



# Senate

General Assembly

**File No. 445**

February Session, 2022

Senate Bill No. 361

*Senate, April 13, 2022*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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

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

1 Section 1. Section 19a-7t of the 2022 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2022*):

4 The Department of Public Health shall provide to any person who  
5 has received a COVID-19 vaccination or such person's court-appointed  
6 fiduciary, or, if such person is a minor child, such person's parent or  
7 guardian, information that was provided by a COVID-19 vaccination  
8 provider to the department regarding such person's COVID-19  
9 vaccination status upon request by such person, fiduciary, parent or  
10 guardian. The department shall not disclose such person's COVID-19  
11 vaccination status to any other person or entity unless such person,  
12 fiduciary, parent or guardian authorizes such disclosure in a form and  
13 manner prescribed by the Commissioner of Public Health.

14 Sec. 2. Section 31-57y of the 2022 supplement to the general statutes

15 is repealed and the following is substituted in lieu thereof (*Effective July*  
16 *1, 2022*):

17 From June 23, 2021, to June 30, 2024, each employer shall grant to (1)  
18 each employee in the case of a state election, or (2) each employee who  
19 is an elector in the case of any special election for United States senator,  
20 representative in Congress, state senator, [or] state representative or  
21 judge of probate, two hours unpaid time off from such employee's  
22 regularly scheduled work on the day of any such election, for the  
23 purpose of voting at such election during the hours of voting specified  
24 in section 9-174, if the employee requests such time off not less than two  
25 working days prior to such election.

26 Sec. 3. Subsection (a) of section 45a-8a of the general statutes is  
27 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
28 *2022*):

29 (a) For the purposes of this section, "children's matters" means: (1)  
30 Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2)  
31 termination of parental rights matters under sections 45a-706 to 45a-719,  
32 inclusive; (3) adoption matters under sections 45a-724 to 45a-733,  
33 inclusive, and sections 45a-736 and 45a-737; (4) claims for parentage  
34 under section 46b-172a and section 46b-454, as amended by this act, and  
35 parentage orders under sections 46b-517, 46b-531, as amended by this  
36 act, and 46b-535; (5) emancipation of minor matters under sections 46b-  
37 150 to 46b-150e, inclusive; [and] (6) voluntary admission matters under  
38 section 17a-11; (7) issuance of marriage licenses to a minor who is sixteen  
39 or seventeen years of age under section 46b-20a; and (8) validation of  
40 surrogacy agreements under sections 46b-533 and 46b-536, as amended  
41 by this act.

42 Sec. 4. Subsection (a) of section 45a-450 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
44 *2022*):

45 (a) When the real property of any deceased person, or any part  
46 thereof or interest therein, is devised or distributed or set out to the

47 devisee or devisees, heir or heirs or spouse of such decedent or is legally  
48 divided by the voluntary act of all the persons interested therein or  
49 descends to the heir or heirs or spouse of such decedent, the fiduciary  
50 of the estate of such decedent shall, within one month thereafter, or, in  
51 case of descent to the heir or heirs or spouse of such decedent, within  
52 one month after the acceptance by the court of the final administration  
53 account of such fiduciary, procure from the judge, clerk or assistant  
54 clerk of the court of probate having jurisdiction of the settlement of the  
55 estate of such decedent, and cause to be recorded in the land records of  
56 each of the towns in which such real property is situated, a certificate  
57 signed by such judge, clerk or assistant clerk. Such certificate shall  
58 contain the name, [and] place of residence and mailing address of each  
59 person to whom such real property, or any portion thereof or interest  
60 therein, is distributed, set out or divided or descends, and a particular  
61 description of the estate, portion or interest distributed, set out or  
62 divided or descending to each person.

63 Sec. 5. Section 46b-531 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective July 1, 2022*):

65 (a) Except as provided in subsection (c) of section 46b-529 or section  
66 46b-532, a party to a gestational surrogacy agreement may initiate a  
67 proceeding for a judgment of parentage of a child conceived pursuant  
68 to the agreement at any time after the agreement has been executed by  
69 all of the parties.

