



General Assembly

January Session, 2015

***Raised Bill No. 7029***

LCO No. 5230



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING PROBATE COURT OPERATIONS.***

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

1 Section 1. Section 45a-20 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 When a three-judge court is appointed by the Probate Court  
4 Administrator under section 45a-705a, as amended by this act, the  
5 administrator may pay from the fund authorized under section 45a-82  
6 a per diem rate not to exceed two hundred fifty dollars for each judge  
7 that has been cited in, [other than the judge in whose district the  
8 matter is being heard,] provided such payment under this section,  
9 when combined with the compensation that the judge receives as a  
10 judge of probate of the district to which the judge was elected, does not  
11 exceed the compensation provided for a judge of probate under  
12 subdivision (4) of subsection (a) of section 45a-95a. Such payment shall  
13 be made in accordance with regulations promulgated by the Probate  
14 Court Administrator.

15 Sec. 2. Section 17a-76 of the general statutes is repealed and the

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

17 (a) [Application] An application for commitment of a mentally ill  
18 child to a hospital for mental illness shall be [made to the court of  
19 probate] filed in the Probate Court in the district in which such child  
20 resides, or when his or her place of residence is out of state or  
21 unknown, the district in which he or she may be at the time of filing  
22 the application, except in cases where it is otherwise expressly  
23 provided by law. In any case in which the child is hospitalized under  
24 sections 17a-75 to 17a-83, inclusive, and an application for the  
25 commitment of such child is filed in accordance with the provisions of  
26 sections 17a-75 to 17a-83, inclusive, the jurisdiction shall be vested in  
27 the [court of probate] Probate Court for the district in which the  
28 hospital where such child is a patient is located. In the event that an  
29 application has previously been filed in another [court of probate]  
30 Probate Court with respect to the same confinement, no further action  
31 shall be taken on such previous application. Notwithstanding the  
32 provisions of section 45a-7, if the child is confined to a hospital outside  
33 the district of the [court of probate] Probate Court in which the  
34 application for the child's commitment was made, the [judge of]  
35 probate judge from the district where the application was filed shall  
36 have jurisdiction to hold the hearing on such commitment at the  
37 hospital where such child is hospitalized. The court shall exercise  
38 jurisdiction only upon written application alleging that such child  
39 suffers from a mental disorder and is in need of treatment. Such  
40 application may be [made] filed by any person, and shall include the  
41 name and address of the hospital for mental illness to which the child's  
42 commitment is being sought and shall include the name, address and  
43 telephone number of any attorney appointed for the child by the  
44 Superior Court pursuant to section 46b-129.

45 (b) Any application for commitment of any child under sections 17a-  
46 75 to 17a-83, inclusive, shall be transferred from the [court of probate]  
47 Probate Court where it has been filed to the superior court of  
48 appropriate venue upon motion of any legal party except the

49 petitioner.

50 (c) The motion for such transfer shall be filed with the [court of  
51 probate] Probate Court prior to the beginning of any hearing on the  
52 merits. The moving party shall send copies of such motion to all  
53 parties of record. The court shall grant such motion the next business  
54 day after its receipt by the court. Immediately upon granting the  
55 motion, the clerk of the court shall transmit by certified mail the  
56 original file and papers to the superior court having jurisdiction. All  
57 parties to the proceeding shall be notified of the date on which the file  
58 and papers were transferred.

59 (d) The [court of probate] Probate Court shall appoint an attorney  
60 for such child from the panel of attorneys established by subsection (b)  
61 of section 17a-498 on the next business day after receipt of the  
62 application, and as soon as reasonably possible shall appoint  
63 physicians as required under section 17a-77, which appointments shall  
64 remain in full force and effect notwithstanding the fact that the matter  
65 has been transferred to the Superior Court.

66 [(e) On any matter not transferred to the Superior Court in  
67 accordance with this section, upon the motion of the child for whom  
68 application has been made, or his or her counsel, or the judge of  
69 probate having jurisdiction over such application, filed not later than  
70 three days prior to any hearing scheduled on such application, the  
71 Probate Court Administrator shall appoint a three-judge court from  
72 among the several judges of probate to hear such application. Such  
73 three-judge court shall consist of at least one judge who is an attorney  
74 at law admitted to practice in this state. The judge of the court of  
75 probate having jurisdiction over such application under the provisions  
76 of this section shall be a member, provided such judge may disqualify  
77 himself or herself in which case all three members of such court shall  
78 be appointed by the Probate Court Administrator. Such three-judge  
79 court when convened shall have all the powers and duties set forth  
80 under sections 17a-75 to 17a-83, inclusive, and shall be subject to all of

81 the provisions of law as if it were a single-judge court. No such child  
82 shall be involuntarily hospitalized without the vote of at least two of  
83 the three judges convened under the provisions of this section. The  
84 judges of such court shall designate a chief judge from among their  
85 members. All records for any case before the three-judge court shall be  
86 maintained in the court of probate having jurisdiction over the matter.]

87 Sec. 3. Section 17a-497 of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2015*):

89 [(a)] The jurisdiction of the commitment of a person with psychiatric  
90 disabilities to a hospital for psychiatric disabilities shall be vested in  
91 the [court of probate] Probate Court for the district in which such  
92 person resides or, when his or her place of residence is out of the state  
93 or unknown, in which he or she may be at the time of filing the  
94 application, except in cases where it is otherwise expressly provided  
95 by law. In any case in which the person is hospitalized in accordance  
96 with the provisions of sections 17a-498, 17a-502 or 17a-506, and an  
97 application for the commitment of such person is filed in accordance  
98 with the provisions of said sections, the jurisdiction shall be vested in  
99 the [court of probate] Probate Court for the district in which the  
100 hospital where such person is a patient is located. In the event that an  
101 application has been previously filed in another [probate court]  
102 Probate Court with respect to the same confinement, no further action  
103 shall be taken on such prior application. If the respondent is confined  
104 to a hospital, notwithstanding the provisions of section 45a-7, the  
105 [judge of] probate judge from the district where the application was  
106 filed shall hold the hearing on such commitment at the hospital where  
107 such person is confined, if in the opinion of at least one of the  
108 physicians appointed by the court to examine him it would be  
109 detrimental to the health and welfare of the respondent to travel to the  
110 [court of probate] Probate Court where the application was filed or if it  
111 could be dangerous to the respondent or others for him to travel to  
112 such court. [Courts of probate] The Probate Court shall exercise such  
113 jurisdiction only upon written application alleging in substance that

114 such person has psychiatric disabilities and is dangerous to himself or  
115 herself or others or gravely disabled. Such application may be [made]  
116 filed by any person and, if any person with psychiatric disabilities is at  
117 large and dangerous to the community, the first selectman or chief  
118 executive officer of the town in which he or she resides or in which he  
119 or she is at large shall make such application.

120 [(b) Upon the motion of any respondent or his or her counsel, or the  
121 judge of probate having jurisdiction over such application, filed not  
122 later than three days prior to any hearing scheduled on such  
123 application, the Probate Court Administrator shall appoint a three-  
124 judge court from among the several judges of probate to hear such  
125 application. Such three-judge court shall consist of at least one judge  
126 who is an attorney-at-law admitted to practice in this state. The judge  
127 of the court of probate having jurisdiction over such application under  
128 the provisions of this section shall be a member, provided such judge  
129 may disqualify himself in which case all three members of such court  
130 shall be appointed by the Probate Court Administrator. Such three-  
131 judge court when convened shall have all the powers and duties set  
132 forth under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,  
133 inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive,  
134 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, and  
135 shall be subject to all of the provisions of law as if it were a single-  
136 judge court. No such respondent shall be involuntarily confined  
137 without the vote of at least two of the three judges convened  
138 hereunder. The judges of such court shall designate a chief judge from  
139 among their members. All records for any case before the three-judge  
140 court shall be maintained in the court of probate having jurisdiction  
141 over the matter as if the three-judge court had not been appointed.]

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

145 (c) A person ordered isolated or quarantined under this section shall

146 be isolated or quarantined in a place designated by the director of  
147 health until such time as such director determines such person no  
148 longer poses a substantial threat to the public health or is released by  
149 order of a [probate court] Probate Court for the district in which such  
150 person is isolated or quarantined. Any person who desires treatment  
151 by prayer or spiritual means without the use of any drugs or material  
152 remedies, but through the use of the principles, tenets or teachings of  
153 any church incorporated under chapter 598, may be so treated during  
154 such person's isolation or quarantine in such place.

155 Sec. 5. Subsection (e) of section 19a-221 of the general statutes is  
156 repealed and the following is substituted in lieu thereof (*Effective*  
157 *October 1, 2015*):

158 (e) Jurisdiction shall be vested in the [court of probate] Probate  
159 Court for the district in which such person resides or is isolated or  
160 quarantined. [The appeal shall be heard by the judge of probate for  
161 such district, except that on motion of the respondent for appointment  
162 of a three-judge court, the Probate Court Administrator shall appoint a  
163 three-judge court from among the several judges of probate to conduct  
164 the hearing. Such three-judge court shall consist of at least one judge  
165 who is an attorney-at-law admitted to practice in this state. Such three-  
166 judge court when convened shall be subject to all of the provisions of  
167 law as if it were a single-judge court. The isolation or quarantine of a  
168 person under this section shall not be ordered by the court without the  
169 vote of at least two of the three judges convened hereunder. The  
170 judges of such court shall designate a chief judge from among their  
171 members. All records for any case before the three-judge court shall be  
172 maintained in the court of probate having jurisdiction over the matter  
173 as if the three-judge court had not been appointed.]

174 Sec. 6. Section 19a-265 of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective October 1, 2015*):

176 (a) As used in this section:

177 (1) "Active tuberculosis" means (A) a specimen has been taken from  
178 a pulmonary, laryngeal or other airway source, has tested positive for  
179 tuberculosis and the person tested has not subsequently completed a  
180 standard recommended course of medication for tuberculosis, (B) a  
181 specimen from an extrapulmonary source has tested positive for  
182 tuberculosis and there is clinical evidence or clinical suspicion of  
183 pulmonary tuberculosis and the person tested has not subsequently  
184 completed a standard recommended course of medication for  
185 tuberculosis, or (C) where sputum smears or cultures are unobtainable,  
186 radiographic evidence, in addition to current clinical or laboratory  
187 evidence, is sufficient to establish a medical diagnosis of pulmonary  
188 tuberculosis for which treatment is indicated and the person diagnosed  
189 has not subsequently completed a standard recommended course of  
190 medication for tuberculosis.

191 (2) "Infectious tuberculosis" means tuberculosis disease in a  
192 communicable or infectious stage as determined by chest radiograph,  
193 the bacteriologic examination of body tissues or secretions, or other  
194 diagnostic procedures. A person is considered infectious to others until  
195 such time as sputum smears from a pulmonary, laryngeal or other  
196 airway source collected on three consecutive days have tested negative  
197 for tuberculosis and the person shows significant clinical  
198 improvement, such as the resolution of cough or fever.

