



House of Representatives

File No. 856

General Assembly

January Session, 2015

(Reprint of File No. 729)

Substitute House Bill No. 7029
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 18, 2015

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

1 Section 1. Section 17a-76 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) [Application] An application for commitment of a mentally ill
4 child to a hospital for mental illness shall be [made to the court of
5 probate] filed in the Probate Court in the district in which such child
6 resides, or when his or her place of residence is out of state or
7 unknown, the district in which he or she may be at the time of filing
8 the application, except in cases where it is otherwise expressly
9 provided by law. In any case in which the child is hospitalized under
10 sections 17a-75 to 17a-83, inclusive, and an application for the
11 commitment of such child is filed in accordance with the provisions of
12 sections 17a-75 to 17a-83, inclusive, the jurisdiction shall be vested in
13 the [court of probate] Probate Court for the district in which the
14 hospital where such child is a patient is located. In the event that an
15 application has previously been filed in another [court of probate]

16 Probate Court with respect to the same confinement, no further action
17 shall be taken on such previous application. Notwithstanding the
18 provisions of section 45a-7, if the child is confined to a hospital outside
19 the district of the [court of probate] Probate Court in which the
20 application for the child's commitment was made, the [judge of]
21 probate judge from the district where the application was filed shall
22 have jurisdiction to hold the hearing on such commitment at the
23 hospital where such child is hospitalized. The court shall exercise
24 jurisdiction only upon written application alleging that such child
25 suffers from a mental disorder and is in need of treatment. Such
26 application may be [made] filed by any person, and shall include the
27 name and address of the hospital for mental illness to which the child's
28 commitment is being sought and shall include the name, address and
29 telephone number of any attorney appointed for the child by the
30 Superior Court pursuant to section 46b-129.

31 (b) Any application for commitment of any child under sections 17a-
32 75 to 17a-83, inclusive, shall be transferred from the [court of probate]
33 Probate Court where it has been filed to the superior court of
34 appropriate venue upon motion of any legal party except the
35 petitioner.

36 (c) The motion for such transfer shall be filed with the [court of
37 probate] Probate Court prior to the beginning of any hearing on the
38 merits. The moving party shall send copies of such motion to all
39 parties of record. The court shall grant such motion the next business
40 day after its receipt by the court. Immediately upon granting the
41 motion, the clerk of the court shall transmit by certified mail the
42 original file and papers to the superior court having jurisdiction. All
43 parties to the proceeding shall be notified of the date on which the file
44 and papers were transferred.

45 (d) The [court of probate] Probate Court shall appoint an attorney
46 for such child from the panel of attorneys established by subsection (b)
47 of section 17a-498 on the next business day after receipt of the
48 application, and as soon as reasonably possible shall appoint

49 physicians as required under section 17a-77, which appointments shall
50 remain in full force and effect notwithstanding the fact that the matter
51 has been transferred to the Superior Court.

52 (e) On any matter not transferred to the Superior Court in
53 accordance with this section, upon the motion of the child for whom
54 application has been made, or his or her counsel, or the [judge of]
55 probate judge having jurisdiction over such application, filed not later
56 than three days prior to any hearing scheduled on such application,
57 the Probate Court Administrator shall appoint a three-judge court
58 from among the several [judges of] probate judges to hear such
59 application. [Such three-judge court shall consist of at least one judge
60 who is an attorney at law admitted to practice in this state.] The judge
61 of the [court of probate] Probate Court having jurisdiction over such
62 application under the provisions of this section shall be a member,
63 provided such judge may disqualify himself or herself in which case
64 all three members of such court shall be appointed by the Probate
65 Court Administrator. Such three-judge court when convened shall
66 have all the powers and duties set forth under sections 17a-75 to 17a-
67 83, inclusive, and shall be subject to all of the provisions of law as if it
68 were a single-judge court. No such child shall be involuntarily
69 hospitalized without the vote of at least two of the three judges
70 convened under the provisions of this section. The judges of such court
71 shall designate a chief judge from among their members. All records
72 for any case before the three-judge court shall be maintained in the
73 [court of probate] Probate Court having jurisdiction over the matter.

74 Sec. 2. Section 17a-497 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective October 1, 2015*):

76 (a) The jurisdiction of the commitment of a person with psychiatric
77 disabilities to a hospital for psychiatric disabilities shall be vested in
78 the [court of probate] Probate Court for the district in which such
79 person resides or, when his or her place of residence is out of the state
80 or unknown, in which he or she may be at the time of filing the
81 application, except in cases where it is otherwise expressly provided

82 by law. In any case in which the person is hospitalized in accordance
83 with the provisions of sections 17a-498, 17a-502 or 17a-506, and an
84 application for the commitment of such person is filed in accordance
85 with the provisions of said sections, the jurisdiction shall be vested in
86 the [court of probate] Probate Court for the district in which the
87 hospital where such person is a patient is located. In the event that an
88 application has been previously filed in another [probate court]
89 Probate Court with respect to the same confinement, no further action
90 shall be taken on such prior application. If the respondent is confined
91 to a hospital, notwithstanding the provisions of section 45a-7, the
92 [judge of] probate judge from the district where the application was
93 filed shall hold the hearing on such commitment at the hospital where
94 such person is confined, if in the opinion of at least one of the
95 physicians appointed by the court to examine him it would be
96 detrimental to the health and welfare of the respondent to travel to the
97 [court of probate] Probate Court where the application was filed or if it
98 could be dangerous to the respondent or others for him to travel to
99 such court. [Courts of probate] The Probate Court shall exercise such
100 jurisdiction only upon written application alleging in substance that
101 such person has psychiatric disabilities and is dangerous to himself or
102 herself or others or gravely disabled. Such application may be [made]
103 filed by any person and, if any person with psychiatric disabilities is at
104 large and dangerous to the community, the first selectman or chief
105 executive officer of the town in which he or she resides or in which he
106 or she is at large shall make such application.

107 (b) Upon the motion of any respondent or his or her counsel, or the
108 [judge of] probate judge having jurisdiction over such application,
109 filed not later than three days prior to any hearing scheduled on such
110 application, the Probate Court Administrator shall appoint a three-
111 judge court from among the [several judges of] probate judges to hear
112 such application. [Such three-judge court shall consist of at least one
113 judge who is an attorney-at-law admitted to practice in this state.] The
114 judge of the [court of probate] Probate Court having jurisdiction over
115 such application under the provisions of this section shall be a

116 member, provided such judge may disqualify himself in which case all
117 three members of such court shall be appointed by the Probate Court
118 Administrator. Such three-judge court when convened shall have all
119 the powers and duties set forth under sections 17a-75 to 17a-83,
120 inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive,
121 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615
122 to 17a-618, inclusive, and shall be subject to all of the provisions of law
123 as if it were a single-judge court. No such respondent shall be
124 involuntarily confined without the vote of at least two of the three
125 judges convened hereunder. The judges of such court shall designate a
126 chief judge from among their members. All records for any case before
127 the three-judge court shall be maintained in the [court of probate]
128 Probate Court having jurisdiction over the matter as if the three-judge
129 court had not been appointed.

130 Sec. 3. Subsection (c) of section 19a-221 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective*
132 *October 1, 2015*):

133 (c) A person ordered isolated or quarantined under this section shall
134 be isolated or quarantined in a place designated by the director of
135 health until such time as such director determines such person no
136 longer poses a substantial threat to the public health or is released by
137 order of a [probate court] Probate Court for the district in which such
138 person is isolated or quarantined. Any person who desires treatment
139 by prayer or spiritual means without the use of any drugs or material
140 remedies, but through the use of the principles, tenets or teachings of
141 any church incorporated under chapter 598, may be so treated during
142 such person's isolation or quarantine in such place.

143 Sec. 4. Subsection (e) of section 19a-221 of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective*
145 *October 1, 2015*):

146 (e) Jurisdiction shall be vested in the [court of probate] Probate
147 Court for the district in which such person resides or is isolated or

148 quarantined. [The appeal shall be heard by the judge of probate for
149 such district, except that on motion of the respondent for appointment
150 of a three-judge court, the Probate Court Administrator shall appoint a
151 three-judge court from among the several judges of probate to conduct
152 the hearing. Such three-judge court shall consist of at least one judge
153 who is an attorney-at-law admitted to practice in this state. Such three-
154 judge court when convened shall be subject to all of the provisions of
155 law as if it were a single-judge court. The isolation or quarantine of a
156 person under this section shall not be ordered by the court without the
157 vote of at least two of the three judges convened hereunder. The
158 judges of such court shall designate a chief judge from among their
159 members. All records for any case before the three-judge court shall be
160 maintained in the court of probate having jurisdiction over the matter
161 as if the three-judge court had not been appointed.]

162 Sec. 5. Section 19a-265 of the general statutes is repealed and the
163 following is substituted in lieu thereof (*Effective October 1, 2015*):

164 (a) As used in this section:

165 (1) "Active tuberculosis" means (A) a specimen has been taken from
166 a pulmonary, laryngeal or other airway source, has tested positive for
167 tuberculosis and the person tested has not subsequently completed a
168 standard recommended course of medication for tuberculosis, (B) a
169 specimen from an extrapulmonary source has tested positive for
170 tuberculosis and there is clinical evidence or clinical suspicion of
171 pulmonary tuberculosis and the person tested has not subsequently
172 completed a standard recommended course of medication for
173 tuberculosis, or (C) where sputum smears or cultures are unobtainable,
174 radiographic evidence, in addition to current clinical or laboratory
175 evidence, is sufficient to establish a medical diagnosis of pulmonary
176 tuberculosis for which treatment is indicated and the person diagnosed
177 has not subsequently completed a standard recommended course of
178 medication for tuberculosis.

179 (2) "Infectious tuberculosis" means tuberculosis disease in a

180 communicable or infectious stage as determined by chest radiograph,
181 the bacteriologic examination of body tissues or secretions, or other
182 diagnostic procedures. A person is considered infectious to others until
183 such time as sputum smears from a pulmonary, laryngeal or other
184 airway source collected on three consecutive days have tested negative
185 for tuberculosis and the person shows significant clinical
186 improvement, such as the resolution of cough or fever.

187 (3) "Suspected of having active tuberculosis" means a person has
188 signs or symptoms of tuberculosis but diagnostic studies have not
189 been completed.

190 (4) "Nonadherent" means not taking tuberculosis medications as
191 prescribed or not following the recommendations of the attending
192 physician or health officer for the management of tuberculosis.

193 (5) "Enablers" means anything that helps the patient to more readily
194 complete therapy including, but not limited to, assistance with
195 transportation.

196 (6) "Incentive" means anything that motivates the patient to adhere
197 to treatment including, but not limited to, food or coupons.

198 (7) "Directly observed therapy" means a course of treatment for
199 tuberculosis in which the prescribed antituberculosis medication is
200 administered to the person or ingested by the person under direct
201 observation, as specified by the local director of health.

202 (b) The health care provider responsible for the treatment of any
203 person with active tuberculosis shall devise, with the assistance and
204 acknowledgment of that person and the approval of the director of
205 health of the municipality in which the person with tuberculosis
206 resides or, in the case of disagreement between the health care
207 provider and the director of health, the Commissioner of Public
208 Health, an appropriate individualized plan of treatment tailored to the
209 person's medical and personal needs and identifying the method for
210 effective treatment and prevention of transmission. The director of

211 health shall provide or ensure the provision of such enablers and
212 incentives as are within his or her means to provide and are reasonably
213 appropriate in the individual situation to help the person to complete
214 his or her course of treatment. In the event that the person with active
215 tuberculosis is hospitalized or in state custody, the director of health
216 shall be notified as required by section 19a-215, and the individualized
217 plan of treatment shall be approved by the director prior to discharge,
218 provided such discharge shall not be delayed more than twenty-four
219 hours, excluding weekends, solely because of delay in obtaining this
220 approval.

