



**Substitute House Bill No. 7029**

**Public Act No. 15-217**

**AN ACT CONCERNING PROBATE COURT OPERATIONS.**

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

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 Section 17a-76 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) [Application] An application for commitment of a mentally ill child to a hospital for mental illness shall be [made to the court of probate] filed in the Probate Court in the district in which such child resides, or when his or her place of residence is out of state or unknown, the district in which he or she may be at the time of filing the application, except in cases where it is otherwise expressly provided by law. In any case in which the child is hospitalized under sections 17a-75 to 17a-83, inclusive, and an application for the commitment of such child is filed in accordance with the provisions of sections 17a-75 to 17a-83, inclusive, the jurisdiction shall be vested in the [court of probate] Probate Court for the district in which the hospital where such child is a patient is located. In the event that an application has previously been filed in another [court of probate] Probate Court with respect to the same confinement, no further action shall be taken on such previous application. Notwithstanding the provisions of section 45a-7, if the child is confined to a hospital outside the district of the [court of probate] Probate Court in which the

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application for the child's commitment was made, the [judge of] probate judge from the district where the application was filed shall have jurisdiction to hold the hearing on such commitment at the hospital where such child is hospitalized. The court shall exercise jurisdiction only upon written application alleging that such child suffers from a mental disorder and is in need of treatment. Such application may be [made] filed by any person, and shall include the name and address of the hospital for mental illness to which the child's commitment is being sought and shall include the name, address and telephone number of any attorney appointed for the child by the Superior Court pursuant to section 46b-129.

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

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

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

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has been transferred to the Superior Court.

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

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

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

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

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

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

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

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

Sec. 4. Subsection (e) of section 19a-221 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

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

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

(a) As used in this section:

(1) "Active tuberculosis" means (A) a specimen has been taken from a pulmonary, laryngeal or other airway source, has tested positive for tuberculosis and the person tested has not subsequently completed a standard recommended course of medication for tuberculosis, (B) a specimen from an extrapulmonary source has tested positive for tuberculosis and there is clinical evidence or clinical suspicion of pulmonary tuberculosis and the person tested has not subsequently completed a standard recommended course of medication for tuberculosis, or (C) where sputum smears or cultures are unobtainable, radiographic evidence, in addition to current clinical or laboratory

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evidence, is sufficient to establish a medical diagnosis of pulmonary tuberculosis for which treatment is indicated and the person diagnosed has not subsequently completed a standard recommended course of medication for tuberculosis.

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

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

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

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

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

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

(b) The health care provider responsible for the treatment of any

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

(c) If any town, city or borough director of health determines that the public health is substantially and imminently endangered by a person with or suspected of having active tuberculosis, [he] the director of health may take the following actions as reasonably necessary to protect the public health: (1) Issue a warning stating that the person should have a physician's examination for tuberculosis to a person who has active tuberculosis or who is suspected of having active tuberculosis when that person is unable or unwilling voluntarily to submit to such examination despite demonstrated efforts to educate and counsel the person about the need for such examination; (2) issue a warning stating that the person should complete an appropriate prescribed course of medication for tuberculosis when that person has active tuberculosis but is unwilling or unable to adhere to an appropriate prescribed course of medication despite a demonstrated