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

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

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

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

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

214 (b) The health care provider responsible for the treatment of any  
215 person with active tuberculosis shall devise, with the assistance and  
216 acknowledgment of that person and the approval of the director of  
217 health of the municipality in which the person with tuberculosis  
218 resides or, in the case of disagreement between the health care  
219 provider and the director of health, the Commissioner of Public  
220 Health, an appropriate individualized plan of treatment tailored to the  
221 person's medical and personal needs and identifying the method for  
222 effective treatment and prevention of transmission. The director of  
223 health shall provide or ensure the provision of such enablers and  
224 incentives as are within his or her means to provide and are reasonably  
225 appropriate in the individual situation to help the person to complete  
226 his or her course of treatment. In the event that the person with active  
227 tuberculosis is hospitalized or in state custody, the director of health  
228 shall be notified as required by section 19a-215, and the individualized  
229 plan of treatment shall be approved by the director prior to discharge,  
230 provided such discharge shall not be delayed more than twenty-four  
231 hours, excluding weekends, solely because of delay in obtaining this  
232 approval.

233 (c) If any town, city or borough director of health determines that  
234 the public health is substantially and imminently endangered by a  
235 person with or suspected of having active tuberculosis, [he] the  
236 director of health may take the following actions as reasonably  
237 necessary to protect the public health: (1) Issue a warning stating that  
238 the person should have a physician's examination for tuberculosis to a  
239 person who has active tuberculosis or who is suspected of having

240 active tuberculosis when that person is unable or unwilling voluntarily  
241 to submit to such examination despite demonstrated efforts to educate  
242 and counsel the person about the need for such examination; (2) issue  
243 a warning stating that the person should complete an appropriate  
244 prescribed course of medication for tuberculosis when that person has  
245 active tuberculosis but is unwilling or unable to adhere to an  
246 appropriate prescribed course of medication despite a demonstrated  
247 effort to educate and counsel the person about the need to complete  
248 the prescribed course of treatment and the offering of such enablers  
249 and incentives as are reasonably appropriate to facilitate the  
250 completion of treatment by that person; (3) issue a warning stating that  
251 the person should follow a course of directly observed therapy for  
252 tuberculosis that should be given in such a manner as shall minimize  
253 the time and financial burden on the person given that person's  
254 individual circumstances, when that person has active tuberculosis,  
255 has been nonadherent to treatment for it and is unwilling or unable  
256 otherwise to adhere to an appropriate prescribed course of medication  
257 for tuberculosis despite a demonstrated effort to educate and counsel  
258 the person about the need to complete the course of treatment and the  
259 provision of such enablers and incentives to the person as are  
260 reasonably appropriate to facilitate the completion of treatment by that  
261 person; (4) issue an emergency commitment order which shall extend  
262 for no more than ninety-six hours that authorizes the removal to or  
263 detention in a hospital or other medically-appropriate setting of a  
264 person: (A) Who has active tuberculosis that is infectious or who  
265 presents a substantial likelihood of having active tuberculosis that is  
266 infectious based upon epidemiologic, clinical, radiographic evidence  
267 and laboratory test results; (B) who poses a substantial and imminent  
268 likelihood of transmitting tuberculosis to others because of his or her  
269 inadequate separation from others, based on a physician's professional  
270 judgment using recognized infection control principles; (C) who is  
271 unwilling or unable to behave so as not to expose others to risk of  
272 infection from tuberculosis despite a demonstrated effort to educate  
273 and counsel the person about the need to avoid exposing others and

274 required contagion precautions; (D) who has expressed or  
275 demonstrated an unwillingness to adhere to the prescribed course of  
276 treatment that would render the person noninfectious despite being  
277 educated and counseled about the need to do so and being offered  
278 such enablers and incentives as are reasonably appropriate to facilitate  
279 the completion of treatment; and (E) for whom emergency  
280 commitment is the least restrictive alternative to protect the public  
281 health. When issuing an emergency commitment order, the director of  
282 health may direct a police officer or other designated transport  
283 personnel to immediately transport the person with tuberculosis as so  
284 ordered by the director of health. The police officer shall take into  
285 custody and isolate the person in such a manner as required by the  
286 director of health. The director of health shall notify the police officer  
287 or other personnel concerning any necessary infection control  
288 procedures; (5) petition the Probate Court for a judicial commitment  
289 order that authorizes the removal to or detention in a hospital or other  
290 medically-appropriate setting for the purposes of facilitating  
291 completion of a prescribed course of treatment for tuberculosis of a  
292 person: (A) Who has active tuberculosis; (B) who is unwilling or  
293 unable to adhere to an appropriate prescribed course of treatment for  
294 tuberculosis despite a demonstrated effort to educate and counsel the  
295 person about the need to complete the course of treatment and to  
296 provide such enablers and incentives to the person as are reasonably  
297 appropriate to facilitate the completion of treatment by that person; (C)  
298 who has demonstrated a pattern of persistent nonadherence to  
299 treatment for tuberculosis; (D) for whom commitment for the purposes  
300 of completion of the prescribed course of treatment for active  
301 tuberculosis is necessary to prevent the development of drug-resistant  
302 tuberculosis organisms; and (E) for whom commitment for the  
303 purpose of treatment for active tuberculosis is the least restrictive  
304 course of action available to protect the public health in that other less  
305 restrictive alternatives to encourage that person's adherence to the  
306 prescribed course of treatment for tuberculosis have failed.

307 (d) Any warning or order issued by the director under subdivisions  
308 (1) to (4), inclusive, of subsection (c) of this section, or a petition under  
309 subdivision (5) of subsection (c) of this section, shall be in writing  
310 setting forth: (1) The name of the person who is the subject of the  
311 warning, order or petition; (2) the factual basis for the director's  
312 professional judgment that the person has active tuberculosis or, in the  
313 case of a warning concerning examination, is suspected of having  
314 active tuberculosis; (3) in the case of a warning concerning  
315 examination under subdivision (1) of subsection (c) of this section, the  
316 efforts that have been made to educate and counsel the person about  
317 the need for examination, the medical and legal consequences of  
318 failing to agree to it and the factual basis for the director's professional  
319 judgment that the person is unable or unwilling voluntarily to submit  
320 to such examination; (4) in the case of warnings and orders under  
321 subdivisions (2) to (4), inclusive, of subsection (c) of this section and a  
322 petition under subdivision (5) of subsection (c) of this section, the  
323 efforts that have been made to educate and counsel the person about  
324 the need to complete the appropriate prescribed course of treatment  
325 and the medical and legal consequences of failing to do so, a  
326 description of the enablers and incentives that have been offered or  
327 provided to the person, and the factual basis for the director's  
328 professional judgment that the person is unable or unwilling  
329 voluntarily to adhere to the appropriate prescribed course of  
330 treatment; (5) in the case of an emergency commitment order under  
331 subsection (c) of this section, the factual basis for the director's  
332 professional judgment that: (A) The person is infectious or presents a  
333 substantial likelihood of being infectious; (B) the person poses a  
334 substantial and imminent likelihood of transmitting tuberculosis to  
335 others; (C) the person is unable or unwilling to behave so as not to  
336 expose others to risk of infection; and (D) emergency commitment is  
337 the least restrictive alternative available to protect the public health; (6)  
338 in the case of a petition for commitment under subsection (c) of this  
339 section, the factual basis for the director's professional judgment that:  
340 (A) The person has been persistently nonadherent to treatment for

341 tuberculosis; (B) commitment for the purpose of treatment for active  
342 tuberculosis is necessary to prevent the development of drug-resistant  
343 tuberculosis organisms; (C) commitment for the purpose of treatment  
344 for active tuberculosis is the least restrictive alternative to protect the  
345 public health in that other alternatives to encourage that person's  
346 adherence to treatment have failed. Any warnings or orders issued  
347 pursuant to subsections (c) and (k) of this section shall specify the  
348 period of time that the warning or order is to remain effective,  
349 provided: (i) Any order authorizing examination for tuberculosis shall  
350 not continue beyond the minimum period of time required, with the  
351 exercise of all due diligence, to make a medical determination of  
352 whether the person who has active tuberculosis is infectious or  
353 whether the person who is suspected of having tuberculosis has active  
354 tuberculosis; (ii) any warning concerning treatment or directly  
355 observed therapy shall not continue beyond the conclusion of the  
356 prescribed course of antituberculosis treatment; and (iii) any order  
357 authorizing emergency commitment shall not exceed ninety-six hours.  
358 Any order for emergency commitment or petition for commitment  
359 shall specify the place of confinement, which shall be in a facility  
360 approved by the Commissioner of Public Health and which shall not  
361 be a prison, jail or other enclosure where those charged with a crime  
362 are incarcerated unless the person who is the subject of the order is  
363 being held on a criminal charge. ~~[Within]~~ Not later than twenty-four  
364 hours ~~[of the]~~ after the issuance of the order or petition, the director of  
365 health shall notify the Commissioner of Public Health that such an  
366 order or petition has been issued.

367 (e) The director of health may ~~[make application to the probate~~  
368 ~~court]~~ petition the Probate Court for the district in which a person  
369 subject to a warning issued under subdivision (1) of subsection (c) of  
370 this section resides for an enforcement order. A person concerning  
371 whom ~~[said application]~~ such petition is made shall have the right to a  
372 court hearing which shall be held by the ~~[probate court within three~~  
373 ~~business days of receipt of such application]~~ Probate Court not later

374 than three days, excluding Saturdays, Sundays and holidays, after the  
375 date of receipt of such petition. The hearing shall be held to determine:  
376 (1) If the person has active tuberculosis or is suspected of having active  
377 tuberculosis; (2) if the person is unable or unwilling to be examined  
378 voluntarily; (3) if efforts have been made to educate the person about  
379 the need for examination; (4) whether the order is necessary and is the  
380 least restrictive alternative to protect the public health. The Probate  
381 Court may issue a warrant for the apprehension of a person who is the  
382 subject of an order for examination, and a police officer for the town in  
383 which such court is located, or if there is no such police officer then the  
384 state police or such other officer as the court may determine, shall  
385 deliver the person to a facility for examination as directed by the  
386 health director.