221 (c) If any town, city or borough director of health determines that
222 the public health is substantially and imminently endangered by a
223 person with or suspected of having active tuberculosis, [he] the
224 director of health may take the following actions as reasonably
225 necessary to protect the public health: (1) Issue a warning stating that
226 the person should have a physician's examination for tuberculosis to a
227 person who has active tuberculosis or who is suspected of having
228 active tuberculosis when that person is unable or unwilling voluntarily
229 to submit to such examination despite demonstrated efforts to educate
230 and counsel the person about the need for such examination; (2) issue
231 a warning stating that the person should complete an appropriate
232 prescribed course of medication for tuberculosis when that person has
233 active tuberculosis but is unwilling or unable to adhere to an
234 appropriate prescribed course of medication despite a demonstrated
235 effort to educate and counsel the person about the need to complete
236 the prescribed course of treatment and the offering of such enablers
237 and incentives as are reasonably appropriate to facilitate the
238 completion of treatment by that person; (3) issue a warning stating that
239 the person should follow a course of directly observed therapy for
240 tuberculosis that should be given in such a manner as shall minimize
241 the time and financial burden on the person given that person's
242 individual circumstances, when that person has active tuberculosis,
243 has been nonadherent to treatment for it and is unwilling or unable
244 otherwise to adhere to an appropriate prescribed course of medication

245 for tuberculosis despite a demonstrated effort to educate and counsel
246 the person about the need to complete the course of treatment and the
247 provision of such enablers and incentives to the person as are
248 reasonably appropriate to facilitate the completion of treatment by that
249 person; (4) issue an emergency commitment order which shall extend
250 for no more than ninety-six hours that authorizes the removal to or
251 detention in a hospital or other medically-appropriate setting of a
252 person: (A) Who has active tuberculosis that is infectious or who
253 presents a substantial likelihood of having active tuberculosis that is
254 infectious based upon epidemiologic, clinical, radiographic evidence
255 and laboratory test results; (B) who poses a substantial and imminent
256 likelihood of transmitting tuberculosis to others because of his or her
257 inadequate separation from others, based on a physician's professional
258 judgment using recognized infection control principles; (C) who is
259 unwilling or unable to behave so as not to expose others to risk of
260 infection from tuberculosis despite a demonstrated effort to educate
261 and counsel the person about the need to avoid exposing others and
262 required contagion precautions; (D) who has expressed or
263 demonstrated an unwillingness to adhere to the prescribed course of
264 treatment that would render the person noninfectious despite being
265 educated and counseled about the need to do so and being offered
266 such enablers and incentives as are reasonably appropriate to facilitate
267 the completion of treatment; and (E) for whom emergency
268 commitment is the least restrictive alternative to protect the public
269 health. When issuing an emergency commitment order, the director of
270 health may direct a police officer or other designated transport
271 personnel to immediately transport the person with tuberculosis as so
272 ordered by the director of health. The police officer shall take into
273 custody and isolate the person in such a manner as required by the
274 director of health. The director of health shall notify the police officer
275 or other personnel concerning any necessary infection control
276 procedures; (5) petition the Probate Court for a judicial commitment
277 order that authorizes the removal to or detention in a hospital or other
278 medically-appropriate setting for the purposes of facilitating
279 completion of a prescribed course of treatment for tuberculosis of a

280 person: (A) Who has active tuberculosis; (B) who is unwilling or
281 unable to adhere to an appropriate prescribed course of treatment for
282 tuberculosis despite a demonstrated effort to educate and counsel the
283 person about the need to complete the course of treatment and to
284 provide such enablers and incentives to the person as are reasonably
285 appropriate to facilitate the completion of treatment by that person; (C)
286 who has demonstrated a pattern of persistent nonadherence to
287 treatment for tuberculosis; (D) for whom commitment for the purposes
288 of completion of the prescribed course of treatment for active
289 tuberculosis is necessary to prevent the development of drug-resistant
290 tuberculosis organisms; and (E) for whom commitment for the
291 purpose of treatment for active tuberculosis is the least restrictive
292 course of action available to protect the public health in that other less
293 restrictive alternatives to encourage that person's adherence to the
294 prescribed course of treatment for tuberculosis have failed.

295 (d) Any warning or order issued by the director under subdivisions
296 (1) to (4), inclusive, of subsection (c) of this section, or a petition under
297 subdivision (5) of subsection (c) of this section, shall be in writing
298 setting forth: (1) The name of the person who is the subject of the
299 warning, order or petition; (2) the factual basis for the director's
300 professional judgment that the person has active tuberculosis or, in the
301 case of a warning concerning examination, is suspected of having
302 active tuberculosis; (3) in the case of a warning concerning
303 examination under subdivision (1) of subsection (c) of this section, the
304 efforts that have been made to educate and counsel the person about
305 the need for examination, the medical and legal consequences of
306 failing to agree to it and the factual basis for the director's professional
307 judgment that the person is unable or unwilling voluntarily to submit
308 to such examination; (4) in the case of warnings and orders under
309 subdivisions (2) to (4), inclusive, of subsection (c) of this section and a
310 petition under subdivision (5) of subsection (c) of this section, the
311 efforts that have been made to educate and counsel the person about
312 the need to complete the appropriate prescribed course of treatment
313 and the medical and legal consequences of failing to do so, a

314 description of the enablers and incentives that have been offered or
315 provided to the person, and the factual basis for the director's
316 professional judgment that the person is unable or unwilling
317 voluntarily to adhere to the appropriate prescribed course of
318 treatment; (5) in the case of an emergency commitment order under
319 subsection (c) of this section, the factual basis for the director's
320 professional judgment that: (A) The person is infectious or presents a
321 substantial likelihood of being infectious; (B) the person poses a
322 substantial and imminent likelihood of transmitting tuberculosis to
323 others; (C) the person is unable or unwilling to behave so as not to
324 expose others to risk of infection; and (D) emergency commitment is
325 the least restrictive alternative available to protect the public health; (6)
326 in the case of a petition for commitment under subsection (c) of this
327 section, the factual basis for the director's professional judgment that:
328 (A) The person has been persistently nonadherent to treatment for
329 tuberculosis; (B) commitment for the purpose of treatment for active
330 tuberculosis is necessary to prevent the development of drug-resistant
331 tuberculosis organisms; (C) commitment for the purpose of treatment
332 for active tuberculosis is the least restrictive alternative to protect the
333 public health in that other alternatives to encourage that person's
334 adherence to treatment have failed. Any warnings or orders issued
335 pursuant to subsections (c) and (k) of this section shall specify the
336 period of time that the warning or order is to remain effective,
337 provided: (i) Any order authorizing examination for tuberculosis shall
338 not continue beyond the minimum period of time required, with the
339 exercise of all due diligence, to make a medical determination of
340 whether the person who has active tuberculosis is infectious or
341 whether the person who is suspected of having tuberculosis has active
342 tuberculosis; (ii) any warning concerning treatment or directly
343 observed therapy shall not continue beyond the conclusion of the
344 prescribed course of antituberculosis treatment; and (iii) any order
345 authorizing emergency commitment shall not exceed ninety-six hours.
346 Any order for emergency commitment or petition for commitment
347 shall specify the place of confinement, which shall be in a facility
348 approved by the Commissioner of Public Health and which shall not

349 be a prison, jail or other enclosure where those charged with a crime
350 are incarcerated unless the person who is the subject of the order is
351 being held on a criminal charge. [Within] Not later than twenty-four
352 hours [of the] after the issuance of the order or petition, the director of
353 health shall notify the Commissioner of Public Health that such an
354 order or petition has been issued.

355 (e) The director of health may [make application to the probate
356 court] petition the Probate Court for the district in which a person
357 subject to a warning issued under subdivision (1) of subsection (c) of
358 this section resides for an enforcement order. A person concerning
359 whom [said application] such petition is made shall have the right to a
360 court hearing which shall be held by the [probate court within three
361 business days of receipt of such application] Probate Court not later
362 than three days, excluding Saturdays, Sundays and holidays, after the
363 date of receipt of such petition. The hearing shall be held to determine:
364 (1) If the person has active tuberculosis or is suspected of having active
365 tuberculosis; (2) if the person is unable or unwilling to be examined
366 voluntarily; (3) if efforts have been made to educate the person about
367 the need for examination; (4) whether the order is necessary and is the
368 least restrictive alternative to protect the public health. The Probate
369 Court may issue a warrant for the apprehension of a person who is the
370 subject of an order for examination, and a police officer for the town in
371 which such court is located, or if there is no such police officer then the
372 state police or such other officer as the court may determine, shall
373 deliver the person to a facility for examination as directed by the
374 health director.

375 (f) Immediately upon issuance of an emergency commitment order
376 under subdivision (4) of subsection (c) of this section, the director of
377 health shall petition the [probate court] Probate Court for the district in
378 which the person who is subject to the order resides to determine
379 whether such commitment shall be continued. [The petition shall be
380 heard by the judge of probate for such district, except that on motion
381 of the respondent or the judge of probate for appointment of a three-
382 judge court, the Probate Court Administrator shall appoint a

383 three-judge court from among the several judges of probate to conduct
384 the hearing. Such three-judge court shall consist of at least one judge
385 who is an attorney-at-law admitted to practice in this state. The judge
386 of probate having jurisdiction under the provisions of this section shall
387 be a member, provided such judge may disqualify himself or herself,
388 in which case all three members of such court shall be appointed by
389 the Probate Court Administrator. Such three-judge court when
390 convened shall be subject to all of the provisions of law as if it were a
391 single-judge court. The involuntary confinement of a person under this
392 section by a three-judge court shall not be ordered by the court
393 without the vote of at least two of the three judges convened
394 hereunder. The judges of such court shall designate a chief judge from
395 among their members. All records for any case before the three-judge
396 court shall be maintained by the court of probate having jurisdiction
397 over the matter as if the three-judge court had not been appointed. The
398 hearing, whether before a one-judge or three-judge court,] The hearing
399 shall be held [within] not later than ninety-six hours, excluding
400 Saturdays, Sundays and legal holidays, after the date of the issuance of
401 such order of emergency commitment and the court shall cause such
402 advanced notice as it directs thereof to be given to the person who is
403 the subject of the order and such other persons as it may direct. The
404 court shall determine: (1) If the person has active tuberculosis that is
405 infectious or presents a substantial likelihood of having active
406 tuberculosis that is infectious based upon epidemiologic, clinical, or
407 radiographic evidence, and laboratory test results; (2) if the person
408 poses a substantial and imminent likelihood of transmitting
409 tuberculosis to others because of inadequate separation from others,
410 based on a physician's professional judgment using recognized
411 infection control principles; (3) if the person is unwilling or unable to
412 behave so as to not expose others to risk of infection from tuberculosis;
413 (4) if efforts have been made to educate and counsel the person about
414 the need to avoid exposing others and required contagion precautions;
415 (5) if the person has expressed or demonstrated an unwillingness to
416 adhere to the prescribed course of treatment that would render the
417 person noninfectious; (6) if efforts have been made to educate and

418 counsel about the need to complete treatment and if reasonably
419 appropriate enablers and incentives have been offered to facilitate the
420 completion of treatment; and (7) whether the order is necessary and is
421 the least restrictive alternative to protect the public health.

422 (g) A petition by a director of health for a commitment order
423 pursuant to subdivision (5) of subsection (c) of this section shall be
424 heard by the [probate court] Probate Court for the district in which the
425 subject of such petition resides [within] not later than three business
426 days, excluding Saturdays, Sundays and holidays, after the date of
427 receipt of such petition. [or, if a motion is made for appointment of a
428 three-judge court, within three business days of the filing of such
429 motion. Upon the motion of the respondent or of the judge of probate
430 for appointment of a three-judge court, the Probate Court
431 Administrator shall appoint a three-judge court from among the
432 several judges of probate to conduct the hearing. Such three-judge
433 court shall consist of at least one judge who is an attorney-at-law
434 admitted to practice in this state. The judge of probate having
435 jurisdiction under the provisions of this section shall be a member,
436 provided such judge may disqualify himself, in which case all three
437 members of such court shall be appointed by the Probate Court
438 Administrator. Such three-judge court when convened shall be subject
439 to all of the provisions of law as if it were a single-judge court. The
440 involuntary confinement of a person under this section by a three-
441 judge court shall not be ordered by the court without the vote of at
442 least two of the three judges convened hereunder. The judges of such
443 court shall designate a chief judge from among their members. All
444 records for any case before the three-judge court shall be maintained
445 by the court of probate having jurisdiction over the matter as if the
446 three-judge court had not been appointed.] The court shall cause such
447 advanced notice as it directs thereof to be given to the person who is
448 the subject of the order and such other persons as it may direct. The
449 hearing shall be held to determine: (1) If the person has active
450 tuberculosis; (2) if the person is unwilling or unable to adhere to an
451 appropriate prescribed course of treatment for tuberculosis; (3) if

452 efforts have been made to educate and counsel the person about the
453 need to complete the course of treatment; (4) if reasonably appropriate
454 enablers and incentives have been provided to the person to facilitate
455 the completion of treatment by that person; (5) if the person has a
456 demonstrated pattern of persistent nonadherence to treatment for
457 tuberculosis; (6) if commitment for the purposes of completion of the
458 prescribed course of treatment for active tuberculosis is necessary to
459 prevent the development of drug-resistant tuberculosis organisms; and
460 (7) whether the order is necessary and is the least restrictive available
461 to protect the public health in that other less restrictive alternatives to
462 encourage that person's adherence to the prescribed course of
463 treatment for tuberculosis have failed. The Probate Court may issue a
464 warrant for the apprehension of a person who is the subject of an order
465 for commitment, and a police officer for the town in which such court
466 is located, or if there is no such police officer then the state police or
467 such other officer as the court may determine, shall deliver the person
468 to the place for confinement as determined by the health director and
469 as specified in subsection (d) of this section.

