



Senate Bill No. 164

Public Act No. 22-112

***AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH
PROBATE COURT ORDERS.***

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

Section 1. (NEW) (*Effective October 1, 2022*) To the extent permitted by federal law, each state agency that is a party to a Probate Court proceeding shall recognize and apply any order, denial or decree of a Probate Court, issued on or after October 1, 2022, provided such Probate Court has statutory jurisdiction to issue such order, denial or decree. Any party aggrieved by such order, denial or decree of such Probate Court may appeal therefrom to the Superior Court in accordance with section 45a-186 of the general statutes, as amended by this act. As used in this section, "state agency" means an agency, as defined in section 4-166 of the general statutes.

Sec. 2. Section 45a-186 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) As used in this section and section 45a-187, "electronic service" has the same meaning as provided in section 45a-136f.

(b) Any person aggrieved by an order, denial or decree of a Probate

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Court may appeal therefrom to the Superior Court. An appeal from a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, [or] sections 45a-690 to 45a-703, inclusive, or section 45a-705a, shall be filed not later than forty-five days after the date on which the Probate Court sent the order, denial or decree. Except as provided in sections 45a-187 and 45a-188, an appeal from an order, denial or decree in any other matter shall be filed on or before the thirtieth day after the date on which the Probate Court sent the order, denial or decree. The appeal period shall be calculated from the date on which the court sent the order, denial or decree by mail or the date on which the court transmitted the order, denial or decree by electronic service, whichever is later.

(c) An appeal shall be commenced by filing a complaint in the Superior Court in the judicial district in which such Probate Court is located, or, if the Probate Court is located in a probate district that is in more than one judicial district, by filing a complaint in a superior court that is located in a judicial district in which any portion of the probate district is located, except that (1) an appeal under subsection (b) of section 12-359, subsection (b) of section 12-367, [or] subsection (b) of section 12-395 or section 1 of this act shall be filed in the judicial district of Hartford, and (2) an appeal in a matter concerning removal of a parent as guardian, termination of parental rights or adoption shall be filed in any superior court for juvenile matters having jurisdiction over matters arising in any town within such probate district. The complaint shall state the reasons for the appeal. A copy of the order, denial or decree appealed from shall be attached to the complaint.

(d) An appeal from a decision rendered in any case after a recording of the proceedings is made under section 17a-498, 17a-543, 17a-543a, 17a-685, or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, shall be on the record and shall not be a trial de novo.

(e) Each person who files an appeal pursuant to this section shall

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serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy at the place of residence of the interested party being served or at the address for the interested party on file with the Probate Court, except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent person.

(f) In addition to the notice given under subsection (e) of this section, each person who files an appeal pursuant to this section shall mail a copy of the complaint to the Probate Court that rendered the order, denial or decree appealed from. The Probate Court and the probate judge that rendered the order, denial or decree appealed from shall not be made parties to the appeal and shall not be named in the complaint as parties.

(g) Not later than fifteen days after a person files an appeal under this section, the person who filed the appeal shall file or cause to be filed with the clerk of the Superior Court a document containing (1) the name, address and signature of the person making service, and (2) a statement of the date and manner in which a copy of the complaint was served on each interested party and mailed to the Probate Court that rendered the order, denial or decree appealed from.

(h) If service has not been made on an interested party, the Superior Court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify any necessary party not yet served.

(i) A hearing in an appeal from probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 19a-131b, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-

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699, 45a-703, [or] 45a-717 or section 1 of this act shall commence, unless a stay has been issued pursuant to subsection (j) of this section, not later than ninety days after the appeal has been filed.

(j) The filing of an appeal under this section shall not, of itself, stay enforcement of the order, denial or decree from which the appeal is taken. A motion for a stay may be made to the Probate Court or the Superior Court. The filing of a motion with the Probate Court shall not preclude action by the Superior Court.

(k) Nothing in this section shall prevent any person aggrieved by any order, denial or decree of a Probate Court in any matter, unless otherwise specially provided by law, from filing a petition for a writ of habeas corpus, a petition for termination of involuntary representation or a petition for any other available remedy.

(l) (1) Except for matters described in subdivision (3) of this subsection, in any appeal filed under this section, the appeal may be referred by the Superior Court to a special assignment probate judge appointed in accordance with section 45a-79b, who is assigned by the Probate Court Administrator for the purposes of such appeal, except that such appeal shall be heard by the Superior Court if any party files a demand for such hearing in writing with the Superior Court not later than twenty days after service of the appeal.

(2) An appeal referred to a special assignment probate judge pursuant to this subsection shall proceed in accordance with the rules for references set forth in the rules of the judges of the Superior Court.

(3) The following matters shall not be referred to a special assignment probate judge pursuant to this subsection: Appeals (A) under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, and 19a-131b, (B) of children's matters as defined in subsection (a) of section

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45a-8a, (C) under section 1 of this act, (D) under sections 45a-644 to 45a-663, inclusive, 45a-669 to 45a-683, inclusive, and 45a-690 to 45a-700, inclusive, and (E) any matter in a Probate Court heard on the record in accordance with sections 51-72 and 51-73.

Sec. 3. (NEW) (*Effective October 1, 2022*) The Department of Social Services shall compile annual data concerning the denial of Medicaid eligibility in any matter in which a Probate Court in this state issued an order or decree concerning assets or income that, according to the department, affected an individual's Medicaid eligibility. Not later than January 1, 2024, and annually thereafter, the department, in accordance with the provisions of section 11-4a of the general statutes, shall report to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and human services on: (1) On any Probate Court order or decree relating to assets or income with which the department did not comply and, according to the department, affected an individual applying for Medicaid eligibility, such report shall include a written explanation for such noncompliance and whether the department appealed the Probate Court order or decree; and (2) for all occurrences described in subdivision (1) of this section, whether the denial of Medicaid eligibility by the department was appealed and the outcome or status of any such appeal.

Approved May 24, 2022