387 (f) Immediately upon issuance of an emergency commitment order  
388 under subdivision (4) of subsection (c) of this section, the director of  
389 health shall petition the [probate court] Probate Court for the district in  
390 which the person who is subject to the order resides to determine  
391 whether such commitment shall be continued. [The petition shall be  
392 heard by the judge of probate for such district, except that on motion  
393 of the respondent or the judge of probate for appointment of a three-  
394 judge court, the Probate Court Administrator shall appoint a  
395 three-judge court from among the several judges of probate to conduct  
396 the hearing. Such three-judge court shall consist of at least one judge  
397 who is an attorney-at-law admitted to practice in this state. The judge  
398 of probate having jurisdiction under the provisions of this section shall  
399 be a member, provided such judge may disqualify himself or herself,  
400 in which case all three members of such court shall be appointed by  
401 the Probate Court Administrator. Such three-judge court when  
402 convened shall be subject to all of the provisions of law as if it were a  
403 single-judge court. The involuntary confinement of a person under this  
404 section by a three-judge court shall not be ordered by the court  
405 without the vote of at least two of the three judges convened  
406 hereunder. The judges of such court shall designate a chief judge from

407 among their members. All records for any case before the three-judge  
408 court shall be maintained by the court of probate having jurisdiction  
409 over the matter as if the three-judge court had not been appointed. The  
410 hearing, whether before a one-judge or three-judge court,] The hearing  
411 shall be held [within] not later than ninety-six hours, excluding  
412 Saturdays, Sundays and legal holidays, after the date of the issuance of  
413 such order of emergency commitment and the court shall cause such  
414 advanced notice as it directs thereof to be given to the person who is  
415 the subject of the order and such other persons as it may direct. The  
416 court shall determine: (1) If the person has active tuberculosis that is  
417 infectious or presents a substantial likelihood of having active  
418 tuberculosis that is infectious based upon epidemiologic, clinical, or  
419 radiographic evidence, and laboratory test results; (2) if the person  
420 poses a substantial and imminent likelihood of transmitting  
421 tuberculosis to others because of inadequate separation from others,  
422 based on a physician's professional judgment using recognized  
423 infection control principles; (3) if the person is unwilling or unable to  
424 behave so as to not expose others to risk of infection from tuberculosis;  
425 (4) if efforts have been made to educate and counsel the person about  
426 the need to avoid exposing others and required contagion precautions;  
427 (5) if the person has expressed or demonstrated an unwillingness to  
428 adhere to the prescribed course of treatment that would render the  
429 person noninfectious; (6) if efforts have been made to educate and  
430 counsel about the need to complete treatment and if reasonably  
431 appropriate enablers and incentives have been offered to facilitate the  
432 completion of treatment; and (7) whether the order is necessary and is  
433 the least restrictive alternative to protect the public health.

434 (g) A petition by a director of health for a commitment order  
435 pursuant to subdivision (5) of subsection (c) of this section shall be  
436 heard by the [probate court] Probate Court for the district in which the  
437 subject of such petition resides [within] not later than three business  
438 days, excluding Saturdays, Sundays and holidays, after the date of  
439 receipt of such petition. [or, if a motion is made for appointment of a

440 three-judge court, within three business days of the filing of such  
441 motion. Upon the motion of the respondent or of the judge of probate  
442 for appointment of a three-judge court, the Probate Court  
443 Administrator shall appoint a three-judge court from among the  
444 several judges of probate to conduct the hearing. Such three-judge  
445 court shall consist of at least one judge who is an attorney-at-law  
446 admitted to practice in this state. The judge of probate having  
447 jurisdiction under the provisions of this section shall be a member,  
448 provided such judge may disqualify himself, in which case all three  
449 members of such court shall be appointed by the Probate Court  
450 Administrator. Such three-judge court when convened shall be subject  
451 to all of the provisions of law as if it were a single-judge court. The  
452 involuntary confinement of a person under this section by a three-  
453 judge court shall not be ordered by the court without the vote of at  
454 least two of the three judges convened hereunder. The judges of such  
455 court shall designate a chief judge from among their members. All  
456 records for any case before the three-judge court shall be maintained  
457 by the court of probate having jurisdiction over the matter as if the  
458 three-judge court had not been appointed.] The court shall cause such  
459 advanced notice as it directs thereof to be given to the person who is  
460 the subject of the order and such other persons as it may direct. The  
461 hearing shall be held to determine: (1) If the person has active  
462 tuberculosis; (2) if the person is unwilling or unable to adhere to an  
463 appropriate prescribed course of treatment for tuberculosis; (3) if  
464 efforts have been made to educate and counsel the person about the  
465 need to complete the course of treatment; (4) if reasonably appropriate  
466 enablers and incentives have been provided to the person to facilitate  
467 the completion of treatment by that person; (5) if the person has a  
468 demonstrated pattern of persistent nonadherence to treatment for  
469 tuberculosis; (6) if commitment for the purposes of completion of the  
470 prescribed course of treatment for active tuberculosis is necessary to  
471 prevent the development of drug-resistant tuberculosis organisms; and  
472 (7) whether the order is necessary and is the least restrictive available  
473 to protect the public health in that other less restrictive alternatives to

474 encourage that person's adherence to the prescribed course of  
475 treatment for tuberculosis have failed. The Probate Court may issue a  
476 warrant for the apprehension of a person who is the subject of an order  
477 for commitment, and a police officer for the town in which such court  
478 is located, or if there is no such police officer then the state police or  
479 such other officer as the court may determine, shall deliver the person  
480 to the place for confinement as determined by the health director and  
481 as specified in subsection (d) of this section.

482 (h) All orders by health directors and all [applications or] petitions  
483 for a hearing under this section shall be hand-delivered to the person  
484 subject to the order as quickly as reasonably possible and shall inform  
485 [him] such person that: (1) [He or his] The person or the person's  
486 representative has a right to be present at the hearing; (2) [he] the  
487 person has a right to counsel and, if indigent or otherwise unable to  
488 pay for or to obtain counsel, [he] the person has a right to have counsel  
489 appointed to represent him or her; (3) the court shall have the right to  
490 appoint and hear additional expert witnesses at the expense of the  
491 petitioner; (4) [he] the person has a right to be present and to cross-  
492 examine witnesses testifying at the hearing; (5) the proceedings before  
493 the Probate Court shall be recorded and shall be transcribed if [he] the  
494 person appeals or files a writ of habeas corpus; (6) the proceedings  
495 before the court shall be confidential and shall not be disclosed unless  
496 [he or his] the person or the person's legal representative requests, or  
497 the Probate Court so orders for good cause shown; (7) [he] the person  
498 has a right to appeal an order of the Probate Court to the Superior  
499 Court; and (8) [he] the person has a right to [apply to] petition the  
500 Probate Court to terminate or modify an order it has made under  
501 subsection (k) of this section, as provided in subsection (l) of this  
502 section. If the court finds that such person is indigent or otherwise  
503 unable to pay for or to obtain counsel, the court shall appoint counsel  
504 for him or her, unless such person refuses counsel and the court finds  
505 that the person understands the nature of his or her refusal. If the  
506 person does not select his or her own counsel, or if counsel selected by

507 the person refuses to represent him or her, or is not available for such  
508 representation, the court shall appoint counsel for the person from a  
509 panel of attorneys admitted to practice in this state provided by the  
510 Probate Court Administrator in accordance with regulations  
511 promulgated by the Probate Court Administrator in accordance with  
512 section 45a-77. The reasonable compensation of appointed counsel for  
513 a person who is indigent or otherwise unable to pay for counsel shall  
514 be established by, and paid from funds appropriated to, the Judicial  
515 Department, however, if funds have not been included in the budget  
516 of the Judicial Department for such purposes, such compensation shall  
517 be established by the Probate Court Administrator and paid from the  
518 Probate Court Administration Fund.

519 (i) Prior to any hearing under this section, such person or [his] the  
520 person's counsel shall be afforded access to all the person's medical  
521 records including, without limitation, hospital records if such person is  
522 hospitalized. If such person is hospitalized at the time of the hearing,  
523 the hospital shall provide [the] such person or [his] the person's  
524 counsel access to all records in its possession relating to the condition  
525 of the person. Nothing in this subsection shall prevent timely objection  
526 to the admissibility of evidence in accordance with the rules of civil  
527 procedure.

528 (j) At any hearing held under this section, the director of health shall  
529 have the burden of showing by clear and convincing evidence that: (1)  
530 The person has active tuberculosis or, in the case of an examination  
531 order, is suspected of having active tuberculosis; (2) in the case of an  
532 enforcement order for examination, that efforts have been made to  
533 educate and counsel the person about the need for examination and  
534 that the person remains unable or unwilling voluntarily to submit to  
535 such examination; (3) in the case of an order under subdivision (4) of  
536 subsection (c) of this section and a petition under subdivision (5) of  
537 said subsection (c), that efforts that have been made to educate and  
538 counsel that person about the need to complete the appropriate  
539 prescribed course of treatment and that reasonably appropriate

540 enablers and incentives have been offered or provided to the person,  
541 and that the person remains unable or unwilling voluntarily to adhere  
542 to the appropriate prescribed course of treatment; (4) in the case of  
543 continuation of an emergency commitment order under subdivision  
544 (4) of subsection (c) of this section that: (A) The person is infectious or  
545 presents a substantial likelihood of being infectious, (B) the person  
546 poses a substantial and imminent likelihood of transmitting  
547 tuberculosis to others, (C) the person is unable or unwilling to behave  
548 so as not to expose others to risk of infection and (D) commitment is  
549 the least restrictive alternative available to protect the public health; (5)  
550 in the case of a petition for commitment under subdivision (5) of  
551 subsection (c) of this section, that (A) the person has been persistently  
552 nonadherent to treatment for tuberculosis, (B) commitment for the  
553 purpose of treatment for active tuberculosis is necessary to prevent the  
554 development of drug-resistant tuberculosis organisms, (C)  
555 commitment for the purpose of treatment for active tuberculosis is the  
556 least restrictive alternative to protect the public health in that other  
557 alternatives to encourage said person's adherence to treatment have  
558 failed; and (6) the order sought by the director of health is necessary  
559 and is the least restrictive alternative to protect the public health.

560 (k) If the court, at such hearing, finds by clear and convincing  
561 evidence that the director of health has met the burden of proof set  
562 forth in subsection (j) of this section, the court shall: (1) In the case of  
563 examination orders: (A) Order such person to be examined; or (B)  
564 enter an order with such terms and conditions as the court deems  
565 appropriate to protect the public health in the manner least restrictive  
566 of the [individual's] person's liberty and privacy; (2) in the case of a  
567 continuation of an emergency commitment issued pursuant to  
568 subdivision (4) of subsection (c) of this section, (A) enter an order,  
569 authorizing the continued commitment of such person only for as long  
570 as the person remains infectious and poses a risk of transmission to  
571 others, or (B) enter an order with such terms and conditions as the  
572 court deems appropriate to protect the public health in the manner

573 least restrictive of the [individual's] person's liberty and privacy; and  
574 (3) in the case of a petition for a commitment order for treatment  
575 issued pursuant to subdivision (5) of subsection (c) of this section, (A)  
576 order the continued commitment, but only for as long as is necessary  
577 to complete the prescribed course of treatment or to demonstrate  
578 adherence to treatment, or (B) enter an order with such terms and  
579 conditions as the court deems appropriate to protect the public health  
580 in the manner least restrictive of the [individual's] person's liberty and  
581 privacy. If the court, at such hearing, finds that the director of health  
582 has failed to meet such burden of proof, the court shall enter no orders,  
583 provided, if the person has been subject to an emergency commitment,  
584 the court shall order a release from such commitment.

585 (l) Such person may, at any time, move the court to terminate or  
586 modify an order made under subsection (k) of this section, in which  
587 case a hearing shall be held [within] not later than five business days,  
588 excluding Saturdays, Sundays and holidays, after the date of issuance  
589 of such order in accordance with this subsection. In addition, the court  
590 shall, on its own motion, review at least every six months any order of  
591 commitment issued under this section to determine if the conditions  
592 that required the commitment or restriction of the person still exist. If  
593 the court finds at such hearing, held on motion of the person or on its  
594 own motion, that the conditions that warranted the issuance of the  
595 order no longer exist, it shall dissolve said order. At such hearing, the  
596 director of health shall bear the burden of proof as specified in  
597 subsection (j) of this section.