470 (h) All orders by health directors and all [applications or] petitions
471 for a hearing under this section shall be hand-delivered to the person
472 subject to the order as quickly as reasonably possible and shall inform
473 [him] such person that: (1) [He or his] The person or the person's
474 representative has a right to be present at the hearing; (2) [he] the
475 person has a right to counsel and, if indigent or otherwise unable to
476 pay for or to obtain counsel, [he] the person has a right to have counsel
477 appointed to represent him or her; (3) the court shall have the right to
478 appoint and hear additional expert witnesses at the expense of the
479 petitioner; (4) [he] the person has a right to be present and to cross-
480 examine witnesses testifying at the hearing; (5) the proceedings before
481 the Probate Court shall be recorded and shall be transcribed if [he] the
482 person appeals or files a writ of habeas corpus; (6) the proceedings
483 before the court shall be confidential and shall not be disclosed unless
484 [he or his] the person or the person's legal representative requests, or
485 the Probate Court so orders for good cause shown; (7) [he] the person

486 has a right to appeal an order of the Probate Court to the Superior
487 Court; and (8) [he] the person has a right to [apply to] petition the
488 Probate Court to terminate or modify an order it has made under
489 subsection (k) of this section, as provided in subsection (l) of this
490 section. If the court finds that such person is indigent or otherwise
491 unable to pay for or to obtain counsel, the court shall appoint counsel
492 for him or her, unless such person refuses counsel and the court finds
493 that the person understands the nature of his or her refusal. If the
494 person does not select his or her own counsel, or if counsel selected by
495 the person refuses to represent him or her, or is not available for such
496 representation, the court shall appoint counsel for the person from a
497 panel of attorneys admitted to practice in this state provided by the
498 Probate Court Administrator in accordance with regulations
499 promulgated by the Probate Court Administrator in accordance with
500 section 45a-77. The reasonable compensation of appointed counsel for
501 a person who is indigent or otherwise unable to pay for counsel shall
502 be established by, and paid from funds appropriated to, the Judicial
503 Department, however, if funds have not been included in the budget
504 of the Judicial Department for such purposes, such compensation shall
505 be established by the Probate Court Administrator and paid from the
506 Probate Court Administration Fund.

507 (i) Prior to any hearing under this section, such person or [his] the
508 person's counsel shall be afforded access to all the person's medical
509 records including, without limitation, hospital records if such person is
510 hospitalized. If such person is hospitalized at the time of the hearing,
511 the hospital shall provide [the] such person or [his] the person's
512 counsel access to all records in its possession relating to the condition
513 of the person. Nothing in this subsection shall prevent timely objection
514 to the admissibility of evidence in accordance with the rules of civil
515 procedure.

516 (j) At any hearing held under this section, the director of health shall
517 have the burden of showing by clear and convincing evidence that: (1)
518 The person has active tuberculosis or, in the case of an examination
519 order, is suspected of having active tuberculosis; (2) in the case of an

520 enforcement order for examination, that efforts have been made to
521 educate and counsel the person about the need for examination and
522 that the person remains unable or unwilling voluntarily to submit to
523 such examination; (3) in the case of an order under subdivision (4) of
524 subsection (c) of this section and a petition under subdivision (5) of
525 said subsection (c), that efforts that have been made to educate and
526 counsel that person about the need to complete the appropriate
527 prescribed course of treatment and that reasonably appropriate
528 enablers and incentives have been offered or provided to the person,
529 and that the person remains unable or unwilling voluntarily to adhere
530 to the appropriate prescribed course of treatment; (4) in the case of
531 continuation of an emergency commitment order under subdivision
532 (4) of subsection (c) of this section that: (A) The person is infectious or
533 presents a substantial likelihood of being infectious, (B) the person
534 poses a substantial and imminent likelihood of transmitting
535 tuberculosis to others, (C) the person is unable or unwilling to behave
536 so as not to expose others to risk of infection and (D) commitment is
537 the least restrictive alternative available to protect the public health; (5)
538 in the case of a petition for commitment under subdivision (5) of
539 subsection (c) of this section, that (A) the person has been persistently
540 nonadherent to treatment for tuberculosis, (B) commitment for the
541 purpose of treatment for active tuberculosis is necessary to prevent the
542 development of drug-resistant tuberculosis organisms, (C)
543 commitment for the purpose of treatment for active tuberculosis is the
544 least restrictive alternative to protect the public health in that other
545 alternatives to encourage said person's adherence to treatment have
546 failed; and (6) the order sought by the director of health is necessary
547 and is the least restrictive alternative to protect the public health.

548 (k) If the court, at such hearing, finds by clear and convincing
549 evidence that the director of health has met the burden of proof set
550 forth in subsection (j) of this section, the court shall: (1) In the case of
551 examination orders: (A) Order such person to be examined; or (B)
552 enter an order with such terms and conditions as the court deems
553 appropriate to protect the public health in the manner least restrictive

554 of the [individual's] person's liberty and privacy; (2) in the case of a
555 continuation of an emergency commitment issued pursuant to
556 subdivision (4) of subsection (c) of this section, (A) enter an order,
557 authorizing the continued commitment of such person only for as long
558 as the person remains infectious and poses a risk of transmission to
559 others, or (B) enter an order with such terms and conditions as the
560 court deems appropriate to protect the public health in the manner
561 least restrictive of the [individual's] person's liberty and privacy; and
562 (3) in the case of a petition for a commitment order for treatment
563 issued pursuant to subdivision (5) of subsection (c) of this section, (A)
564 order the continued commitment, but only for as long as is necessary
565 to complete the prescribed course of treatment or to demonstrate
566 adherence to treatment, or (B) enter an order with such terms and
567 conditions as the court deems appropriate to protect the public health
568 in the manner least restrictive of the [individual's] person's liberty and
569 privacy. If the court, at such hearing, finds that the director of health
570 has failed to meet such burden of proof, the court shall enter no orders,
571 provided, if the person has been subject to an emergency commitment,
572 the court shall order a release from such commitment.

573 (l) Such person may, at any time, move the court to terminate or
574 modify an order made under subsection (k) of this section, in which
575 case a hearing shall be held [within] not later than five business days,
576 excluding Saturdays, Sundays and holidays, after the date of issuance
577 of such order in accordance with this subsection. In addition, the court
578 shall, on its own motion, review at least every six months any order of
579 commitment issued under this section to determine if the conditions
580 that required the commitment or restriction of the person still exist. If
581 the court finds at such hearing, held on motion of the person or on its
582 own motion, that the conditions that warranted the issuance of the
583 order no longer exist, it shall dissolve said order. At such hearing, the
584 director of health shall bear the burden of proof as specified in
585 subsection (j) of this section.

586 (m) Any person aggrieved by an order of the [Court of Probate]
587 Probate Court under this section may take an appeal to the Superior

588 Court. The Probate Court shall cause a recording of any hearing held
589 pursuant to this section to be made, to be transcribed only in the event
590 of [an application] a petition for a writ of habeas corpus or an appeal
591 from the decree rendered hereunder. A copy of such transcript shall be
592 furnished without charge to the appellant or [applicant] petitioner for
593 the writ of habeas corpus whom the [Court of] Probate Court finds
594 unable to pay for the same. In such case, the cost of preparing such
595 transcript shall be paid by the original petitioner.

596 (n) The provisions of this section shall not be construed to permit or
597 require the forcible administration of any medication.

598 (o) All health directors' orders, [applications or] petitions for a
599 hearing, notices of a hearing and proceedings of a hearing under this
600 section shall be kept confidential and shall not be disclosed, except to
601 the parties to the proceeding, or upon the request of the person who is
602 the subject of the order or his legal representative, or upon order of the
603 Probate Court for good cause shown.

604 (p) All health directors' emergency commitment orders and
605 warnings shall be in a language that the person who is the subject of
606 the warning or order can comprehend.

607 (q) The commissioner may adopt, in accordance with chapter 54,
608 such regulations as are necessary to carry out and enforce the
609 provisions of subsection (b) of this section.

610 Sec. 6. Section 45a-705a of the general statutes is repealed and the
611 following is substituted in lieu thereof (*Effective October 1, 2015*):

612 (a) An individual subject to a guardianship or involuntary
613 representation under this chapter may [apply] petition for and is
614 entitled to the benefit of the writ of habeas corpus without having
615 previously exhausted other available remedies including, but not
616 limited to, the right to appeal the order of guardianship or involuntary
617 representation. The question of the legality of such guardianship or
618 involuntary representation shall be determined by the court or judge

619 issuing such writ.

620 (b) A writ of habeas corpus shall be directed to the guardian of the
621 person or the estate of the ward or to the conservator of the conserved
622 person and if illegality or invalidity of the guardianship or involuntary
623 representation is alleged in such writ, a copy shall also be directed to
624 the judge of the court that issued the order as to such claim.

625 (c) [An application] A petition for a writ of habeas corpus under this
626 section shall be brought to either the Superior Court or the [Court of]
627 Probate Court.

628 (d) If such [application] petition has been brought in the [Court of]
629 Probate Court, the Probate Court Administrator shall appoint a three-
630 judge court to hear such [application] petition from among the [judges
631 of] probate judges who are approved to hear such [applications]
632 petitions by the Chief Justice of the Supreme Court, [. The] provided
633 the Probate Court Administrator shall not appoint the judge of the
634 [court of probate] Probate Court who issued the order [shall not be] as
635 a member of the three-judge court. No such [application] petition shall
636 be denied without the vote of at least two judges of the three-judge
637 court. The judges of such three-judge court shall designate a chief
638 judge from among their members. The three-judge court shall cause a
639 recording to be made of all [proceeding] proceedings held under this
640 section. The recording shall be part of the court record and shall be
641 made and retained in a manner approved by the Probate Court
642 Administrator. All records for any case before the three-judge court
643 shall be maintained in the [court of probate] Probate Court in which
644 the conservator or guardian was appointed.

645 (e) [Hearing] A hearing held under this section shall be heard not
646 later than ten days, excluding Saturdays, Sundays and holidays, after
647 return of service of the writ.

648 (f) If the court [or judge before whom such a writ is brought]
649 decides that the guardianship or involuntary representation is not
650 illegal, such decision shall be considered a final judgment and subject

651 to appeal.

652 (g) If the court [or judge before whom such case is brought] decides
653 that the guardianship or involuntary representation is not illegal, such
654 decision shall not bar issuance of such a writ again, provided it is
655 claimed that such person is no longer subject to the condition for
656 which the person was conserved or such application is based on a
657 ground different from that relied on in an earlier application. Such writ
658 may be applied for by an individual subject to guardianship or
659 involuntary representation or on the behalf of such individual by any
660 relative, friend or person interested in such individual's welfare.

661 (h) An appeal to the Superior Court of a decision rendered by a
662 three-judge court under this section shall be filed in the judicial district
663 in which the [court of probate] Probate Court that issued the order
664 appointing a guardian or conservator is located or, if the Probate Court
665 that issued the order is located in a probate district that extends into
666 more than one judicial district, in any judicial district in which any part
667 of the probate district is located. Such appeal shall be heard not later
668 than thirty days of the return of service of the appeal.

669 Sec. 7. Subdivision (2) of subsection (a) of section 45a-132 of the
670 general statutes is repealed and the following is substituted in lieu
671 thereof (*Effective October 1, 2015*):

672 (2) No judge or magistrate may appoint a guardian ad litem for (A)
673 a patient in a proceeding under section 17a-543 or 17a-543a, prior to a
674 determination by a [court of probate] Probate Court that the patient is
675 incapable of giving informed consent under either of said sections, or
676 (B) a respondent in a proceeding under sections 45a-644 to 45a-663,
677 inclusive, prior to a determination by a [court of probate] Probate
678 Court that the respondent is incapable of caring for himself or herself
679 or incapable of managing his or her affairs. No judge or magistrate
680 may appoint a guardian ad litem for [an applicant] a petitioner under
681 section 45a-705a, as amended by this act.

