

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-324
AN ACT CONCERNING PROBATE COURT OPERATIONS AND
Title: ADMINISTRATION.
Vote Date: 3/28/2024
Vote Action: Joint Favorable Substitute
PH Date: 3/6/2024
File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

The annual bill comes from the Probate Court requesting minor technical, conforming changes to the Probate Court statutes.

SUBSTITUTE LANGUAGE:

The substitute language removes section six, which reinstated the filing fee for name changes.

RESPONSE FROM ADMINISTRATION/AGENCY:

Beverly Streit-Kefalas, Probate Court Administrator: She testified in support of the bill. She provided an explanation of changes throughout each section of the bill to the statutes that govern the Connecticut Probate Court. Section one will amend the remote notarial acts, adding execution of mutual distribution agreements (MDA) to the list of documents that cannot be remotely notarized; this will make it consistent with the exclusion of MDA in intestate estates and other probate and estate planning documents. Section two adds the U.S. Department of Veterans Affairs VA Connecticut Healthcare System to the government agencies that can be billed by Probate Courts, making filing more efficient for the VA and the Probate Courts. Section three amends the Connecticut Child Welfare Act to differentiate notice procedures with Probate Court and the Superior Court; this amendment was done in collaboration with the Judicial Branch. Section four amends notice procedure for a non-petitioning spouse in a conservatorship; it will allow notice by newspaper of general circulation, place of last known address, as well as notice to additional family members of the respondent. Section five amends Probate Court procedure on a petition to terminate parental

rights and proposes amendments for consistent language in its companion statute; it does not change the rights of any party but sets forth the procedure for the petition and the procedure for the hearing on the petition. Section six restores the filing fee for name changes; this conforms to public policy filed in either federal or state courts while maintaining the right for indigent petitioners to obtain a waiver. This will also restore a critical revenue source for the Probate system.

NATURE AND SOURCES OF SUPPORT:

Several people part of the CT Supported Decision-Making Coalition testified in support of the bill with a proposed amendment. They requested that as an alternative to a petitioner seeking guardianship or conservatorship, the Probate Court could also consider and evaluate evidence of Supported Decision-Making (SDM). They stated that 26 states and the District of Columbia use SDM to allow people to make their own decisions instead of allowing someone else to make decisions for them. They explained that SDM gives those with disabilities the ability to pursue their own goals, make choices about their life, and exercise more control. In 2018, members of the disability community began meeting to research SDM in other states and to educate about SDM. The Coalition is working with the State Board of Education to educate school personnel who will in turn also educate families and they have started to engage with Probate Judges to begin training.

Molly Cole, Executive Director, Connecticut State Independent Living Council (SILC)

Win Evarts, Executive Director, The Arc of Connecticut, Inc.

Stephen Byers, Staff Attorney, Tom Cosker, Advocate, Disability Rights Connecticut

Pamela Fields, CEO, Midstate Arc & ATECH

Kathy Flaherty, Esq., Executive Director, CT Legal Rights Project, Inc.

Gretchen Knauff, Member, Connecticut Supported Decision Making Coalition

Carol Scully, Director of Advocacy, The Arc Connecticut

Dr. Annie Harper, Assistant Professor, Yale School of Medicine, Department of Psychiatry's Program for Recovery and Community Health

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Bonnie Gray

Date: 3-27-24