598 (m) Any person aggrieved by an order of the [Court of Probate]  
599 Probate Court under this section may take an appeal to the Superior  
600 Court. The Probate Court shall cause a recording of any hearing held  
601 pursuant to this section to be made, to be transcribed only in the event  
602 of [an application] a petition for a writ of habeas corpus or an appeal  
603 from the decree rendered hereunder. A copy of such transcript shall be  
604 furnished without charge to the appellant or [applicant] petitioner for  
605 the writ of habeas corpus whom the [Court of] Probate Court finds

606 unable to pay for the same. In such case, the cost of preparing such  
607 transcript shall be paid by the original petitioner.

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

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

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

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

622 Sec. 7. Section 45a-705a of the general statutes is repealed and the  
623 following is substituted in lieu thereof (*Effective October 1, 2015*):

624 (a) An individual subject to a guardianship or involuntary  
625 representation under this chapter may [apply] petition for and is  
626 entitled to the benefit of the writ of habeas corpus without having  
627 previously exhausted other available remedies including, but not  
628 limited to, the right to appeal the order of guardianship or involuntary  
629 representation. The question of the legality of such guardianship or  
630 involuntary representation shall be determined by the court or judge  
631 issuing such writ.

632 (b) A writ of habeas corpus shall be directed to the guardian of the  
633 person or the estate of the ward or to the conservator of the conserved  
634 person and if illegality or invalidity of the guardianship or involuntary

635 representation is alleged in such writ, a copy shall also be directed to  
636 the judge of the court that issued the order as to such claim.

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

640 (d) If such [application] petition has been brought in the [Court of]  
641 Probate Court, the Probate Court Administrator shall appoint a three-  
642 judge court to hear such [application] petition from among the [judges  
643 of] probate judges who are approved to hear such [applications]  
644 petitions by the Chief Justice of the Supreme Court, [The] provided  
645 the Probate Court Administrator shall not appoint the judge of the  
646 [court of probate] Probate Court who issued the order [shall not be] as  
647 a member of the three-judge court. No such [application] petition shall  
648 be denied without the vote of at least two judges of the three-judge  
649 court. The judges of such three-judge court shall designate a chief  
650 judge from among their members. The three-judge court shall cause a  
651 recording to be made of all [proceeding] proceedings held under this  
652 section. The recording shall be part of the court record and shall be  
653 made and retained in a manner approved by the Probate Court  
654 Administrator. All records for any case before the three-judge court  
655 shall be maintained in the [court of probate] Probate Court in which  
656 the conservator or guardian was appointed.

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

660 (f) If the court [or judge before whom such a writ is brought]  
661 decides that the guardianship or involuntary representation is not  
662 illegal, such decision shall be considered a final judgment and subject  
663 to appeal.

664 (g) If the court [or judge before whom such case is brought] decides  
665 that the guardianship or involuntary representation is not illegal, such

666 decision shall not bar issuance of such a writ again, provided it is  
667 claimed that such person is no longer subject to the condition for  
668 which the person was conserved or such application is based on a  
669 ground different from that relied on in an earlier application. Such writ  
670 may be applied for by an individual subject to guardianship or  
671 involuntary representation or on the behalf of such individual by any  
672 relative, friend or person interested in such individual's welfare.

673 (h) An appeal to the Superior Court of a decision rendered by a  
674 three-judge court under this section shall be filed in the judicial district  
675 in which the [court of probate] Probate Court that issued the order  
676 appointing a guardian or conservator is located or, if the Probate Court  
677 that issued the order is located in a probate district that extends into  
678 more than one judicial district, in any judicial district in which any part  
679 of the probate district is located. Such appeal shall be heard not later  
680 than thirty days of the return of service of the appeal.

681 Sec. 8. Subdivision (2) of subsection (a) of section 45a-132 of the  
682 general statutes is repealed and the following is substituted in lieu  
683 thereof (*Effective October 1, 2015*):

684 (2) No judge or magistrate may appoint a guardian ad litem for (A)  
685 a patient in a proceeding under section 17a-543 or 17a-543a, prior to a  
686 determination by a court of probate that the patient is incapable of  
687 giving informed consent under either of said sections, or (B) a  
688 respondent in a proceeding under sections 45a-644 to 45a-663,  
689 inclusive, prior to a determination by a court of probate that the  
690 respondent is incapable of caring for himself or herself or incapable of  
691 managing his or her affairs. No judge or magistrate may appoint a  
692 guardian ad litem for [an applicant] a petitioner under section 45a-  
693 705a.

694 Sec. 9. Subsections (e) to (i), inclusive, of section 4-61dd of the  
695 general statutes are repealed and the following is substituted in lieu  
696 thereof (*Effective January 1, 2016*):

697 (e) (1) No state officer or employee, as defined in section 4-141, no  
698 quasi-public agency officer or employee, no officer or employee of a  
699 large state contractor and no appointing authority shall take or  
700 threaten to take any personnel action against any state or quasi-public  
701 agency employee or any employee of a large state contractor in  
702 retaliation for (A) such employee's or contractor's disclosure of  
703 information to (i) an employee of the Auditors of Public Accounts or  
704 the Attorney General under the provisions of subsection (a) of this  
705 section; (ii) an employee of the state agency, [or] quasi-public agency  
706 or Probate Court where such state officer or employee is employed;  
707 (iii) an employee of a state agency pursuant to a mandated reporter  
708 statute or pursuant to subsection (b) of section 17a-28; or (iv) in the  
709 case of a large state contractor, an employee of the contracting state  
710 agency concerning information involving the large state contract; or  
711 (B) such employee's testimony or assistance in any proceeding under  
712 this section.

713 (2) (A) Not later than ninety days after learning of the specific  
714 incident giving rise to a claim that a personnel action has been  
715 threatened or has occurred in violation of subdivision (1) of this  
716 subsection, a state or quasi-public agency employee, an employee of a  
717 large state contractor or the employee's attorney may file a complaint  
718 against the state agency, quasi-public agency, Probate Court, large  
719 state contractor or appointing authority concerning such personnel  
720 action with the Chief Human Rights Referee designated under section  
721 46a-57. Such complaint may be amended if an additional incident  
722 giving rise to a claim under this subdivision occurs subsequent to the  
723 filing of the original complaint. The Chief Human Rights Referee shall  
724 assign the complaint to a human rights referee appointed under  
725 section 46a-57, who shall conduct a hearing and issue a decision  
726 concerning whether the officer or employee taking or threatening to  
727 take the personnel action violated any provision of this section. The  
728 human rights referee may order a state agency, [or] quasi-public  
729 agency or Probate Court to produce (i) an employee of such agency,

730 [or] quasi-public agency, or Probate Court to testify as a witness in any  
731 proceeding under this subdivision, or (ii) books, papers or other  
732 documents relevant to the complaint, without issuing a subpoena. If  
733 such agency, [or] quasi-public agency, or Probate Court fails to  
734 produce such witness, books, papers or documents, not later than  
735 thirty days after such order, the human rights referee may consider  
736 such failure as supporting evidence for the complainant. If, after the  
737 hearing, the human rights referee finds a violation, the referee may  
738 award the aggrieved employee reinstatement to the employee's former  
739 position, back pay and reestablishment of any employee benefits for  
740 which the employee would otherwise have been eligible if such  
741 violation had not occurred, reasonable attorneys' fees, and any other  
742 damages. For the purposes of this subsection, such human rights  
743 referee shall act as an independent hearing officer. The decision of a  
744 human rights referee under this subsection may be appealed by any  
745 person who was a party at such hearing, in accordance with the  
746 provisions of section 4-183.

747 (B) The Chief Human Rights Referee shall adopt regulations, in  
748 accordance with the provisions of chapter 54, establishing the  
749 procedure for filing complaints and noticing and conducting hearings  
750 under subparagraph (A) of this subdivision.

751 (3) As an alternative to the provisions of subdivision (2) of this  
752 subsection: (A) A state or quasi-public agency employee, other than a  
753 Probate Court employee who alleges that a personnel action has been  
754 threatened or taken may file an appeal not later than ninety days after  
755 learning of the specific incident giving rise to such claim with the  
756 Employees' Review Board under section 5-202, or, in the case of a state  
757 or quasi-public agency employee covered by a collective bargaining  
758 contract, in accordance with the procedure provided by such contract;  
759 or (B) an employee of a large state contractor or Probate Court alleging  
760 that such action has been threatened or taken may, after exhausting all  
761 available administrative remedies, bring a civil action in accordance  
762 with the provisions of subsection (c) of section 31-51m.

763 (4) In any proceeding under subdivision (2) or (3) of this subsection  
764 concerning a personnel action taken or threatened against any state or  
765 quasi-public agency employee or any employee of a large state  
766 contractor, which personnel action occurs not later than two years after  
767 the employee first transmits facts and information concerning a matter  
768 under subsection (a) of this section or discloses information under  
769 subdivision (1) of this subsection to the Auditors of Public Accounts,  
770 the Attorney General or an employee of a state agency, [or] quasi-  
771 public agency or Probate Court, as applicable, there shall be a  
772 rebuttable presumption that the personnel action is in retaliation for  
773 the action taken by the employee under subsection (a) of this section or  
774 subdivision (1) of this subsection.

775 (5) If a state officer or employee, as defined in section 4-141, a quasi-  
776 public agency officer or employee, an officer or employee of a large  
777 state contractor or an appointing authority takes or threatens to take  
778 any action to impede, fail to renew or cancel a contract between a state  
779 agency and a large state contractor, or between a large state contractor  
780 and its subcontractor, in retaliation for the disclosure of information  
781 pursuant to subsection (a) of this section or subdivision (1) of this  
782 subsection to any agency listed in subdivision (1) of this subsection,  
783 such affected agency, contractor or subcontractor may, not later than  
784 ninety days after learning of such action, threat or failure to renew,  
785 bring a civil action in the superior court for the judicial district of  
786 Hartford to recover damages, attorney's fees and costs.

787 (f) Any employee of a state or quasi-public agency, Probate Court or  
788 large state contractor, who is found by the Auditors of Public  
789 Accounts, the Attorney General, a human rights referee or the  
790 Employees' Review Board to have knowingly and maliciously made  
791 false charges under subsection (a) of this section, shall be subject to  
792 disciplinary action by such employee's appointing authority up to and  
793 including dismissal. In the case of a state or quasi-public agency  
794 employee, such action shall be subject to appeal to the Employees'  
795 Review Board in accordance with section 5-202, or in the case of state

796 or quasi-public agency employees included in collective bargaining  
797 contracts, the procedure provided by such contracts.

798 (g) On or before September first, annually, the Auditors of Public  
799 Accounts shall submit, in accordance with the provisions of section 11-  
800 4a, to the clerk of each house of the General Assembly a report  
801 indicating the number of matters for which facts and information were  
802 transmitted to the auditors pursuant to this section during the  
803 preceding state fiscal year and the disposition of each such matter.