682 Sec. 8. Section 45a-123a of the general statutes is repealed and the

683 following is substituted in lieu thereof (*Effective July 1, 2015*):

684 (a) (1) There shall be probate magistrates for the purpose of hearing
685 matters referred pursuant to section 45a-123. Any former [judge of]
686 probate judge under seventy years of age, other than a [judge of]
687 probate judge receiving a retirement allowance under section 45a-40
688 due to permanent and total disability, who is an elector of this state
689 shall be eligible for nomination, appointment or assignment as a
690 probate magistrate.

691 (2) The Probate Court Administrator may nominate former [judges
692 of] probate judges who meet the requirements of this subsection to
693 serve as probate magistrates. The Probate Court Administrator shall
694 provide a list of such nominated former judges to the Chief Justice of
695 the Supreme Court and update the list as necessary. The Chief Justice
696 shall appoint probate magistrates from the list for a term of three years
697 and inform the Probate Court Administrator of such appointments.
698 The Chief Justice, on the recommendation of the Council on Probate
699 Judicial Conduct or the Probate Court Administrator, may suspend or
700 remove a probate magistrate during his or her term for reasonable
701 cause. The Probate Court Administrator shall assign probate
702 magistrates pursuant to section 45a-123 from among the probate
703 magistrates appointed by the Chief Justice.

704 (3) Each probate magistrate shall receive, for each day the probate
705 magistrate is engaged as a probate magistrate, in addition to any
706 retirement salary the probate magistrate is entitled to receive, an
707 amount of fifty dollars per hour, not to exceed two hundred fifty
708 dollars per day, for each day of service. Such service includes, but is
709 not limited to, conducting hearings and preparing a report or
710 amendment to a report pursuant to section 45a-123. Service as a
711 probate magistrate shall not constitute credited service for purposes of
712 health, retirement or other benefits. Amounts paid to a probate
713 magistrate under this subdivision shall be paid from the Probate Court
714 Administration Fund established under section 45a-82.

715 (b) (1) In addition to the probate magistrates appointed pursuant to
716 subsection (a) of this section, there shall be attorney probate referees
717 for the purpose of hearing matters referred pursuant to section 45a-
718 123. Any individual who has been a member of the bar of this state in
719 good standing for at least five years, is an elector of this state and is
720 under seventy years of age shall be eligible for nomination,
721 appointment and assignment as an attorney probate referee.

722 (2) The Probate Court Administrator may nominate individuals
723 who meet the requirements of this subsection as attorney probate
724 referees. Any [judge of] probate judge may submit to the Probate
725 Court Administrator, on such form and in such manner as the Probate
726 Court Administrator prescribes, a recommendation that the Probate
727 Court Administrator nominate a specified individual as attorney
728 probate referee, provided the individual meets the requirements of this
729 subsection. The Probate Court Administrator shall consider any such
730 recommendation prior to making a nomination under this subdivision,
731 but shall not be bound by such recommendation. The Probate Court
732 Administrator shall ensure geographic, racial and ethnic diversity
733 among individuals nominated as attorney probate referee.

734 (3) The Probate Court Administrator shall provide a list of
735 individuals nominated as attorney probate referee to the Chief Justice
736 of the Supreme Court and update the list as necessary. The Chief
737 Justice shall appoint attorney probate referees from the list for a term
738 of three years and inform the Probate Court Administrator of such
739 appointments. The Chief Justice, on the recommendation of the
740 Council on Probate Judicial Conduct or the Probate Court
741 Administrator, may suspend or remove an attorney probate referee
742 during his or her term for reasonable cause. The Probate Court
743 Administrator shall assign attorney probate referees pursuant to
744 section 45a-123 from among the attorney probate referees appointed
745 by the Chief Justice.

746 (4) No attorney probate referee shall receive compensation for his or
747 her duties as an attorney probate referee.

748 [(5) Not later than January 1, 2012, and annually thereafter, the
749 Probate Court Administrator shall submit a report to the Governor and
750 the joint standing committee of the General Assembly having
751 cognizance of matters relating to the judiciary that includes (1) the
752 number of attorney probate referees nominated, appointed and
753 assigned under this subsection during the prior calendar year, and (2)
754 an analysis of the geographic, racial and ethnic diversity of attorney
755 probate referees nominated, appointed and assigned under this
756 subsection during the prior calendar year. The report shall be
757 submitted in accordance with section 11-4a.]

758 (c) Each probate magistrate and attorney probate referee shall
759 complete continuing education programs established for such
760 magistrates and referees under regulations issued by the Probate Court
761 Administrator pursuant to section 45a-77.

762 (d) No person shall be subject to the requirements of sections 45a-25
763 and 45a-26 with respect to [judges of] probate judges solely on the
764 basis of such person's nomination, appointment or assignment as a
765 probate magistrate or an attorney probate referee.

766 Sec. 9. Subsection (a) of section 45a-62 of the general statutes is
767 repealed and the following is substituted in lieu thereof (*Effective July*
768 *1, 2015*):

769 (a) There shall be a Council on Probate Judicial Conduct to consist
770 of one [judge of] probate judge elected by the [judges of probate]
771 Connecticut Probate Assembly established under section 45a-90, one
772 referee appointed by the Chief Justice from among the state referees
773 who have retired from the Supreme Court or Superior Court, one
774 person appointed by the Governor who shall be an attorney-at-law,
775 admitted to practice in this state and actively engaged in the practice of
776 law in this state for at least five years, and two persons appointed by
777 the Governor who are not attorneys-at-law. Such appointments shall
778 be made on October 1, 1975, and every four years thereafter.

779 Sec. 10. Section 45a-63 of the general statutes is repealed and the

780 following is substituted in lieu thereof (*Effective July 1, 2015*):

781 (a) The Council on Probate Judicial Conduct shall investigate every
782 written complaint brought before it alleging conduct of [judges of] a
783 probate judge which may violate any law or canon of ethics applicable
784 to [judges of] probate judges, or failure to perform properly the duties
785 of the office, or conduct prejudicial to the impartial and effective
786 administration of justice which brings the judicial office in disrepute,
787 or final conviction of a felony or of a misdemeanor involving moral
788 turpitude, or disbarment or suspension as an attorney-at-law, or the
789 wilful failure to file a financial statement or the filing of a fraudulent
790 financial statement required under section 45a-68, as amended by this
791 act.

792 (b) The council shall investigate every written complaint brought
793 before it alleging that a probate magistrate or attorney probate referee
794 appointed under section 45a-123a, as amended by this act, has, in the
795 performance of his or her duties as a probate magistrate or attorney
796 probate referee, violated any law or canon of ethics applicable to
797 probate magistrates or attorney probate referees.

798 (c) The council shall investigate every written complaint brought
799 before it alleging that a judicial candidate has, during the period of his
800 or her candidacy, or, if elected, during the period between the date of
801 the election and the start of his or her term of office as judge, violated
802 any law or canon of ethics applicable to judicial candidates. A person
803 becomes a judicial candidate as soon as he or she makes a public
804 announcement of candidacy, declares or files as a candidate with the
805 State Elections Enforcement Commission, or authorizes solicitation or
806 acceptance of contributions or support in connection with his or her
807 candidacy for probate judge.

808 (d) In making [any such] an investigation [, the council] under
809 subsection (a), (b) or (c) of this section, the council may use the services
810 of the Division of State Police within the Department of Emergency
811 Services and Public Protection, or any chief inspector, inspector or

812 investigator in the Division of Criminal Justice, or may engage the
813 services of private investigators if it deems such services necessary.

814 [(b)] (e) If (1) the complaint filed involves [the judge of probate] a
815 respondent who is a member of the council, the [judge] respondent
816 shall be disqualified from acting in his or her capacity as a council
817 member in the investigation and hearing on the matter, or (2) a [judge
818 of] probate judge who is a member of the council is unable to act for
819 any other reason, a [judge of] probate judge shall be appointed to act in
820 his stead by the president-judge of the Connecticut Probate Assembly,
821 established under section 45a-90. If a council member appointed by the
822 Chief Justice disqualifies himself or herself with regard to a matter
823 before the council, or is unable to act for any other reason, the Chief
824 Justice shall appoint a substitute member to act in connection with
825 such matter. If a council member appointed by the Governor
826 disqualifies himself or herself with regard to a matter before the
827 council, or is unable to act for any other reason, the Governor shall
828 appoint a substitute member to act in connection with such matter.
829 Any substitute shall satisfy the same criteria for selection as the
830 disqualified member.

831 [(c)] (f) The council may engage the services of legal counsel who
832 shall direct any investigation ordered by the council. Such counsel may
833 conduct the examination of witnesses, present any evidence deemed
834 relevant, cross-examine witnesses presented by any person and
835 perform such other duties as the council deems necessary for the
836 conduct of its business.

837 [(d)] (g) The council shall, not later than five days after receipt of
838 such complaint or motion of the council, notify by registered or
839 certified mail [any judge against whom such complaint is filed or
840 motion is made] the respondent and a copy of such complaint or
841 motion shall accompany such notice. The council shall also notify the
842 complainant of its receipt of such complaint not later than five days
843 thereafter. Any investigation to determine whether or not there is
844 probable cause that [judicial] misconduct under subsection (a), (b) or

845 (c) of this section has been committed shall be confidential and any
846 individual called by the council for the purpose of providing
847 information shall not disclose his or her knowledge of such
848 investigation to a third party unless the [judge] respondent requests
849 that such investigation and disclosure be open. If a respondent is
850 required to disclose a complaint pursuant to rules of procedure
851 adopted under section 45a-78, any individual to whom the disclosure
852 is made shall not disclose his or her knowledge of such investigation to
853 a third party unless the respondent requests that such investigation
854 and disclosure be open. The [judge] respondent shall have the right to
855 appear and be heard and to offer any information which may tend to
856 clear him or her of probable cause to believe that he or she has
857 committed an act of [judicial] misconduct under subsection (a), (b) or
858 (c) of this section. The [judge] respondent shall also have the right to be
859 represented by legal counsel and examine and cross-examine
860 witnesses.

861 [(e)] (h) The council shall, not later than seven business days after
862 the termination of such investigation, notify the complainant and the
863 [judge] respondent that the investigation has been terminated and
864 whether probable cause has been found that [judicial] misconduct
865 under subsection (a), (b) or (c) of this section has been committed. If
866 the council finds that [judicial] the respondent has not committed
867 misconduct under subsection (a), (b) or (c) of this section, [has not been
868 committed,] but the [judge] respondent has acted in a manner which
869 gives the appearance of impropriety or constitutes an unfavorable
870 judicial practice, the council may issue a private admonishment to the
871 [judge] respondent recommending a change in judicial conduct or
872 practice.

873 (i) As used in this section and sections 45a-64 to 45a-66, inclusive, as
874 amended by this act: (1) "Judicial candidate" means a person seeking
875 election to the office of probate judge who is not an incumbent probate
876 judge; and (2) "respondent" means a probate magistrate or attorney
877 probate referee appointed under section 45a-123a, as amended by this
878 act, a probate judge or a judicial candidate against whom a complaint

879 has been filed or motion has been made under this section.

880 Sec. 11. Section 45a-63a of the general statutes is repealed and the
881 following is substituted in lieu thereof (*Effective July 1, 2015*):

882 No complaint for [judicial] misconduct [against a judge of probate]
883 shall be brought under section 45a-63, as amended by this act, but
884 within eight years from the date the alleged [judicial] misconduct was
885 committed.

886 Sec. 12. Section 45a-64 of the general statutes is repealed and the
887 following is substituted in lieu thereof (*Effective July 1, 2015*):

888 If a preliminary investigation indicates that probable cause exists
889 that [the judge has committed an act of judicial misconduct] a
890 respondent has committed misconduct under subsection (a), (b) or (c)
891 of section 45a-63, as amended by this act, the council shall hold a
892 hearing concerning the misconduct or complaint. All hearings held
893 pursuant to this section shall be open. The council shall make a record
894 of all proceedings pursuant to this section. The council shall, not later
895 than fifteen days after the close of such hearing, publish its findings
896 together with a memorandum of its reasons therefor. [Any judge of
897 probate who is under investigation and who appears before the
898 hearing shall be entitled to counsel.] The respondent shall be entitled
899 to present evidence, and shall have the right to cross-examine
900 witnesses.

