



General Assembly

February Session, 2024

Raised Bill No. 324

LCO No. 590



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT OPERATIONS AND ADMINISTRATION.

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

1 Section 1. Subsection (i) of section 3-95b of the 2024 supplement to the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024*):

4 (i) No record shall be acknowledged remotely pursuant to subsection
5 (b) of this section in (1) the making and execution of a will, codicil, trust
6 or trust instrument, (2) the execution of health care instructions
7 pursuant to section 19a-575a, (3) the execution of a designation of a
8 standby guardian pursuant to section 45a-624, (4) the execution of a
9 designation of a person for decision-making and certain rights and
10 obligations pursuant to section 1-56r, (5) the execution of a living will,
11 as defined in section 19a-570, (6) the execution of a power of attorney,
12 as defined in section 1-350a, (7) the execution of a self-proving affidavit
13 for an appointment of health care representative or for a living will
14 under sections 1-56r and 19a-578, (8) the execution of a mutual
15 distribution agreement under section 45a-433, (9) the execution of an

16 agreement as to the division of an estate under section 45a-434, (10) the
17 execution of a disclaimer under section 45a-479 or 45a-583, or [(10)] (11)
18 a real estate closing, as defined in section 51-88a. The performance of
19 any such acknowledgment in connection with any of the acts described
20 in this subsection shall be ineffective for any purpose and shall
21 constitute a violation of section 51-88.

22 Sec. 2. Section 45a-112 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2024*):

24 When the state or any of its agencies or the United States Department
25 of Veterans Affairs Connecticut Healthcare System is an applicant,
26 petitioner or moving party commencing a matter in a Probate Court, or
27 is otherwise liable for the fees or expenses under sections 45a-106a to
28 45a-112, inclusive, as amended by this act, the court shall accept such
29 matter without the filing fee accompanying the filing thereof, and shall
30 bill the filing fee or other fee or expense to the appropriate agency for
31 subsequent payment, which payment shall be due and payable upon
32 receipt of such bill.

33 Sec. 3. Section 46b-116d of the 2024 supplement to the general statutes
34 is repealed and the following is substituted in lieu thereof (*Effective*
35 *October 1, 2024*):

36 (a) In any involuntary proceeding in [a state court] the Superior
37 Court, where the court knows or has reason to know that an Indian child
38 is involved, the party seeking the foster care placement of, or
39 termination of parental rights to, an Indian child shall notify the parent
40 or Indian custodian and the Indian child's tribe, by registered or certified
41 mail with return receipt requested, of the pending proceedings and of
42 their right of intervention. If the identity or location of the parent or
43 Indian custodian and the tribe cannot be determined, such notice shall
44 be given, in like manner, to the Secretary or Bureau of Indian Affairs
45 Regional Director in the case of an Indian child of a federally recognized
46 Indian tribe, or the Commissioner of Children and Families in the case
47 of an Indian child of an Indian tribe recognized by the state of

48 Connecticut, who shall have fifteen days after receipt of such notice to
49 provide the requisite notice to the parent or Indian custodian and the
50 tribe.

51 (b) In any involuntary proceeding in a Probate Court in which a party
52 is seeking adoption or termination of parental rights where the party
53 knows or has reason to know that an Indian child is involved, the court
54 shall notify the parent in accordance with the provisions of section 45a-
55 716 of the pending proceedings, which shall include notice of the right
56 of intervention by the Indian custodian and the Indian child's tribe. The
57 court shall notify the Indian custodian and the Indian child's tribe by
58 registered or certified mail with return receipt requested. If the identity
59 or location of the Indian custodian and the tribe cannot be determined,
60 such notice shall be given, in like manner, to the Secretary or Bureau of
61 Indian Affairs Regional Director in the case of an Indian child of a
62 federally recognized Indian tribe, or the Commissioner of Children and
63 Families in the case of an Indian child of an Indian tribe recognized by
64 the state of Connecticut, who shall have fifteen days after receipt of such
65 notice to provide the requisite notice to the Indian custodian and the
66 tribe.