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effort to educate and counsel the person about the need to complete the prescribed course of treatment and the offering of such enablers and incentives as are reasonably appropriate to facilitate the completion of treatment by that person; (3) issue a warning stating that the person should follow a course of directly observed therapy for tuberculosis that should be given in such a manner as shall minimize the time and financial burden on the person given that person's individual circumstances, when that person has active tuberculosis, has been nonadherent to treatment for it and is unwilling or unable otherwise to adhere to an appropriate prescribed course of medication for tuberculosis despite a demonstrated effort to educate and counsel the person about the need to complete the course of treatment and the provision of such enablers and incentives to the person as are reasonably appropriate to facilitate the completion of treatment by that person; (4) issue an emergency commitment order which shall extend for no more than ninety-six hours that authorizes the removal to or detention in a hospital or other medically-appropriate setting of a person: (A) Who has active tuberculosis that is infectious or who presents a substantial likelihood of having active tuberculosis that is infectious based upon epidemiologic, clinical, radiographic evidence and laboratory test results; (B) who poses a substantial and imminent likelihood of transmitting tuberculosis to others because of his or her inadequate separation from others, based on a physician's professional judgment using recognized infection control principles; (C) who is unwilling or unable to behave so as not to expose others to risk of infection from tuberculosis despite a demonstrated effort to educate and counsel the person about the need to avoid exposing others and required contagion precautions; (D) who has expressed or demonstrated an unwillingness to adhere to the prescribed course of treatment that would render the person noninfectious despite being educated and counseled about the need to do so and being offered such enablers and incentives as are reasonably appropriate to facilitate the completion of treatment; and (E) for whom emergency

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commitment is the least restrictive alternative to protect the public health. When issuing an emergency commitment order, the director of health may direct a police officer or other designated transport personnel to immediately transport the person with tuberculosis as so ordered by the director of health. The police officer shall take into custody and isolate the person in such a manner as required by the director of health. The director of health shall notify the police officer or other personnel concerning any necessary infection control procedures; (5) petition the Probate Court for a judicial commitment order that authorizes the removal to or detention in a hospital or other medically-appropriate setting for the purposes of facilitating completion of a prescribed course of treatment for tuberculosis of a person: (A) Who has active tuberculosis; (B) who is unwilling or unable to adhere to an appropriate prescribed course of treatment for tuberculosis despite a demonstrated effort to educate and counsel the person about the need to complete the course of treatment and to provide such enablers and incentives to the person as are reasonably appropriate to facilitate the completion of treatment by that person; (C) who has demonstrated a pattern of persistent nonadherence to treatment for tuberculosis; (D) for whom commitment for the purposes of completion of the prescribed course of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms; and (E) for whom commitment for the purpose of treatment for active tuberculosis is the least restrictive course of action available to protect the public health in that other less restrictive alternatives to encourage that person's adherence to the prescribed course of treatment for tuberculosis have failed.

(d) Any warning or order issued by the director under subdivisions (1) to (4), inclusive, of subsection (c) of this section, or a petition under subdivision (5) of subsection (c) of this section, shall be in writing setting forth: (1) The name of the person who is the subject of the warning, order or petition; (2) the factual basis for the director's

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professional judgment that the person has active tuberculosis or, in the case of a warning concerning examination, is suspected of having active tuberculosis; (3) in the case of a warning concerning examination under subdivision (1) of subsection (c) of this section, the efforts that have been made to educate and counsel the person about the need for examination, the medical and legal consequences of failing to agree to it and the factual basis for the director's professional judgment that the person is unable or unwilling voluntarily to submit to such examination; (4) in the case of warnings and orders under subdivisions (2) to (4), inclusive, of subsection (c) of this section and a petition under subdivision (5) of subsection (c) of this section, the efforts that have been made to educate and counsel the person about the need to complete the appropriate prescribed course of treatment and the medical and legal consequences of failing to do so, a description of the enablers and incentives that have been offered or provided to the person, and the factual basis for the director's professional judgment that the person is unable or unwilling voluntarily to adhere to the appropriate prescribed course of treatment; (5) in the case of an emergency commitment order under subsection (c) of this section, the factual basis for the director's professional judgment that: (A) The person is infectious or presents a substantial likelihood of being infectious; (B) the person poses a substantial and imminent likelihood of transmitting tuberculosis to others; (C) the person is unable or unwilling to behave so as not to expose others to risk of infection; and (D) emergency commitment is the least restrictive alternative available to protect the public health; (6) in the case of a petition for commitment under subsection (c) of this section, the factual basis for the director's professional judgment that: (A) The person has been persistently nonadherent to treatment for tuberculosis; (B) commitment for the purpose of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms; (C) commitment for the purpose of treatment for active tuberculosis is the least restrictive alternative to protect the

