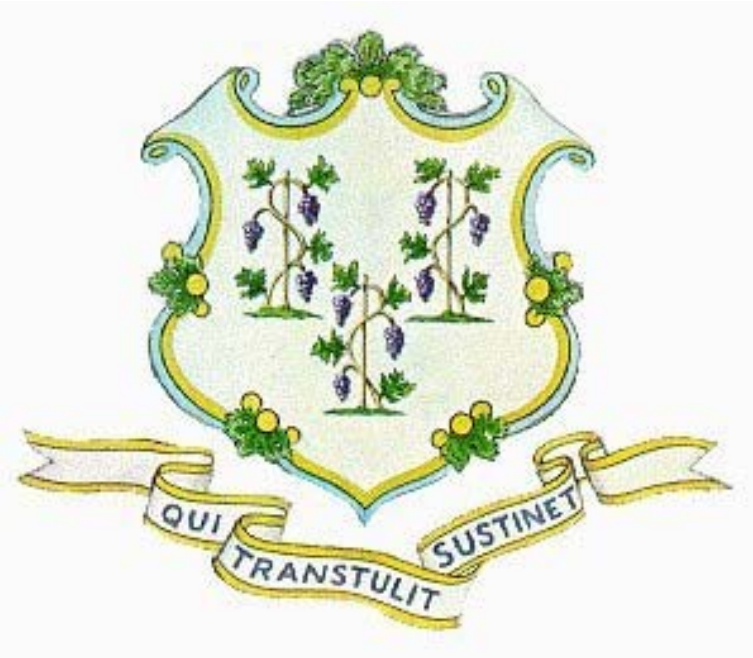
Office of the Probate Court Administrator

2011 Legislative Summary



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To: **All Judges and Court Staff**

From: **Paul J. Knierim**
Probate Court Administrator

Re: **2011 Legislative Summary**

The probate system achieved another successful legislative session in 2011. All the legislation introduced by probate administration and the Probate Assembly passed both chambers unanimously and were signed by the Governor. Thanks to all of you who have worked in the development and advocacy of our bills.

The material in this packet includes a summary of each bill, together with a copy of the public act. The summaries are not meant to replace the public acts and are offered only to present a general understanding of the legislation. The public acts should always be consulted directly if any questions arise. All bracketed text indicates deletions, and all underlined text indicates additions. Please note the effective dates of each act.

The Office of Legislative Research at the General Assembly provided much of the information enclosed in this packet. Please familiarize yourselves with this information prior to filing it in your Legislative binder.

Please feel free to contact this office with any questions.

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Budget Public Acts

Public Act 11-6 (SB 1239)

An Act Concerning the Budget for the Biennium Ending June 30, 2013, and Other Provisions Relating to Revenue

SUMMARY:
This act was the first of several budget bills that passed during the legislative session. It establishes the framework for the state budget and shapes all succeeding budget implementer bills. The act is very lengthy and much of it has no relevance to our system. Below are the sections that affect the probate courts.

NOTE: Some of the provisions may be modified if the SEBAC agreement is not ratified.

§ 1: Appropriates funds to the Probate Court Administration Fund for the operations of the system in the amounts that we requested. It appropriates $8.2 million in FY 2011-2012 and $7.3 million in FY2012-2013.

Effective date: July 1, 2011

§ 50: Pursuant to C.G.S. § 45a-82 any surplus funds in the Probate Court Administration Fund at the end of the fiscal year shall lapse to the General Fund. This section designates specific programs to be funded by the surplus. It is distributed as follows:

FY 2011-2012

$500,000	Court Support Services Division of the Judicial Department for a male youth leadership pilot program
$1,000,000	Additional funding to the Kinship and Grandparents and Relatives Respite Funds
$35,000	Judicial Department to expand the Children in Placement, Inc. program in Danbury
$800,000	Children's Trust Fund for administrative purposes

FY 2012-2013

$1,000,000	Additional funding to the Kinship and Grandparents and Relatives Respite Funds
$35,000	Judicial Department to expand the Children in Placement, Inc. program in Danbury

Effective date: Effective from passage

§ 84: Amends C.G.S. § 12-391(g) to reduce the estate tax threshold from $3.5 million to $2 million.

Effective date: Effective from passage and applicable to estates of decedents dying on or after January 1, 2011

§ 85: Amends C.G.S. § 12-392(b)(3) to conform to the estate tax threshold change.

Effective date: Effective from passage and applicable to estates of decedents dying on or after January 1, 2011

§ 86: Amends C.G.S. § 12-392(e) to conform to the estate tax threshold change.

Effective date: Effective from passage and applicable to estates of decedents dying on or after January 1, 2011

§ 119: Makes conforming, technical changes to C.G.S. § 45a-107(l)

Effective date: Effective from passage and applicable to estates of decedents dying on or after January 1, 2011

Public Act 11-44 (SB 1240)

An Act Concerning the Bureau of Rehabilitative Services and Implementation of Provisions of the Budget Concerning Human Services and Public Health

SUMMARY:
This act implements various components of the state budget regarding Human Services and Pubic Health and consolidates several agencies. Below are the sections of the act that affect the probate courts:

§ 70: This section amends C.G.S § 17b-93(a) to extend the state's lien rights to the Temporary Family Assistance (the current family cash welfare program that replaced AFDC) and State-Administered General Assistance (SAGA) programs. As a result, the state can recover for benefits under either program by imposing a lien on a beneficiary's distribution from an estate, subject to the maximum amount of 50% of the distribution.

§ 71: Under §17b-94 (b), the state can also make a claim when a public assistance recipient inherits money. The state may claim 50% of the amount payable to the beneficiary from the estate, or the amount of the assistance, whichever is less. The amendment conforms the reach of the statute with that of §17b-93 (§70 above), so that the two apply to the same parties and the same forms of assistance.

§ 72: Makes conforming, technical changes to C.G.S. § 17b-224.

Effective date: July 1, 2011

Public Act 11-48 (HB 6651)

An Act Implementing Provisions of the Budget Concerning General Government

SUMMARY:
This act is the large general government budget implementer that makes several changes to prior budget acts. Below is the section that affects the probate courts:

§ 42: Amends section 50 of public act 11-6 changing the way in which the surplus in the probate court administration fund is appropriated. It maintains the funding as described in the chart in this report under Public Act 11-6 except it increases the amount for the expansion of the Children in Placement, Inc. program from $35,000 to $50,000 each fiscal year and appropriates an additional $50,000 each fiscal year for a grant to the Child Advocates of Connecticut to provide child advocacy services in Stamford and Danbury.