67 ~~[(b)]~~ (c) No foster care placement or termination of parental rights
68 proceeding shall be held until at least ten days after receipt of the notice
69 by the parent or Indian custodian and the tribe, the Secretary, the Bureau
70 of Indian Affairs Regional Director or the Commissioner of Children
71 and Families, provided the parent, Indian custodian or the tribe shall,
72 upon request, be granted up to twenty additional days to prepare for
73 such proceeding.

74 Sec. 4. Subdivision (2) of subsection (a) of section 45a-649 of the
75 general statutes is repealed and the following is substituted in lieu
76 thereof (*Effective October 1, 2024*):

77 (2) (A) The court shall direct that personal service of the citation be
78 made, by a state marshal, constable or an indifferent person, upon the
79 [following: The] respondent and the respondent's spouse, if any, if the

80 spouse is not the applicant. [, except that] Notwithstanding the
81 provisions of this subparagraph, in cases where the application is for
82 involuntary representation pursuant to section 17b-456, and there is no
83 spouse or the whereabouts of the spouse is unknown, the court shall
84 order notice by certified mail to the children of the respondent and if
85 none, the parents of the respondent and if none, the brothers and sisters
86 of the respondent or their representatives, and if none, the next of kin of
87 such respondent. (B) Except for the respondent, if the address of any
88 other person entitled to personal service is unknown, or if personal
89 service or service at the person's usual place of abode cannot be
90 reasonably effected within the state, or if the person is out of the state,
91 the judge or the clerk of the court shall order notice be given by
92 registered or certified mail, return receipt requested, or by publication
93 not less than ten days before the date of the hearing. Any such
94 publication shall be in a newspaper of general circulation in the place of
95 the last known address of the person to be notified, whether within or
96 without this state, or if no such address is known, in the place where the
97 petition has been filed.

98 Sec. 5. Subsections (b) to (e), inclusive, of section 45a-715 of the
99 general statutes are repealed and the following is substituted in lieu
100 thereof (*Effective October 1, 2024*):

101 (b) A petition for termination of parental rights shall be entitled "In
102 the interest of (Name of child), a person under the age of eighteen
103 years", and shall set forth with specificity: (1) The name, sex, date and
104 place of birth, and present address of the child; (2) the name and address
105 of the petitioner, and the nature of the relationship between the
106 petitioner and the child; (3) the names, dates of birth and addresses of
107 the parents of the child, if known, including the name of any [putative
108 father] alleged genetic parent named by the [mother] birth parent, and
109 the tribe and reservation of an American Indian parent; (4) if the parent
110 of the child is a minor, the names and addresses of the parents or
111 guardian of the person of such minor; (5) the names and addresses of:
112 (A) The guardian of the person of the child; (B) any guardians ad litem
113 appointed in a prior proceeding; (C) the tribe and reservation of an

114 American Indian child; and (D) the child-placing agency which placed
115 the child in his current placement; (6) the facts upon which termination
116 is sought, the legal grounds authorizing termination, the effects of a
117 termination decree and the basis for the jurisdiction of the court; (7) the
118 name of the persons or agencies which have agreed to accept custody or
119 guardianship of the child's person upon disposition.

120 (c) If the information required under subdivisions (2) and (6) of
121 subsection (b) of this section is not stated, the petition shall be dismissed.
122 If any other facts required under subdivision (1), (3), (4), (5) or (7) of
123 subsection (b) of this section are not known or cannot be ascertained by
124 the petitioner, he shall so state in the petition. If the whereabouts of
125 either parent or the [putative father] alleged genetic parent named
126 under subdivision (3) of subsection (b) of this section are unknown, the
127 petitioner shall diligently search for any such parent or [putative father]
128 the alleged genetic parent. The petitioner shall file an affidavit with the
129 petition indicating the efforts used to locate the parent or [putative
130 father] the alleged genetic parent.

131 (d) If a petition indicates that either or both parents consent to the
132 termination of their parental rights, or if at any time following the filing
133 of a petition and before the entry of a decree a parent consents to the
134 termination of [his] their parental rights, each consenting parent shall
135 acknowledge such consent on a form promulgated by the Office of the
136 Chief Court Administrator evidencing to the satisfaction of the court
137 that the parent has voluntarily and knowingly consented to the
138 termination of [his] their parental rights. No consent to termination by
139 a [mother] birth parent shall be executed within forty-eight hours
140 immediately after the birth of [her] the child. A parent who is a minor
141 shall have the right to consent to termination of parental rights and such
142 consent shall not be voidable by reason of such minority. A guardian ad
143 litem shall be appointed by the court to assure that such minor parent is
144 giving an informed and voluntary consent.