70 (b) The petition for a judgment of parentage shall include: (1)  
71 Certification from the attorney representing the intended parent or  
72 parents and the attorney representing the person acting as surrogate  
73 that the requirements of sections 46b-522 to 46b-524, inclusive, have  
74 been met; and (2) a statement from all parties to the surrogacy  
75 agreement that they entered into the surrogacy agreement knowingly  
76 and voluntarily. The petition, including the certification and statement  
77 required by subdivisions (1) and (2) of this subsection, shall be  
78 submitted under penalty of false statement.

79 (c) Neither the state nor the Department of Public Health, nor the

80 hospital where delivery is expected to occur or does occur, is a necessary  
81 party to a proceeding under subsection (a) of this section.

82 [(d) Service of process may be waived if each party consents to waiver  
83 of service of process.]

84 [(e)] (d) Upon a finding that the petition satisfies subsection (b) of this  
85 section, the court shall issue a judgment: (1) Declaring, that upon the  
86 birth of the child born during the term of the surrogacy agreement, any  
87 intended parent is a parent of the child and ordering that parental rights,  
88 duties and custody vest immediately on the birth of the child exclusively  
89 in any intended parent; (2) Declaring, that upon the birth of the child  
90 born during the term of the surrogacy agreement, the person acting as  
91 gestational surrogate and the spouse or former spouse of the person  
92 acting as surrogate, if any, are not the parents of the child; (3) Declaring  
93 that the intended parent or parents have responsibility for the  
94 maintenance and support of the child immediately upon the birth of the  
95 child; (4) Designating the contents of the certificate of birth in  
96 accordance with subsection (b) of section 7-48a and directing the  
97 Department of Public Health to designate any intended parent as a  
98 parent of the child; and (5) If necessary, ordering that the child be  
99 surrendered to the intended parent or parents. The court may issue an  
100 order or judgment under this subsection before or after the date of birth  
101 of the child. The court shall stay enforcement of the order or judgment  
102 until the birth of the child. Nothing in this subsection shall be construed  
103 to limit the court's authority to issue other orders under any other  
104 provision of the general statutes.

105 [(f)] (e) In the event the certification required by subdivision (1) of  
106 subsection (b) of this section cannot be made because of a technical or  
107 nonmaterial deviation from the requirements of sections 46b-522 to 46b-  
108 524, inclusive, the court may nevertheless enforce the agreement and  
109 issue a judgment of parentage if the court determines the agreement is  
110 in substantial compliance with the requirements of said sections.

111 [(g)] (f) An order under subsection [(e) or (f)] (d) or (e) of this section  
112 shall be sufficient to satisfy the requirements in section 7-48a governing

113 birth certificates.

114 Sec. 6. Subsection (d) of section 46b-536 of the general statutes is  
115 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
116 *2022*):

117 (d) If a child conceived by assisted reproduction under a genetic  
118 surrogacy agreement that is not validated under section 46b-533 or  
119 subsection (b) of this section is born, the person acting as genetic  
120 surrogate is not automatically a parent and the [court] Probate Court  
121 shall adjudicate parentage of the child based on the best interest of the  
122 child, taking into account the factors set forth in subsection (a) of section  
123 46b-475 and the intent of the parties at the time of the execution of the  
124 agreement.

125 Sec. 7. Subsection (a) of section 46b-454 of the general statutes is  
126 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
127 *2022*):