Effective date: Effective from passage

Public Act 11-51 (HB 6650)

An Act Implementing the Provisions of the Budget Concerning the Judicial Branch, Child Protection, Criminal Justice, Weigh Stations and Certain State Agency Consolidations

SUMMARY:
This act is the Judicial Branch and Criminal Justice budget implementer and specifies the appropriations for agencies under that subject matter. Below are the sections that affect the probate courts:

§ 36: Supersedes C.G.S. § 45a-82(j) and requires that $4 million remain in the Probate Court Administration Fund at the end of each of the next two fiscal years as a contingency balance.

§ 37: Appropriates $75,000 each fiscal year from the surplus of the Probate Court Administration Fund to the Court Support Services Division for the purpose of providing competency evaluations for children and youth in juvenile matters.

Effective date: Effective from passage

Public Act 11-61 (HB 6652)

An Act Implementing the Revenue Items in the Budget and Making Budget Adjustments, Deficiency Appropriations, Certain Revisions to Bills of the Current Session and Miscellaneous Changes to the General Statutes

SUMMARY:
This act is the tax package for the biennium. It also makes a number of corrections to previously adopted bills. Below are the sections that affect the probate courts:

§ 39: Amends section 86 of Public Act 11-6 to validate any certificate of release of lien that was issued by a probate court and recorded with a town clerk on or before May 4, 2011. The purpose of this provision is to ensure that releases of lien issued before the threshold for estates subject to the estate tax was retroactively reduced to $2 million will remain valid.

Effective date: Effective from passage and applicable to estates of decedents dying on or after January 1, 2011

§ 100: Appropriates $150,000 from the Probate Court Administration Fund surplus to the Ralphola Taylor Community Center YMCA in Bridgeport for each of the next two fiscal years.

Effective date: Effective from passage

Other Public Acts

Public Act 11-58 (HB 6308)

An Act Concerning Healthcare Reform

SUMMARY:
This act implements various provisions of the health care reform act approved by Congress. Below is the section that affects the probate courts:

§ 39: Amends C.G.S. § 5-259(a) requiring that dependent children of probate court judges and employees are covered under the health care plan until attaining the age of 26 or becomes employed acquiring separate health insurance.

Effective date: Effective from passage

Public Act 11-128 (HB 6438)

An Act Concerning Probate Court Operations

SUMMARY:

§ 1: Eliminates the specific list of towns served by the New Haven Regional Children's Court. As a result, the services of the court can be extended to additional communities without new legislation, in the same way as all other regional courts.

Effective date: July 1, 2011

§ 2: Extends workers compensation insurance coverage to probate judges.

Effective date: July 1, 2011

§ 3: Establishes a $20/day fee for the use of hand held scanners in lieu of purchasing copies of documents.

Effective date: October 1, 2011

§§ 4-7: Updates statutory cross-references concerning the priority of claims in decedents' estates.

Effective date: July 1, 2011

§§ 8-9: Updates statutes governing the confidentiality of records in children's matters. The new statute makes clear that the following are permissible recipients of confidential case information:

- Parties and Counsel
- DCF
- Licensed child-placing agency involved in the matter
- Judge or employee of another court in official role
- Probate Court Administrator
- Courts of other states under UCCJEA § 46b-115

The act also eliminates the requirement that files in children's matters be placed in sealed envelopes. Finally, it eliminates criminal penalties for violation of the confidentiality requirements.

Effective date: October 1, 2011

§ 10: Permits the Probate Court Administrator to establish a fee schedule for commercial entities seeking to regularly download non-confidential case data from CMS.

Effective date: October 1, 2011

§§ 11-14: The act eliminates ambiguity between statutes as to the applicable appeal periods in different types of matters.

Effective date: October 1, 2011

§ 15: Technical correction specifying that refunds are permitted only for overpayments.

Effective date: Effective from passage

§§ 16-17: Clarifies that the estates of non-domiciliaries that are administered in Connecticut under C.G.S. §§ 45a-287 and 45a-303(a)(2) are treated as if the decedent were domiciled in Connecticut for probate fee purposes.

Effective date: Effective from passage

§ 18-19: Authorizes probate courts to appoint a temporary administrator for the sole purpose of investigating a potential cause of action (e.g., worker's compensation claim, wrongful death, etc.). The appointment must be limited in duration. A temporary administrator appointed under this section has no authority over the assets of the estate.

Effective date: October 1, 2011

Public Act 11-129 (HB 6440)

An Act Concerning Applications for Guardianship of an Adult with Intellectual Disability and Certain Statutory Changes Related to Intellectual Disability

SUMMARY:

§ 1: Permits the filing of an application for guardianship of an adult with intellectual disability prior to the respondent reaching the age of eighteen. The court may accept the application up to 180 days before the respondent's 18th birthday. While a hearing may be held and a decree issued prior to that date, the court's order shall not be effective until the respondent attains the age of 18.

§§ 2-20: The remainder of the act replaces the term "mental retardation" in the probate statutes with the term "intellectual disability." This act is applicable to the Superior Court, as well as CHRO, DMHAS, DDS and OPA.

Effective date: October 1, 2011

Public Act 11-134 (HB 6490)

An Act Establishing a Procedure for Relief from Certain Federal Firearms Prohibitions

SUMMARY:
This act arises from federal firearms legislation commonly known as the Brady Bill. Under the federal law, individuals who have been committed or for whom a conservator has been appointed are prohibited from owning firearms. Their names are added to a nationwide registry called the National Instant Background Check System (NICS). This act provides a mechanism by which such persons may petition the probate courts for the removal of their names from NICS under appropriate circumstances. By instituting this process, the state becomes eligible for federal grants to improve NICS reporting and enhance cross agency communication.

§ 1: This section grants jurisdiction to the probate courts to hear and decide petitions seeking relief from the above federal firearms prohibition. It requires that the following information to be submitted with the petition:

- certified copies of medical records detailing the petitioner's psychiatric history where applicable, including records on the specific adjudication or commitment that is the subject of the petition;
- certified copies of medical records from all of the petitioner's current treatment providers, if being treated;
- a certified copy of all criminal history information on file with the state Police Bureau of Identification and the FBI pertaining to the petitioner, or a copy of the response from these agencies indicating that there is no criminal history information on file;
- evidence of the petitioner's reputation, which may include notarized letters of reference from current and past employers, family members, friends, affidavits from the petitioner, or other character evidence; and
- any other information or documents that the court specifically requests.

The act also requires that the petitioner sign releases for all records that may relate to the petition (health, mental health, military, court records, etc.). The releases must authorize the Department of Public Safety to access these records as well.