804 (h) Each contract between a state or quasi-public agency and a large  
805 state contractor shall provide that, if an officer, employee or  
806 appointing authority of a large state contractor takes or threatens to  
807 take any personnel action against any employee of the contractor in  
808 retaliation for such employee's disclosure of information to any  
809 employee of the contracting state or quasi-public agency or the  
810 Auditors of Public Accounts or the Attorney General under the  
811 provisions of subsection (a) or subdivision (1) of subsection (e) of this  
812 section, the contractor shall be liable for a civil penalty of not more  
813 than five thousand dollars for each offense, up to a maximum of  
814 twenty per cent of the value of the contract. Each violation shall be a  
815 separate and distinct offense and in the case of a continuing violation  
816 each calendar day's continuance of the violation shall be deemed to be  
817 a separate and distinct offense. The executive head of the state or  
818 quasi-public agency may request the Attorney General to bring a civil  
819 action in the superior court for the judicial district of Hartford to seek  
820 imposition and recovery of such civil penalty.

821 (i) Each state agency, [or] quasi-public agency or Probate Court shall  
822 post a notice of the provisions of this section relating to state  
823 employees and quasi-public agency employees in a conspicuous place  
824 that is readily available for viewing by employees of such agency, [or]  
825 quasi-public agency or Probate Court. Each large state contractor shall  
826 post a notice of the provisions of this section relating to large state  
827 contractors in a conspicuous place which is readily available for

828 viewing by the employees of the contractor.

829 Sec. 10. Section 45a-123a of the general statutes is repealed and the  
830 following is substituted in lieu thereof (*Effective July 1, 2015*):

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

838 (2) The Probate Court Administrator may nominate former [judges  
839 of] probate judges who meet the requirements of this subsection to  
840 serve as probate magistrates. The Probate Court Administrator shall  
841 provide a list of such nominated former judges to the Chief Justice of  
842 the Supreme Court and update the list as necessary. The Chief Justice  
843 shall appoint probate magistrates from the list for a term of three years  
844 and inform the Probate Court Administrator of such appointments.  
845 The Chief Justice may suspend or remove a probate magistrate during  
846 his or her term for reasonable cause. The Probate Court Administrator  
847 shall assign probate magistrates pursuant to section 45a-123 from  
848 among the probate magistrates appointed by the Chief Justice.

849 (3) Each probate magistrate shall receive, for each day the probate  
850 magistrate is engaged as a probate magistrate, in addition to any  
851 retirement salary the probate magistrate is entitled to receive, an  
852 amount of fifty dollars per hour, not to exceed two hundred fifty  
853 dollars per day, for each day of service. Such service includes, but is  
854 not limited to, conducting hearings and preparing a report or  
855 amendment to a report pursuant to section 45a-123. Service as a  
856 probate magistrate shall not constitute credited service for purposes of  
857 health, retirement or other benefits. Amounts paid to a probate  
858 magistrate under this subdivision shall be paid from the Probate Court

859 Administration Fund established under section 45a-82.

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

867 (2) The Probate Court Administrator may nominate individuals  
868 who meet the requirements of this subsection as attorney probate  
869 referees. Any [judge of] probate judge may submit to the Probate  
870 Court Administrator, on such form and in such manner as the Probate  
871 Court Administrator prescribes, a recommendation that the Probate  
872 Court Administrator nominate a specified individual as attorney  
873 probate referee, provided the individual meets the requirements of this  
874 subsection. The Probate Court Administrator shall consider any such  
875 recommendation prior to making a nomination under this subdivision,  
876 but shall not be bound by such recommendation. The Probate Court  
877 Administrator shall ensure geographic, racial and ethnic diversity  
878 among individuals nominated as attorney probate referee.

879 (3) The Probate Court Administrator shall provide a list of  
880 individuals nominated as attorney probate referee to the Chief Justice  
881 of the Supreme Court and update the list as necessary. The Chief  
882 Justice shall appoint attorney probate referees from the list for a term  
883 of three years and inform the Probate Court Administrator of such  
884 appointments. The Chief Justice may suspend or remove an attorney  
885 probate referee during his or her term for reasonable cause. The  
886 Probate Court Administrator shall assign attorney probate referees  
887 pursuant to section 45a-123 from among the attorney probate referees  
888 appointed by the Chief Justice.

889 (4) No attorney probate referee shall receive compensation for his or

890 her duties as an attorney probate referee.

891 [(5) Not later than January 1, 2012, and annually thereafter, the  
892 Probate Court Administrator shall submit a report to the Governor and  
893 the joint standing committee of the General Assembly having  
894 cognizance of matters relating to the judiciary that includes (1) the  
895 number of attorney probate referees nominated, appointed and  
896 assigned under this subsection during the prior calendar year, and (2)  
897 an analysis of the geographic, racial and ethnic diversity of attorney  
898 probate referees nominated, appointed and assigned under this  
899 subsection during the prior calendar year. The report shall be  
900 submitted in accordance with section 11-4a.]

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

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

909 Sec. 11. Subsection (a) of section 45a-62 of the general statutes is  
910 repealed and the following is substituted in lieu thereof (*Effective July*  
911 *1, 2015*):

912 (a) There shall be a Council on Probate Judicial Conduct to consist  
913 of one [judge of] probate judge elected by the [judges of probate]  
914 Connecticut Probate Assembly established under section 45a-90, one  
915 referee appointed by the Chief Justice from among the state referees  
916 who have retired from the Supreme Court or Superior Court, one  
917 person appointed by the Governor who shall be an attorney-at-law,  
918 admitted to practice in this state and actively engaged in the practice of  
919 law in this state for at least five years, and two persons appointed by  
920 the Governor who are not attorneys-at-law. Such appointments shall

921 be made on October 1, 1975, and every four years thereafter.

922 Sec. 12. Section 45a-63 of the general statutes is repealed and the  
923 following is substituted in lieu thereof (*Effective July 1, 2015*):

924 (a) The Council on Probate Judicial Conduct shall investigate every  
925 written complaint brought before it alleging conduct of [judges of] a  
926 probate judge which may violate any law or canon of ethics applicable  
927 to [judges of] probate judges, or failure to perform properly the duties  
928 of the office, or conduct prejudicial to the impartial and effective  
929 administration of justice which brings the judicial office in disrepute,  
930 or final conviction of a felony or of a misdemeanor involving moral  
931 turpitude, or disbarment or suspension as an attorney-at-law, or the  
932 wilful failure to file a financial statement or the filing of a fraudulent  
933 financial statement required under section 45a-68, as amended by this  
934 act.

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

941 (c) The council shall investigate every written complaint brought  
942 before it alleging that a judicial candidate has, during the period of his  
943 or her candidacy, or, if elected, during the period between the date of  
944 the election and the start of his or her term of office as judge, violated  
945 any law or canon of ethics applicable to judicial candidates. A person  
946 becomes a judicial candidate as soon as he or she makes a public  
947 announcement of candidacy, declares or files as a candidate with the  
948 state elections enforcement commission, or authorizes solicitation or  
949 acceptance of contributions or support in connection with his or her  
950 candidacy for probate judge.

951 (d) In making [any such] an investigation, the council under

952 subsection (a), (b) or (c) of this section may use the services of the  
953 Division of State Police within the Department of Emergency Services  
954 and Public Protection, or any chief inspector, inspector or investigator  
955 in the Division of Criminal Justice, or may engage the services of  
956 private investigators if it deems such services necessary.

957 ~~[(b)]~~ (e) If (1) the complaint filed involves [the judge of probate] a  
958 respondent who is a member of the council, the [judge] respondent  
959 shall be disqualified from acting in his or her capacity as a council  
960 member in the investigation and hearing on the matter, or (2) a [judge  
961 of] probate judge who is a member of the council is unable to act for  
962 any other reason, a [judge of] probate judge shall be appointed to act in  
963 his stead by the president-judge of the Connecticut Probate Assembly,  
964 established under section 45a-90. If a council member appointed by the  
965 Chief Justice disqualifies himself or herself with regard to a matter  
966 before the council, or is unable to act for any other reason, the Chief  
967 Justice shall appoint a substitute member to act in connection with  
968 such matter. If a council member appointed by the Governor  
969 disqualifies himself or herself with regard to a matter before the  
970 council, or is unable to act for any other reason, the Governor shall  
971 appoint a substitute member to act in connection with such matter.  
972 Any substitute shall satisfy the same criteria for selection as the  
973 disqualified member.

974 ~~[(c)]~~ (f) The council may engage the services of legal counsel who  
975 shall direct any investigation ordered by the council. Such counsel may  
976 conduct the examination of witnesses, present any evidence deemed  
977 relevant, cross-examine witnesses presented by any person and  
978 perform such other duties as the council deems necessary for the  
979 conduct of its business.

980 ~~[(d)]~~ (g) The council shall, not later than five days after receipt of  
981 such complaint, or motion of the council notify by registered or  
982 certified mail [any judge against whom such complaint is filed or  
983 motion is made] the respondent and a copy of such complaint or

984 motion shall accompany such notice. The council shall also notify the  
985 complainant of its receipt of such complaint not later than five days  
986 thereafter. Any investigation to determine whether or not there is  
987 probable cause that [judicial] misconduct under subsection (a), (b) or  
988 (c) of this section has been committed shall be confidential and any  
989 individual called by the council for the purpose of providing  
990 information shall not disclose his or her knowledge of such  
991 investigation to a third party unless the [judge] respondent requests  
992 that such investigation and disclosure be open. If a respondent is  
993 required to disclose a complaint pursuant to rules of procedure  
994 adopted under section 45a-78, any individual to whom the disclosure  
995 is made shall not disclose his or her knowledge of such investigation to  
996 a third party unless the respondent requests that such investigation  
997 and disclosure be open. The [judge] respondent shall have the right to  
998 appear and be heard and to offer any information which may tend to  
999 clear him or her of probable cause to believe that he or she has  
1000 committed an act of [judicial] misconduct under subsection (a), (b) or  
1001 (c) of this section. The [judge] respondent shall also have the right to be  
1002 represented by legal counsel and examine and cross-examine  
1003 witnesses.

1004 [(e) (h) The council shall, not later than seven business days after  
1005 the termination of such investigation, notify the complainant and the  
1006 [judge] respondent that the investigation has been terminated and  
1007 whether probable cause has been found that [judicial] misconduct  
1008 under subsection (a), (b) or (c) of this section has been committed. If  
1009 the council finds that [judicial] the respondent has not committed  
1010 misconduct under subsection (a), (b) or (c) of this section, [has not been  
1011 committed,] but the [judge] respondent has acted in a manner which  
1012 gives the appearance of impropriety or constitutes an unfavorable  
1013 judicial practice, the council may issue a private admonishment to the  
1014 [judge] respondent recommending a change in judicial conduct or  
1015 practice.