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public health in that other alternatives to encourage that person's adherence to treatment have failed. Any warnings or orders issued pursuant to subsections (c) and (k) of this section shall specify the period of time that the warning or order is to remain effective, provided: (i) Any order authorizing examination for tuberculosis shall not continue beyond the minimum period of time required, with the exercise of all due diligence, to make a medical determination of whether the person who has active tuberculosis is infectious or whether the person who is suspected of having tuberculosis has active tuberculosis; (ii) any warning concerning treatment or directly observed therapy shall not continue beyond the conclusion of the prescribed course of antituberculosis treatment; and (iii) any order authorizing emergency commitment shall not exceed ninety-six hours. Any order for emergency commitment or petition for commitment shall specify the place of confinement, which shall be in a facility approved by the Commissioner of Public Health and which shall not be a prison, jail or other enclosure where those charged with a crime are incarcerated unless the person who is the subject of the order is being held on a criminal charge. [Within] Not later than twenty-four hours [of the] after the issuance of the order or petition, the director of health shall notify the Commissioner of Public Health that such an order or petition has been issued.

(e) The director of health may [make application to the probate court] petition the Probate Court for the district in which a person subject to a warning issued under subdivision (1) of subsection (c) of this section resides for an enforcement order. A person concerning whom [said application] such petition is made shall have the right to a court hearing which shall be held by the [probate court within three business days of receipt of such application] Probate Court not later than three days, excluding Saturdays, Sundays and holidays, after the date of receipt of such petition. The hearing shall be held to determine: (1) If the person has active tuberculosis or is suspected of having active

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tuberculosis; (2) if the person is unable or unwilling to be examined voluntarily; (3) if efforts have been made to educate the person about the need for examination; (4) whether the order is necessary and is the least restrictive alternative to protect the public health. The Probate Court may issue a warrant for the apprehension of a person who is the subject of an order for examination, and a police officer for the town in which such court is located, or if there is no such police officer then the state police or such other officer as the court may determine, shall deliver the person to a facility for examination as directed by the health director.

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

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

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

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

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

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

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

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

(j) At any hearing held under this section, the director of health shall have the burden of showing by clear and convincing evidence that: (1) The person has active tuberculosis or, in the case of an examination order, is suspected of having active tuberculosis; (2) in the case of an enforcement order for examination, that efforts have been made to educate and counsel the person about the need for examination and that the person remains unable or unwilling voluntarily to submit to such examination; (3) in the case of an order under subdivision (4) of subsection (c) of this section and a petition under subdivision (5) of

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said subsection (c), that efforts that have been made to educate and counsel that person about the need to complete the appropriate prescribed course of treatment and that reasonably appropriate enablers and incentives have been offered or provided to the person, and that the person remains unable or unwilling voluntarily to adhere to the appropriate prescribed course of treatment; (4) in the case of continuation of an emergency commitment order under subdivision (4) of subsection (c) of this section that: (A) The person is infectious or presents a substantial likelihood of being infectious, (B) the person poses a substantial and imminent likelihood of transmitting tuberculosis to others, (C) the person is unable or unwilling to behave so as not to expose others to risk of infection and (D) commitment is the least restrictive alternative available to protect the public health; (5) in the case of a petition for commitment under subdivision (5) of subsection (c) of this section, that (A) the person has been persistently nonadherent to treatment for tuberculosis, (B) commitment for the purpose of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms, (C) commitment for the purpose of treatment for active tuberculosis is the least restrictive alternative to protect the public health in that other alternatives to encourage said person's adherence to treatment have failed; and (6) the order sought by the director of health is necessary and is the least restrictive alternative to protect the public health.

