

Shock Therapy Law and Court Rules

By: James Orlando, Chief Attorney
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Issue

Provide a summary of Connecticut law and probate court rules on informed consent for shock therapy.

Summary

Connecticut law generally prohibits shock therapy from being administered to a patient without the patient's written informed consent. Once given, consent is valid for up to 30 days, but the patient may revoke it at any time.

If the head of the hospital and two qualified physicians determine that a patient has become incapable of giving informed consent, shock therapy may be administered pursuant to a probate court order following a hearing. The court must find that (1) the patient is incapable of informed consent and (2) there is no other, less intrusive beneficial treatment. Such an order is valid for up to 45 days ([CGS § 17a-543\(c\)](#)).

For these purposes, the law defines shock therapy as a form of psychiatric treatment in which electric current, insulin, carbon dioxide or indoklon, or other similar agent is administered to the patient and results in a loss of consciousness or a convulsive or comatose reaction. Informed consent is permission given competently and voluntarily after a patient has been informed of the reason for treatment, the nature of the proposed treatment, its advantages or disadvantages, medically acceptable alternatives, the risks associated with receiving the treatment, and the risk of no treatment ([CGS § 17a-540](#)).

For a history of changes to the law on procedural requirements for shock therapy and related definitions, see OLR Report [2012-R-0467](#).

In addition to the shock therapy statute, the [Probate Court Rules of Procedure](#) specifically address certain procedural matters for hearings on petitions to authorize shock therapy, such as court venue, notice, and confidentiality of the proceedings. The most current rules, from 2017, are summarized below.

Probate Court Rules on Shock Therapy Petitions

Venue and Notice

Under the Probate Court Rules of Procedure, a court petition to authorize shock therapy must be filed in the probate district where the patient is hospitalized. The court must give notice of the hearing to the (1) patient, by personal service and (2) petitioner and other people the court directs (see below), by regular mail or other reasonable means (Rule 45.5).

Confidentiality and Record of Proceeding

Generally, the court must exclude anyone who is not a party or his or her attorney from attending or participating in such a hearing. But the court has discretion to allow witnesses to attend any part of the hearing. In addition, the court may allow the following people to participate in the hearing:

1. a person whose participation was requested by the patient, and
2. after considering any objection of the patient, a relative or friend who is interested in the patient's welfare (Rule 45.1).

Unless all parties consent, the court may not allow the news media to broadcast, televise, record, or photograph such a hearing (Rule 1.1 (20), 72.2).

The rules require the court to make an audio recording of the hearing (Rule 45.2).

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