



General Assembly

February Session, 2014

Raised Bill No. 155

LCO No. 1139



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURTS.

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

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 Section 45a-731 of the general statutes is repealed and the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

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

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

14 (2) The [adopting] adoptive parent and the adopted person shall

15 have rights of inheritance from and through each other and the
16 biological and adopted relatives of the [adopting] adoptive parent. The
17 right of inheritance of an adopted person extends to the heirs of such
18 adopted person, and such heirs shall be the same as if such adopted
19 person were the biological child of the [adopting] adoptive parent;

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

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

41 (5) Except in the case of an adoption as provided in subdivision (2)
42 or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of
43 section 45a-734, as amended by this act, the legal relationship between
44 the adopted person and the adopted person's biological parent or
45 parents and the relatives of such biological parent or parents is
46 terminated for all purposes, including the applicability of statutes

47 which do not expressly include such an adopted person in their
48 operation and effect. The biological parent or parents of the adopted
49 person are relieved of all parental rights and responsibilities;

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

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

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

75 (9) Nothing in this section shall deprive an adopted person who is
76 the biological child of a veteran who served in time of war as defined
77 in subsection (a) of section 27-103 of aid under the provisions of section

78 27-140 or deprive a child receiving benefits under the Social Security
79 Act, 42 USC Sec. 301 et seq., as amended from time to time, from
80 continued receipt of benefits authorized under said act;

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

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

96 (12) No fiduciary, distributee of the estate or person to whom a
97 legacy has been paid shall be liable to any other person for any action
98 taken or benefit received prior to October 1, 1991, provided any such
99 action was taken or benefit was received in good faith by such
100 fiduciary, distributee or legatee with respect to the applicability of
101 statutes concerning the rights of inheritance or rights to take of
102 adopted persons under any instrument executed prior to October 1,
103 1959;

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

108 Sec. 2. Section 45a-734 of the general statutes is repealed and the

109 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

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

127 (b) The Probate Court shall cause notice of the time and place of
128 hearing on the proposed adoption to be given to each party to the
129 adoption agreement. If the spouse of the proposed adoptive parent is
130 not a party to the adoption agreement, notice shall be given to the
131 spouse. The court may give notice to other persons interested in the
132 welfare of the proposed adoptive parent or adopted person. The court
133 shall approve the adoption agreement if it finds that the proposed
134 adoptive parent and adopted person share a relationship that is similar
135 to that between a parent and an adult child and that the adoption is in
136 the best interests of the proposed adoptive parent and adopted person.
137 Upon the court's approval of the adoption agreement, the adopted
138 person shall become the legal child of the [adopting person] adoptive
139 parent, and the [adopting person] adoptive parent shall become the
140 legal parent of the adopted person, and the provisions of section 45a-

141 731, as amended by this act, shall apply.

142 (c) One parent of an adult child may join in an adoption agreement
143 between the parent's spouse and the adult child. Upon the court's
144 approval of the adoption agreement, the legal relationship between the
145 adult child and the parent who did not join in the adoption agreement
146 shall be terminated in accordance with subdivisions (5), (6) and (7) of
147 section 45a-731, as amended by this act, and the adopted person shall
148 be the child of the parent and spouse who joined in the adoption
149 agreement, except that the adoption shall not affect the rights of the
150 adopted person to inherit from or through a parent who died before
151 the adoption occurred, as provided in subdivision (8) of section 45a-
152 731, as amended by this act.

153 (d) One parent of an adult child may join in an adoption agreement
154 between one other person and the adult child. Upon the court's
155 approval of the adoption agreement, the legal relationship between the
156 adult child and the parent who did not join the adoption agreement
157 shall be terminated in accordance with subdivisions (5), (6) and (7) of
158 section 45a-731, as amended by this act, and the adopted person shall
159 be the child of the parent and other person who joined the adoption
160 agreement, except that the adoption shall not affect the rights of the
161 adopted person to inherit from or through a parent who died before
162 the adoption occurred, as provided in subdivision (8) of section 45a-
163 731, as amended by this act.