(k) If the court, at such hearing, finds by clear and convincing evidence that the director of health has met the burden of proof set forth in subsection (j) of this section, the court shall: (1) In the case of examination orders: (A) Order such person to be examined; or (B) enter an order with such terms and conditions as the court deems appropriate to protect the public health in the manner least restrictive of the [individual's] person's liberty and privacy; (2) in the case of a continuation of an emergency commitment issued pursuant to subdivision (4) of subsection (c) of this section, (A) enter an order,

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

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

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

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

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

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

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

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

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

(a) An individual subject to a guardianship or involuntary representation under this chapter may [apply] petition for and is entitled to the benefit of the writ of habeas corpus without having previously exhausted other available remedies including, but not limited to, the right to appeal the order of guardianship or involuntary

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representation. The question of the legality of such guardianship or involuntary representation shall be determined by the court or judge issuing such writ.

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

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

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

(e) [Hearing] A hearing held under this section shall be heard not later than ten days, excluding Saturdays, Sundays and holidays, after

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return of service of the writ.

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

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

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

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

(2) No judge or magistrate may appoint a guardian ad litem for (A) a patient in a proceeding under section 17a-543 or 17a-543a, prior to a determination by a [court of probate] Probate Court that the patient is incapable of giving informed consent under either of said sections, or

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(B) a respondent in a proceeding under sections 45a-644 to 45a-663, inclusive, prior to a determination by a [court of probate] Probate Court that the respondent is incapable of caring for himself or herself or incapable of managing his or her affairs. No judge or magistrate may appoint a guardian ad litem for [an applicant] a petitioner under section 45a-705a, as amended by this act.

Sec. 8. Section 45a-123a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

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

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

(3) Each probate magistrate shall receive, for each day the probate magistrate is engaged as a probate magistrate, in addition to any

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retirement salary the probate magistrate is entitled to receive, an amount of fifty dollars per hour, not to exceed two hundred fifty dollars per day, for each day of service. Such service includes, but is not limited to, conducting hearings and preparing a report or amendment to a report pursuant to section 45a-123. Service as a probate magistrate shall not constitute credited service for purposes of health, retirement or other benefits. Amounts paid to a probate magistrate under this subdivision shall be paid from the Probate Court Administration Fund established under section 45a-82.

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

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

(3) The Probate Court Administrator shall provide a list of individuals nominated as attorney probate referee to the Chief Justice of the Supreme Court and update the list as necessary. The Chief

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Justice shall appoint attorney probate referees from the list for a term of three years and inform the Probate Court Administrator of such appointments. The Chief Justice, on the recommendation of the Council on Probate Judicial Conduct or the Probate Court Administrator, may suspend or remove an attorney probate referee during his or her term for reasonable cause. The Probate Court Administrator shall assign attorney probate referees pursuant to section 45a-123 from among the attorney probate referees appointed by the Chief Justice.

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

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

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

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

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

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

Sec. 10. Section 45a-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

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

(b) The council shall investigate every written complaint brought before it alleging that a probate magistrate or attorney probate referee appointed under section 45a-123a, as amended by this act, has, in the performance of his or her duties as a probate magistrate or attorney

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probate referee, violated any law or canon of ethics applicable to probate magistrates or attorney probate referees.

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

(d) In making [any such] an investigation [, the council] under subsection (a), (b) or (c) of this section, the council may use the services of the Division of State Police within the Department of Emergency Services and Public Protection, or any chief inspector, inspector or investigator in the Division of Criminal Justice, or may engage the services of private investigators if it deems such services necessary.

