



Substitute Senate Bill No. 1023

Public Act No. 23-189

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Subsection (a) of section 45a-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) The town or towns comprising each probate district shall provide court facilities meeting the minimum standards required by this section. If a probate district consists of more than one town, the expense shall be allocated to the towns in such proportion as the towns may determine by agreement or, in the absence of such agreement, in proportion to their grand lists last perfected. Such court facilities shall include: (1) Office space appropriate for the conduct of judicial business, including (A) a room for the judge of probate sufficient in size for ordinary matters in which judicial proceedings may be conducted in private, (B) a separate room for the court staff, and (C) on a prearranged basis, access to a larger hearing room for the conduct of unusually large court hearings; (2) furniture and furnishings appropriate to a court facility; (3) use and maintenance of a copying machine and the necessary supplies; (4) use and maintenance of court record systems and equipment, including such record books and electronic, digital, microfilming or similar systems required to maintain, provide access to and produce

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court records, and the necessary supplies for such systems, equipment and records; (5) the necessary stationery, postage and other related supplies in order that the court may properly carry out its duties; (6) typing equipment with which to complete the necessary records; (7) basic telephone service, which shall include all [local] necessary calls; (8) [if a court is computerized,] a dedicated telephone line, network wiring, electrical wiring, Internet service and maintenance of the computer equipment appropriate for the conduct of Probate Court business, as determined by the Probate Court Administrator; and (9) adequate liability, fire, loss, theft and replacement insurance on the furniture, furnishings, equipment, court facilities and the records of the court.

Sec. 2. Section 45a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

If a preliminary investigation indicates that probable cause exists that a respondent has committed misconduct under subsection (a), (b) or (c) of section 45a-63, the council shall hold a hearing concerning the misconduct or complaint. All hearings held pursuant to this section shall be open. The council shall make a record of all proceedings pursuant to this section. The council shall, not later than [fifteen] thirty days after the close of such hearing, publish its findings together with a memorandum of its reasons therefor. The respondent shall be entitled to present evidence, and shall have the right to cross-examine witnesses.

Sec. 3. Section 46b-571 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Any person claiming to be the alleged genetic parent of a child born to an unmarried birth parent and for whom parentage of the nonbirth parent has not yet been established shall file a claim for parentage with the Probate Court for the district in which either the birth parent or the child resides, on forms provided by such court. The

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claim may be filed at any time during the life of the child, whether before, on or after the date the child reaches the age of eighteen, or after the death of the child, but not later than sixty days after the date of notice under section 45a-716. The claim shall contain the claimant's name and address, the name and last-known address of the birth parent and the month and year of the birth or expected birth of the child. Not [later than five days after the filing of] less than ten days prior to the date of the hearing on a claim for parentage, the [court] Probate Court shall cause a certified copy of such claim and the notice of hearing under subsection (b) of this section to be served upon the birth parent of such child by personal service or service at the birth parent's usual place of abode, and to the Attorney General by first class mail. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231. The claim for parentage shall be admissible in any action for parentage under section 46b-560, and shall estop the claimant from denying parentage of such child and shall contain language that such person acknowledges liability for contribution to the support and education of the child after the child's birth and for contribution to the pregnancy-related medical expenses of the birth parent.

(b) If a claim for parentage is filed by the alleged genetic parent of any minor child born to an unmarried birth parent, the Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

(c) The child shall be made a party to the action. If the child is a minor at the time of the proceedings, the minor child shall be represented by a guardian ad litem appointed by the [court] Probate Court in accordance with section 45a-708. Payment for the guardian ad litem shall be made in accordance with such section from funds appropriated to the Judicial

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Department, except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

(d) In the event that the birth parent or the alleged genetic parent is a minor, the [court] Probate Court shall appoint a guardian ad litem to represent him or her in accordance with the provisions of section 45a-708. Payment shall be made in accordance with said section from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

(e) By filing a claim under this section, the alleged genetic parent submits to the jurisdiction of the Probate Court.

(f) Once parental rights of the alleged genetic parent have been adjudicated in such parent's favor under subsection (b) of this section, or acknowledged as provided for under sections 46b-476 to 46b-487, inclusive, such parent's rights and responsibilities shall be equivalent to those of the birth parent, including those rights defined under section 45a-606. Thereafter, disputes involving custody, visitation or support shall be transferred to the Superior Court under chapter 815j, except that the Probate Court may enter a temporary order for custody, visitation or support until an order is entered by the Superior Court.

(g) Failing perfection of parental rights as prescribed by this section, any person claiming to be the alleged genetic parent of a child born to an unmarried birth parent (1) who has not been adjudicated the parent of such child by a court of competent jurisdiction, or (2) who has not acknowledged in writing that such person is the parent of such child, or (3) who has not contributed regularly to the support of such child, or (4) whose name does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or

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welfare of the child, including, but not limited to, guardianship and adoption, unless such person has shown a reasonable degree of interest, concern or responsibility for the child's welfare.

(h) Notwithstanding the provisions of this section, after the death of the alleged genetic parent of a child born to an unmarried birth parent, a party deemed by the [court] Probate Court to have a sufficient interest may file a claim for parentage on behalf of such alleged genetic parent with the Probate Court for the district in which either the alleged genetic parent resided or the party filing the claim resides. If a claim for parentage is filed pursuant to this subsection, the Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

Sec. 4. Subsection (a) of section 46b-496 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Sections 46b-495 to 46b-505, inclusive, govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person: (1) Voluntarily submits to testing; or (2) is tested under an order of the [court] Superior Court, Probate Court, family support magistrate or a child support agency.

Sec. 5. Section 46b-497 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Except as provided in sections 46b-495 to 46b-505, inclusive, in any proceeding under sections 46b-450 to 46b-553, inclusive, and in any proceeding under section 46b-571, as amended by this act, to adjudicate parentage, the [court] Superior Court, Probate Court or a family support magistrate shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:

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(1) Alleging a reasonable possibility that the person is the child's genetic parent; or

(2) Denying genetic parentage of the child.

(b) A child support agency shall require genetic testing only if there is no presumed, acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

(c) The [court] Superior Court, Probate Court, a family support magistrate or child support agency may not order in utero genetic testing.

(d) If two or more persons are subject to court-ordered genetic testing, the [court] Superior Court, Probate Court or a family support magistrate may order that testing be completed concurrently or sequentially.

(e) Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person is unavailable or declines to submit to genetic testing, the [court] Superior Court, Probate Court or a family support magistrate may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

(f) In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 46b-490, the [court] Superior Court, Probate Court or a family support magistrate may deny a motion for genetic testing of the child and any other person after considering the factors set forth in subsections (a) and (b) of section 46b-475.

(g) If a person requesting genetic testing is barred under section 46b-469, 46b-483, 46b-489, 46b-503 or 46b-510 from establishing the person's

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parentage, the [court] Superior Court, Probate Court or a family support magistrate shall deny the request for genetic testing.

(h) A default judgment may be ordered against a person who refuses to submit to court-mandated genetic testing under this section and in accordance with subsection (g) of section 46b-560.

Approved June 28, 2023