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

170 ~~[(d)]~~ When one of the biological parents of an adult has died and the
171 surviving parent remarries, the person with whom the remarriage is

172 celebrated may become an adopting parent without the biological
173 parent's joining in the adoption except to consent in writing. Upon the
174 approval of the court, the adopted person shall be in law the child of
175 both.]

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

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

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

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

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

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

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

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

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

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

207 (a) After distribution has been made of the intestate estate to the
208 surviving spouse in accordance with section 45a-437, as amended by
209 this act, [all] the residue of the real and personal estate shall be
210 distributed [in equal proportions] equally, according to its value at the
211 time of distribution, among the children, including children born after
212 the death of the decedent, as provided in subsection (a) of section 45a-
213 785, and the legal representatives of any of them who may be dead,
214 except that children or other descendants who receive estate by
215 advancement of the intestate in the intestate's lifetime shall themselves
216 or their representatives have only so much of the estate as will,
217 together with such advancement, make their share equal to what they
218 would have been entitled to receive had no such advancement been
219 made.

220 (b) Except as provided in section 45a-731, as amended by this act,
221 for the purposes of [intestate succession by, through or from a person,
222 an individual is the child of his genetic parents, regardless of marital
223 status of such parents. With respect to a child born out of wedlock, the
224 father of a child born out of wedlock shall be considered a parent if (1)
225 the father and mother have married after the child's birth, or (2) the
226 father has been adjudicated the father of the child by a court of
227 competent jurisdiction, or (3) the father has acknowledged under oath
228 in writing that he is the father of the child, or (4) after the death of
229 either the father or the child, paternity has been established by the
230 Probate Court by clear and convincing evidence that the father has
231 acknowledged in writing that he is the father of the child and has
232 openly treated the child as his] this chapter, a child born out of

233 wedlock and the child's legal representatives shall qualify for
234 inheritance from or through the father if (1) the father's paternity was
235 established by a written acknowledgment of paternity under section
236 46b-172, or (2) the father's paternity has been adjudicated by a court of
237 competent jurisdiction under chapter 815y.

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

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

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

253 Except as provided in section 45a-731, as amended by this act, for
254 the purposes of this chapter, a father and his kindred shall qualify for
255 inheritance from or through a child who was born out of wedlock if (1)
256 the father's paternity was established by a written acknowledgment of
257 paternity under section 46b-172, or (2) the father's paternity has been
258 adjudicated by a court of competent jurisdiction under chapter 815y.

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

261 (a) (1) If there are no children or any legal representatives of them,
262 then, after the portion of the husband or wife, if any, is distributed or

263 set out, the residue of the estate shall be distributed equally to the
264 parent or parents of the intestate, [provided] except that no parent who
265 has abandoned a minor child and continued such abandonment until
266 the time of death of such child [,] shall be entitled to share in the estate
267 of such child or be deemed a parent for the purposes of subdivisions
268 (2) to (4), inclusive, of this subsection. (2) If there is no parent, the
269 residue of the estate shall be distributed equally to the brothers and
270 sisters of the intestate and those who legally represent them. (3) If
271 there is no parent or brothers and sisters or those who legally represent
272 them, the residue of the estate shall be distributed equally to the next
273 of kin in equal degree, [No] and no representatives shall be admitted
274 among collaterals after the representatives of brothers and sisters. (4) If
275 there is no next of kin, [then] the residue of the estate shall be
276 distributed equally to the stepchildren and those who legally represent
277 them.

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

283 (c) Real property subject to the life use of husband or wife,
284 remaining undivided at the expiration of such life use, shall be
285 distributed in the same manner by the same or other distributors, or
286 the [same] real property may be distributed during the continuance of
287 such life interest and subject thereto.