[(b)] (e) If (1) the complaint filed involves [the judge of probate] a respondent who is a member of the council, the [judge] respondent shall be disqualified from acting in his or her capacity as a council member in the investigation and hearing on the matter, or (2) a [judge of] probate judge who is a member of the council is unable to act for any other reason, a [judge of] probate judge shall be appointed to act in his stead by the president-judge of the Connecticut Probate Assembly, established under section 45a-90. If a council member appointed by the Chief Justice disqualifies himself or herself with regard to a matter before the council, or is unable to act for any other reason, the Chief Justice shall appoint a substitute member to act in connection with such matter. If a council member appointed by the Governor disqualifies himself or herself with regard to a matter before the

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council, or is unable to act for any other reason, the Governor shall appoint a substitute member to act in connection with such matter. Any substitute shall satisfy the same criteria for selection as the disqualified member.

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

[(d)] (g) The council shall, not later than five days after receipt of such complaint or motion of the council, notify by registered or certified mail [any judge against whom such complaint is filed or motion is made] the respondent and a copy of such complaint or motion shall accompany such notice. The council shall also notify the complainant of its receipt of such complaint not later than five days thereafter. Any investigation to determine whether or not there is probable cause that [judicial] misconduct under subsection (a), (b) or (c) of this section has been committed shall be confidential and any individual called by the council for the purpose of providing information shall not disclose his or her knowledge of such investigation to a third party unless the [judge] respondent requests that such investigation and disclosure be open. If a respondent is required to disclose a complaint pursuant to rules of procedure adopted under section 45a-78, any individual to whom the disclosure is made shall not disclose his or her knowledge of such investigation to a third party unless the respondent requests that such investigation and disclosure be open. The [judge] respondent shall have the right to appear and be heard and to offer any information which may tend to clear him or her of probable cause to believe that he or she has committed an act of [judicial] misconduct under subsection (a), (b) or

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(c) of this section. The [judge] respondent shall also have the right to be represented by legal counsel and examine and cross-examine witnesses.

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

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

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

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

Sec. 12. Section 45a-64 of the general statutes is repealed and the

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

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

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

(a) The council shall, after the hearing provided under section 45a-64, as amended by this act, prepare a report of its investigation and a recommendation as to whether the [judge of probate investigated] respondent should be publicly admonished, publicly censured or exonerated of the allegations of the complaint. [If the council finds that judicial misconduct under subsection (a) of section 45a-63, has not been committed, but the judge has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the judge recommending a change in judicial conduct or practice.] If the council finds that a respondent has not committed a violation under subsection (a), (b) or (c) of section 45a-63, as amended by this act, but has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the respondent recommending a change in

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practice or judicial conduct.

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

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

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

(e) Except as provided in subsections [(d) and (e)] (g) and (h) of section 45a-63, as amended by this act, all decisions of the council shall

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be public record and shall be available for inspection at the office of the Probate Court Administrator.

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

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

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

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

(b) The statement shall be on a form provided by the Council on Probate Judicial Conduct and shall include the following information for the preceding calendar year regarding the probate judge, his or her spouse and the dependent children living in his or her household: (1) The name of all businesses with which the probate judge, his or her spouse or any such child is associated; (2) the category or type of all

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sources of his or her income and that of his or her spouse or each child, in excess of one thousand dollars, but amounts of income need not be specified, and the names and addresses of specific clients and customers who provide more than five thousand dollars of income, but amounts of income need not be specified; (3) the name of each security in excess of five thousand dollars at fair market value owned by the probate judge or spouse or any such child or held in the name of a corporation, partnership or trust for the benefit of the probate judge, his or her spouse or any such child except in the case of a trust established by the probate judge, spouse or child for the purpose of divesting the probate judge or his or her spouse or any such child of all control and knowledge of the probate judge's, spouse's or child's assets in order to avoid a conflict of interest during the probate judge's term of office, but only the existence of such trust and the name of the trustee shall be included, and the value need not be specified; (4) all real property and its location, whether owned by the probate judge, his or her spouse or any such child or held in the name of a corporation, partnership or trust for the benefit of the probate judge, spouse or child. Each [such] probate judge shall file a disclosure of any fees or honorariums received for his or her own or his or her spouse's or child's appearance or the delivery of an address to any meeting of any organization within thirty days after receipt of the fee or honorarium.