The petitioner has 15 days to submit any information that is specifically requested. Failure to do so may result in the petition being denied.

The probate court must send notice of the hearing to the petitioner, Commissioner of Public Safety, the court that rendered the original conservatorship or commitment adjudication, the petitioner's conservator, if any, and any other person determined by the court to have an interest in the matter.

The hearing must be recorded and a transcription must be made if the decision is appealed. A copy of the transcript must be furnished without charge if the appellant is unable to pay for it. In that event the costs of transcription shall be paid by the Judicial Branch.

The petitioner has the burden of establishing by clear and convincing evidence that the petitioner is not likely to act in a manner dangerous to public safety and that granting relief is not contrary to public interest.

Appeals are de novo to the Superior Court. The probate court's decision is stayed until the appeal period has expired or a final decision has been rendered.

If relief is granted, the Commissioner of Public Safety will remove the individual from NICS and notify the Attorney General of the United States.

All proceedings are closed to the public and all court records are confidential.

Effective date: July 1, 2011

Public Act 11-167 (SB 1043)

An Act Concerning Access to Records of the Department of Children and Families

SUMMARY:
§ 1(g)(14): Amends C.G.S. § 17a-28 to authorize the disclosure of DCF records to a probate judge or probate court employee who requires access to the records in the performance of the judge's or employee's official duties.

NOTE: Subsection (d) of this section of the act prohibits further disclosure without the written consent of the individual or a court order. Probate administration is currently working with DCF to exempt the probate courts from the prohibition against further disclosure in light of §§ 8 and 9 of PA 11-128.

Effective date: October 1, 2011

Public Act 11-177 (SB 982)

An Act Concerning a Pilot Truancy Clinic in Waterbury

SUMMARY:
§ 1: Gives statutory authorization for the establishment of a pilot truancy clinic in Waterbury. The Waterbury Regional Children's Probate Court administrative judge must administer the program. The administrative judge must coordinate efforts with the school department in Waterbury.

The purpose of the clinic is to identify and resolve the cause(s) of a child's truancy using nonpunitive procedures. After the initial summons of the parents to the clinic, participation is voluntary. The clinic shall establish programs and relationships with community organizations to provide services and supports to those participating.

The administrative judge must report annually to the Probate Court Administrator on the clinic's effectiveness. On or before January 1, 2015, the Probate Court Administrator shall submit a report on the clinic's effectiveness to the Judiciary and Education Committees of the General Assembly.

§ 2: Authorizes the Probate Court Administrator to assign probate magistrates and attorney probate referees to hear matters from the truancy clinic.

Effective date: Effective from passage

Public Act 11-180 (SB 1044)

An Act Concerning Notification by the Department of Children and Families when a Youth is Arrested for Prostitution and Out-Of-State Placements of Children and Youth

SUMMARY:
An amendment to SB 1044 affects the probate courts as described below:

§ 2: Amends C.G.S. § 45a-717(j). In cases in which a probate court terminates parental rights and the guardian or statutory parent is seeking to place the child for adoption outside the state, the probate court must find that the placement complies with the Interstate Compact on the Placement of Children (ICPC). The findings shall include, but not be limited to:

- a finding that the state has received written notice from the receiving state that the proposed placement does not appear to be contrary to the child's interests;
- the court has reviewed this notice;
- whether the receiving state has completed the home study; and
- whether the receiving state's study supports the placement.

Effective date: October 1, 2011

Public Act 11-224 (SB 365)

An Act Concerning Investigations by Protective Services for the Elderly

SUMMARY:
§ 1: Makes it a class A misdemeanor to make a fraudulent or malicious report or provide false testimony in an elder abuse investigation by the Department of Social Services.

§ 2: The DSS Commissioner must investigate reports of alleged elder abuse. The commissioner is required to interview the victim alone unless the victim does not consent, the commissioner determines that interviewing the victim alone is not in the victim's best interest, or a physician provides a letter stating that an interview with the victim alone is medically contraindicated. The physician must have examined the victim within 30 days before or after the date of the abuse report.

Effective date: October 1, 2011

Special Acts

Special Act 11-12 (HB 6453)

An Act Establishing a Task Force to Study Grandparents' Visitation Rights

SUMMARY:
The act establishes an 18-member task force to study issues related to visitation rights for grandparents and submit a report on its findings and recommendations to the Aging Committee by February 1, 2012.

Effective date: Effective from passage

Senate Bill No. 1239

Public Act No. 11-6

AN ACT CONCERNING THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2013, AND OTHER PROVISIONS RELATING TO REVENUE.

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

Section 1. (*Effective July 1, 2011*) The following sums are appropriated from the GENERAL FUND for the annual periods indicated for the purposes described.

FY	2011-2012	2012-2013
Probate Court	8,200,000	7,300,000

Sec. 50. (*Effective from passage*) (a) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2011, (1) the sum of $ 500,000 shall be transferred from the surplus funds in the Probate Court Administration Fund to the Court Support Services Division of the Judicial Department for a male youth leadership pilot program to provide services in targeted communities to high-risk males with low academic achievement, (2) the sum of $ 1,000,000 shall be transferred from said surplus funds to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, (3) the sum of $ 35,000 shall be transferred from said surplus funds to the Judicial Department to support the expansion of the Children in Placement, Inc. program in Danbury, and (4) the sum of $ 800,000 shall be transferred from said surplus funds to the Children's Trust Fund administered by the Children's Trust Fund Council and the Department of Social Services.

(b) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2012, (1) the sum of $ 1,000,000 shall be transferred from the surplus funds in the Probate Court Administration Fund to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, (2) the sum of $ 35,000 shall be transferred from said surplus

funds to the Judicial Department to support the expansion of the Children in Placement, Inc. program in Danbury, and (3) any surplus funds remaining in the Probate Court Administration Fund after the transfers in subdivisions (1) and (2) of this subsection are made shall be transferred to the General Fund.

