



General Assembly

February Session, 2016

***Raised Bill No. 5361***

LCO No. 846



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT CONCERNING A PROTECTED PERSON'S RIGHT TO INTERACT WITH OTHERS.***

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

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this  
2 section and section 2 of this act, (1) "protected person" means a person  
3 eighteen years of age and older who is incapable of meeting essential  
4 requirements for his or her personal needs or managing his or her  
5 financial affairs or property because of a mental, emotional or physical  
6 condition, (2) "conservator" means a conservator of the person as  
7 defined in section 45a-644 of the general statutes, (3) "court" means a  
8 probate court with jurisdiction over a conservatorship of a protected  
9 person, and (4) "interact", "interaction" or "interacting with" means  
10 communication by telephone, mail or in person. Unless specifically  
11 authorized by an order from a court pursuant to this section, a  
12 conservator shall not restrict a protected person's right to interact with  
13 other persons, including, but not limited to, the protected person's  
14 children, siblings, parents, or other close relatives or friends. If a  
15 protected person is unable to express consent to interact with other  
16 persons due to a mental, emotional or physical condition, then consent

17 of the protected person may be presumed based on the protected  
18 person's prior relationship with such other persons unless the  
19 protected person has previously documented his or her wishes not to  
20 interact with the person seeking access to him or her.

21 (b) A conservator who knowingly prevents access to a protected  
22 person in violation of subsection (a) of this section, or any court order  
23 issued pursuant to this section, is subject to removal and replacement  
24 by the court.

25 (c) Notwithstanding the provisions of subsection (a) of this section,  
26 a conservator may move a court to have restrictions placed on a  
27 protected person's ability to interact with a person seeking access to  
28 him or her for good cause. In determining good cause, the court shall  
29 consider factors, including, but not limited to:

30 (1) That any protective orders have been issued to prevent the  
31 person or persons seeking access to the protected person from  
32 interacting with him or her;

33 (2) The person seeking access to the protected person has been  
34 charged with the abuse, neglect or financial exploitation of the  
35 protected person or the conservator presents a preponderance of  
36 evidence that such person has or is likely to abuse, neglect or exploit  
37 the protected person; or

38 (3) If the protected person is unable to communicate, whether such  
39 person has stated that he or she does not want to interact with the  
40 person seeking access to him or her in documents including, but not  
41 limited to, a properly executed living will, durable power of attorney  
42 or advance directive.

43 (d) Prior to issuing an order pursuant to subsection (c) of this  
44 section, a court shall consider:

45 (1) Whether the protected person expresses or has expressed a

46 desire to interact with the person seeking access to him or her;

47 (2) Placing reasonable time, place and manner restrictions on  
48 interaction between the protected person and the person seeking  
49 access to him or her based on the history of their relationship, the  
50 protected person's wishes or both; and

51 (3) Requiring that interaction between the protected person and the  
52 person seeking access to him or her be supervised.

53 (e) If any interested person, including the protected person,  
54 reasonably believes that provisions of this section have been violated,  
55 then such person may move the court to:

56 (1) Require the conservator to grant a person access to the protected  
57 person;

58 (2) Restrict, or further restrict, a person's access to the protected  
59 person;

60 (3) Modify the conservator's duties; or

61 (4) Remove and replace the conservator.

62 (f) Except as provided in subsection (g) of this section, a court shall  
63 schedule a hearing on a motion filed pursuant to subsection (c) or (e)  
64 of this section not later than sixty days after the date the motion is  
65 filed. The court may, in its discretion, order mediation to be conducted  
66 prior to the hearing. If mediation results in agreement regarding  
67 interaction with the protected person, such agreement shall be  
68 approved by the court.

69 (g) If a motion filed pursuant to this section states that the protected  
70 person's health is in significant decline or that the protected person's  
71 death may be imminent, a court shall conduct an emergency hearing as  
72 soon as practicable, but not later than ten days after the motion is filed.  
73 Upon request, the court shall order that supervised interaction

74 between the protected person and persons seeking access to the  
75 protected person be granted during the period prior to the hearing.

76 (h) Notice of the hearing, a copy of the motion and a copy of any  
77 order issued pursuant to this section shall be personally served upon  
78 the protected person and any person named in the motion. Nothing in  
79 this section shall be construed as affecting the protected person's right  
80 to appear and be heard in the proceedings.

81 (i) A court, upon its own motion or a motion filed with the court,  
82 may impose an appropriate sanction, including, but not limited to, an  
83 order to pay court costs and reasonable attorneys' fees, upon a  
84 conservator who knowingly has violated any provision of this section  
85 or an order issued by the court pursuant to this section. No monetary  
86 sanction may be paid out of the protected person's estate.

87 Sec. 2. (NEW) (*Effective July 1, 2016*) (a) Except as provided in  
88 subsections (b) and (c) of this section, a conservator shall notify as soon  
89 as is reasonably possible a protected person's closest relatives,  
90 including, but not limited to, children and siblings, and any other  
91 person designated by the protected person to be notified, in the event  
92 that:

93 (1) The protected person's residence has changed;

94 (2) The protected person is staying at a location other than the  
95 protected person's residence;

96 (3) The protected person is admitted to a medical facility for  
97 emergency care in response to a life-threatening injury or medical  
98 condition or for acute care; or

99 (4) The protected person dies. In the case of the protected person's  
100 death, the conservator shall make a good faith effort to contact such  
101 relatives or designated persons in person or by telephone.

102 (b) A conservator is not required to provide notice in accordance

103 with subsection (a) of this section if:

104 (1) A person who is entitled to notice under subsection (a) of this  
105 section informs the conservator in writing that such person does not  
106 wish to receive such notice; or

107 (2) The protected person or a court order has expressly prohibited  
108 the conservator from providing notice to such person.

109 (c) A conservator shall not provide contact information for a  
110 protected person to any person who is the subject of an order of  
111 protection or a restraining order issued on behalf of the protected  
112 person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	New section

**Statement of Purpose:**

To protect the rights of protected persons to interact with family and friends.

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