901 Sec. 13. Section 45a-65 of the general statutes is repealed and the
902 following is substituted in lieu thereof (*Effective July 1, 2015*):

903 (a) The council shall, after the hearing provided under section 45a-
904 64, as amended by this act, prepare a report of its investigation and a
905 recommendation as to whether the [judge of probate investigated]
906 respondent should be publicly admonished, publicly censured or
907 exonerated of the allegations of the complaint. [If the council finds that
908 judicial misconduct under subsection (a) of section 45a-63, has not
909 been committed, but the judge has acted in a manner which gives the

910 appearance of impropriety or constitutes an unfavorable judicial
911 practice, the council may issue a private admonishment to the judge
912 recommending a change in judicial conduct or practice.] If the council
913 finds that a respondent has not committed a violation under
914 subsection (a), (b) or (c) of section 45a-63, as amended by this act, but
915 has acted in a manner which gives the appearance of impropriety or
916 constitutes an unfavorable judicial practice, the council may issue a
917 private admonishment to the respondent recommending a change in
918 practice or judicial conduct.

919 (b) If public admonishment or public censure is recommended, the
920 chairman shall prepare and forward the admonishment or censure in
921 writing to the [judge of probate being admonished or censured]
922 respondent, signing the admonishment or censure as chairman of the
923 council. [A judge] The respondent may, within twenty days after
924 receiving notice of public admonishment or censure by the council,
925 appeal to the Supreme Court of Connecticut. A [judge] respondent
926 filing an appeal shall give notice of its filing to the council before the
927 expiration of time for filing of an appeal. The council shall, within two
928 weeks following receipt of notice of an appeal, file a finding of fact and
929 conclusions therefrom. A copy of the admonishment or censure shall
930 be furnished the Chief Justice, the Chief Court Administrator, the
931 Probate Court Administrator, the president-judge of the Connecticut
932 Probate Assembly [, the town clerk or clerk in each town in the district
933 served by such judge of probate] and the complainant. If a judge or
934 judicial candidate is the subject of the admonishment or censure, a
935 copy of the admonishment or censure shall be furnished to the town
936 clerk in each town in the judge's or judicial candidate's probate district.

937 (c) If, in the judgment of the council, the facts so warrant, it may
938 recommend [to] that (1) the House of Representatives [the institution
939 of] institute impeachment proceedings against a probate judge, or (2)
940 the Chief Justice suspend or remove a probate magistrate or attorney
941 probate referee from office.

942 (d) If the council exonerates [a judge of probate] the respondent, a

943 copy of the proceedings and report of the council shall be furnished to
944 the [judge] respondent, the Probate Court Administrator and the
945 complainant.

946 (e) Except as provided in subsections [(d) and (e)] (g) and (h) of
947 section 45a-63, as amended by this act, all decisions of the council shall
948 be public record and shall be available for inspection at the office of the
949 Probate Court Administrator.

950 Sec. 14. Section 45a-66 of the general statutes is repealed and the
951 following is substituted in lieu thereof (*Effective July 1, 2015*):

952 Any person may be compelled, by subpoena signed by competent
953 authority, to appear before the council to testify regarding any
954 complaint brought to or by the council under section 45a-63, as
955 amended by this act, and also to produce before the council, for
956 examination, any books or papers, which in the judgment of the
957 council or [any judges of probate under investigation] the respondent,
958 are relevant to the inquiry, investigation or hearing. While engaged in
959 the discharge of its duties, the council shall have the same authority
960 over witnesses as is provided in section 51-35 and may commit for
961 contempt for a period of no longer than thirty days.

962 Sec. 15. Subsections (a) and (b) of section 45a-68 of the general
963 statutes are repealed and the following is substituted in lieu thereof
964 (*Effective July 1, 2015*):

965 (a) Each [judge of a court of probate] probate judge shall file under
966 penalty of false statement, a statement of financial interests for the
967 preceding calendar year with the Council on Probate Judicial Conduct
968 established in section 45a-62, as amended by this act, on or before
969 April fifteenth next following for any year in which the probate judge
970 holds such position.

971 (b) The statement shall be on a form provided by the Council on
972 Probate Judicial Conduct and shall include the following information
973 for the preceding calendar year regarding the probate judge, his or her

974 spouse and the dependent children living in his or her household: (1)
975 The name of all businesses with which the probate judge, his or her
976 spouse or any such child is associated; (2) the category or type of all
977 sources of his or her income and that of his or her spouse or each child,
978 in excess of one thousand dollars, but amounts of income need not be
979 specified, and the names and addresses of specific clients and
980 customers who provide more than five thousand dollars of income,
981 but amounts of income need not be specified; (3) the name of each
982 security in excess of five thousand dollars at fair market value owned
983 by the probate judge or spouse or any such child or held in the name of
984 a corporation, partnership or trust for the benefit of the probate judge,
985 his or her spouse or any such child except in the case of a trust
986 established by the probate judge, spouse or child for the purpose of
987 divesting the probate judge or his or her spouse or any such child of all
988 control and knowledge of the probate judge's, spouse's or child's assets
989 in order to avoid a conflict of interest during the probate judge's term
990 of office, but only the existence of such trust and the name of the
991 trustee shall be included, and the value need not be specified; (4) all
992 real property and its location, whether owned by the probate judge, his
993 or her spouse or any such child or held in the name of a corporation,
994 partnership or trust for the benefit of the probate judge, spouse or
995 child. Each [such] probate judge shall file a disclosure of any fees or
996 honorariums received for his or her own or his or her spouse's or
997 child's appearance or the delivery of an address to any meeting of any
998 organization within thirty days after receipt of the fee or honorarium.

999 Sec. 16. Section 45a-273 of the general statutes is repealed and the
1000 following is substituted in lieu thereof (*Effective October 1, 2015*):

1001 [(a) The surviving spouse of any person who dies, or if there is no
1002 surviving spouse, any of the next of kin of such decedent, or if there is
1003 no next of kin or if such surviving spouse or next of kin refuses, then
1004 any suitable person whom the court deems to have a sufficient interest
1005 may, in lieu of filing an application for admission of a will to probate
1006 or letters of administration, file an affidavit or statement signed under
1007 penalty of false statement in the court of probate in the district in

1008 which the decedent resided, stating, if such is the case, that all debts of
1009 the decedent have been paid in the manner prescribed by section 45a-
1010 365, at least to the extent of the fair value of all of the decedent's assets,
1011 when (1) such decedent leaves property of the type described in
1012 subsection (b) of this section, and (2) the aggregate value of any such
1013 property as described in subsection (b) of this section does not exceed
1014 the sum of forty thousand dollars. In addition, such affidavit or
1015 statement shall state that the decedent either did, or did not, receive
1016 aid or care from the state, which shall also include aid or care from the
1017 Department of Veterans' Affairs, whichever is true.

1018 (b) Such property includes: (1) A deposit in any bank; (2) equity in
1019 shares in any savings and loan association, federal savings and loan
1020 association or credit union, doing business in this state; (3) corporate
1021 stock or bonds; (4) any unpaid wages due from any corporation, firm,
1022 individual, association or partnership located in this state; (5) a death
1023 benefit payable from any fraternal order or shop society or payable
1024 under any insurance policy for which the decedent failed to name a
1025 beneficiary entitled under the bylaws and regulations of such order or
1026 society or under the terms of such insurance policy to receive such
1027 death benefit; (6) other personal property, tangible or intangible,
1028 including a motor vehicle or motor vehicles and a motor boat or motor
1029 boats registered in his name; or (7) an unreleased interest in a
1030 mortgage with or without value.

1031 (c) Thereafter, except as provided in subsection (e) of this section,
1032 the judge of probate for such district shall issue a decree finding that
1033 no probate proceedings have been instituted in connection with the
1034 estate of such decedent and authorizing either the holder of such
1035 property or the registrant thereof, including the authority issuing the
1036 registration, to transfer the same or pay the amount thereof to the
1037 persons legally entitled thereto. The court of probate may issue such
1038 certificates and other documents as may be necessary to carry out the
1039 intent of this section. If the petitioner indicates in such affidavit that
1040 the assets listed in such affidavit or a portion thereof are necessary to
1041 pay the funeral director who buried such decedent or to pay debts due

1042 for the last sickness of the decedent, the court may order the payment
1043 of such assets directly to such funeral director or to those creditors to
1044 whom debts are due for the last sickness of the decedent to the extent
1045 necessary to pay their preferred claims for funeral expenses or
1046 expenses for the decedent's last sickness, or may order such assets sold
1047 and the proceeds from such sale paid directly to the funeral director or
1048 such creditors. If the petitioner indicates in such affidavit that the
1049 decedent received public assistance or institutional care from the state
1050 of Connecticut, the court shall not issue a decree until thirty days after
1051 notification to the Department of Administrative Services. Any decree
1052 issued by the court may authorize the surviving spouse or next of kin,
1053 or some suitable person whom the court deems to have a sufficient
1054 interest, to release an interest in any mortgage reported under the
1055 provisions of this section.

1056 (d) If there is no surviving spouse or next of kin of a person who
1057 dies leaving property as described in this section, the funeral director
1058 who buried such decedent or any creditor to whom a debt is due for
1059 the last sickness of the decedent may file in such court of probate an
1060 affidavit as described in this section that such funeral director or any
1061 creditor to whom a debt is due for the last sickness of the decedent has
1062 a lawful preferred claim for funeral expenses or expenses for the
1063 decedent's last sickness. Thereupon such court may, in its discretion,
1064 authorize either the holder of such property or the registrant thereof,
1065 as aforesaid, to transfer the property or pay from the property the
1066 amount of such claim, or to pay proceeds from the sale of any such
1067 assets ordered sold by the court, to such funeral director or any
1068 creditor to whom a debt is due for the last sickness of the decedent, in
1069 satisfaction of the amount of the claim of each.]

1070 (a) If the aggregate value of a decedent's solely owned tangible and
1071 intangible personal property, excluding property that passes outside of
1072 probate by operation of law, does not exceed forty thousand dollars
1073 and the decedent had no solely owned real property in this state at the
1074 time of his or her death: (1) The decedent's surviving spouse; or (2) if
1075 there is no surviving spouse, any of the decedent's next of kin; or (3) if

1076 there is no next of kin or if the surviving spouse and next of kin refuse,
1077 any person whom the court deems to have a sufficient interest in the
1078 decedent's estate, including any person or entity to whom a claim,
1079 expense or tax is due, may, in lieu of filing a petition for admission of a
1080 will to probate or letters of administration, file an affidavit signed
1081 under penalty of false statement in the Probate Court in the district in
1082 which the decedent resided.

1083 (b) An affidavit shall contain: (1) A statement whether the decedent
1084 received aid or care from the state; (2) a list of the decedent's solely
1085 owned assets, excluding assets that pass outside of probate by
1086 operation of law; and (3) a list of all claims, expenses and taxes due
1087 from the decedent's estate in the categories set forth in subdivisions (1)
1088 to (7), inclusive, of section 45a-365, which list shall indicate if any of
1089 the claims, expenses and taxes have been paid and, if so, by whom.

1090 (c) On receipt of an affidavit, the court shall send a copy of the
1091 affidavit to the Department of Administrative Services. The court shall
1092 not issue a decree until thirty days after the date on which a copy of
1093 the affidavit was sent to the department. Except as provided in this
1094 subsection, the court may act on the affidavit without notice and
1095 hearing.

1096 (d) Except as provided in subdivision (5) of subsection (f) of this
1097 section, if the court finds that no probate proceedings have been
1098 instituted in connection with the estate of the decedent, the court shall
1099 determine the persons and entities entitled to payment for claims,
1100 expenses and taxes in accordance with subsection (e) of this section
1101 and the persons entitled to distributions from the decedent's estate in
1102 accordance with subsection (f) of this section. The court shall issue a
1103 decree authorizing each holder or registrant of an asset of the decedent
1104 to: (1) Transfer the asset directly to specified persons or entities; (2) pay
1105 amounts from the asset to specified persons or entities; or (3) transfer
1106 the asset to the person filing the affidavit, to be sold and the proceeds
1107 paid to specified persons or entities. The court may issue certificates or
1108 other documents to carry out the decree. In addition, the court may

1109 authorize the person filing the affidavit to release an interest in a
1110 mortgage reported on the affidavit.