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

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

292 (f) For the purposes of this section:

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

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

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

302 (a) Any person claiming to be the father of a child born out of
303 wedlock may [at any time, but no later than sixty days after the date of
304 notice under section 45a-716,] file a claim for paternity with the [court
305 of probate] Probate Court for the district in which either the mother or
306 the child resides, on forms provided by such court. The claim may be
307 filed at any time during the life of the child, whether before, on or after
308 the date the child reaches the age of eighteen, or after the death of the
309 child, but not later than sixty days after the date of notice under section
310 45a-716. The claim shall contain the claimant's name and address, the
311 name and last-known address of the mother and the month and year
312 of the birth or expected birth of the child. Not later than five days after
313 the filing of a claim for paternity, the [judge of the] court [of probate]
314 shall cause a certified copy of such claim to be served upon the mother
315 or prospective mother of such child by personal service or service at
316 her usual place of abode, and to the Attorney General by first class
317 mail. The Attorney General may file an appearance and shall be and
318 remain a party to the action if the child is receiving or has received aid
319 or care from the state, or if the child is receiving child support
320 enforcement services, as defined in subdivision (2) of subsection (b) of
321 section 46b-231. The claim for paternity shall be admissible in any
322 action for paternity under section 46b-160, and shall estop the claimant
323 from denying his paternity of such child and shall contain language
324 that he acknowledges liability for contribution to the support and

325 education of the child after [its] the child's birth and for contribution to
326 the pregnancy-related medical expenses of the mother.

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

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

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

346 [(e) Upon the motion of the putative father, the mother, or his or her
347 counsel, or the judge of probate having jurisdiction over such
348 application, filed not later than three days prior to any hearing
349 scheduled on such claim, the Probate Court Administrator shall
350 appoint a three-judge court from among the several judges of probate
351 to hear such claim. Such three-judge court shall consist of at least one
352 judge who is an attorney-at-law admitted to practice in this state. The
353 judge of the court of probate having jurisdiction over such application
354 under the provisions of this section shall be a member, provided such
355 judge may disqualify himself in which case all three members of such

356 court shall be appointed by the Probate Court Administrator. Such
357 three-judge court when convened shall have all the powers and duties
358 set forth under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
359 inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive,
360 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, and
361 shall be subject to all of the provisions of law as if it were a single-
362 judge court. The judges of such court shall designate a chief judge from
363 among their members. All records for any case before the three-judge
364 court shall be maintained in the court of probate having jurisdiction
365 over the matter as if the three-judge court had not been appointed.]

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

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

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

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

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

404 (b) At any time during the pendency of a petition to remove a
405 parent or other person as guardian under section 45a-609 or 45a-610 of
406 the general statutes, or to appoint a guardian or coguardian under
407 section 45a-616 of the general statutes, a party may file a petition
408 requesting the Probate Court to make findings under this section to be
409 used in connection with a petition to the United States Citizenship and
410 Immigration Services for designation of the minor child as having
411 special immigrant juvenile status under 8 USC 1101(a)(27)(J). The
412 Probate Court shall cause notice of the hearing on the petition to be
413 given by first class mail to each person listed in subsection (b) of
414 section 45a-609 of the general statutes, and such hearing may be held
415 at the same time as the hearing on the underlying petition for removal
416 or appointment. If the court grants the petition to remove the parent or
417 other person as guardian or appoint a guardian or coguardian, the
418 court shall make written findings on the following: (1) The age of the
419 minor child; (2) the marital status of the minor child; (3) whether the
420 minor child is dependent upon the court; (4) whether reunification of

421 the minor child with one or both of the minor child's parents is not
422 viable due to any of the grounds sets forth in subdivisions (2) to (5),
423 inclusive, of section 45a-610 of the general statutes; and (5) whether it
424 is not in the best interests of the minor child to be returned to the
425 minor child's or parent's country of nationality or last habitual
426 residence.

