
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)