1111 (e) The court shall determine the persons and entities entitled to
1112 payment for the claims, expenses and taxes due from the estate, or
1113 reimbursement for such amounts paid on behalf of the estate, in
1114 accordance with section 45a-365 except, (1) if a decedent received aid
1115 or care from the state or received care in a state humane institution,
1116 such reimbursement shall be in accordance with section 17b-95; and (2)
1117 if a decedent is obligated to pay the decedent's cost of incarceration,
1118 such reimbursement shall be in accordance with section 18-85c. If the
1119 claims, taxes and expenses exceed the fair value of the decedent's
1120 assets, the court shall order payment in accordance with this
1121 subsection, provided the procedures for insolvent estates under
1122 sections 45a-376 to 45a-383, inclusive, shall not be required.

1123 [(e)] (f) If [an affidavit is filed under subsection (a) of this section in
1124 lieu of an application for admission of a will to probate or letters of
1125 administration and the fair value of the property of the decedent
1126 exceeds the total amount of claims, including] the fair value of the
1127 decedent's assets exceeds the total amount of claims, expenses, taxes
1128 and any amounts allowed to the family for support under section 45a-
1129 320, the court shall proceed as follows: (1) If no purported last will and
1130 testament is found, the court shall order distribution of the excess in
1131 accordance with the laws of intestate succession; (2) if the decedent left
1132 a duly executed last will and testament and the will provides for a
1133 distribution which is the same as that under the laws of intestate
1134 succession, the court shall order distribution of the excess in
1135 accordance with the laws of intestate succession; (3) if the decedent left
1136 a duly executed last will and testament and the will provides for a
1137 distribution different from that under the laws of intestate succession,
1138 and the heirs at law of such decedent sign a written waiver of their
1139 right to contest the will, the court shall order the excess to be paid in
1140 accordance with the terms of the will; (4) if the will directs a
1141 distribution different from the laws of intestate succession, and [the
1142 heirs at law do not waive their right to contest the admission of such

1143 will, the will shall be offered for probate in accordance with section
1144 45a-286. In such case, the court may issue a decree under this section
1145 only if the persons entitled to take the bequests under the will consent,
1146 in writing, to the distribution of the bequests in accordance with the
1147 laws of intestate succession. If the claims against the estate exceed the
1148 value of the property of such decedent, the claims shall be paid in
1149 accordance with the priorities set forth in section 45a-365] the persons
1150 entitled to bequests under the will consent, in writing, to the
1151 distribution of the estate in accordance with the laws of intestate
1152 succession, the court shall order distribution of the excess in
1153 accordance with the laws of intestate succession; and (5) if the will
1154 directs a distribution different from the laws of intestate succession,
1155 the heirs at law do not waive their right to contest the admission of
1156 such will, and the persons entitled to bequests under the will do not
1157 consent to the distribution of the estate in accordance with the laws of
1158 intestate succession, the court shall dismiss the affidavit and permit
1159 any party to petition for admission of the will to probate in accordance
1160 with section 45a-286. As used in this subsection, the term "will"
1161 includes any duly executed codicil thereto.

1162 [(f)] (g) Any such transfer or payment made pursuant to a decree
1163 issued under this section shall, to the extent of the amount so
1164 transferred or paid, discharge the registrant or holder of such property
1165 from liability to any person on account thereof.

1166 [(g)] (h) As a condition of such transfer or payment, the registrant or
1167 holder may require the filing of appropriate waivers, the execution of a
1168 bond of indemnity and a receipt for such transfer or payment.

1169 [(h)] The authority issuing the transfer of registration shall charge a
1170 fee of three dollars for the transfer of each motor vehicle and a fee of
1171 one dollar for the transfer of each motor boat under this section.]

1172 (i) Any transfer or payment under the provisions of this section
1173 shall be exempt from taxation under the provisions of chapter 219.

1174 (j) [(1)] Any person to whom such transfer or payment has been

1175 made shall be liable for the value thereof to the Commissioner of
1176 Revenue Services for any estate, succession or transfer tax on the
1177 property transferred or payment made and to the executor or
1178 administrator of the estate of the decedent thereafter appointed.

1179 [(2) The Commissioner of Revenue Services shall be given notice by
1180 the court of probate of the issuance of any such decree upon such form
1181 as may be provided by said commissioner unless such surviving
1182 spouse or next of kin, or other suitable person whom the court deems
1183 to have a sufficient interest, files with the court of probate a sworn
1184 return provided for by chapter 216, in which event the judge of
1185 probate may incorporate in the decree a statement that the
1186 Commissioner of Revenue Services has issued a finding that no
1187 succession or transfer tax is due, or that any such tax computed by him
1188 as due has been paid. Such statement shall be conclusive evidence of
1189 the consent by the Commissioner of Revenue Services to the transfer or
1190 payment of such property as provided in this section free from any
1191 claim for such tax, notwithstanding any provision in chapter 216 to the
1192 contrary.]

1193 Sec. 17. Section 45a-7a of the general statutes is repealed and the
1194 following is substituted in lieu thereof (*Effective from passage*):

1195 [Each court of probate shall remit all fees, costs] (a) Except as
1196 provided in subsections (b) and (c) of this section, each Probate Court
1197 shall remit all fees, expenses and other income received, including, but
1198 not limited to, moneys received under sections 45a-105 to 45a-112,
1199 inclusive, to the State Treasurer to be credited to the Probate Court
1200 Administration Fund under section 45a-82.

1201 (b) Expenses paid by a town pursuant to section 45a-8 shall not be
1202 remitted to the Probate Court Administration Fund.

1203 (c) A Probate Court may hold in escrow any moneys that are paid
1204 by a person or entity in anticipation of future fees and expenses. The
1205 court shall deposit all escrow funds into a checking account in the
1206 name of the court at a financial institution, as defined in section 36a-

1207 330. When a fee or expense is charged to a person or entity that has
1208 previously paid funds into escrow, the court shall immediately remit
1209 such fee or expense to the State Treasurer. A Probate Court shall not
1210 commingle escrow funds with funds from any other source. The
1211 provisions of section 4-33 shall not apply to the management of escrow
1212 funds under this section.

1213 Sec. 18. Section 45a-85 of the general statutes is repealed and the
1214 following is substituted in lieu thereof (*Effective from passage*):

1215 (a) The Probate Court Administrator shall establish a Probate Court
1216 Budget Committee consisting of the Probate Court Administrator and
1217 two judges of probate appointed by the Connecticut Probate
1218 Assembly. The Probate Court Administrator shall serve as chairperson
1219 of the committee.

1220 (b) Not later than June 30, 2010, and annually thereafter, the
1221 committee shall establish, in accordance with the criteria established in
1222 regulations issued pursuant to subsection (b) of section 45a-77: (1) A
1223 compensation plan, which plan shall include employee benefits, for
1224 employees of the [courts of probate] Probate Courts, (2) staffing levels
1225 for each [court of probate] Probate Court, and (3) [a miscellaneous] an
1226 office budget for each [court of probate] Probate Court. Such
1227 compensation plan, staffing levels and office budgets shall be
1228 established within the expenditures and anticipated available funds in
1229 the proposed budget established pursuant to section 45a-84.

1230 (c) The Probate Court Administrator shall annually transfer to each
1231 Probate Court the amount budgeted under subsection (b) of this
1232 section for a Probate Court's office budget. The transfer shall be made
1233 from the Probate Court Administration Fund established under section
1234 45a-82. Each Probate Court shall establish and maintain a checking
1235 account in the name of the court at a financial institution, as defined in
1236 section 36a-330, to hold and manage the office budget funds. A Probate
1237 Court shall deposit all office budget funds into the account and
1238 disburse from the account all payments for expenditures permitted

1239 under the office budget. A Probate Court shall not commingle office
1240 budget funds with funds from any other source. The provisions of
1241 sections 4-33 and 4-98 shall not apply to the management of office
1242 budget funds under this section.

1243 Sec. 19. Section 17b-751a of the general statutes is repealed and the
1244 following is substituted in lieu thereof (*Effective from passage*):

1245 (a) A grandparent or other relative caregiver who is appointed a
1246 guardian of a child or children by the Superior Court or Probate Court
1247 and who is not a recipient of subsidized guardianship subsidies under
1248 section 17a-126 or foster care payments from the Department of
1249 Children and Families shall, within available appropriations, be
1250 eligible to apply for grants under the Kinship Fund and Grandparents
1251 and Relatives Respite Fund administered by the Probate Court
1252 Administrator.

1253 (b) The Probate Court Administrator may designate one or more
1254 Probate Courts to administer grants from the Kinship Fund and
1255 Grandparents and Relatives Respite Fund and may transfer grant
1256 funds to such courts at such times and in such amounts as the
1257 administrator determines necessary to ensure the efficient processing
1258 of grants from all eligible applicants. Each such court shall establish
1259 and maintain separate checking accounts to hold and manage grant
1260 funds for the Kinship Fund and the Grandparents and Relatives
1261 Respite Fund. The accounts shall be in the name of the court at a
1262 financial institution, as defined in section 36a-330. The court shall
1263 deposit into the respective accounts all grant funds transferred from
1264 the administrator and disburse from the accounts all grants approved
1265 by the court. The court shall not commingle grant funds with funds
1266 from any other source. The provisions of section 4-33 shall not apply to
1267 the management of grant funds under this section.

1268 Sec. 20. Section 45a-614 of the general statutes is repealed and the
1269 following is substituted in lieu thereof (*Effective January 1, 2016*):

1270 (a) Except as provided in subsection (b) of this section, the following

1271 persons may apply to the [court of probate] Probate Court for the
1272 district in which the minor resides for the removal as guardian of one
1273 or both parents of the minor: (1) Any adult relative of the minor,
1274 including those by blood or marriage; (2) [the court on its own motion]
1275 a person with actual physical custody of the minor at the time the
1276 petition is filed; or (3) counsel for the minor.

1277 (b) A parent may not petition for the removal of a permanent
1278 guardian appointed pursuant to section 45a-616a.

1279 Sec. 21. Section 45a-646 of the general statutes is repealed and the
1280 following is substituted in lieu thereof (*Effective January 1, 2016*):

1281 Any person may [make application to] petition the [court of
1282 probate] Probate Court in the district in which he or she resides, [or
1283 has his domicile] is domiciled or is located at the time the petition for
1284 voluntary representation is filed either for the appointment of a
1285 conservator of the person or a conservator of the estate, or both. If the
1286 [application] petition excuses bond, no bond shall be required by the
1287 court unless later requested by the respondent or unless facts are
1288 brought to the attention of the court that a bond is necessary for the
1289 protection of the respondent. Upon receipt of the [application] petition,
1290 the court shall set a time and place for hearing and shall give such
1291 notice as it may direct to the petitioner, the petitioner's spouse, if any,
1292 the Commissioner of Administrative Services, if the respondent is
1293 receiving aid or care from the state, and to other interested parties, if
1294 any. After seeing the respondent in person and hearing his or her
1295 reasons for the [application] petition and after explaining to the
1296 respondent that granting the petition will subject the respondent or
1297 respondent's property, as the case may be, to the authority of the
1298 conservator, the court may grant voluntary representation and
1299 thereupon shall appoint a conservator of the person or estate or both,
1300 and shall not make a finding that the petitioner is incapable. The
1301 conservator of the person or estate or both, shall have all the powers
1302 and duties of a conservator of the person or estate of an incapable
1303 person appointed pursuant to section 45a-650. If the respondent

1304 subsequently becomes disabled or incapable, the authority of the
1305 conservator shall not be revoked as a result of such disability or
1306 incapacity.

1307 Sec. 22. Section 45a-671 of the general statutes is repealed and the
1308 following is substituted in lieu thereof (*Effective January 1, 2016*):

1309 (a) [Within forty-five days of the filing of such application for
1310 guardianship in the Court of Probate] Not later than forty-five days
1311 after the date of filing an application for guardianship with the Probate
1312 Court, such court shall assign a time and place for hearing such
1313 application. Notwithstanding the provisions of section 45a-7, the court
1314 may hold the hearing on the application at a place within the state
1315 other than its usual courtroom if it would facilitate the presence of the
1316 respondent. Such court shall cause a citation and notice to be served
1317 upon the respondent by personal service made by a state marshal,
1318 constable or an indifferent person not less than seven days prior to the
1319 date of such hearing. [date.]