427 (c) If the court has previously granted a petition to remove a parent
428 or other person as guardian under section 45a-609 or 45a-610 of the
429 general statutes or to appoint a guardian or coguardian under section
430 45a-616 of the general statutes, a parent, guardian or attorney for the
431 minor child may file a petition requesting that the court make findings
432 under this section to be used in connection with a petition to the
433 United States Citizenship and Immigration Services for designation of
434 the minor child as having special immigrant juvenile under 8 USC
435 1101(a)(27)(J). The court shall cause notice of the hearing on the
436 petition to be given by first class mail to each parent, guardian and
437 attorney for the minor child, to the minor child if the minor child is
438 twelve years of age or older and to other persons as the court
439 determines. The court shall make written findings on the petition in
440 accordance with subsection (a) of this section.

441 Sec. 9. (NEW) (*Effective October 1, 2014*) (a) At any time during the
442 pendency of a petition to terminate parental rights under any
443 provision of sections 45a-715 to 45a-717, inclusive, of the general
444 statutes, or to approve an adoption under section 45a-727 of the
445 general statutes, a party may file a petition requesting the Probate
446 Court to make findings under this section to be used in connection
447 with a petition to the United States Citizenship and Immigration
448 Services for designation of the minor child as having special immigrant
449 juvenile status under 8 USC 1101(a)(27)(J). The Probate Court shall
450 cause notice of the hearing on the petition to be given by first class
451 mail to each person listed in subsection (b) of section 45a-716 of the
452 general statutes, and such hearing may be held at the same time as the
453 hearing on the underlying petition to terminate parental rights or

454 approve an adoption. If the court grants the petition to terminate
455 parental rights or approve the adoption, the court shall make written
456 findings on the following: (1) The age of the minor child; (2) the
457 marital status of the minor child; (3) whether the minor child is
458 dependent upon the court; (4) whether reunification of the minor child
459 with one or both of the minor child's parents is not viable due to any of
460 the grounds set forth in subdivision (2) of subsection (g) of section 45a-
461 717 of the general statutes; and (5) whether it is not in the best interests
462 of the minor child to be returned to the minor child's or parent's
463 country of nationality or last habitual residence.

464 (b) If the court has previously granted a petition to terminate
465 parental rights under section 45a-717 of the general statutes or to
466 approve an adoption under section 45a-727 of the general statutes, a
467 statutory parent, guardian, adoptive parent or attorney for the minor
468 child may file a petition requesting that the court make findings under
469 this section to be used in connection with a petition to the United
470 States Citizenship and Immigration Services for designation of the
471 minor child as having special immigrant juvenile under 8 USC
472 1101(a)(27)(J). The court shall order notice of the hearing on the
473 petition to be given by first class mail to the statutory parent, each
474 guardian, adoptive parent and attorney for the minor child, to the
475 minor child if the minor child is twelve years of age or older and to
476 other persons as the court determines. The court shall make written
477 findings in accordance with subsection (a) of this section.

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

480 (a) For the purposes of this section, "records of cases of juvenile
481 matters" includes, but is not limited to, court records, records
482 regarding juveniles maintained by the Court Support Services
483 Division, records regarding juveniles maintained by an organization or
484 agency that has contracted with the Judicial Branch to provide services
485 to juveniles, records of law enforcement agencies including

486 fingerprints, photographs and physical descriptions, and medical,
487 psychological, psychiatric and social welfare studies and reports by
488 juvenile probation officers, public or private institutions, social
489 agencies and clinics.

