



**Substitute Senate Bill No. 154**

**Public Act No. 14-103**

**AN ACT CONCERNING PROBATE COURT OPERATIONS.**

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

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 Section 17a-498 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

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

(b) (1) If the court finds such respondent is indigent or otherwise unable to pay for counsel, the court shall appoint counsel for such respondent, unless such respondent refuses counsel and the court finds that the respondent understands the nature of his or her refusal.

**Substitute Senate Bill No. 154**

The court shall provide such respondent a reasonable opportunity to select his or her own counsel to be appointed by the court. If the respondent does not select counsel or if counsel selected by the respondent refuses to represent such respondent or is not available for such representation, the court shall appoint counsel for the respondent from a panel of attorneys admitted to practice in this state provided by the Probate Court Administrator in accordance with regulations promulgated by the Probate Court Administrator in accordance with section 45a-77. The reasonable compensation of appointed counsel shall be established by, and paid from funds appropriated to, the Judicial Department, [however,] except that if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.

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

***Substitute Senate Bill No. 154***

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

**Substitute Senate Bill No. 154**

hearing that he or she wishes to cross-examine the examining physicians, the court shall order such physicians to appear.

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

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

(d) If the respondent refuses to be examined by the court-appointed physicians as [herein] provided in subsection (c) of this section, the court may issue a warrant for the apprehension of the respondent and a police officer for the town in which such court is located or if there is

**Substitute Senate Bill No. 154**

no such police officer then the state police shall deliver the respondent to a general hospital where the respondent shall be examined by two physicians, one of whom shall be a practicing psychiatrist, in accordance with subsection (c) of this section. If as a result of such examination, the respondent is committed under section 17a-502, transportation of the respondent to any such hospital, if such respondent is a female, shall be in accordance with the provisions of section 17a-505. If the respondent is not committed under section 17a-502, [he] the respondent shall be released and the reports of such physicians shall be sent to the [Court of] Probate Court to satisfy the requirement of examination [of] by two physicians under subsection (c) of this section.

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

**Substitute Senate Bill No. 154**

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

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

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

***Substitute Senate Bill No. 154***

The hospital shall include in such notification the type of review [which] the patient last received. If the patient's last annual review had a hearing, the [probate court notified] Probate Court shall, within fifteen business days thereafter, appoint an impartial physician who is a psychiatrist from the list provided by the Commissioner of Mental Health and Addiction Services as set forth in subsection (c) of this section and not connected with the hospital in which the patient is confined [nor] or related by blood or marriage to the original applicant or to the respondent, which physician shall see and examine each such patient within fifteen business days after [his] such physician's appointment and make a report forthwith to such court of the condition of the patient on forms provided by the [Department of Mental Health and Addiction Services] Probate Court Administrator. If the [Court of] Probate Court concludes that the confinement of any such patient should be reviewed by such court for possible release of the patient, the court, on its own motion, shall proceed in the manner provided in subsections (a), (b), (c) and (f) of this section, except that the examining physician shall be considered one of the physicians required by subsection (c) of this section. If the patient's last annual review did not result in a hearing, and in any event at least every two years, the [probate court notified] Probate Court shall, within fifteen business days, proceed with a hearing in the manner provided in subsections (a), (b), (c) and (f) of this section. All costs and expenses, including Probate Court entry fees provided by statute, in conjunction with the annual psychiatric review and the judicial review under this subsection, except costs for physicians appointed pursuant to this subsection, shall be established by, and paid from funds appropriated to, the Judicial Department, [however,] except that if funds have not been included in the budget of the Judicial Department for such costs and expenses, such payment shall be made from the Probate Court Administration Fund. Compensation of any physician appointed to conduct the annual psychiatric review, to examine a patient for any hearing held as a result of such annual review or for any other biennial

**Substitute Senate Bill No. 154**

hearing required pursuant to sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, shall be paid by the state from funds appropriated to the Department of Mental Health and Addiction Services in accordance with rates established by the Department of Mental Health and Addiction Services.

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

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

All proceedings of the [Court of] Probate Court, upon application made under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, shall be in writing and filed in such court, and, whenever a court passes an order for the admission of any person to any state hospital for psychiatric disabilities, [it shall record the same] the court shall record the order and give a certified copy of such order and of the reports of the physicians to the person by whom such person is to be taken to the hospital, as the warrant for such taking and commitment, and shall also forthwith transmit a like copy to the Commissioner of Mental Health and Addiction Services, and, in the case of a person in the custody of the Commissioner of Correction, to the Commissioner of Correction. Whenever a court passes an order for the commitment of any person to any hospital for psychiatric disabilities, it shall, within three business days, provide [a copy of the order of commitment to] the Commissioner of Mental Health and Addiction Services [who shall maintain] with access to identifying information including, but not limited to, name, address, sex, date of birth and date of commitment on all commitments ordered on and