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

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

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

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

(c) Thereafter, except as provided in subsection (e) of this section, the judge of probate for such district shall issue a decree finding that no probate proceedings have been instituted in connection with the estate of such decedent and authorizing either the holder of such property or the registrant thereof, including the authority issuing the registration, to transfer the same or pay the amount thereof to the persons legally entitled thereto. The court of probate may issue such certificates and other documents as may be necessary to carry out the

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

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

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

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

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

(d) Except as provided in subdivision (5) of subsection (f) of this section, if the court finds that no probate proceedings have been instituted in connection with the estate of the decedent, the court shall determine the persons and entities entitled to payment for claims, expenses and taxes in accordance with subsection (e) of this section

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and the persons entitled to distributions from the decedent's estate in accordance with subsection (f) of this section. The court shall issue a decree authorizing each holder or registrant of an asset of the decedent to: (1) Transfer the asset directly to specified persons or entities; (2) pay amounts from the asset to specified persons or entities; or (3) transfer the asset to the person filing the affidavit, to be sold and the proceeds paid to specified persons or entities. The court may issue certificates or other documents to carry out the decree. In addition, the court may authorize the person filing the affidavit to release an interest in a mortgage reported on the affidavit.

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

[(e)] (f) If [an affidavit is filed under subsection (a) of this section in lieu of an application for admission of a will to probate or letters of administration and the fair value of the property of the decedent exceeds the total amount of claims, including] the fair value of the decedent's assets exceeds the total amount of claims, expenses, taxes and any amounts allowed to the family for support under section 45a-320, the court shall proceed as follows: (1) If no purported last will and testament is found, the court shall order distribution of the excess in accordance with the laws of intestate succession; (2) if the decedent left

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a duly executed last will and testament and the will provides for a distribution which is the same as that under the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; (3) if the decedent left a duly executed last will and testament and the will provides for a distribution different from that under the laws of intestate succession, and the heirs at law of such decedent sign a written waiver of their right to contest the will, the court shall order the excess to be paid in accordance with the terms of the will; (4) if the will directs a distribution different from the laws of intestate succession, and [the heirs at law do not waive their right to contest the admission of such will, the will shall be offered for probate in accordance with section 45a-286. In such case, the court may issue a decree under this section only if the persons entitled to take the bequests under the will consent, in writing, to the distribution of the bequests in accordance with the laws of intestate succession. If the claims against the estate exceed the value of the property of such decedent, the claims shall be paid in accordance with the priorities set forth in section 45a-365] the persons entitled to bequests under the will consent, in writing, to the distribution of the estate in accordance with the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; and (5) if the will directs a distribution different from the laws of intestate succession, the heirs at law do not waive their right to contest the admission of such will, and the persons entitled to bequests under the will do not consent to the distribution of the estate in accordance with the laws of intestate succession, the court shall dismiss the affidavit and permit any party to petition for admission of the will to probate in accordance with section 45a-286. As used in this subsection, the term "will" includes any duly executed codicil thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Not later than June 30, 2010, and annually thereafter, the committee shall establish, in accordance with the criteria established in

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regulations issued pursuant to subsection (b) of section 45a-77: (1) A compensation plan, which plan shall include employee benefits, for employees of the [courts of probate] Probate Courts, (2) staffing levels for each [court of probate] Probate Court, and (3) [a miscellaneous] an office budget for each [court of probate] Probate Court. Such compensation plan, staffing levels and office budgets shall be established within the expenditures and anticipated available funds in the proposed budget established pursuant to section 45a-84.

