

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 22-112—SB 164

Judiciary Committee

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

SUMMARY: This act generally requires each state agency that is a party to a probate court proceeding to recognize and apply any probate court order, denial, or decree issued on or after October 1, 2022. This applies (1) to the extent allowed by federal law and (2) as long as the probate court has the statutory jurisdiction to issue the order, denial, or decree. Under the act, a “state agency” refers to an agency as defined under the Uniform Administrative Procedure Act (UAPA) (see BACKGROUND).

Unlike most probate appeals, the act requires a party appealing this type of probate court decision to file the appeal in Hartford Superior Court, instead of the Superior Court in the judicial district where the probate court is located. Also, as is currently the case for certain probate appeals, the act (1) requires hearings on the appeal to start within 90 days after it is filed, unless the probate court or Superior Court granted a stay and (2) prohibits the Superior Court from referring the appeal to a special assignment probate judge.

The act also requires the Department of Social Services (DSS) to compile annual data on the denial of Medicaid eligibility in any matter in which a probate court issued an order or decree about assets or income that, according to DSS, affected someone’s Medicaid eligibility. Under the act, starting by January 1, 2024, DSS must annually report on specified related matters to the Judiciary and Human Services committees.

Lastly, the act generally extends, from 30 to 45 days, the time to appeal to Superior Court from a probate court panel’s order, denial, or decree involving a writ of habeas corpus petition challenging an involuntary conservatorship or guardianship.

EFFECTIVE DATE: October 1, 2022

**DSS ANNUAL REPORTING ON MEDICAID ELIGIBILITY AND PROBATE
COURT CASES**

The act requires DSS, starting by January 1, 2024, to annually report to the Judiciary and Human Services committees on (1) any probate court order or decree related to assets or income that DSS was noncompliant with and that, according to DSS, affected an applicant’s Medicaid eligibility, with a written explanation of this noncompliance and noting whether DSS appealed the court decision and (2) whether the person appealed DSS’s denial and, if so, the result.

BACKGROUND

OLR PUBLIC ACT SUMMARY

UAPA Definition of Agency

Under the UAPA, an agency is a state board, commission, department, or officer authorized by law to make regulations or to determine contested cases. The term does not include the House, Senate, or any legislative committee; courts; the Council on Probate Judicial Conduct; the governor, lieutenant governor, or attorney general; town or regional boards of education; or automobile dispute settlement panels (CGS § 4-166).

DSS and Medicaid Determinations

Under federal law, each state's Medicaid plan must designate a single state agency to administer or supervise the plan's administration (42 U.S.C. § 1396a(a)(5)). By state law, DSS administers the state's Medicaid program and is the sole state agency that determines eligibility for Medicaid assistance (CGS § 17b-261b).