**Substitute Senate Bill No. 154**

after June 1, 1998. All commitment applications, orders of commitment and commitment papers issued by any court in committing persons with psychiatric disabilities to public or private hospitals for psychiatric disabilities shall be in accordance with a form prescribed by the [Attorney General] Probate Court Administrator, which form shall be uniform throughout the state. [For all such commitment applications and orders, the Commissioner of Mental Health and Addiction Services shall cause suitable blanks, in accordance with said form, to be printed and furnished at the expense of the state.] State hospitals and other hospitals for persons with psychiatric disabilities shall, so far as they are able, upon reasonable request of any officer of a court having the power of commitment, send one or more trained attendants or nurses to attend any hearing concerning the commitment of any person with psychiatric disabilities and any such attendant or nurse, when present, shall be designated by the court as the authority to serve commitment process issued under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive.

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

(a) Any person who is a patient in a hospital for psychiatric disabilities upon the order of any [court of probate] Probate Court, or his or her representative, may make application to the [court of probate] Probate Court for the district in which [such] the hospital is located for his or her release from [said] the hospital. Upon receipt of any such application, such court shall assign a time, not later than ten days [thereafter] after the date the application was filed, and a place for hearing such application, and shall cause reasonable notice [thereof] of such hearing to be given to the applicant, to the

***Substitute Senate Bill No. 154***

superintendent of the hospital where the applicant is confined and to such relative or relatives and friends as [it] the court deems advisable. [Such] The notice shall inform the applicant that he or she has a right to be present at the hearing and to present evidence at the hearing; that he or she has a right to counsel; that he or she, if indigent, has a right to have counsel appointed to represent him or her; and that he or she has a right to cross-examine witnesses at any hearing upon such application. Notwithstanding the provisions of chapter 899, hospital records shall be admissible in evidence, subject to the rules of evidence as provided in subsection (b) of this section. [Nothing herein shall prevent timely objection to the admissibility of evidence in accordance with the rules of civil procedure.] Unless the court finds that further confinement of the applicant is necessary in accordance with the standards set forth in section 17a-498, as amended by this act, the court shall order the release of such person. All of the expenses in connection with an application filed under this section shall be paid by the applicant, unless the applicant is indigent or otherwise unable to pay such expenses, in which case such expenses shall be paid by the state from funds appropriated to the Department of Mental Health and Addiction Services, in accordance with rates established by [said] the department, and attorney's fees shall be established by, and paid from funds appropriated to, the Judicial Department, [however,] except that if funds have not been included in the budget of the Judicial Department for such attorney's fees, such fees shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund, provided in no event shall the expenses be paid for any one applicant for more than two hearings in any one year, including the hearing provided for in subsection (g) of section 17a-498, as amended by this act. Such court may, for reasonable cause shown, order any person confined in a hospital for psychiatric disabilities to be removed to any other hospital for psychiatric disabilities in this state. If the officers, directors or trustees of a state hospital for psychiatric disabilities are notified by the superintendent of such [institution]

**Substitute Senate Bill No. 154**

hospital or other person in a managerial capacity that he or she has reason to believe that any person committed [thereto] to such hospital by order of a [probate court] Probate Court does not have psychiatric disabilities or is not a suitable subject to be confined in such [institution] hospital, or is appropriate for voluntary status, such officers, directors or trustees may discharge such person or convert the status of such person to voluntary status pursuant to section 17a-506. The superintendent or other director of such [institution] hospital shall notify such person's next of kin or close friend of such person's discharge, provided such [patient] person consents in writing to such notification.

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

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

[In] (a) If a party to any action or proceeding in any court [to which any person] or a person whose property rights may be affected by any such action or proceeding is confined by order of any court, or as provided [by] in section 17a-502 or 17a-506, in any institution for persons with psychiatric disabilities in this state, [is a party or which affects or relates to the property rights of any such person,] a copy of all process, notices and documents required to be served upon such confined person [either personally or at such confined person's abode or by mail] by means other than personal service shall be sent by registered or certified mail to such confined person at the institution where such person is confined and [to the Commissioner of Administrative Services at Hartford,] another copy thereof shall be [so mailed] sent by registered or certified mail to the superintendent of the institution where such person is confined, [or left with the superintendent or the superintendent's representative at his or her office, and another copy thereof so served upon the superintendent of