Sec. 84. Subsection (g) of section 12-391 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2011*):

(g) (1) With respect to the estates of decedents dying on or after January 1, 2005, but prior to January 1, 2010, the tax based on the Connecticut taxable estate shall be as provided in the following schedule:

Amount of Connecticut Taxable Estate	Rate of Tax
Not over $ 2,000,000	None
Over $ 2,000,000 but not over $ 2,100,000	5. 085% of the excess over $ 0
Over $ 2,100,000 but not over $ 2,600,000	$ 106,800 plus 8% of the excess over $ 2,100,000
Over $ 2,600,000 but not over $ 3,100,000	$ 146,800 plus 8. 8% of the excess over $ 2,600,000
Over $ 3,100,000 but not over $ 3,600,000	$ 190,800 plus 9. 6% of the excess over $ 3,100,000
Over $ 3,600,000 but not over $ 4,100,000	$ 238,800 plus 10. 4% of the excess over $ 3,600,000
Over $ 4,100,000 but not over $ 5,100,000	$ 290,800 plus 11. 2% of the excess over $ 4,100,000
Over $ 5,100,000 but not over $ 6,100,000	$ 402,800 plus 12% of the excess over $ 5,100,000
Over $ 6,100,000 but not over $ 7,100,000	$ 522,800 plus 12. 8% of the excess over $ 6,100,000
Over $ 7,100,000 but not over $ 8,100,000	$ 650,800 plus 13. 6% of the excess over $ 7,100,000
Over $ 8,100,000 but not over $ 9,100,000	$ 786,800 plus 14. 4% of the excess over $ 8,100,000
Over $ 9,100,000 but not over $ 10,100,000	$ 930,800 plus 15. 2% of the excess over $ 9,100,000
Over $ 10,100,000	$ 1,082,800 plus 16% of the excess over $ 10,100,000

(2) With respect to the estates of decedents dying on or after January 1, 2010, but prior to January 1, 2011, the tax based on the Connecticut taxable estate shall be as provided in the following schedule:

Amount of Connecticut Taxable Estate	Rate of Tax
Not over $ 3,500,000	None
Over $ 3,500,000 but not over $ 3,600,000	7. 2% of the excess over $ 3,500,000
Over $ 3,600,000 but not over $ 4,100,000	$ 7,200 plus 7. 8% of the excess over $ 3,600,000
Over $ 4,100,000 but not over $ 5,100,000	$ 46,200 plus 8. 4% of the excess over $ 4,100,000
Over $ 5,100,000 but not over $ 6,100,000	$ 130,200 plus 9. 0% of the excess over $ 5,100,000
Over $ 6,100,000 but not over $ 7,100,000	$ 220,200 plus 9. 6% of the excess over $ 6,100,000
Over $ 7,100,000 but not over $ 8,100,000	$ 316,200 plus 10. 2% of the excess over $ 7,100,000
Over $ 8,100,000 but not over $ 9,100,000	$ 418,200 plus 10. 8% of the excess over $ 8,100,000
Over $ 9,100,000 but not over $ 10,100,000	$ 526,200 plus 11. 4% of the excess over $ 9,100,000
Over $ 10,100,000	$ 640,200 plus 12% of the excess over $ 10,100,000

(3) With respect to the estates of decedents dying on or after January 1, 2011, the tax based on the Connecticut taxable estate shall be as provided in the following schedule:

Amount of Connecticut Taxable Estate	Rate of Tax
Not over $2,000,000	None
Over $2,000,000 but not over $3,600,000	7.2% of the excess over $2,000,000
Over $3,600,000 but not over $4,100,000	$115,200 plus 7.8% of the excess over $3,600,000
Over $4,100,000 but not over $5,100,000	$154,200 plus 8.4% of the excess over $4,100,000
Over $5,100,000	$238,200 plus 9.0% of the excess

but not over $6,100,000	over $5,100,000
Over $6,100,000	$328,200 plus 9.6% of the excess
but not over $7,100,000	over $6,100,000
Over $7,100,000	$424,200 plus 10.2% of the excess
but not over $8,100,000	over $7,100,000
Over $8,100,000	$526,200 plus 10.8% of the excess
but not over $9,100,000	over $8,100,000
Over $9,100,000	$634,200 plus 11.4% of the excess
but not over $10,100,000	over $9,100,000
Over $10,100,000	$748,200 plus 12% of the excess over $10,100,000

Sec. 85. Subdivision (3) of subsection (b) of section 12-392 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2011*):

(3) (A) A tax return shall be filed, in the case of every decedent who died prior to January 1, 2005, and at the time of death was (i) a resident of this state, or (ii) a nonresident of this state whose gross estate includes any real property situated in this state or tangible personal property having an actual situs in this state, whenever the personal representative of the estate is required by the laws of the United States to file a federal estate tax return.

(B) A tax return shall be filed, in the case of every decedent who dies on or after January 1, 2005, but prior to January 1, 2010, and at the time of death was (i) a resident of this state, or (ii) a nonresident of this state whose gross estate includes any real property situated in this state or tangible personal property having an actual situs in this state. If the decedent's Connecticut taxable estate is over two million dollars, such tax return shall be filed with the Commissioner of Revenue Services and a copy of such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated. If the decedent's Connecticut taxable estate is two million dollars or less, such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated, and no such return shall be filed with the Commissioner of Revenue Services. The judge of probate for the district in which such return is filed shall review each such return and shall issue a written opinion to the estate representative in each case in which the judge determines that the estate is not subject to tax under this chapter.

(C) A tax return shall be filed, in the case of every decedent who dies on or after January 1, 2010, but prior to January 1, 2011, and at the time of death was (i) a resident of this state, or (ii) a nonresident of this state whose gross estate includes any real property situated in this state or tangible personal property having an actual situs in this state. If the decedent's Connecticut taxable estate is over three million five hundred thousand dollars, such tax return shall be filed with the Commissioner of Revenue Services and a copy of such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated. If the decedent's Connecticut taxable estate is three million five hundred thousand dollars or less, such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated, and no such return shall be filed with the Commissioner of Revenue Services. The judge of probate for the district in which such return is filed shall review each such return and shall issue a written opinion to the estate representative in each case in which the judge determines that the estate is not subject to tax under this chapter.

(D) A tax return shall be filed, in the case of every decedent who dies on or after January 1, 2011, and at the time of death was (i) a resident of this state, or (ii) a nonresident of this state whose gross estate includes any real property situated in this state or tangible personal property having an actual situs in this state. If the decedent's Connecticut taxable estate is over two million dollars, such tax return shall be filed with the Commissioner of Revenue Services and a copy of such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated. If the decedent's Connecticut taxable estate is two million dollars or less, such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated, and no such return shall be filed with the Commissioner of Revenue Services. The judge of probate for the district in which such return is filed shall review each such return and shall issue a written opinion to the estate representative in each case in which the judge determines that the estate is not subject to tax under this chapter.

[(D)**]** (E) The duly authorized executor or administrator shall file the return. If there is more than one executor or administrator, the return shall be made jointly by all. If there is no executor or administrator appointed, qualified and acting, each person in actual or constructive possession of any property of the decedent is constituted an executor for purposes of the tax and shall make and file a

return. If in any case the executor is unable to make a complete return as to any part of the gross estate, the executor shall provide all the information available to him with respect to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the executor is unable to make a return as to any property, each person holding a legal or equitable interest in such property shall, upon notice from the commissioner, make a return as to that part of the gross estate.