490 (b) All records of cases of juvenile matters, as provided in section
491 46b-121, except delinquency proceedings, or any part thereof, and all
492 records of appeals from probate brought to the superior court for
493 juvenile matters pursuant to section 45a-186, shall be confidential and
494 for the use of the court in juvenile matters, and open to inspection or
495 disclosure to any third party, including bona fide researchers
496 commissioned by a state agency, only upon order of the Superior
497 Court, except that: (1) [The records concerning any matter transferred
498 from a court of probate pursuant to section 45a-623 or subsection (g) of
499 section 45a-715 or any appeal from probate to the superior court for
500 juvenile matters pursuant to subsection (b) of section 45a-186 shall be
501 available to the court of probate from which such matter was
502 transferred or from which such appeal was taken; (2) such] Such
503 records shall be available to (A) the attorney representing the child or
504 youth, including the Division of Public Defender Services, in any
505 proceeding in which such records are relevant, (B) the parents or
506 guardian of the child or youth until such time as the child or youth
507 reaches the age of majority or becomes emancipated, (C) an adult
508 adopted person in accordance with the provisions of sections 45a-736,
509 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the
510 Division of Criminal Justice who, in the performance of their duties,
511 require access to such records, (E) employees of the Judicial Branch
512 who, in the performance of their duties, require access to such records,
513 (F) another court under the provisions of subsection (d) of section 46b-
514 115j, (G) the subject of the record, upon submission of satisfactory
515 proof of the subject's identity, pursuant to guidelines prescribed by the
516 Office of the Chief Court Administrator, provided the subject has
517 reached the age of majority or has been emancipated, (H) the
518 Department of Children and Families, [and] (I) the employees of the

519 Division of Public Defender Services who, in the performance of their
520 duties related to Division of Public Defender Services assigned
521 counsel, require access to such records, and (I) judges and employees
522 of the Probate Court who, in the performance of their duties, require
523 access to such records; and ~~[(3)]~~ (2) all or part of the records concerning
524 a youth in crisis with respect to whom a court order was issued prior
525 to January 1, 2010, may be made available to the Department of Motor
526 Vehicles, provided such records are relevant to such order. Any
527 records of cases of juvenile matters, or any part thereof, provided to
528 any persons, governmental ~~[and]~~ or private agencies, ~~[and]~~ or
529 institutions pursuant to this section shall not be disclosed, directly or
530 indirectly, to any third party not specified in subsection (d) of this
531 section, except as provided by court order, ~~[or]~~ in the report required
532 under section 54-76d or 54-91a or as otherwise provided by law.

533 (c) All records of cases of juvenile matters involving delinquency
534 proceedings, or any part thereof, shall be confidential and for the use
535 of the court in juvenile matters and shall not be disclosed except as
536 provided in this section.

537 (d) Records of cases of juvenile matters involving delinquency
538 proceedings shall be available to (1) Judicial Branch employees who, in
539 the performance of their duties, require access to such records, (2)
540 judges and employees of the Probate Court who, in the performance of
541 their duties, require access to such records, and ~~[(2)]~~ (3) employees and
542 authorized agents of state or federal agencies involved in (A) the
543 delinquency proceedings, (B) the provision of services directly to the
544 child, (C) the design and delivery of treatment programs pursuant to
545 section 46b-121j, or (D) the delivery of court diversionary programs.
546 Such employees and authorized agents include, but are not limited to,
547 law enforcement officials, community-based youth service bureau
548 officials, state and federal prosecutorial officials, school officials in
549 accordance with section 10-233h, court officials including officials of
550 both the regular criminal docket and the docket for juvenile matters
551 and officials of the Division of Criminal Justice, the Division of Public

552 Defender Services, the Department of Children and Families, the Court
553 Support Services Division and agencies under contract with the
554 Judicial Branch. Such records shall also be available to (i) the attorney
555 representing the child, including the Division of Public Defender
556 Services, in any proceeding in which such records are relevant, (ii) the
557 parents or guardian of the child, until such time as the subject of the
558 record reaches the age of majority, (iii) the subject of the record, upon
559 submission of satisfactory proof of the subject's identity, pursuant to
560 guidelines prescribed by the Office of the Chief Court Administrator,
561 provided the subject has reached the age of majority, (iv) law
562 enforcement officials and prosecutorial officials conducting legitimate
563 criminal investigations, (v) a state or federal agency providing services
564 related to the collection of moneys due or funding to support the
565 service needs of eligible juveniles, provided such disclosure shall be
566 limited to that information necessary for the collection of and
567 application for such moneys, and (vi) members and employees of the
568 Board of Pardons and Paroles and employees of the Department of
569 Correction who, in the performance of their duties, require access to
570 such records, provided the subject of the record has been convicted of
571 a crime in the regular criminal docket of the Superior Court and such
572 records are relevant to the performance of a risk and needs assessment
573 of such person while such person is incarcerated, the determination of
574 such person's suitability for release from incarceration or for a pardon,
575 or the determination of the supervision and treatment needs of such
576 person while on parole or other supervised release. Records disclosed
577 pursuant to this subsection shall not be further disclosed, except that
578 information contained in such records may be disclosed in connection
579 with bail or sentencing reports in open court during criminal
580 proceedings involving the subject of such information, or as otherwise
581 provided by law.