1320 (b) The court shall direct notice by first class mail to the following:
1321 (1) The applicant; (2) the parents of the respondent; [, provided the
1322 parents are not the applicants; (2)] (3) the spouse of the respondent; [,
1323 provided the spouse is not the applicant; (3)] (4) children of the
1324 respondent, if any; (5) the siblings of the respondent or their
1325 representatives, if the respondent has no living parents; and [(4)] (6)
1326 the person in charge of the hospital, nursing home, residential facility
1327 or other institution in which the respondent may reside.

1328 [(c) The court shall order such notice as it directs to the following:
1329 (1) The applicant; and (2) the siblings of the respondent or their
1330 representatives, if the respondent has no living parents, and the spouse
1331 or children of the respondent.]

1332 [(d)] (c) The court in its discretion may order such notice as it directs
1333 to other persons having an interest in the respondent.

1334 Sec. 23. Section 47-360 of the general statutes is repealed and the

1335 following is substituted in lieu thereof (*Effective October 1, 2015*):

1336 A deed following the form entitled "Conservator's Deed", when
1337 duly executed, has the force and effect of conveying to the grantee the
1338 fee simple title of [an incapable person] a person under voluntary or
1339 involuntary conservatorship or such conservator upon an order of a
1340 [court of probate] Probate Court authorizing and directing the
1341 conservator to sell at private sale the real estate owned by the
1342 [incapable person] person under voluntary or involuntary
1343 conservatorship, with covenants that (1) the conservator has full power
1344 and authority as such conservator to sell and convey the same to the
1345 grantee, and (2) [he and his] the conservator and the conservator's
1346 successors shall warrant and defend the granted premises against all
1347 claims and demands of any person or persons claiming by or under
1348 such conservator.

1349 Sec. 24. Section 9-218 of the general statutes is repealed and the
1350 following is substituted in lieu thereof (*Effective October 1, 2015*):

1351 When there is no election of [judge of] probate judge in any district
1352 by reason of two or more having an equal and the highest number of
1353 votes, or when a new probate district is created and no provision made
1354 for the election of a judge thereof, or whenever it is shown to the
1355 Governor that a vacancy is about to exist in said office by reason of the
1356 resignation of the incumbent to take effect at a future time or by reason
1357 of constitutional limitation, or when there is a vacancy in said office,
1358 the Governor [shall] may issue writs of election directed to the town
1359 clerk or clerks or assistant town clerk or clerks within such district,
1360 ordering an election to be held on a day named therein, other than a
1361 Saturday or Sunday, to fill such vacancy or impending vacancy, and
1362 transmit the same to a state marshal. Such state marshal shall forthwith
1363 transmit them to such clerk or clerks, who, on receiving the same, shall
1364 warn elections to be held on the day appointed in such writs, in the
1365 same manner as state elections are warned. Such elections shall be
1366 organized and conducted, and the vote shall be declared and returns
1367 made, certified, directed, deposited and transmitted, in the same

1368 manner as at a state election. The Secretary of the State, Treasurer and
1369 Comptroller shall, within thirty days after any such election, count and
1370 declare the votes so returned, and notice shall be given to the person
1371 declared elected, in the same manner as is provided in the election of
1372 [judges of] probate judges at state elections. The Secretary of the State
1373 shall enter the returns in tabular form in books kept by him for that
1374 purpose and present a copy of the same, with the name of, and the
1375 total number of votes received by, each of the candidates for said
1376 office, to the Governor within ten days thereafter. The Probate Court
1377 Administrator shall cite a probate judge to act as a judge in the district
1378 during any vacancy in said office in accordance with section 45a-120.

1379 Sec. 25. (NEW) (*Effective from passage*) The judge of each Probate
1380 Court may elect to have the court serve as a passport acceptance
1381 agency in accordance with 22 USC 211a and 22 CFR 51.22.

1382 Sec. 26. Section 45a-474 of the general statutes is repealed and the
1383 following is substituted in lieu thereof (*Effective October 1, 2015*):

1384 When [any person has been appointed trustee of any estate, or holds
1385 as trustee the proceeds of any estate sold, and no provision is made by
1386 law or by the instrument under which his appointment is derived] a
1387 will, trust agreement or other instrument establishing a trust fails to
1388 provide for the contingency of [his] the trustee's refusal to accept the
1389 trust or the trustee's resignation, death or incapacity, [or for his refusal
1390 to accept such trust or for his resignation of such trust, or when a trust
1391 has been created by will and no trustee has been appointed in the will
1392 or when more than one trustee has been appointed and thereafter a
1393 trustee so appointed dies, becomes incapable, refuses to accept or
1394 resigns such trust, the court of probate of] the Probate Court for the
1395 district within which the estate is situated, or, when the trust has been
1396 created by will, in the district having jurisdiction of such will, may, on
1397 the happening of any such contingency, appoint some suitable person
1398 to fill such vacancy, taking from him a probate bond, unless in the case
1399 of a will it is otherwise provided therein, in which case the provisions
1400 of section 45a-473 shall apply. The court may appoint a successor

1401 trustee of an inter vivos trust before such contingency has occurred if
1402 the court finds that a vacancy in the office of trustee is likely to occur.
1403 The court shall specify the conditions that the successor trustee of such
1404 inter vivos trust must satisfy before becoming trustee. In the event of a
1405 vacancy in the office of trustee of such inter vivos trust, the successor
1406 trustee may assume the office immediately upon satisfying the
1407 conditions set forth in the court's order without further court action.

1408 Sec. 27. Section 45a-2 of the general statutes is repealed and the
1409 following is substituted in lieu thereof (*Effective January 9, 2019*):

1410 There shall be fifty-four probate districts in this state, for all
1411 purposes for which they are constituted, that shall comprise the towns
1412 that are set forth as follows:

1413 (1) The town of Hartford.

1414 (2) The town of West Hartford.

1415 (3) The towns of Bloomfield, East Granby, Suffield and Windsor
1416 Locks.

1417 (4) The towns of East Windsor, South Windsor and Windsor.

1418 (5) The town of East Hartford.

1419 (6) The towns of Glastonbury and Hebron.

1420 (7) The towns of Newington, Rocky Hill and Wethersfield.

1421 (8) The towns of Berlin and New Britain.

1422 (9) The towns of Avon, Canton, Granby and Simsbury.

1423 (10) The towns of Burlington, [and] Farmington and Plainville.

1424 (11) The towns of Enfield, Somers, Stafford and Union.

1425 (12) The towns of Ellington and Vernon.

- 1426 (13) The towns of Andover, Bolton, Columbia and Manchester.
- 1427 (14) The towns of East Haddam, East Hampton, Marlborough and
1428 Portland.
- 1429 (15) The towns of Cromwell, Durham, Middlefield and Middletown.
- 1430 (16) The town of Meriden.
- 1431 (17) The town of Wallingford.
- 1432 (18) The towns of Cheshire and Southington.
- 1433 (19) The towns of Bristol [, Plainville] and Plymouth.
- 1434 (20) The towns of Waterbury and Wolcott.
- 1435 (21) The towns of Beacon Falls, Middlebury, Naugatuck and
1436 Prospect.
- 1437 (22) The towns of Bethlehem, Oxford, Roxbury, Southbury,
1438 Washington, Watertown and Woodbury.
- 1439 (23) The towns of Barkhamsted, Colebrook, Goshen, Hartland, New
1440 Hartford, Torrington and Winchester.
- 1441 (24) The towns of Canaan, Cornwall, Harwinton, Kent, Litchfield,
1442 Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston and
1443 Warren.
- 1444 (25) The towns of Coventry, Mansfield, Tolland and Willington.
- 1445 (26) The towns of Ashford, Brooklyn, Eastford, Pomfret, Putnam,
1446 Thompson and Woodstock.
- 1447 (27) The towns of Canterbury, Killingly, Plainfield and Sterling.
- 1448 (28) The towns of Chaplin, Colchester, Hampton, Lebanon, Scotland
1449 and Windham.

- 1450 (29) The towns of Bozrah, Franklin, Griswold, Lisbon, Norwich,
1451 Preston, Sprague and Voluntown.
- 1452 (30) The towns of Groton, Ledyard, North Stonington and
1453 Stonington.
- 1454 (31) The towns of New London and Waterford.
- 1455 (32) The towns of East Lyme, Montville, Old Lyme and Salem.
- 1456 (33) The towns of Chester, Clinton, Deep River, Essex, Haddam,
1457 Killingworth, Lyme, Old Saybrook and Westbrook.
- 1458 (34) The towns of Guilford and Madison.
- 1459 (35) The towns of Branford and North Branford.
- 1460 (36) The towns of East Haven and North Haven.
- 1461 (37) The towns of Bethany and Hamden.
- 1462 (38) The town of New Haven.
- 1463 (39) The town of West Haven.
- 1464 (40) The towns of Milford and Orange.
- 1465 (41) The towns of Ansonia, Derby, Seymour and Woodbridge.
- 1466 (42) The town of Shelton.
- 1467 (43) The town of Danbury.
- 1468 (44) The towns of Bridgewater, Brookfield, New Fairfield, New
1469 Milford and Sherman.
- 1470 (45) The towns of Bethel, Newtown, Ridgefield and Redding.
- 1471 (46) The towns of Easton, Monroe and Trumbull.
- 1472 (47) The town of Stratford.

- 1473 (48) The town of Bridgeport.
- 1474 (49) The town of Fairfield.
- 1475 (50) The towns of Weston and Westport.
- 1476 (51) The towns of Norwalk and Wilton.
- 1477 (52) The towns of Darien and New Canaan.
- 1478 (53) The town of Stamford.
- 1479 (54) The town of Greenwich.
- 1480 Sec. 28. Section 45a-122 of the general statutes is repealed. (*Effective*
- 1481 *October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	17a-76
Sec. 2	<i>October 1, 2015</i>	17a-497
Sec. 3	<i>October 1, 2015</i>	19a-221(c)
Sec. 4	<i>October 1, 2015</i>	19a-221(e)
Sec. 5	<i>October 1, 2015</i>	19a-265
Sec. 6	<i>October 1, 2015</i>	45a-705a
Sec. 7	<i>October 1, 2015</i>	45a-132(a)(2)
Sec. 8	<i>July 1, 2015</i>	45a-123a
Sec. 9	<i>July 1, 2015</i>	45a-62(a)
Sec. 10	<i>July 1, 2015</i>	45a-63
Sec. 11	<i>July 1, 2015</i>	45a-63a
Sec. 12	<i>July 1, 2015</i>	45a-64
Sec. 13	<i>July 1, 2015</i>	45a-65
Sec. 14	<i>July 1, 2015</i>	45a-66
Sec. 15	<i>July 1, 2015</i>	45a-68(a) and (b)
Sec. 16	<i>October 1, 2015</i>	45a-273
Sec. 17	<i>from passage</i>	45a-7a
Sec. 18	<i>from passage</i>	45a-85
Sec. 19	<i>from passage</i>	17b-751a
Sec. 20	<i>January 1, 2016</i>	45a-614
Sec. 21	<i>January 1, 2016</i>	45a-646

Sec. 22	<i>January 1, 2016</i>	45a-671
Sec. 23	<i>October 1, 2015</i>	47-36o
Sec. 24	<i>October 1, 2015</i>	9-218
Sec. 25	<i>from passage</i>	New section
Sec. 26	<i>October 1, 2015</i>	45a-474
Sec. 27	<i>January 9, 2019</i>	45a-2
Sec. 28	<i>October 1, 2015</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various technical changes to probate statutes and does not result in a fiscal impact.

House "A" eliminated a provision in the underlying bill which would have resulted in a minimal cost to Probate Courts by allowing additional judges to receive the per diem rate of \$250 when assigned to a three-judge panel for petitions of a writ of habeas corpus in the judge's district. The amendment also made other technical changes that do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7029 (as amended by House "A")******AN ACT CONCERNING PROBATE COURT OPERATIONS.*****SUMMARY:**

This bill makes various substantive, minor, and technical changes in probate statutes. For example, the bill extends the jurisdiction of the council on probate judicial conduct to cover misconduct complaints against probate magistrates, attorney probate referees, and candidates for probate judgeships. It eliminates the use of three-judge panels in most probate matters.

Effective January 9, 2019, the bill removes Plainville from the probate district with Bristol and Plymouth, instead placing it in the district with Burlington and Farmington.