145 (e) A petition under this section shall be filed in the Probate Court for
146 the district in which (1) the petitioner resides, (2) the child resides, is

147 domiciled or is located at the time of the filing of the petition, or (3) in
148 the case of a minor who is under the guardianship of any child care
149 facility or child-placing agency, in the Probate Court for the district in
150 which any office of the agency is located. If the petition is filed with
151 respect to a child born [out of wedlock] to a birth parent unmarried to
152 the alleged genetic parent, the petition shall state whether there is [a
153 putative father] an alleged genetic parent to whom notice shall be given
154 under subdivision (3) of subsection (b) of section 45a-716.

155 Sec. 6. Subsection (b) of section 45a-106a of the 2024 supplement to
156 the general statutes, as amended by section 4 of public act 23-161, is
157 repealed and the following is substituted in lieu thereof (*Effective July 1,*
158 *2024*):

159 (b) The fee to file each of the following motions, petitions or
160 applications in a Probate Court is two hundred fifty dollars:

161 (1) With respect to a minor child: (A) Appoint a temporary guardian,
162 temporary custodian, guardian, coguardian, permanent guardian or
163 statutory parent, (B) remove a guardian, including the appointment of
164 another guardian, (C) reinstate a parent as guardian, (D) terminate
165 parental rights, including the appointment of a guardian or statutory
166 parent, (E) grant visitation, (F) make findings regarding special
167 immigrant juvenile status, (G) approve placement of a child for
168 adoption outside this state, (H) approve an adoption, (I) validate a
169 foreign adoption, (J) review, modify or enforce a cooperative
170 postadoption agreement, (K) review an order concerning contact
171 between an adopted child and his or her siblings, (L) resolve a dispute
172 concerning a standby guardian, (M) approve a plan for voluntary
173 services provided by the Department of Children and Families, (N)
174 determine whether the termination of voluntary services provided by
175 the Department of Children and Families is in accordance with
176 applicable regulations, (O) conduct an in-court review to modify an
177 order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer
178 funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S)
179 appoint a successor custodian under section 45a-559c, (T) resolve a

180 dispute concerning custodianship under sections 45a-557 to 45a-560b,
181 inclusive, and (U) grant authority to purchase real estate;

182 (2) Determine parentage;

183 (3) Validate a genetic surrogacy agreement;

184 (4) Determine the age and date of birth of an adopted person born
185 outside the United States;

186 (5) With respect to adoption records: (A) Appoint a guardian ad litem
187 for a biological relative who cannot be located or appears to be
188 incompetent, (B) appeal the refusal of an agency to release information,
189 (C) release medical information when required for treatment, and (D)
190 grant access to an original birth certificate;

191 (6) Approve an adult adoption;

192 (7) With respect to a conservatorship: (A) Appoint a temporary
193 conservator, conservator or special limited conservator, (B) change
194 residence, terminate a tenancy or lease, sell or dispose household
195 furnishings, or place in a long-term care facility, (C) determine
196 competency to vote, (D) approve a support allowance for a spouse, (E)
197 grant authority to elect the spousal share, (F) grant authority to purchase
198 real estate, (G) give instructions regarding administration of a joint asset
199 or liability, (H) distribute gifts, (I) grant authority to consent to
200 involuntary medication, (J) determine whether informed consent has
201 been given for voluntary admission to a hospital for psychiatric
202 disabilities, (K) determine life-sustaining medical treatment, (L) transfer
203 to or from another state, (M) modify the conservatorship in connection
204 with a periodic review, (N) excuse accounts under rules of procedure
205 approved by the Supreme Court under section 45a-78, (O) terminate the
206 conservatorship, and (P) grant a writ of habeas corpus;

207 (8) With respect to a power of attorney: (A) Compel an account by an
208 agent, (B) review the conduct of an agent, (C) construe the power of
209 attorney, and (D) mandate acceptance of the power of attorney;