582 (e) Records of cases of juvenile matters involving delinquency
583 proceedings, or any part thereof, may be disclosed upon order of the
584 court to any person who has a legitimate interest in the information

585 and is identified in such order. Records disclosed pursuant to this
586 subsection shall not be further disclosed, except as specifically
587 authorized by a subsequent order of the court.

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

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

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

612 (i) A state's attorney shall disclose to the defendant or [his] such
613 defendant's counsel in a criminal prosecution, without the necessity of
614 a court order, exculpatory information and material contained in any
615 record disclosed to such state's attorney pursuant to this section and

616 may disclose, without a court order, information and material
617 contained in any such record which could be the subject of a disclosure
618 order.

619 (j) Notwithstanding the provisions of subsection (d) of this section,
620 any information concerning a child that is obtained during any mental
621 health screening or assessment of such child, during the provision of
622 services pursuant to subsection (b) of section 46b-149, or during the
623 performance of an educational evaluation pursuant to subsection (e) of
624 section 46b-149, shall be used solely for planning and treatment
625 purposes and shall otherwise be confidential and retained in the files
626 of the entity providing such services or performing such screening,
627 assessment or evaluation. Such information may be further disclosed
628 only for the purposes of any court-ordered evaluation or treatment of
629 the child or provision of services to the child, or pursuant to sections
630 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such
631 information shall not be subject to subpoena or other court process for
632 use in any other proceeding or for any other purpose.

633 (k) Records of cases of juvenile matters involving delinquency
634 proceedings, or any part thereof, containing information that a child
635 has been convicted as delinquent for a violation of subdivision (e) of
636 section 1-1h, subsection (c) of section 14-147, subsection (a) of section
637 14-215, section 14-222, subsection (b) of section 14-223, subsection (a),
638 (b) or (c) of section 14-224, section 30-88a or subsection (b) of section
639 30-89, shall be disclosed to the Department of Motor Vehicles for
640 administrative use in determining whether administrative sanctions
641 regarding such child's motor vehicle operator's license are warranted.
642 Records disclosed pursuant to this subsection shall not be further
643 disclosed.

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

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

650 (b) The Legislative Commissioners' Office shall, in codifying said
 651 sections of the general statutes pursuant to subsection (a) of this
 652 section, make such technical, grammatical and punctuation changes as
 653 are necessary to carry out the purposes of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	45a-731
Sec. 2	<i>October 1, 2014</i>	45a-734
Sec. 3	<i>October 1, 2014</i>	45a-437
Sec. 4	<i>October 1, 2014</i>	45a-438
Sec. 5	<i>October 1, 2014</i>	45a-438b
Sec. 6	<i>October 1, 2014</i>	45a-439
Sec. 7	<i>October 1, 2014</i>	46b-172a
Sec. 8	<i>October 1, 2014</i>	New section
Sec. 9	<i>October 1, 2014</i>	New section
Sec. 10	<i>October 1, 2014</i>	46b-124
Sec. 11	<i>October 1, 2014</i>	New section

Statement of Purpose:

To revise and update statutes regarding (1) adoption and inheritance matters in the Probate Courts, and (2) Probate Court access to certain juvenile records.

[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.]