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

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

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

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

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

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

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

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

Any person may [make application to] petition the [court of

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probate] Probate Court in the district in which he or she resides, [or has his domicile] is domiciled or is located at the time the petition for voluntary representation is filed either for the appointment of a conservator of the person or a conservator of the estate, or both. If the [application] petition excuses bond, no bond shall be required by the court unless later requested by the respondent or unless facts are brought to the attention of the court that a bond is necessary for the protection of the respondent. Upon receipt of the [application] petition, the court shall set a time and place for hearing and shall give such notice as it may direct to the petitioner, the petitioner's spouse, if any, the Commissioner of Administrative Services, if the respondent is receiving aid or care from the state, and to other interested parties, if any. After seeing the respondent in person and hearing his or her reasons for the [application] petition and after explaining to the respondent that granting the petition will subject the respondent or respondent's property, as the case may be, to the authority of the conservator, the court may grant voluntary representation and thereupon shall appoint a conservator of the person or estate or both, and shall not make a finding that the petitioner is incapable. The conservator of the person or estate or both, shall have all the powers and duties of a conservator of the person or estate of an incapable person appointed pursuant to section 45a-650. If the respondent subsequently becomes disabled or incapable, the authority of the conservator shall not be revoked as a result of such disability or incapacity.

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

(a) [Within forty-five days of the filing of such application for guardianship in the Court of Probate] Not later than forty-five days after the date of filing an application for guardianship with the Probate Court, such court shall assign a time and place for hearing such

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application. Notwithstanding the provisions of section 45a-7, the court may hold the hearing on the application at a place within the state other than its usual courtroom if it would facilitate the presence of the respondent. Such court shall cause a citation and notice to be served upon the respondent by personal service made by a state marshal, constable or an indifferent person not less than seven days prior to the date of such hearing. [date.]

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

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

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

Sec. 23. Section 47-360 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A deed following the form entitled "Conservator's Deed", when duly executed, has the force and effect of conveying to the grantee the fee simple title of [an incapable person] a person under voluntary or involuntary conservatorship or such conservator upon an order of a [court of probate] Probate Court authorizing and directing the conservator to sell at private sale the real estate owned by the

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[incapable person] person under voluntary or involuntary conservatorship, with covenants that (1) the conservator has full power and authority as such conservator to sell and convey the same to the grantee, and (2) [he and his] the conservator and the conservator's successors shall warrant and defend the granted premises against all claims and demands of any person or persons claiming by or under such conservator.

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

When there is no election of [judge of] probate judge in any district by reason of two or more having an equal and the highest number of votes, or when a new probate district is created and no provision made for the election of a judge thereof, or whenever it is shown to the Governor that a vacancy is about to exist in said office by reason of the resignation of the incumbent to take effect at a future time or by reason of constitutional limitation, or when there is a vacancy in said office, the Governor [shall] may issue writs of election directed to the town clerk or clerks or assistant town clerk or clerks within such district, ordering an election to be held on a day named therein, other than a Saturday or Sunday, to fill such vacancy or impending vacancy, and transmit the same to a state marshal. Such state marshal shall forthwith transmit them to such clerk or clerks, who, on receiving the same, shall warn elections to be held on the day appointed in such writs, in the same manner as state elections are warned. Such elections shall be organized and conducted, and the vote shall be declared and returns made, certified, directed, deposited and transmitted, in the same manner as at a state election. The Secretary of the State, Treasurer and Comptroller shall, within thirty days after any such election, count and declare the votes so returned, and notice shall be given to the person declared elected, in the same manner as is provided in the election of [judges of] probate judges at state elections. The Secretary of the State

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shall enter the returns in tabular form in books kept by him for that purpose and present a copy of the same, with the name of, and the total number of votes received by, each of the candidates for said office, to the Governor within ten days thereafter. The Probate Court Administrator shall cite a probate judge to act as a judge in the district during any vacancy in said office in accordance with section 45a-120.