[(E)**]** (F) On or before the last day of the month next succeeding each calendar quarter, and commencing with the calendar quarter ending September 30, 2005, each court of probate shall file with the commissioner a report for the calendar quarter in such form as the commissioner may prescribe. The report shall pertain to returns filed with the court of probate during the calendar quarter.

Sec. 86. Subsection (e) of section 12-398 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2011*):

(e) Any person shall be entitled to a certificate of release of lien with respect to the interest of the decedent in such real property, if either the court of probate for the district within which the decedent resided at the date of his death or, if the decedent died a nonresident of this state, for the district within which real estate or tangible personal property of the decedent is situated, or the Commissioner of Revenue Services finds, upon evidence satisfactory to said court or said commissioner, as the case may be, that payment of the tax imposed under this chapter with respect to the interest of the decedent in such real property is adequately assured, or that no tax imposed under this chapter is due. If the decedent died prior to January 1, 2010, and such decedent's Connecticut taxable estate is two million dollars or less, or if the decedent died on or after January 1, 2010, but prior to January 1, 2011, and such decedent's Connecticut taxable estate is three million five hundred thousand dollars or less, or if the decedent died on or after January 1, 2011, and such decedent's Connecticut taxable estate is two million dollars or less, the certificate of release of lien shall be issued by the court of probate. Such certificate may be recorded in the office of the town clerk of the town within which such real property is situated, and it shall be conclusive proof that such real property has been released from the operation of such lien. The commissioner may adopt regulations in accordance with the provisions of chapter 54 that establish procedures to be followed by a court of probate or by said commissioner, as the case may be, for issuing certificates of release of lien, and that establish the requirements and conditions that must be satisfied in order for a court of probate or for the commissioner, as the case may be, to find that the payment of such tax is adequately assured or that no tax imposed under this chapter is due.

Sec. 119. Subsection (l) of section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2011*):

(l) In the case of decedents who die on or after January 1, 2011:

(1) Any costs assessed under this section that are not paid within thirty days of the date of an invoice from the court of probate shall bear interest at the rate of one-half of one per cent per month or portion thereof until paid;

(2) If a tax return or a copy of a tax return required under subparagraph **[**(C)**]** (D) of subdivision (3) of subsection (b) of section 12-392, as amended by this act, is not filed with a court of probate by the due date for such return or copy under subdivision (1) of subsection (b) of section 12-392, as amended by this act, or by the date an extension under subdivision (4) of subsection (b) of section 12-392, as amended by this act, expires, the costs that would have been due under this section if such return or copy had been filed by such due date or expiration date shall bear interest at the rate of one-half of one per cent per month or portion thereof from the date that is thirty days after such due date or expiration date, whichever is later, until paid. If a return or copy is filed with a court of probate on or before such due date or expiration date, whichever is later, the costs assessed shall bear interest as provided in subdivision (1) of this subsection;

(3) A court of probate may extend the time for payment of any costs under this section, including interest, if it appears to the court that requiring payment by such due date or expiration date would cause undue hardship. No additional interest shall accrue during the period of such extension. A court of probate may not waive interest outside of any extension period;

(4) The interest requirements in subdivisions (1) and (2) of this subsection shall not apply if:

(A) The basis for costs for the estate does not exceed forty thousand dollars; or

(B) The basis for costs for the estate does not exceed five hundred thousand dollars and any portion of the property included in the basis for costs passes to a surviving spouse.

Senate Bill No. 1240

Public Act No. 11-44

AN ACT CONCERNING THE BUREAU OF REHABILITATIVE SERVICES AND IMPLEMENTATION OF PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND PUBLIC HEALTH.

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

Sec. 70. Subsection (a) of section 17b-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) If a beneficiary of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program has or acquires property of any kind or interest in any property, estate or claim of any kind, except moneys received for the replacement of real or personal property, the state of Connecticut shall have a claim subject to subsections (b) and (c) of this section, which shall have priority over all other unsecured claims and unrecorded encumbrances, against such beneficiary for the full amount paid, subject to the provisions of section 17b-94, as amended by this act, to **[**him**]** the beneficiary or on **[**his**]** the beneficiary's behalf under said programs; and, in addition thereto, the parents of an aid to dependent children beneficiary, a state-administered general assistance beneficiary or a temporary family assistance beneficiary shall be liable to repay, subject to the provisions of **[**said**]** section 17b-94, as amended by this act, to the state the full amount of any such aid paid to or on behalf of either parent, **[**his**]** the beneficiary's spouse, and **[**his**]** the beneficiary's dependent child or children, as defined in section 17b-75. The state of Connecticut shall have a lien against property of any kind or interest in any property, estate or claim of any kind of the parents of an aid to dependent children, temporary family assistance or state administered general assistance beneficiary, in addition and not in substitution of its claim, for amounts owing under any order for support of any court or any family support magistrate, including any arrearage under such order, provided household goods and other personal property identified in section 52-352b, real property pursuant to section 17b-79, as long as such property is used as a home for the beneficiary and

money received for the replacement of real or personal property, shall be exempt from such lien.

Sec. 71. Section 17b-94 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) In the case of causes of action of beneficiaries of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program, subject to subsections (b) and (c) of section 17b-93, as amended by this act, or of a parent **[**of a beneficiary of the aid to families with dependent children program, the temporary family assistance program or the state-administered general assistance program**]** liable to repay the state under the provisions of section 17b-93, as amended by this act, the claim of the state shall be a lien against the proceeds therefrom in the amount of the assistance paid or fifty per cent of the proceeds received by such beneficiary or such parent after payment of all expenses connected with the cause of action, whichever is less, for repayment under **[**said**]** section 17b-93, as amended by this act, and shall have priority over all other claims except attorney's fees for said causes, expenses of suit, costs of hospitalization connected with the cause of action by whomever paid over and above hospital insurance or other such benefits, and, for such period of hospitalization as was not paid for by the state, physicians' fees for services during any such period as are connected with the cause of action over and above medical insurance or other such benefits; and such claim shall consist of the total assistance repayment for which claim may be made under said programs. The proceeds of such causes of action shall be assignable to the state for payment of the amount due under **[**said**]** section 17b-93, as amended by this act, irrespective of any other provision of law. Upon presentation to the attorney for the beneficiary of an assignment of such proceeds executed by the beneficiary or his conservator or guardian, such assignment shall constitute an irrevocable direction to the attorney to pay the Commissioner of Administrative Services in accordance with its terms, except if, after settlement of the cause of action or judgment thereon, the Commissioner of Administrative Services does not inform the attorney for the beneficiary of the amount of lien which is to be paid to the Commissioner of Administrative Services within forty-five days of receipt of the written request of such attorney for such information, such attorney may distribute such proceeds to such beneficiary and shall not be liable for any loss the state may sustain thereby.

