, (4) the proposed conservator's commitment to promoting the
638 respondent's or conserved person's welfare and independence, and (5)
639 any existing or potential conflicts of interest of the proposed
640 conservator.

641 Sec. 14. Section 45a-661 of the general statutes is repealed and the
642 following is substituted in lieu thereof (*Effective October 1, 2014*):

643 When any person under voluntary or involuntary representation
644 becomes a settled inhabitant of any town in the state in a probate
645 district other than the one in which a conservator was appointed, and
646 is an actual resident in such district, the [court of probate] Probate
647 Court in which the conservator was appointed shall, upon motion of
648 the conservator, the person under conservatorship, the first selectman
649 or the chief executive officer of the town in which the person under
650 conservatorship resides or the husband or wife or a relative of the
651 person under conservatorship, transfer the file to the probate district in
652 which the person under conservatorship resides at the time of the
653 application, if the court determines that the requested transfer is the
654 preference of the person under conservatorship. A transfer of the file
655 shall be accomplished by the [probate court] Probate Court in which
656 the conservator was originally appointed by making copies of all

657 recorded documents in the court and certifying each of them and then
658 causing them to be delivered to the court for the district in which the
659 person under conservatorship resides. When the transfer is made, the
660 [court of probate] Probate Court in which the person under
661 conservatorship resides at the time of transfer shall thereupon assume
662 jurisdiction over the conservatorship and all further accounts shall be
663 filed with such court.

664 Sec. 15. Section 45a-85 of the general statutes is repealed and the
665 following is substituted in lieu thereof (*Effective July 1, 2014*):

666 (a) The Probate Court Administrator shall establish a Probate Court
667 Budget Committee consisting of the Probate Court Administrator and
668 two judges of probate appointed by the Connecticut Probate
669 Assembly. The Probate Court Administrator shall serve as chairperson
670 of the committee.

671 (b) Not later than June 30, 2010, and annually thereafter, the
672 committee shall establish, in accordance with the criteria established in
673 regulations issued pursuant to subsection (b) of section 45a-77: (1) A
674 compensation plan, which plan shall include employee benefits, for
675 employees of the courts of probate, (2) staffing levels for each court of
676 probate, and (3) a miscellaneous office budget for each court of
677 probate. Such compensation plan, staffing levels and office budgets
678 shall be established within the expenditures and anticipated available
679 funds in the proposed budget established pursuant to section 45a-84.

680 [(c) Not later than June 30, 2010, and annually thereafter, the
681 Probate Court Budget Committee shall report to the Governor and the
682 General Assembly, after consultation with the Office of the Chief Court
683 Administrator and the Secretary of the Office of Policy and
684 Management, on the committee's efforts to reduce costs and any
685 potential cost saving measures resulting from probate court mergers
686 effective on or after June 9, 2009. Such report shall be submitted in
687 accordance with section 11-4a.]

688 Sec. 16. Section 45a-113 of the general statutes is repealed. (*Effective*
 689 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-498
Sec. 2	<i>October 1, 2014</i>	17a-499
Sec. 3	<i>October 1, 2014</i>	17a-510
Sec. 4	<i>October 1, 2014</i>	4a-17
Sec. 5	<i>October 1, 2014</i>	45a-645b
Sec. 6	<i>October 1, 2014</i>	45a-650(b)
Sec. 7	<i>July 1, 2014</i>	17b-751a
Sec. 8	<i>July 1, 2014</i>	17b-751d
Sec. 9	<i>from passage</i>	45a-8c
Sec. 10	<i>July 1, 2014</i>	New section
Sec. 11	<i>October 1, 2014</i>	19a-575a
Sec. 12	<i>October 1, 2014</i>	45a-645
Sec. 13	<i>October 1, 2014</i>	45a-650(h)
Sec. 14	<i>October 1, 2014</i>	45a-661
Sec. 15	<i>July 1, 2014</i>	45a-85
Sec. 16	<i>from passage</i>	Repealer section

Statement of Purpose:

To revise statutory provisions concerning probate court operations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]