1016 (i) As used in this section and sections 45a-64 to 45a-66, inclusive, as

1017 amended by this act: (1) "Judicial candidate" means a person seeking  
1018 election to the office of probate judge who is not an incumbent probate  
1019 judge; and (2) "respondent" means a probate magistrate or attorney  
1020 probate referee appointed under section 45a-123a, as amended by this  
1021 act, a probate judge or a judicial candidate against whom a complaint  
1022 has been filed or motion has been made under this section.

1023 Sec. 13. Section 45a-63a of the general statutes is repealed and the  
1024 following is substituted in lieu thereof (*Effective July 1, 2015*):

1025 No complaint for [judicial] misconduct [against a judge of probate]  
1026 shall be brought under section 45a-63, as amended by this act, but  
1027 within eight years from the date the alleged judicial misconduct was  
1028 committed.

1029 Sec. 14. Section 45a-64 of the general statutes is repealed and the  
1030 following is substituted in lieu thereof (*Effective July 1, 2015*):

1031 If a preliminary investigation indicates that probable cause exists  
1032 that [the judge has committed an act of judicial misconduct] under  
1033 subsection (a), (b) or (c) of section 45a-63, as amended by this act, the  
1034 council shall hold a hearing concerning the misconduct or complaint.  
1035 All hearings held pursuant to this section shall be open. The council  
1036 shall make a record of all proceedings pursuant to this section. The  
1037 council shall, not later than fifteen days after the close of such hearing,  
1038 publish its findings together with a memorandum of its reasons  
1039 therefor. [Any judge of probate who is under investigation and who  
1040 appears before the hearing shall be entitled to counsel,] The  
1041 respondent shall be entitled to present evidence, and shall have the  
1042 right to cross-examine witnesses.

1043 Sec. 15. Section 45a-65 of the general statutes is repealed and the  
1044 following is substituted in lieu thereof (*Effective July 1, 2015*):

1045 (a) The council shall, after the hearing provided under section 45a-  
1046 64, as amended by this act, prepare a report of its investigation and a

1047 recommendation as to whether the [judge of probate investigated]  
1048 respondent should be publicly admonished, publicly censured or  
1049 exonerated of the allegations of the complaint. [If the council finds that  
1050 judicial misconduct under subsection (a) of section 45a-63, has not  
1051 been committed, but the judge has acted in a manner which gives the  
1052 appearance of impropriety or constitutes an unfavorable judicial  
1053 practice, the council may issue a private admonishment to the judge  
1054 recommending a change in judicial conduct or practice.] If the council  
1055 finds that a respondent has not committed a violation under  
1056 subsection (a), (b) or (c) of section 45a-63, as amended by this act, or  
1057 that a referee has acted in a manner which gives the appearance of  
1058 impropriety or constitutes an unfavorable judicial practice, the council  
1059 may issue a private admonishment to the respondent recommending a  
1060 change in practice or judicial conduct.

1061 (b) If public admonishment or public censure is recommended, the  
1062 chairman shall prepare and forward the admonishment or censure in  
1063 writing to the [judge of probate being admonished or censured]  
1064 respondent, signing the admonishment or censure as chairman of the  
1065 council. [A judge] The respondent may, within twenty days after  
1066 receiving notice of public admonishment or censure by the council,  
1067 appeal to the Supreme Court of Connecticut. A [judge] respondent  
1068 filing an appeal shall give notice of its filing to the council before the  
1069 expiration of time for filing of an appeal. The council shall, within two  
1070 weeks following receipt of notice of an appeal, file a finding of fact and  
1071 conclusions therefrom. A copy of the admonishment or censure shall  
1072 be furnished the Chief Justice, the Chief Court Administrator, the  
1073 Probate Court Administrator, the president-judge of the Connecticut  
1074 Probate Assembly [, the town clerk or clerk in each town in the district  
1075 served by such judge of probate] and the complainant. If a judge or  
1076 judicial candidate is the subject of the admonishment or censure, a  
1077 copy of the admonishment or censure shall be furnished to the town  
1078 clerk in each town in the judge or judicial candidate's probate district.

1079 (c) If, in the judgment of the council, the facts so warrant, it may

1080 recommend [to] that (1) the House of Representatives [the institution  
1081 of] institute impeachment proceedings against a probate judge, or (2)  
1082 the Chief Justice suspend or remove a probate magistrate or attorney  
1083 probate referee from office.

1084 (d) If the council exonerates [a judge of probate] the respondent, a  
1085 copy of the proceedings and report of the council shall be furnished to  
1086 the [judge] respondent, the Probate Court Administrator and the  
1087 complainant.

1088 (e) Except as provided in subsections [(d) and (e)] (g) and (h) of  
1089 section 45a-63, as amended by this act, all decisions of the council shall  
1090 be public record and shall be available for inspection at the office of the  
1091 Probate Court Administrator.

1092 Sec. 16. Section 45a-66 of the general statutes is repealed and the  
1093 following is substituted in lieu thereof (*Effective July 1, 2015*):

1094 Any person may be compelled, by subpoena signed by competent  
1095 authority, to appear before the council to testify regarding any  
1096 complaint brought to or by the council under section 45a-63, as  
1097 amended by this act, and also to produce before the council, for  
1098 examination, any books or papers, which in the judgment of the  
1099 council or [any judges of probate under investigation] the respondent,  
1100 are relevant to the inquiry, investigation or hearing. While engaged in  
1101 the discharge of its duties, the council shall have the same authority  
1102 over witnesses as is provided in section 51-35 and may commit for  
1103 contempt for a period of no longer than thirty days.

1104 Sec. 17. Subsections (a) and (b) of section 45a-68 of the general  
1105 statutes are repealed and the following is substituted in lieu thereof  
1106 (*Effective July 1, 2015*):

1107 (a) Each [judge of a court of probate] probate judge shall file under  
1108 penalty of false statement, a statement of financial interests for the  
1109 preceding calendar year with the Council on Probate Judicial Conduct

1110 established in section 45a-62, as amended by this act, on or before  
1111 April fifteenth next following for any year in which the judge holds  
1112 such position.

1113 (b) The statement shall be on a form provided by the Council on  
1114 Probate Judicial Conduct and shall include the following information  
1115 for the preceding calendar year regarding the probate judge, his or her  
1116 spouse and the dependent children living in his or her household: (1)  
1117 The name of all businesses with which the probate judge, his or her  
1118 spouse or any such child is associated; (2) the category or type of all  
1119 sources of his or her income and that of his or her spouse or each child,  
1120 in excess of one thousand dollars, but amounts of income need not be  
1121 specified, and the names and addresses of specific clients and  
1122 customers who provide more than five thousand dollars of income,  
1123 but amounts of income need not be specified; (3) the name of each  
1124 security in excess of five thousand dollars at fair market value owned  
1125 by the probate judge or spouse or any such child or held in the name of  
1126 a corporation, partnership or trust for the benefit of the probate judge,  
1127 his or her spouse or any such child except in the case of a trust  
1128 established by the probate judge, spouse or child for the purpose of  
1129 divesting the probate judge or his or her spouse or any such child of all  
1130 control and knowledge of the probate judge's, spouse's or child's assets  
1131 in order to avoid a conflict of interest during the probate judge's term  
1132 of office, but only the existence of such trust and the name of the  
1133 trustee shall be included, and the value need not be specified; (4) all  
1134 real property and its location, whether owned by the probate judge, his  
1135 or her spouse or any such child or held in the name of a corporation,  
1136 partnership or trust for the benefit of the probate judge, spouse or  
1137 child. Each [such] probate judge shall file a disclosure of any fees or  
1138 honorariums received for his or her own or his or her spouse's or  
1139 child's appearance or the delivery of an address to any meeting of any  
1140 organization within thirty days after receipt of the fee or honorarium.

1141 Sec. 18. Section 45a-273 of the general statutes is repealed and the  
1142 following is substituted in lieu thereof (*Effective October 1, 2015*):

1143 [(a) The surviving spouse of any person who dies, or if there is no  
1144 surviving spouse, any of the next of kin of such decedent, or if there is  
1145 no next of kin or if such surviving spouse or next of kin refuses, then  
1146 any suitable person whom the court deems to have a sufficient interest  
1147 may, in lieu of filing an application for admission of a will to probate  
1148 or letters of administration, file an affidavit or statement signed under  
1149 penalty of false statement in the court of probate in the district in  
1150 which the decedent resided, stating, if such is the case, that all debts of  
1151 the decedent have been paid in the manner prescribed by section 45a-  
1152 365, at least to the extent of the fair value of all of the decedent's assets,  
1153 when (1) such decedent leaves property of the type described in  
1154 subsection (b) of this section, and (2) the aggregate value of any such  
1155 property as described in subsection (b) of this section does not exceed  
1156 the sum of forty thousand dollars. In addition, such affidavit or  
1157 statement shall state that the decedent either did, or did not, receive  
1158 aid or care from the state, which shall also include aid or care from the  
1159 Department of Veterans' Affairs, whichever is true.

1160 (b) Such property includes: (1) A deposit in any bank; (2) equity in  
1161 shares in any savings and loan association, federal savings and loan  
1162 association or credit union, doing business in this state; (3) corporate  
1163 stock or bonds; (4) any unpaid wages due from any corporation, firm,  
1164 individual, association or partnership located in this state; (5) a death  
1165 benefit payable from any fraternal order or shop society or payable  
1166 under any insurance policy for which the decedent failed to name a  
1167 beneficiary entitled under the bylaws and regulations of such order or  
1168 society or under the terms of such insurance policy to receive such  
1169 death benefit; (6) other personal property, tangible or intangible,  
1170 including a motor vehicle or motor vehicles and a motor boat or motor  
1171 boats registered in his name; or (7) an unreleased interest in a  
1172 mortgage with or without value.

1173 (c) Thereafter, except as provided in subsection (e) of this section,  
1174 the judge of probate for such district shall issue a decree finding that  
1175 no probate proceedings have been instituted in connection with the

1176 estate of such decedent and authorizing either the holder of such  
1177 property or the registrant thereof, including the authority issuing the  
1178 registration, to transfer the same or pay the amount thereof to the  
1179 persons legally entitled thereto. The court of probate may issue such  
1180 certificates and other documents as may be necessary to carry out the  
1181 intent of this section. If the petitioner indicates in such affidavit that  
1182 the assets listed in such affidavit or a portion thereof are necessary to  
1183 pay the funeral director who buried such decedent or to pay debts due  
1184 for the last sickness of the decedent, the court may order the payment  
1185 of such assets directly to such funeral director or to those creditors to  
1186 whom debts are due for the last sickness of the decedent to the extent  
1187 necessary to pay their preferred claims for funeral expenses or  
1188 expenses for the decedent's last sickness, or may order such assets sold  
1189 and the proceeds from such sale paid directly to the funeral director or  
1190 such creditors. If the petitioner indicates in such affidavit that the  
1191 decedent received public assistance or institutional care from the state  
1192 of Connecticut, the court shall not issue a decree until thirty days after  
1193 notification to the Department of Administrative Services. Any decree  
1194 issued by the court may authorize the surviving spouse or next of kin,  
1195 or some suitable person whom the court deems to have a sufficient  
1196 interest, to release an interest in any mortgage reported under the  
1197 provisions of this section.