210 (9) Resolve a dispute concerning advance directives or life-sustaining
211 medical treatment when the individual does not have a conservator or
212 guardian;

213 (10) With respect to an elderly person, as defined in section 17b-450,
214 or an eligible adult, as defined in section 36b-14: (A) Enjoin an
215 individual from interfering with the provision of protective services to
216 such elderly person, (B) authorize the Commissioner of Social Services
217 to enter the premises of such elderly person to determine whether such
218 elderly person needs protective services, and (C) release a financial hold
219 or a hold by a broker-dealer or investment advisor pursuant to section
220 45a-664;

221 (11) With respect to an adult with intellectual disability: (A) Appoint
222 a temporary limited guardian, guardian or standby guardian, (B) grant
223 visitation, (C) determine competency to vote, (D) modify the
224 guardianship in connection with a periodic review, (E) determine life-
225 sustaining medical treatment, (F) approve an involuntary placement,
226 (G) review an involuntary placement, (H) authorize a guardian to
227 manage the finances of such adult, and (I) grant a writ of habeas corpus;

228 (12) With respect to psychiatric disability: (A) Commit an individual
229 for treatment, (B) issue a warrant for examination of an individual at a
230 general hospital, (C) determine whether there is probable cause to
231 continue an involuntary confinement, (D) review an involuntary
232 confinement for possible release, (E) authorize shock therapy, (F)
233 authorize medication for treatment of psychiatric disability, (G) review
234 the status of an individual under the age of sixteen as a voluntary
235 patient, and (H) recommit an individual under the age of sixteen for
236 further treatment;

237 (13) With respect to drug or alcohol dependency: (A) Commit an
238 individual for treatment, (B) recommit an individual for further
239 treatment, and (C) terminate an involuntary confinement;

240 (14) With respect to tuberculosis: (A) Commit an individual for
241 treatment, (B) issue a warrant to enforce an examination order, and (C)

242 terminate an involuntary confinement;

243 (15) Compel an account by the trustee of an inter vivos trust,
244 custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of
245 an ecclesiastical society or cemetery association;

246 (16) With respect to a testamentary or inter vivos trust: (A) Construe,
247 validate, divide, combine, reform, modify or terminate the trust, (B)
248 enforce the provisions of a pet trust, (C) excuse a final account under
249 rules of procedure approved by the Supreme Court under section 45a-
250 78, and (D) assume jurisdiction of an out-of-state trust;

251 (17) Authorize a fiduciary to establish a trust;

252 (18) Appoint a trustee for a missing person;

253 (19) Issue an order to amend the birth certificate of an individual born
254 in another state to reflect a gender change;

255 (20) Require the Department of Public Health to issue a delayed birth
256 certificate;

257 (21) Compel the board of a cemetery association to disclose the
258 minutes of the annual meeting;

259 (22) Issue an order to protect a grave marker;

260 (23) Restore rights to purchase, possess and transport firearms;

261 (24) Issue an order permitting sterilization of an individual;

262 (25) Approve the transfer of structured settlement payment rights;
263 [and]

264 (26) With respect to any case in a Probate Court other than a
265 decedent's estate: (A) Compel or approve an action by the fiduciary, (B)
266 give instruction to the fiduciary, (C) authorize a fiduciary to
267 compromise a claim, (D) list, sell or mortgage real property, (E)
268 determine title to property, (F) resolve a dispute between cofiduciaries

269 or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor
270 fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary
271 or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K)
272 reconsider, modify or revoke an order, and (L) decide an action on a
273 probate bond; and

274 (27) Change a person's name.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	3-95b(i)
Sec. 2	October 1, 2024	45a-112
Sec. 3	October 1, 2024	46b-116d
Sec. 4	October 1, 2024	45a-649(a)(2)
Sec. 5	October 1, 2024	45a-715(b) to (e)
Sec. 6	July 1, 2024	45a-106a(b)

Statement of Purpose:

To make statutory changes relating to the (1) types of documents that may be remotely notarized in Probate Court, and (2) provision of notice, receipt of fees and the consistent use of terminology in certain Probate Court proceedings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]