**Substitute Senate Bill No. 154**

such institution or the superintendent's representative, for such confined person, which shall be equivalent to and constitute service thereof at the usual place of abode of such confined person whether he or she then has another usual place of abode or not; and as soon thereafter as practical and reasonable, such superintendent or such superintendent's representative shall deliver such copy to such confined person. Whenever service or notice is required by publication only, two copies thereof shall be sent to the superintendent of the institution by registered or certified mail, and one copy shall also be so mailed to the Commissioner of Administrative Services at Hartford; and such superintendent or such superintendent's representative shall deliver one copy thereof to the confined person as soon as practical and reasonable.] Such mailing and proof of delivery thereof shall satisfy any requirement under law for service of such process, notices or documents by means other than personal service and shall be deemed equivalent to any service of such process, notices or documents required under law by means other than personal service. A copy of all process, notices or documents that are required to be served by means of personal service on such confined person shall be sent by registered or certified mail to the superintendent of the institution where such person is confined, in addition to being served personally on such confined person. As soon as practical and reasonable after receiving a copy of any process, notice or document under this subsection, such superintendent or such superintendent's representative shall deliver such copy of the process, notice or document to such confined person.

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

**Substitute Senate Bill No. 154**

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

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

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

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

Sec. 7. Section 17b-751a of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

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

Sec. 8. Section 17b-751d of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof

**Substitute Senate Bill No. 154**

*(Effective July 1, 2014):*

(a) The Department of Social Services shall be the lead state agency for community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect. The responsibilities of the department shall include, but not be limited to, collaborating with state agencies, hospitals, clinics, schools and community service organizations, to: (1) Initiate programs to support families at risk for child abuse or neglect; (2) assist organizations to recognize child abuse and neglect; (3) encourage community safety; (4) increase broad-based efforts to prevent child abuse and neglect; (5) create a network of agencies to advance child abuse and neglect prevention; and (6) increase public awareness of child abuse and neglect issues. The department, subject to available state, federal and private funding, shall be responsible for implementing and maintaining programs and services, including, but not limited to: (A) The Nurturing Families Network, established pursuant to subsection (a) of section 17b-751b; (B) Family Empowerment Initiative programs; (C) Help Me Grow; (D) [the Kinship Fund and Grandparent's Respite Fund; (E)] Family School Connection; [(F)] (E) support services for residents of a respite group home for girls; [(G)] (F) legal services on behalf of indigent children; [(H)] (G) volunteer services; [(I)] (H) family development training; [(J)] (I) shaken baby syndrome prevention; and [(K)] (J) child sexual abuse prevention.

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

Sec. 9. Section 45a-8c of the general statutes is repealed and the

**Substitute Senate Bill No. 154**

following is substituted in lieu thereof (*Effective from passage*):

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

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

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

(d) The truancy [clinic] clinics shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be

**Substitute Senate Bill No. 154**

voluntary. The truancy [clinic] clinics shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the [clinic] clinics.

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

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

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

Sec. 10. (NEW) (*Effective July 1, 2014*) Whenever a Probate Court appoints a conservator of the person or a conservator of the estate, the court may also appoint a successor conservator of the person or successor conservator of the estate. The successor conservator shall act as conservator if the court accepts the resignation of the conservator or removes the conservator or if the conservator is adjudicated incapable or dies. The successor conservator may assume the duties of conservator immediately upon the Probate Court's acceptance of the resignation of the conservator of the person or conservator of the estate or removing such conservator, upon such conservator being

**Substitute Senate Bill No. 154**

adjudicated incapable or upon the death of such conservator, provided a successor conservator of the estate may not assume the duties of conservator of the estate before furnishing a probate bond or providing proof of a restricted account if a bond or restricted account was required from the conservator of the estate. The successor conservator shall immediately inform the Probate Court that has jurisdiction over the conservator of the person or conservator of the estate that the successor conservator assumed the role of conservator of the person or conservator of the estate and the reasons for assuming such role. The Probate Court may issue a decree, without notice and hearing, confirming the successor conservator's appointment after the requirements of this section are met.

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

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

THESE ARE MY HEALTH CARE INSTRUCTIONS.  
MY APPOINTMENT OF A HEALTH CARE REPRESENTATIVE,  
THE DESIGNATION OF MY CONSERVATOR OF THE PERSON  
FOR MY FUTURE INCAPACITY  
AND  
MY DOCUMENT OF ANATOMICAL GIFT

To any physician who is treating me: These are my health care instructions including those concerning the withholding or withdrawal of life support systems, together with the appointment of my health care representative, the designation of my conservator of the person

***Substitute Senate Bill No. 154***

for future incapacity and my document of anatomical gift. As my physician, you may rely on these health care instructions and any decision made by my health care representative or conservator of my person, if I am incapacitated to the point when I can no longer actively take part in decisions for my own life, and am unable to direct my physician as to my own medical care.