(b) In the case of an inheritance of an estate by a beneficiary of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program, subject to subsections (b) and (c) of section 17b-93, as amended by this act, or by a parent liable to repay the state under the provisions of section 17b-93, as amended by this act, fifty per cent of the assets of the estate payable to the beneficiary or such parent or the amount

of such assets equal to the amount of assistance paid, whichever is less, shall be assignable to the state for payment of the amount due under **[**said**]** section 17b-93, as amended by this act. The state shall have a lien against such assets in the applicable amount specified in this subsection. The Court of Probate shall accept any such assignment executed by the beneficiary or parent or any such lien notice if such assignment or lien notice is filed by the Commissioner of Administrative Services with the court prior to the distribution of such inheritance, and to the extent of such inheritance not already distributed, the court shall order distribution in accordance **[**therewith**]** with such assignment or lien notice. If the Commissioner of Administrative Services receives any assets of an estate pursuant to any such assignment, the commissioner shall be subject to the same duties and liabilities concerning such assigned assets as the beneficiary or parent.

Sec. 72. Section 17b-224 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

A patient who is receiving or has received care in a state humane institution, his estate or both shall be liable to reimburse the state for any unpaid portion of per capita cost to the same extent as the liability of a public assistance beneficiary under sections 17b-93, as amended by this act, and 17b-95, subject to the same protection of a surviving spouse or dependent child as is **[**therein**]** provided in section 17b-95 and subject to the same limitations and the same assignment and lien rights as provided in section 17b-94, as amended by this act.

House Bill No. 6651

Public Act No. 11-48

AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.

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

Sec. 42. Section 50 of public act 11-6 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2011, (1) the sum of $ 500,000 shall be transferred from the surplus funds in the Probate Court Administration Fund to the Court Support Services Division of the Judicial Department for a male youth leadership pilot program to provide services in targeted communities to high-risk males with low academic achievement, (2) the sum of $ 1,000,000 shall be transferred from said surplus funds to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, (3) the sum of **[**$ 35,000**]** $50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, to support the expansion of the Children in Placement, Inc. program in Danbury, **[**and**]** (4) the sum of $ 800,000 shall be transferred from said surplus funds to the Children's Trust Fund administered by the Children's Trust Fund Council and the Department of Social Services, and (5) the sum of $50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, for a grant to the Child Advocates of Connecticut to provide child advocacy services in Stamford and Danbury.

(b) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2012, (1) the sum of $ 1,000,000 shall be transferred from the surplus funds in the Probate Court Administration Fund to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, (2) the sum of **[**$ 35,000**]** $50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, to support the

expansion of the Children in Placement, Inc. program in Danbury, (3) the sum of $50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, for a grant to the Child Advocates of Connecticut to provide child advocacy services in Stamford and Danbury, and **[**(3)**]** (4) any surplus funds remaining in the Probate Court Administration Fund after the transfers in subdivisions (1), **[**and**]** (2) and (3) of this subsection are made shall be transferred to the General Fund.

House Bill No. 6650

Public Act No. 11-51

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS.

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

Sec. 36. (*Effective from passage*) (a) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of four million dollars of surplus funds in the Probate Court Administration Fund shall not be transferred to the General Fund on June 30, 2011.

(b) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of four million dollars of surplus funds in the Probate Court Administration Fund shall not be transferred to the General Fund on June 30, 2012.

Sec. 37. (*Effective from passage*) (a) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of seventy-five thousand dollars of surplus funds in the Probate Court Administration Fund shall be transferred to the Court Support Services Division of the Judicial Department on June 30, 2011, for the purpose of providing competency evaluations pursuant to section 5 of substitute house bill 6637 of the current session for children and youths in juvenile matters, as defined in section 46b-121 of the general statutes, or youth in crisis matters pursuant to section 46b-150f of the general statutes.

(b) Notwithstanding subsection (j) of section 45a-82 of the general statutes, the sum of seventy-five thousand dollars of surplus funds in the Probate Court Administration Fund shall be transferred to the Court Support Services Division of the Judicial Department on June 30, 2012, for the purpose of providing competency evaluations pursuant to section 5 of substitute house bill 6637 of the current session for children and youths in juvenile matters, as defined in section 46b-121 of the general statutes, or youth in crisis matters pursuant to section 46b-150f of the general statutes.

House Bill No. 6652

Public Act No. 11-61

AN ACT IMPLEMENTING THE REVENUE ITEMS IN THE BUDGET AND MAKING BUDGET ADJUSTMENTS, DEFICIENCY APPROPRIATIONS, CERTAIN REVISIONS TO BILLS OF THE CURRENT SESSION AND MISCELLANEOUS CHANGES TO THE GENERAL STATUTES.

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

Sec. 39. Subsection (e) of section 12-398 of the general statutes, as amended by section 86 of public act 11-6, is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2011*):

(e) Any person shall be entitled to a certificate of release of lien with respect to the interest of the decedent in such real property, if either the court of probate for the district within which the decedent resided at the date of his death or, if the decedent died a nonresident of this state, for the district within which real estate or tangible personal property of the decedent is situated, or the Commissioner of Revenue Services finds, upon evidence satisfactory to said court or said commissioner, as the case may be, that payment of the tax imposed under this chapter with respect to the interest of the decedent in such real property is adequately assured, or that no tax imposed under this chapter is due. If the decedent died prior to January 1, 2010, and such decedent's Connecticut taxable estate is two million dollars or less, or if the decedent died on or after January 1, 2010, but prior to January 1, 2011, and such decedent's Connecticut taxable estate is three million five hundred thousand dollars or less, or if the decedent died on or after January 1, 2011, and such decedent's Connecticut taxable estate is two million dollars or less, the certificate of release of lien shall be issued by the court of probate. Any certificate of release of lien shall be valid if issued by a probate court prior to May 4, 2011, and recorded in the office of the town clerk of the town in which such real property is situated prior to May 4, 2011, for the estate of a decedent who died on or after January 1, 2011, and whose Connecticut taxable estate is more than two million dollars but equal to or less than three million five hundred thousand dollars. Such certificate may be

recorded in the office of the town clerk of the town within which such real property is situated, and it shall be conclusive proof that such real property has been released from the operation of such lien. The commissioner may adopt regulations in accordance with the provisions of chapter 54 that establish procedures to be followed by a court of probate or by said commissioner, as the case may be, for issuing certificates of release of lien, and that establish the requirements and conditions that must be satisfied in order for a court of probate or for the commissioner, as the case may be, to find that the payment of such tax is adequately assured or that no tax imposed under this chapter is due.