The bill makes certain changes concerning conservatorships, such as expanding the probate districts with jurisdiction over a petition for voluntary conservatorship. It allows a person with actual physical custody of a minor to apply to remove a parent as the minor's guardian. It gives the governor the discretion to call a special election to fill a probate court vacancy, rather than making it mandatory. It allows the probate court to appoint a successor trustee of an inter vivos trust if the court finds that a trustee vacancy is likely to occur. (An inter vivos trust is one established during a person's lifetime, as opposed to a testamentary trust.)

Among other things, the bill also:

1. eliminates a probate court administrator annual reporting requirement concerning attorney probate referees;

2. rewrites the statute on affidavits in lieu of administration for settlement of small estates;
3. makes changes concerning probate court budgetary matters, such as specifically requiring probate courts to maintain checking accounts;
4. clarifies notice requirements regarding proceedings to appoint a guardian for an adult with intellectual disability; and
5. codifies current practice by allowing probate courts to serve as passport acceptance agencies.

*House Amendment "A" (1) removes provisions in the original bill (File 729) that (a) eliminated the option of requesting a three-judge panel for applications for involuntary commitment to a psychiatric hospital and (b) allowed a judge in whose district the matter is being heard, when a member of a three-judge panel, to receive the same maximum \$250 daily rate as other panel judges; (2) adds the provisions on Plainville and successor trustees; and (3) makes technical changes.

EFFECTIVE DATE: October 1, 2015, unless otherwise noted below.

§§ 1-6 & 26 — THREE-JUDGE PANELS

Under current law, the probate court administrator must transfer certain matters to a three-judge panel, usually upon motion of the affected person, a party, or the judge in the case. The bill eliminates these transfers in:

1. an appeal of an isolation or quarantine order imposed by a local health director; and
2. a review of an emergency commitment order issued by a local health director, or a petition by a local health director for a judicial commitment order, for someone with active tuberculosis.

Under current law for these matters, the affected person or his or

her counsel may request the transfer; the judge may also transfer the matter himself or herself, except for isolation or quarantine matters. If transferred, the commitment or confinement can only be ordered or continued if two of the judges agree.

The bill also removes the more general option for a party or the judge to request a transfer of any on-the-record probate matter to a three-judge panel.

As under current law, the bill continues to require three-judge panels (1) in certain habeas corpus matters brought in probate court (see below) and (2) upon motion, in applications for involuntary commitment of a child or adult to a psychiatric hospital.

§ 6 — Habeas Corpus

By law, petitions for a writ of habeas corpus challenging an involuntary conservatorship or guardianship can be brought in the Superior Court or probate court; if the latter, they must be heard by a three-judge panel. A majority vote is needed to continue the conservatorship or guardianship.

Currently, an appeal to Superior Court from the three-judge probate panel's decision must be filed in the judicial district where the probate court that appointed the guardian or conservator is located. If the court is in a probate district that extends into multiple judicial districts, the bill allows the appeal to be brought in any judicial district with part of the probate district in it.

§§ 8-15 — COUNCIL ON PROBATE JUDICIAL CONDUCT

Under existing law, the council on probate judicial conduct investigates complaints alleging various types of misconduct by probate judges. The bill extends the council's jurisdiction to cover misconduct complaints against probate magistrates, attorney probate referees (see BACKGROUND), and candidates for probate judgeships.

Specifically, it requires the council to investigate written complaints it receives alleging that a probate magistrate or attorney probate

referee, in performing his or her duties, violated any applicable law or canon of ethics. It also requires the council to investigate written complaints alleging that candidates to become probate judges (other than incumbents) violated any applicable law or canon of ethics (1) while a candidate or (2) if elected, during the period between the election and the start of the term.

For this purpose, a person is a candidate after (1) publicly announcing his or her candidacy, (2) declaring or filing as a candidate with the state elections enforcement commission, or (3) authorizing solicitations or accepting contributions or support for his or her candidacy.

EFFECTIVE DATE: July 1, 2015

Investigation Procedures

In general, the bill extends the council's existing procedures to the investigations of probate magistrates, attorney probate referees, and candidates for probate judgeships. For example, in conducting its investigation, the council may use the services of legal counsel or various investigators. The respondent (the subject of the complaint) has the right to (1) be heard, (2) be represented by counsel, and (3) examine and cross-examine witnesses.

As under existing law for investigations of probate judges, the council must notify the respondent within five business days of receiving the complaint. Within seven business days of completing its investigation, the council must notify the complainant and respondent as to whether it found probable cause that misconduct occurred.

Under existing law, any such probable cause investigation must be confidential, and anyone the council calls upon to provide information must not disclose his or her knowledge of the investigation to third parties unless the respondent requests an open investigation and disclosure. If the probate rules of procedure require the respondent to disclose a complaint, the bill extends this same limitation on disclosure

to the person receiving that information.

As under current law, if a preliminary investigation shows probable cause that the person committed misconduct, the council must hold an open hearing and publish its findings within 15 days after the close of the hearing. The council must recommend whether the person should be publicly admonished, censured, or exonerated. The council may issue a private admonishment for certain improper behavior that does not rise to the level of misconduct.

If the council recommends a public admonishment or censure, the respondent may appeal to the state Supreme Court. Currently, a copy of the admonishment or censure must be sent to certain people, including the town clerks in the judge's probate district. The bill also requires notice to appropriate town clerks for cases involving probate candidates, but not probate magistrates or attorney probate referees.

By law, the council may recommend that the House of Representatives bring impeachment proceedings against a probate judge. The bill also allows the council to recommend that the chief justice suspend or remove from office a probate magistrate or attorney probate referee. It allows the chief justice, upon the recommendation of the council or probate court administrator, to suspend or remove a probate magistrate or attorney probate referee for reasonable cause.

§ 8 — ANNUAL REPORT ON PROBATE REFEREES

The bill eliminates the requirement that the probate court administrator annually report to the governor and the Judiciary Committee on (1) the number of attorney probate referees nominated, appointed, and assigned during the prior year and (2) their geographic, racial, and ethnic diversity.

EFFECTIVE DATE: July 1, 2015

§ 16 — AFFIDAVIT IN LIEU OF ADMINISTRATION FOR SMALL ESTATES

The bill updates the statute on expedited settlement of small

estates. This procedure applies if the deceased person had no solely owned real estate and any personal property subject to probate is valued at \$40,000 or less.

Under existing law, when this statute applies, instead of filing an application for admission of a will to probate or letters of administration, the appropriate party (e.g., the surviving spouse) may file an affidavit with the probate court stating whether the decedent's debts have been paid as prescribed by law. Generally, if the appropriate party files this affidavit and no formal probate proceedings have been instituted, the court issues a decree authorizing the transfer of the property to pay any outstanding claims against the estate, with the balance going to the persons legally entitled to them (e.g., transfers under the will or the laws of intestacy).

The bill makes certain substantive changes to this process. It also makes clarifying changes and removes obsolete changes. Among other things, the bill:

1. requires the court to send a copy of the affidavit to the Department of Administrative Services in all cases, rather than only when the petitioner indicated that the decedent received public assistance or institutional care from the state;
2. specifies that this procedure may be used even when the total amount of claims, expenses, and taxes exceed the value of the decedent's estate;
3. removes the requirement for the authority transferring motor vehicles or boats under this process to charge \$3 and \$1 for each transfer, respectively;
4. removes the requirement that the probate court notify the revenue services commissioner about these decrees in some circumstances; and
5. removes specific references to claims of funeral directors or

other creditors owed debts from the decedent's last sickness. (They continue to be eligible for transfers as creditors under the bill.)

§§ 17-19 — PROBATE BUDGETS AND RELATED MATTERS

The bill requires each probate court to maintain a checking account for its annually budgeted office funds, as transferred from the probate court administration fund. The court must disburse funds from the account to pay for its budgeted expenses.

It allows probate courts to hold in escrow any money paid by a person or entity in anticipation of future fees and expenses, as an exception to the general requirement that probate courts remit all fees to the state treasurer for deposit in the probate court administration fund. Under the bill, a probate court must deposit any such escrow funds in a checking account it maintains for this purpose. When the court charges a fee or expense to someone who has previously paid funds into escrow, the court must immediately remit the amount to the state treasurer.

The bill also allows the probate court administrator to (1) designate one or more probate courts to administer grants from the kinship fund and grandparents and relatives respite fund and (2) transfer grant funds to courts as he determines necessary under the programs. Each designated court must maintain separate checking accounts for these funds and disburse funds from the accounts to pay for approved grants.

Under the bill, in each of these contexts:

1. the court must maintain the checking account in its own name, at a bank, Connecticut or federal credit union, or an out-of-state bank that has a branch in Connecticut;
2. the court must not commingle these funds with other funds; and

3. existing law's provisions for the deposit of public money (CGS § 4-33) do not apply to the management of these funds. (Among other things, those provisions set limits on the amount of public deposits in any one public depository or bank.)

The bill also specifies that probate office budget funds are not subject to existing law's requirements regarding comptroller approval of purchase orders (CGS § 4-98).

EFFECTIVE DATE: Upon passage

§ 20 — REMOVAL OF PARENT AS MINOR'S GUARDIAN

The bill allows a person with actual physical custody of a minor to apply to probate court to remove one or both parents as the minor's guardian. It removes the existing authority of the court to apply for this removal on its own motion.

Under existing law, any adult relative of a minor, or the minor's counsel, may also apply to remove a parent or parents as the guardian.

EFFECTIVE DATE: January 1, 2016

§ 21 — PETITION FOR VOLUNTARY CONSERVATORSHIP

Under current law, a person seeking a voluntary conservatorship must apply in the probate court for the district where he or she resides or is domiciled. The bill also allows the person to apply in the district where he or she is located when filing the petition. This corresponds with the law for involuntary conservatorships (CGS § 45a-648).

EFFECTIVE DATE: January 1, 2016

§ 22 — NOTICE OF PROCEEDING TO APPOINT GUARDIAN FOR ADULT WITH INTELLECTUAL DISABILITY

By law, probate courts must notify certain people of hearings to appoint a guardian of an adult with intellectual disability. Current law requires notice by first class mail to certain recipients and allows the court to direct the form of notice to others. The bill specifies that notice

to all such people must be made by first class mail and makes clarifying changes.

EFFECTIVE DATE: January 1, 2016

§ 23 — CONSERVATOR’S DEED

The bill specifies that a conservator’s deed may be used to convey property owned by a person under either voluntary or involuntary conservatorship, rather than an “incapable person.” By law, this deed may be used if authorized by a probate court.

§ 24 — SPECIAL ELECTION TO FILL PROBATE VACANCY

The bill allows, rather than requires, the governor to call a special election to fill a probate court vacancy. It also requires the probate court administrator to choose another probate judge to temporarily fill the vacancy under existing law’s procedures.

§ 25 — PASSPORT ACCEPTANCE

The bill codifies current practice by giving each probate judge the option to have his or her court serve as a passport acceptance agency, according to federal law and regulations. Under federal regulations, state court employees meeting certain requirements may serve as passport acceptance agents, when designated by the U.S. State Department (22 CFR § 51.22).

EFFECTIVE DATE: Upon passage

§ 501 — SUCCESSOR TRUSTEE FOR INTER VIVOS TRUST

By law, the probate court may appoint a person to serve as trustee when a trustee dies, becomes incapable, resigns, or refuses to accept the trust.

The bill allows the probate court to appoint a successor trustee of an inter vivos trust before any of these events occur, if the court finds that a trustee vacancy is likely to occur. The court must specify the conditions that the successor trustee must meet before becoming trustee. If a vacancy occurs, the successor may assume the trustee role

immediately upon satisfying the conditions in the court order, without further court action.

§ 502 — PLAINVILLE PROBATE DISTRICT

Currently, Plainville is part of the probate district that includes Bristol and Plymouth. The bill instead shifts Plainville to the district with Burlington and Farmington.

EFFECTIVE DATE: January 9, 2019

BACKGROUND

Probate Magistrates and Attorney Probate Referees

Probate courts may refer certain matters, with the consent of the parties or their attorneys, to a probate magistrate or attorney probate referee. After hearing the matter, the magistrate or referee files a report of factual findings and conclusions drawn from those findings. The court can accept, modify, or reject the report.

The probate court administrator nominates individuals who qualify to be probate magistrates and attorney probate referees for the Supreme Court chief justice's consideration and appointment.

Among other requirements, a probate magistrate must be a former probate judge; an attorney probate referee must be a person licensed to practice law in Connecticut and in good standing for at least five years. Probate magistrates are paid for each day of service; attorney probate referees are unpaid (CGS §§ 45a-123 & -123a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 43 Nay 0 (04/06/2015)