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

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

When [any person has been appointed trustee of any estate, or holds as trustee the proceeds of any estate sold, and no provision is made by law or by the instrument under which his appointment is derived] a will, trust agreement or other instrument establishing a trust fails to provide for the contingency of [his] the trustee's refusal to accept the trust or the trustee's resignation, death or incapacity, [or for his refusal to accept such trust or for his resignation of such trust, or when a trust has been created by will and no trustee has been appointed in the will or when more than one trustee has been appointed and thereafter a trustee so appointed dies, becomes incapable, refuses to accept or resigns such trust, the court of probate of] the Probate Court for the district within which the estate is situated, or, when the trust has been created by will, in the district having jurisdiction of such will, may, on the happening of any such contingency, appoint some suitable person to fill such vacancy, taking from him a probate bond, unless in the case of a will it is otherwise provided therein, in which case the provisions of section 45a-473 shall apply. The court may appoint a successor trustee of an inter vivos trust before such contingency has occurred if the court finds that a vacancy in the office of trustee is likely to occur. The court shall specify the conditions that the successor trustee of such

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inter vivos trust must satisfy before becoming trustee. In the event of a vacancy in the office of trustee of such inter vivos trust, the successor trustee may assume the office immediately upon satisfying the conditions set forth in the court's order without further court action.

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

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

- (1) The town of Hartford.
- (2) The town of West Hartford.
- (3) The towns of Bloomfield, East Granby, Suffield and Windsor Locks.
- (4) The towns of East Windsor, South Windsor and Windsor.
- (5) The town of East Hartford.
- (6) The towns of Glastonbury and Hebron.
- (7) The towns of Newington, Rocky Hill and Wethersfield.
- (8) The towns of Berlin and New Britain.
- (9) The towns of Avon, Canton, Granby and Simsbury.
- (10) The towns of Burlington, [and] Farmington and Plainville.
- (11) The towns of Enfield, Somers, Stafford and Union.
- (12) The towns of Ellington and Vernon.
- (13) The towns of Andover, Bolton, Columbia and Manchester.

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(14) The towns of East Haddam, East Hampton, Marlborough and Portland.

(15) The towns of Cromwell, Durham, Middlefield and Middletown.

(16) The town of Meriden.

(17) The town of Wallingford.

(18) The towns of Cheshire and Southington.

(19) The towns of Bristol [, Plainville] and Plymouth.

(20) The towns of Waterbury and Wolcott.

(21) The towns of Beacon Falls, Middlebury, Naugatuck and Prospect.

(22) The towns of Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown and Woodbury.

(23) The towns of Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington and Winchester.

(24) The towns of Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston and Warren.

(25) The towns of Coventry, Mansfield, Tolland and Willington.

(26) The towns of Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson and Woodstock.

(27) The towns of Canterbury, Killingly, Plainfield and Sterling.

(28) The towns of Chaplin, Colchester, Hampton, Lebanon, Scotland and Windham.

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(29) The towns of Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague and Voluntown.

(30) The towns of Groton, Ledyard, North Stonington and Stonington.

(31) The towns of New London and Waterford.

(32) The towns of East Lyme, Montville, Old Lyme and Salem.

(33) The towns of Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook and Westbrook.

(34) The towns of Guilford and Madison.

(35) The towns of Branford and North Branford.

(36) The towns of East Haven and North Haven.

(37) The towns of Bethany and Hamden.

(38) The town of New Haven.

(39) The town of West Haven.

(40) The towns of Milford and Orange.

(41) The towns of Ansonia, Derby, Seymour and Woodbridge.

(42) The town of Shelton.

(43) The town of Danbury.

(44) The towns of Bridgewater, Brookfield, New Fairfield, New Milford and Sherman.

(45) The towns of Bethel, Newtown, Ridgefield and Redding.

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(46) The towns of Easton, Monroe and Trumbull.

(47) The town of Stratford.

(48) The town of Bridgeport.

(49) The town of Fairfield.

(50) The towns of Weston and Westport.

(51) The towns of Norwalk and Wilton.

(52) The towns of Darien and New Canaan.

(53) The town of Stamford.

(54) The town of Greenwich.

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

Approved July 2, 2015