128 (a) Petitions to adjudicate parentage shall be filed in the Family  
129 Division of the Superior Court, except that: (1) Petitions by an alleged  
130 genetic parent seeking to establish the alleged genetic parent's  
131 parentage pursuant to section 46b-172a shall be filed in the Probate  
132 Court; (2) petitions to determine parentage after the death of the child  
133 or the person whose parentage is to be determined shall be filed in the  
134 Probate Court; (3) petitions for parentage orders under sections 46b-517,  
135 46b-531, as amended by this act, and 46b-535, [as well as] petitions to  
136 validate a genetic surrogacy agreement under sections 46b-533 and 46b-  
137 536, as amended by this act, and petitions to determine parentage of a  
138 child born pursuant to a genetic surrogacy agreement that has not been  
139 validated under sections 46b-533 and 46b-536, as amended by this act,  
140 shall be filed in the Probate Court; and (4) petitions by the IV-D agencies,  
141 in IV-D cases, as defined in section 46b-231, and in petitions brought  
142 under sections 46b-301 to 46b-425, inclusive, shall be filed with the clerk  
143 for the Family Support Magistrate Division.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2022</i>	19a-7t
Sec. 2	<i>July 1, 2022</i>	31-57y
Sec. 3	<i>July 1, 2022</i>	45a-8a(a)
Sec. 4	<i>July 1, 2022</i>	45a-450(a)
Sec. 5	<i>July 1, 2022</i>	46b-531
Sec. 6	<i>July 1, 2022</i>	46b-536(d)
Sec. 7	<i>July 1, 2022</i>	46b-454(a)

**JUD**      *Joint Favorable*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill makes various changes that do not result in a fiscal impact to the laws governing probate court operations.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 361*****AN ACT CONCERNING PROBATE COURT OPERATIONS.*****SUMMARY**

This bill makes changes in various laws governing probate court operations and related matters.

It makes certain changes in the Connecticut Parentage Act that (1) give the probate court, rather than the Superior Court's family division, jurisdiction over petitions to determine parentage of a child born to an unvalidated genetic surrogacy agreement (§§ 6 & 7) and (2) eliminate a current provision allowing the parties to agree to waive service of process in a parentage proceeding pursuant to a gestational surrogacy agreement (§ 5).

The bill expands the types of children's matters that may be heard in regional children's probate courts to include, among other things, certain additional parentage-related orders under the Parentage Act.

It extends an existing law on disclosing a person's COVID-19 vaccination information to also cover the person's court-appointed fiduciary.

It also requires employers, under certain conditions, to grant employees time off to vote in probate special elections, as existing law requires for certain other elections.

By law, in the course of settling a decedent's estate, the estate's fiduciary must (1) ask the probate court to issue a certificate of devise (i.e., gift by will), descent, or distribution and (2) have it recorded on the land records of each town where the real property is located. The bill requires that the certificate include the mailing address, not just the



residential address, of each recipient of real property from the estate (§ 4).

The bill also makes conforming changes.

EFFECTIVE DATE: July 1, 2022

### **§ 3 — REGIONAL CHILDREN’S PROBATE COURTS**

Existing law allows probate courts within designated regions to transfer certain children’s matters to a regional children’s probate court. The bill expands the types of children’s matters that may be transferred to such a court to include the following:

1. issuing marriage licenses to 16- and 17- year-olds (by law, a minor this age can marry only with probate court approval, upon petition of the minor’s parent or guardian);
2. validating genetic surrogacy agreements; and
3. parentage orders pursuant to (a) assisted reproduction, (b) a gestational surrogacy agreement, or (c) a genetic surrogacy agreement (existing law already allows certain other types of parentage orders to be transferred to regional children’s probate courts).

### **§ 1 — COVID-19 VACCINATION STATUS INFORMATION**

Under existing law, if a person received a COVID-19 vaccination, the Department of Public Health (DPH) must give the person (or if a minor, a parent or guardian), upon request, information on the person’s COVID-19 vaccination status from the person’s vaccination provider. Otherwise, DPH must not disclose this information without consent.

The bill extends this law by requiring DPH to provide this information to the person’s court-appointed fiduciary upon request. It correspondingly allows the fiduciary to consent to further disclosure of the person’s COVID-19 vaccination status.

### **§ 2 — TIME OFF TO VOTE IN PROBATE SPECIAL ELECTIONS**

A 2021 law requires employers, through June 30, 2024, to grant employees, upon request, two hours of unpaid time off from their regularly scheduled work to vote on the day of (1) a regular state election or (2) certain special elections (those for a congressperson or state legislator).

The bill additionally requires employers to give this time off for special elections for a probate court judge. As under existing law for other special elections, this requirement applies only to employees who are already electors.

Under the law, the time off must occur during regular voting hours and the employee must make the request at least two working days before the election.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 39    Nay 0    (03/29/2022)