1198 (d) If there is no surviving spouse or next of kin of a person who  
1199 dies leaving property as described in this section, the funeral director  
1200 who buried such decedent or any creditor to whom a debt is due for  
1201 the last sickness of the decedent may file in such court of probate an  
1202 affidavit as described in this section that such funeral director or any  
1203 creditor to whom a debt is due for the last sickness of the decedent has  
1204 a lawful preferred claim for funeral expenses or expenses for the  
1205 decedent's last sickness. Thereupon such court may, in its discretion,  
1206 authorize either the holder of such property or the registrant thereof,  
1207 as aforesaid, to transfer the property or pay from the property the  
1208 amount of such claim, or to pay proceeds from the sale of any such

1209 assets ordered sold by the court, to such funeral director or any  
1210 creditor to whom a debt is due for the last sickness of the decedent, in  
1211 satisfaction of the amount of the claim of each.]

1212 (a) If the aggregate value of a decedent's solely owned tangible and  
1213 intangible personal property, excluding property that passes outside of  
1214 probate by operation of law, does not exceed forty thousand dollars  
1215 and the decedent had no solely owned real property in this state at the  
1216 time of his or her death: (1) The decedent's surviving spouse; or (2) if  
1217 there is no surviving spouse, any of the decedent's next of kin; or (3) if  
1218 there is no next of kin or if the surviving spouse and next of kin refuse,  
1219 any person whom the court deems to have a sufficient interest in the  
1220 decedent's estate, including any person or entity to whom a claim,  
1221 expense or tax is due, may, in lieu of filing a petition for admission of a  
1222 will to probate or letters of administration, file an affidavit signed  
1223 under penalty of false statement in the Probate Court in the district in  
1224 which the decedent resided.

1225 (b) An affidavit shall contain: (1) A statement whether the decedent  
1226 received aid or care from the state; (2) a list of the decedent's solely  
1227 owned assets, excluding assets that pass outside of probate by  
1228 operation of law; and (3) a list of all claims, expenses and taxes due  
1229 from the decedent's estate in the categories set forth in subdivisions (1)  
1230 to (7), inclusive, of section 45a-365, which list shall indicate if any of  
1231 the claims, expenses and taxes have been paid and, if so, by whom.

1232 (c) On receipt of an affidavit, the court shall send a copy of the  
1233 affidavit to the Department of Administrative Services. The court shall  
1234 not issue a decree until thirty days after the date on which a copy of  
1235 the affidavit was sent to the department. Except as provided in this  
1236 subsection, the court may act on the affidavit without notice and  
1237 hearing.

1238 (d) Except as provided in subdivision (5) of subsection (f) of this  
1239 section, if the court finds that no probate proceedings have been

1240 instituted in connection with the estate of the decedent, the court shall  
1241 determine the persons and entities entitled to payment for claims,  
1242 expenses and taxes in accordance with subsection (e) of this section  
1243 and the persons entitled to distributions from the decedent's estate in  
1244 accordance with subsection (f) of this section. The court shall issue a  
1245 decree authorizing each holder or registrant of an asset of the decedent  
1246 to: (1) Transfer the asset directly to specified persons or entities; (2) pay  
1247 amounts from the asset to specified persons or entities; or (3) transfer  
1248 the asset to the person filing the affidavit, to be sold and the proceeds  
1249 paid to specified persons or entities. The court may issue certificates or  
1250 other documents to carry out the decree. In addition, the court may  
1251 authorize the person filing the affidavit to release an interest in a  
1252 mortgage reported on the affidavit.

1253 (e) The court shall determine the persons and entities entitled to  
1254 payment for the claims, expenses and taxes due from the estate, or  
1255 reimbursement for such amounts paid on behalf of the estate, in  
1256 accordance with section 45a-365 except, (1) if a decedent received aid  
1257 or care from the state or received care in a state humane institution,  
1258 such reimbursement shall be in accordance with section 17b-95; and (2)  
1259 if a decedent is obligated to pay the decedent's cost of incarceration,  
1260 such reimbursement shall be in accordance with section 18-85c. If the  
1261 claims, taxes and expenses exceed the fair value of the decedent's  
1262 assets, the court shall order payment in the order of priority set forth in  
1263 section 45a-365, provided the procedures for insolvent estates under  
1264 sections 45a-376 to 45a-383, inclusive, shall not be required.

1265 [(e)] (f) If [an affidavit is filed under subsection (a) of this section in  
1266 lieu of an application for admission of a will to probate or letters of  
1267 administration and the fair value of the property of the decedent  
1268 exceeds the total amount of claims, including] the fair value of the  
1269 decedent's assets exceeds the total amount of claims, expenses, taxes  
1270 and any amounts allowed to the family for support under section 45a-  
1271 320, the court shall proceed as follows: (1) If no purported last will and  
1272 testament is found, the court shall order distribution of the excess in

1273 accordance with the laws of intestate succession; (2) if the decedent left  
1274 a duly executed last will and testament and the will provides for a  
1275 distribution which is the same as that under the laws of intestate  
1276 succession, the court shall order distribution of the excess in  
1277 accordance with the laws of intestate succession; (3) if the decedent left  
1278 a duly executed last will and testament and the will provides for a  
1279 distribution different from that under the laws of intestate succession,  
1280 and the heirs at law of such decedent sign a written waiver of their  
1281 right to contest the will, the court shall order the excess to be paid in  
1282 accordance with the terms of the will; (4) if the will directs a  
1283 distribution different from the laws of intestate succession, and [the  
1284 heirs at law do not waive their right to contest the admission of such  
1285 will, the will shall be offered for probate in accordance with section  
1286 45a-286. In such case, the court may issue a decree under this section  
1287 only if the persons entitled to take the bequests under the will consent,  
1288 in writing, to the distribution of the bequests in accordance with the  
1289 laws of intestate succession. If the claims against the estate exceed the  
1290 value of the property of such decedent, the claims shall be paid in  
1291 accordance with the priorities set forth in section 45a-365] the persons  
1292 entitled to bequests under the will consent, in writing, to the  
1293 distribution of the estate in accordance with the laws of intestate  
1294 succession, the court shall order distribution of the excess in  
1295 accordance with the laws of intestate succession; and (5) if the will  
1296 directs a distribution different from the laws of intestate succession,  
1297 the heirs at law do not waive their right to contest the admission of  
1298 such will, and the persons entitled to bequests under the will do not  
1299 consent to the distribution of the estate in accordance with the laws of  
1300 intestate succession, the court shall dismiss the affidavit and permit  
1301 any party to petition for admission of the will to probate in accordance  
1302 with section 45a-286. As used in this subsection, the term "will"  
1303 includes any duly executed codicil thereto.

1304 [(f)] (g) Any such transfer or payment made pursuant to a decree  
1305 issued under this section shall, to the extent of the amount so

1306 transferred or paid, discharge the registrant or holder of such property  
1307 from liability to any person on account thereof.

1308       [(g)] (h) As a condition of such transfer or payment, the registrant or  
1309 holder may require the filing of appropriate waivers, the execution of a  
1310 bond of indemnity and a receipt for such transfer or payment.

1311       [(h) The authority issuing the transfer of registration shall charge a  
1312 fee of three dollars for the transfer of each motor vehicle and a fee of  
1313 one dollar for the transfer of each motor boat under this section.]

1314       (i) Any transfer or payment under the provisions of this section  
1315 shall be exempt from taxation under the provisions of chapter 219.

1316       (j) [(1)] Any person to whom such transfer or payment has been  
1317 made shall be liable for the value thereof to the Commissioner of  
1318 Revenue Services for any estate, succession or transfer tax on the  
1319 property transferred or payment made and to the executor or  
1320 administrator of the estate of the decedent thereafter appointed.

1321       [(2) The Commissioner of Revenue Services shall be given notice by  
1322 the court of probate of the issuance of any such decree upon such form  
1323 as may be provided by said commissioner unless such surviving  
1324 spouse or next of kin, or other suitable person whom the court deems  
1325 to have a sufficient interest, files with the court of probate a sworn  
1326 return provided for by chapter 216, in which event the judge of  
1327 probate may incorporate in the decree a statement that the  
1328 Commissioner of Revenue Services has issued a finding that no  
1329 succession or transfer tax is due, or that any such tax computed by him  
1330 as due has been paid. Such statement shall be conclusive evidence of  
1331 the consent by the Commissioner of Revenue Services to the transfer or  
1332 payment of such property as provided in this section free from any  
1333 claim for such tax, notwithstanding any provision in chapter 216 to the  
1334 contrary.]

1335       Sec. 19. Section 45a-7a of the general statutes is repealed and the

1336 following is substituted in lieu thereof (*Effective from passage*):

1337 [Each court of probate shall remit all fees, costs] (a) Except as  
1338 provided in subsections (b) and (c) of this section, each Probate Court  
1339 shall remit all fees, expenses and other income received, including, but  
1340 not limited to, moneys received under sections 45a-105 to 45a-112,  
1341 inclusive, to the State Treasurer to be credited to the Probate Court  
1342 Administration Fund under section 45a-82.

1343 (b) Expenses paid by a town pursuant to section 45a-8 shall not be  
1344 remitted to the Probate Court Administration Fund.

1345 (c) A Probate Court may hold in escrow any moneys that are paid  
1346 by a person or entity in anticipation of future fees and expenses. The  
1347 court shall deposit all escrow funds into a checking account in the  
1348 name of the court at a financial institution, as defined in section 36a-  
1349 330. When a fee or expense is charged to a person or entity that has  
1350 previously paid funds into escrow, the court shall immediately remit  
1351 such fee or expense to the State Treasurer. A Probate Court shall not  
1352 commingle escrow funds with funds from any other source. The  
1353 provisions of section 4-33 shall not apply to the management of escrow  
1354 funds under this section.

1355 Sec. 20. Section 45a-85 of the general statutes is repealed and the  
1356 following is substituted in lieu thereof (*Effective from passage*):

1357 (a) The Probate Court Administrator shall establish a Probate Court  
1358 Budget Committee consisting of the Probate Court Administrator and  
1359 two judges of probate appointed by the Connecticut Probate  
1360 Assembly. The Probate Court Administrator shall serve as chairperson  
1361 of the committee.

1362 (b) Not later than June 30, 2010, and annually thereafter, the  
1363 committee shall establish, in accordance with the criteria established in  
1364 regulations issued pursuant to subsection (b) of section 45a-77: (1) A  
1365 compensation plan, which plan shall include employee benefits, for

1366 employees of the [courts of probate] Probate Courts, (2) staffing levels  
1367 for each [court of probate] Probate Court, and (3) [a miscellaneous] an  
1368 office budget for each [court of probate] Probate Court. Such  
1369 compensation plan, staffing levels and office budgets shall be  
1370 established within the expenditures and anticipated available funds in  
1371 the proposed budget established pursuant to section 45a-84.

