

**Proposed Substitute  
Bill No. 5153**

February Session, 2018

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LCO No. 2355

**AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING GUARDIANSHIP ASSESSMENTS.**

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

1 Section 1. Section 45a-674 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) At any hearing for appointment of a plenary guardian or limited  
4 guardian, the court shall receive evidence as to the condition of the  
5 respondent, including a written report or testimony by a Department  
6 of Developmental Services assessment team appointed by the  
7 Commissioner of Developmental Services or his or her designee, no  
8 member of which is related by blood, marriage or adoption to either  
9 the petitioner or the respondent and each member of which has  
10 personally observed or examined the respondent within forty-five  
11 days next preceding such hearing. The assessment team shall be  
12 comprised of at least two representatives from among appropriate  
13 disciplines having expertise in the evaluation of persons alleged to  
14 have intellectual disability. The assessment team members shall make  
15 their report on a form provided for that purpose by the office of the  
16 Probate Court Administrator and shall answer questions on such form  
17 as fully and completely as possible. The report shall contain specific  
18 information regarding the severity of the intellectual disability of the

19 respondent and those specific areas, if any, in which the respondent  
20 needs the supervision and protection of a guardian, and shall state  
21 upon the form the reasons for such opinions. The petitioner,  
22 respondent or the respondent's counsel shall have the right to present  
23 evidence and cross-examine witnesses who testify at any hearing on  
24 the petition. If the respondent or the respondent's counsel notifies the  
25 court not less than three days before the hearing that he or she wishes  
26 to cross-examine the witnesses, the court shall order such witnesses to  
27 appear. The fees for such assessment team shall be paid from funds  
28 appropriated to the Department of Developmental Services.

29 (b) The written report or testimony by the assessment team shall not  
30 be required for a hearing on the appointment of a plenary guardian or  
31 limited guardian if the individual has been determined ineligible for  
32 services of the Department of Developmental Services by the  
33 commissioner or his or her designee, provided such denial of eligibility  
34 is based on the determination that the individual does not have  
35 intellectual disability as defined in section 1-1g. A copy of the  
36 eligibility determination letter indicating that the basis of ineligibility  
37 is the absence of intellectual disability, as defined in section 1-1g, shall  
38 be provided to the Probate Court in lieu of a report by the assessment  
39 team and no further assessment by the team shall be required.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	45a-674