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

I appoint ... to be my health care representative. If my attending physician determines that I am unable to understand and appreciate the nature and consequences of health care decisions and unable to reach and communicate an informed decision regarding treatment, my health care representative is authorized to make any and all health care decisions for me, including (1) the decision to accept or refuse any treatment, service or procedure used to diagnose or treat my physical or mental condition, except as otherwise provided by law such as for

**Substitute Senate Bill No. 154**

psychosurgery or shock therapy, as defined in section 17a-540, and (2) the decision to provide, withhold or withdraw life support systems. I direct my health care representative to make decisions on my behalf in accordance with my wishes, as stated in this document or as otherwise known to my health care representative. In the event my wishes are not clear or a situation arises that I did not anticipate, my health care representative may make a decision in my best interests, based upon what is known of my wishes.

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

If a conservator of my person should need to be appointed, I designate .... be appointed my conservator. If .... is unwilling or unable to serve as my conservator, I designate .....

I designate .... to be successor conservator. No bond shall be required of either of them in any jurisdiction.

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

I give: (check one)

- .... (1) any needed organs or parts
- .... (2) only the following organs or parts ....

to be donated for: (check one)

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

These requests, appointments, and designations are made after careful reflection, while I am of sound mind. Any party receiving a duly executed copy or facsimile of this document may rely upon it

**Substitute Senate Bill No. 154**

unless such party has received actual notice of my revocation of it.

Date ....., 20..

.... L.S.

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

....  
(Witness)

....  
(Witness)

....  
(Number and Street)

....  
(Number and Street)

....  
(City, State and Zip Code)

....  
(City, State and Zip Code)

STATE OF CONNECTICUT



ss. ....

COUNTY OF ....

We, the subscribing witnesses, being duly sworn, say that we witnessed the execution of these health care instructions, the appointments of a health care representative, the designation of a conservator for future incapacity and a document of anatomical gift by the author of this document; that the author subscribed, published and declared the same to be the author's instructions, appointments and designation in our presence; that we thereafter subscribed the document as witnesses in the author's presence, at the author's request, and in the presence of each other; that at the time of the execution of

**Substitute Senate Bill No. 154**

said document the author appeared to us to be eighteen years of age or older, of sound mind, able to understand the nature and consequences of said document, and under no improper influence, and we make this affidavit at the author's request this .... day of .... 20...

....  
(Witness)

....  
(Witness)

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

....  
Commissioner of the Superior Court  
Notary Public  
My commission expires: ....

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

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

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

(d) In the absence of knowledge of the revocation of an appointment of health care representative, a person who carries out an advance directive pursuant to the provisions of this chapter shall not be subject to civil or criminal liability or discipline for unprofessional conduct for carrying out such advance directive.

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

Sec. 12. Section 45a-645 of the general statutes is repealed and the

**Substitute Senate Bill No. 154**

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

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

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

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

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

(h) The respondent or conserved person may appoint, designate or nominate a conservator or successor conservator pursuant to section 19a-575a, as amended by this act, 19a-580e, 19a-580g or 45a-645, as amended by this act, or may, orally or in writing, nominate a conservator or successor conservator who shall be appointed unless the court finds that the appointee, designee or nominee is unwilling or unable to serve or there is substantial evidence to disqualify such person. If there is no such appointment, designation or nomination or if the court does not appoint the person appointed, designated or nominated by the respondent or conserved person, the court may appoint any qualified person, authorized public official or corporation

**Substitute Senate Bill No. 154**

in accordance with subsections (a) and (b) of section 45a-644. In considering whom to appoint as conservator or successor conservator, the court shall consider (1) the extent to which a proposed conservator has knowledge of the respondent's or conserved person's preferences regarding the care of his or her person or the management of his or her affairs, (2) the ability of the proposed conservator to carry out the duties, responsibilities and powers of a conservator, (3) the cost of the proposed conservatorship to the estate of the respondent or conserved person, (4) the proposed conservator's commitment to promoting the respondent's or conserved person's welfare and independence, and (5) any existing or potential conflicts of interest of the proposed conservator.

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

When any person under voluntary or involuntary representation becomes a settled inhabitant of any town in the state in a probate district other than the one in which a conservator was appointed, and is an actual resident in such district, the [court of probate] Probate Court in which the conservator was appointed shall, upon motion of the conservator, the person under conservatorship, the first selectman or the chief executive officer of the town in which the person under conservatorship resides or the husband or wife or a relative of the person under conservatorship, transfer the file to the probate district in which the person under conservatorship resides at the time of the application, if the court determines that the requested transfer is the preference of the person under conservatorship. A transfer of the file shall be accomplished by the [probate court] Probate Court in which the conservator was originally appointed by making copies of all recorded documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the person under conservatorship resides. When the transfer is made, the

**Substitute Senate Bill No. 154**

[court of probate] Probate Court in which the person under conservatorship resides at the time of transfer shall thereupon assume jurisdiction over the conservatorship and all further accounts shall be filed with such court.

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

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

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

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

Sec. 16. Section 45a-113 of the general statutes is repealed. (*Effective*

**Substitute Senate Bill No. 154**

*from passage)*

Approved June 6, 2014