1372 (c) The Probate Court Administrator shall annually transfer to each  
1373 Probate Court the amount budgeted under subsection (b) of this  
1374 section for a Probate Court's office budget. The transfer shall be made  
1375 from the Probate Court Administration Fund established under section  
1376 45a-82. Each Probate Court shall establish and maintain a checking  
1377 account in the name of the court at a financial institution, as defined in  
1378 section 36a-330, to hold and manage the office budget funds. A Probate  
1379 Court shall deposit all office budget funds into the account and  
1380 disburse from the account all payments for expenditures permitted  
1381 under the office budget. A Probate Court shall not commingle office  
1382 budget funds with funds from any other source. The provisions of  
1383 sections 4-33 and 4-98 shall not apply to the management of office  
1384 budget funds under this section.

1385 Sec. 21. Section 17b-751a of the general statutes is repealed and the  
1386 following is substituted in lieu thereof (*Effective from passage*):

1387 (a) A grandparent or other relative caregiver who is appointed a  
1388 guardian of a child or children by the Superior Court or Probate Court  
1389 and who is not a recipient of subsidized guardianship subsidies under  
1390 section 17a-126 or foster care payments from the Department of  
1391 Children and Families shall, within available appropriations, be  
1392 eligible to apply for grants under the Kinship Fund and Grandparents  
1393 and Relatives Respite Fund administered by the Probate Court  
1394 Administrator.

1395 (b) The Probate Court Administrator may designate one or more  
1396 Probate Courts to administer grants from the Kinship Fund and

1397 Grandparents and Relatives Respite Fund and may transfer grant  
1398 funds to such courts at such times and in such amounts as the  
1399 administrator determines necessary to ensure the efficient processing  
1400 of grants from all eligible applicants. Each such court shall establish  
1401 and maintain separate checking accounts to hold and manage grant  
1402 funds for the Kinship Fund and the Grandparents and Relatives  
1403 Respite Fund. The accounts shall be in the name of the court at a  
1404 financial institution, as defined in section 36a-330. The court shall  
1405 deposit into the respective accounts all grant funds transferred from  
1406 the administrator and disburse from the accounts all grants approved  
1407 by the court. The court shall not commingle grant funds with funds  
1408 from any other source. The provisions of section 4-33 shall not apply to  
1409 the management of grant funds under this section.

1410 Sec. 22. Section 45a-614 of the general statutes is repealed and the  
1411 following is substituted in lieu thereof (*Effective January 1, 2016*):

1412 (a) Except as provided in subsection (b) of this section, the following  
1413 persons may apply to the [court of probate] Probate Court for the  
1414 district in which the minor resides for the removal as guardian of one  
1415 or both parents of the minor: (1) Any adult relative of the minor,  
1416 including those by blood or marriage; (2) [the court on its own motion]  
1417 a person with actual physical custody of the minor at the time the  
1418 petition is filed; or (3) counsel for the minor.

1419 (b) A parent may not petition for the removal of a permanent  
1420 guardian appointed pursuant to section 45a-616a.

1421 Sec. 23. Section 45a-646 of the general statutes is repealed and the  
1422 following is substituted in lieu thereof (*Effective January 1, 2016*):

1423 Any person may [make application to] petition the [court of  
1424 probate] Probate Court in the district in which he or she resides, [or  
1425 has his domicile] is domiciled or is located at the time the petition for  
1426 voluntary representation is filed either for the appointment of a  
1427 conservator of the person or a conservator of the estate, or both. If the

1428 [application] petition excuses bond, no bond shall be required by the  
1429 court unless later requested by the respondent or unless facts are  
1430 brought to the attention of the court that a bond is necessary for the  
1431 protection of the respondent. Upon receipt of the [application] petition,  
1432 the court shall set a time and place for hearing and shall give such  
1433 notice as it may direct to the petitioner, the petitioner's spouse, if any,  
1434 the Commissioner of Administrative Services, if the respondent is  
1435 receiving aid or care from the state, and to other interested parties, if  
1436 any. After seeing the respondent in person and hearing his or her  
1437 reasons for the [application] petition and after explaining to the  
1438 respondent that granting the petition will subject the respondent or  
1439 respondent's property, as the case may be, to the authority of the  
1440 conservator, the court may grant voluntary representation and  
1441 thereupon shall appoint a conservator of the person or estate or both,  
1442 and shall not make a finding that the petitioner is incapable. The  
1443 conservator of the person or estate or both, shall have all the powers  
1444 and duties of a conservator of the person or estate of an incapable  
1445 person appointed pursuant to section 45a-650. If the respondent  
1446 subsequently becomes disabled or incapable, the authority of the  
1447 conservator shall not be revoked as a result of such disability or  
1448 incapacity.

1449 Sec. 24. Section 45a-671 of the general statutes is repealed and the  
1450 following is substituted in lieu thereof (*Effective January 1, 2016*):

1451 (a) [Within forty-five days of the filing of such application for  
1452 guardianship in the Court of Probate] Not later than forty-five days  
1453 after the date of filing an application for guardianship with the Probate  
1454 Court, such court shall assign a time and place for hearing such  
1455 application. Notwithstanding the provisions of section 45a-7, the court  
1456 may hold the hearing on the application at a place within the state  
1457 other than its usual courtroom if it would facilitate the presence of the  
1458 respondent. Such court shall cause a citation and notice to be served  
1459 upon the respondent by personal service made by a state marshal,  
1460 constable or an indifferent person not less than seven days prior to the

1461 date of such hearing date.

1462 (b) The court shall direct notice by first class mail to the following:  
1463 (1) The applicant; (2) the parents of the respondent; [, provided the  
1464 parents are not the applicants; (2)] (3) the spouse of the respondent; [,  
1465 provided the spouse is not the applicant; (3)] (4) children of the  
1466 respondent, if any; (5) the siblings of the respondent or their  
1467 representatives, if the respondent has no living parents; and [(4)] (6)  
1468 the person in charge of the hospital, nursing home, residential facility  
1469 or other institution in which the respondent may reside.

1470 [(c) The court shall order such notice as it directs to the following:  
1471 (1) The applicant; and (2) the siblings of the respondent or their  
1472 representatives, if the respondent has no living parents, and the spouse  
1473 or children of the respondent.]

1474 [(d)] (c) The court in its discretion may order such notice as it directs  
1475 to other persons having an interest in the respondent.

1476 Sec. 25. Section 47-360 of the general statutes is repealed and the  
1477 following is substituted in lieu thereof (*Effective October 1, 2015*):

1478 A deed following the form entitled "Conservator's Deed", when  
1479 duly executed, has the force and effect of conveying to the grantee the  
1480 fee simple title of [an incapable person] a person under voluntary or  
1481 involuntary conservatorship or such conservator upon an order of a  
1482 [court of probate] Probate Court authorizing and directing the  
1483 conservator to sell at private sale the real estate owned by the  
1484 [incapable person] person under voluntary or involuntary  
1485 conservatorship, with covenants that (1) the conservator has full power  
1486 and authority as such conservator to sell and convey the same to the  
1487 grantee, and (2) [he and his] the conservator and the conservator's  
1488 successors shall warrant and defend the granted premises against all  
1489 claims and demands of any person or persons claiming by or under  
1490 such conservator.

1491 Sec. 26. Section 9-218 of the general statutes is repealed and the  
1492 following is substituted in lieu thereof (*Effective October 1, 2015*):

1493 When there is no election of [judge of] probate judge in any district  
1494 by reason of two or more having an equal and the highest number of  
1495 votes, or when a new probate district is created and no provision made  
1496 for the election of a judge thereof, or whenever it is shown to the  
1497 Governor that a vacancy is about to exist in said office by reason of the  
1498 resignation of the incumbent to take effect at a future time or by reason  
1499 of constitutional limitation, or when there is a vacancy in said office,  
1500 the Governor [shall] may issue writs of election directed to the town  
1501 clerk or clerks or assistant town clerk or clerks within such district,  
1502 ordering an election to be held on a day named therein, other than a  
1503 Saturday or Sunday, to fill such vacancy or impending vacancy, and  
1504 transmit the same to a state marshal. Such state marshal shall forthwith  
1505 transmit them to such clerk or clerks, who, on receiving the same, shall  
1506 warn elections to be held on the day appointed in such writs, in the  
1507 same manner as state elections are warned. Such elections shall be  
1508 organized and conducted, and the vote shall be declared and returns  
1509 made, certified, directed, deposited and transmitted, in the same  
1510 manner as at a state election. The Secretary of the State, Treasurer and  
1511 Comptroller shall, within thirty days after any such election, count and  
1512 declare the votes so returned, and notice shall be given to the person  
1513 declared elected, in the same manner as is provided in the election of  
1514 [judges of] probate judges at state elections. The Secretary of the State  
1515 shall enter the returns in tabular form in books kept by him for that  
1516 purpose and present a copy of the same, with the name of, and the  
1517 total number of votes received by, each of the candidates for said  
1518 office, to the Governor within ten days thereafter. The Probate Court  
1519 Administrator shall cite a probate judge to act as a judge in the district  
1520 during any vacancy in said office in accordance with section 45a-120.

1521 Sec. 27. (NEW) (*Effective from passage*) The judge of each Probate  
1522 Court may elect to have the court serve as a passport acceptance  
1523 agency in accordance with 22 USC 211a and 22 CFR 51.22.

1524      Sec. 28. Section 45a-122 of the general statutes is repealed. (*Effective*  
 1525      *October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	45a-20
Sec. 2	<i>October 1, 2015</i>	17a-76
Sec. 3	<i>October 1, 2015</i>	17a-497
Sec. 4	<i>October 1, 2015</i>	19a-221(c)
Sec. 5	<i>October 1, 2015</i>	19a-221(e)
Sec. 6	<i>October 1, 2015</i>	19a-265
Sec. 7	<i>October 1, 2015</i>	45a-705a
Sec. 8	<i>October 1, 2015</i>	45a-132(a)(2)
Sec. 9	<i>January 1, 2016</i>	4-61dd(e) to (i)
Sec. 10	<i>July 1, 2015</i>	45a-123a
Sec. 11	<i>July 1, 2015</i>	45a-62(a)
Sec. 12	<i>July 1, 2015</i>	45a-63
Sec. 13	<i>July 1, 2015</i>	45a-63a
Sec. 14	<i>July 1, 2015</i>	45a-64
Sec. 15	<i>July 1, 2015</i>	45a-65
Sec. 16	<i>July 1, 2015</i>	45a-66
Sec. 17	<i>July 1, 2015</i>	45a-68(a) and (b)
Sec. 18	<i>October 1, 2015</i>	45a-273
Sec. 19	<i>from passage</i>	45a-7a
Sec. 20	<i>from passage</i>	45a-85
Sec. 21	<i>from passage</i>	17b-751a
Sec. 22	<i>January 1, 2016</i>	45a-614
Sec. 23	<i>January 1, 2016</i>	45a-646
Sec. 24	<i>January 1, 2016</i>	45a-671
Sec. 25	<i>October 1, 2015</i>	47-36o
Sec. 26	<i>October 1, 2015</i>	9-218
Sec. 27	<i>from passage</i>	New section
Sec. 28	<i>October 1, 2015</i>	Repealer section

**Statement of Purpose:**

To revise statutory provisions concerning Probate Court operations.

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