Sec. 100. Section 50 of public act 11-6, as amended by section 42 of public act 11-48, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2011, (1) the sum of $ 500,000 shall be transferred from the surplus funds in the Probate Court Administration Fund to the Court Support Services Division of the Judicial Department for a male youth leadership pilot program to provide services in targeted communities to high-risk males with low academic achievement, (2) the sum of $ 1,000,000 shall be transferred from said surplus funds to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, (3) the sum of $ 50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, to support the expansion of the Children in Placement, Inc. program in Danbury, (4) the sum of $ 800,000 shall be transferred from said surplus funds to the Children's Trust Fund administered by the Children's Trust Fund Council and the Department of Social Services, **[**and**]** (5) the sum of $ 50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, for a grant to the Child Advocates of Connecticut to provide child advocacy services in **[**Stamford and Danbury**]** the Stamford/Norwalk and Danbury Judicial Districts, and (6) the sum of $150,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, for a grant to the Ralphola Taylor Community Center YMCA in Bridgeport.

(b) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2012, (1) the sum of $ 1,000,000 shall be transferred from the surplus funds in the Probate Court Administration Fund to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, (2) the sum of $ 50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, to support the expansion of the Children in Placement, Inc. program in Danbury, (3) the sum of $ 50,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, for a grant to the Child Advocates of Connecticut to provide child advocacy services in **[**Stamford and Danbury, and (4) any surplus funds

remaining in the Probate Court Administration Fund after the transfers in subdivisions (1), (2) and (3) of this subsection are made shall be transferred to the General Fund**]** the Stamford/Norwalk and Danbury Judicial Districts, and (4) the sum of $150,000 shall be transferred from said surplus funds to the Judicial Department, for Other Expenses, for a grant to the Ralphola Taylor Community Center YMCA in Bridgeport.

Approved June 21, 2011

Substitute House Bill No. 6308

Public Act No. 11-58

AN ACT CONCERNING HEALTHCARE REFORM.

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

Sec. 39. Subsection (a) of section 5-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Comptroller, with the approval of the Attorney General and of the Insurance Commissioner, shall arrange and procure a group hospitalization and medical and surgical insurance plan or plans for (1) state employees, (2) members of the General Assembly who elect coverage under such plan or plans, (3) participants in an alternate retirement program who meet the service requirements of section 5-162 or subsection (a) of section 5-166, (4) anyone receiving benefits under section 5-144 or from any state-sponsored retirement system, except the teachers' retirement system and the municipal employees retirement system, (5) judges of probate and Probate Court employees, (6) the surviving spouse, and any dependent children **[**until they reach the age of eighteen,**]** of a state police officer, a member of an organized local police department, a firefighter or a constable who performs criminal law enforcement duties who dies before, on or after June 26, 2003, as the result of injuries received while acting within the scope of such officer's or firefighter's or constable's employment and not as the result of illness or natural causes, and whose surviving spouse and dependent children are not otherwise eligible for a group hospitalization and medical and surgical insurance plan. Coverage for a dependent child pursuant to this subdivision shall terminate no earlier than the policy anniversary date on or after whichever of the following occurs first, the date on which the child: Becomes covered under a group health plan through the dependent's own employment; or attains the age of twenty-six, (7) employees of the Capital City Economic Development Authority established by section 32-601, and (8) the surviving spouse and dependent children of any employee of a municipality who dies on or after October 1, 2000, as the result of injuries received while acting within the scope of such employee's employment and not as the result of illness or natural causes, and whose surviving spouse and dependent children are not otherwise eligible for a group hospitalization and

medical and surgical insurance plan. For purposes of this subdivision, "employee" means any regular employee or elective officer receiving pay from a municipality, "municipality" means any town, city, borough, school district, taxing district, fire district, district department of health, probate district, housing authority, regional work force development board established under section 31-3k, flood commission or authority established by special act or regional planning agency. For purposes of subdivision (6) of this subsection, "firefighter" means any person who is regularly employed and paid by any municipality for the purpose of performing firefighting duties for a municipality on average of not less than thirty-five hours per week. The minimum benefits to be provided by such plan or plans shall be substantially equal in value to the benefits that each such employee or member of the General Assembly could secure in such plan or plans on an individual basis on the preceding first day of July. The state shall pay for each such employee and each member of the General Assembly covered by such plan or plans the portion of the premium charged for such member's or employee's individual coverage and seventy per cent of the additional cost of the form of coverage and such amount shall be credited to the total premiums owed by such employee or member of the General Assembly for the form of such member's or employee's coverage under such plan or plans. On and after January 1, 1989, the state shall pay for anyone receiving benefits from any such state-sponsored retirement system one hundred per cent of the portion of the premium charged for such member's or employee's individual coverage and one hundred per cent of any additional cost for the form of coverage. The balance of any premiums payable by an individual employee or by a member of the General Assembly for the form of coverage shall be deducted from the payroll by the State Comptroller. The total premiums payable shall be remitted by the Comptroller to the insurance company or companies or nonprofit organization or organizations providing the coverage. The amount of the state's contribution per employee for a health maintenance organization option shall be equal, in terms of dollars and cents, to the largest amount of the contribution per employee paid for any other option that is available to all eligible state employees included in the health benefits plan, but shall not be required to exceed the amount of the health maintenance organization premium.

Substitute House Bill No. 6438

Public Act No. 11-128

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 45a-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For the purposes of this section, "children's matters" means: (1) Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2) termination of parental rights matters under sections 45a-706 to 45a-719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733, inclusive, and sections 45a-736 and 45a-737; (4) claims for paternity under section 46b-172a; (5) emancipation of minor matters under sections 46b-150 to 46b-150e, inclusive; and (6) voluntary admission matters under section 17a-11.

[(b) The Probate Court Administrator shall, within available resources, establish a regional children's probate court in a region that shall consist of the probate districts of New Haven, Branford, East Haven, Hamden, Milford, North Branford, North Haven, Orange, West Haven and Woodbridge. In establishing such court, the Probate Court Administrator shall consult with the probate judges of such districts, each of whom may participate on a voluntary basis. **]**

[(c)**]** (b) **[**In addition to the court established under subsection (b) of this section, the**]** The Probate Court Administrator may establish **[**six additional**]** seven regional children's probate courts in regions designated by the Probate Court Administrator. In establishing such courts, the Probate Court Administrator shall consult with the probate judges of the districts located in each designated region, each of whom may participate on a voluntary basis.

