



General Assembly

February Session, 2022

Raised Bill No. 361

LCO No. 2778



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 statutes is repealed and the following is substituted in lieu thereof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15 is repealed and the following is substituted in lieu thereof (*Effective July*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27 repealed and the following is substituted in lieu thereof (*Effective July 1,*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)

Statement of Purpose:

To make various statutory changes relating to Probate Court processes and procedures.

[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.]