[(d)**]** (c) The Probate Court Administrator may establish a regional children's probate court under this section in (1) any existing probate court facility within a district located in a region, or (2) a separate facility located in a region as may be designated by the Probate Court Administrator. Each regional children's probate court shall be established and operated with the advice of the participating

probate judges of such districts and the administrative judge appointed under subsection **[**(g)**]** (f) of this section. Such participating probate judges and administrative judge shall serve as the judges of the regional children's probate court, except as provided in subdivision (1) of subsection **[**(g)**]** (f) of this section. Such judges shall hear and determine all children's matters as may come before them on a docket separate from other probate matters.

[(e)**]** (d) (1) For the purposes of this section, the Probate Court Administrator may, subject to the provisions of section 45a-84, expend from the Probate Court Administration Fund established under section 45a-82 such amounts as the Probate Court Administrator may deem reasonable and necessary for the establishment, improvement, maintenance and operations of court facilities located in each such designated region.

(2) Nothing in this section shall be construed to relieve any town of its obligation to provide and maintain court facilities pursuant to section 45a-8.

[(f)**]** (e) The Probate Court Administrator may, subject to the provisions of section 45a-84, expend moneys from the Probate Court Administration Fund to pay for necessary improvements of a facility designated as a regional children's probate court under this section, to pay operating expenses of a regional children's probate court and to reimburse participating towns or cities for any costs of leasing office space for a regional children's probate court, and any necessary improvements thereto, and for expenses under subsection **[**(g)**]** (f) of this section.

[(g)**]** (f) (1) The Probate Court Administrator, with the advice of the participating probate judges of the districts located in the designated region, shall appoint an administrative judge for each regional children's probate court. The administrative judge shall be a probate judge at the time of such appointment. If the administrative judge ceases to serve as a probate judge after such appointment, the administrative judge may continue to serve as administrative judge at the pleasure of the Probate Court Administrator, but shall not have the powers granted to an elected probate judge and shall not hear and determine children's matters before such regional children's probate court. Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of the administrative judge and such compensation shall be paid from the Probate Court Administration Fund. Such compensation, together with the administrative judge's compensation as a probate judge of the district to which he or she was elected, shall not exceed the compensation provided for a judge of probate under subdivision (4) of subsection (a) of section 45a-95a. The administrative judge shall have such benefits as may inure to him or her as a probate judge and shall receive no additional benefits, except for compensation provided under this section.

(2) Each administrative judge shall be responsible for the management of cases, coordination of social services, staff, financial management and record keeping

for the regional children's probate court for which the administrative judge is appointed. The administrative judge may, with the approval of the Probate Court Administrator, purchase furniture, office supplies, computers and other equipment and contract for services that the administrative judge may deem necessary or advisable for the expeditious conduct of the business of the regional children's probate court. Such expenses shall be paid for pursuant to section 45a-8. If a separate facility for a regional children's probate court is established pursuant to subdivision (2) of subsection **[**(d)**]** (c) of this section, the participating town or city shall be reimbursed for such expenses from the Probate Court Administration Fund upon presentation of vouchers to the Probate Court Administrator.

[(h)**]** (g) Each administrative judge for a regional children's probate court may, with the approval of the Probate Court Administrator, employ such persons as may be required for the efficient operation of the regional children's probate court. Such employees shall be employees of the regional children's probate court and shall be entitled to the benefits of probate court employees under this chapter. Such employees shall not be deemed to be state employees.

[(i)**]** (h) Any probate court within a region designated under subsection (b) **[**or (c)**]** of this section may transfer children's matters to the regional children's probate court for such region. Any regional children's probate court may accept transfers and referrals of children's matters from probate courts within its region.

[(j)**]** (i) Each regional children's probate court shall be considered a probate court for the purposes of this chapter.

[(k)**]** (j) The Probate Court Administrator shall establish policies and procedures to implement the provisions of this section. **[**On or before January 3, 2007, the Probate Court Administrator shall submit a report concerning the operation and effectiveness of the regional children's probate courts established under this section to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with section 11-4a.
]

Sec. 2. Subdivision (9) of section 31-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(9) (A) "Employee" means any person who:

(i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;

(ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;

(iii) Is elected to serve as a member of the General Assembly of this state;

(iv) Is a salaried officer or paid member of any police department or fire department;

(v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves;

(vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent, irrespective of the manner in which he or she is appointed or employed. Nothing in this subdivision shall be construed as affecting any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment; **[**or**]**

(vii) Is an officer or enlisted person of the National Guard or other armed forces of the state called to active duty by the Governor while performing his or her active duty service; or

(viii) Is elected to serve as a probate judge for a probate district established in section 45a-2.

(B) "Employee" shall not be construed to include:

(i) Any person to whom articles or material are given to be treated in any way on premises not under the control or management of the person who gave them out;

(ii) One whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business;

(iii) A member of the employer's family dwelling in his house; but, if, in any contract of insurance, the wages or salary of a member of the employer's family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter;

(iv) Any person engaged in any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week;

(v) An employee of a corporation who is a corporate officer and who elects to be excluded from coverage under this chapter by notice in writing to his employer and to the commissioner; or

(vi) Any person who is not a resident of this state but is injured in this state during the course of his employment, unless such person (I) works for an employer who has a place of employment or a business facility located in this state at which such person spends at least fifty per cent of his employment time, or (II) works for an employer pursuant to an employment contract to be performed primarily in this state.

Sec. 3. Section 45a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

In addition to the basic charges and costs specified in sections 45a-106 to 45a-108, inclusive, the following expenses shall be payable to the courts of probate: (1) For recording each page or fraction thereof after the first five pages of any one document, three dollars; (2) for each notice in excess of two with respect to any hearing or continued hearing, two dollars; (3) for any expenses incurred by the court of probate for newspaper publication of notices, certified or registered mailing of notices, or for service of process or notice, the actual amount of the expenses so incurred; (4) for providing copies of any document from a file in the court of any matter within the jurisdiction of the court, five dollars for a copy of any such document up to five pages in length and one dollar per copy for each additional page or fractional part thereof as the case may be, provided there shall be furnished without charge to the fiduciary or if none, to the petitioner with respect to any probate matter one uncertified copy of each decree, certificate or other court order setting forth the action of the court on any proceeding in such matter; (5) for certifying copies of any document from a file in the court of any matter before the court, five dollars per each copy certified for the first two pages of a document, and two dollars for each copy certified for each page after the second page of such document, provided no charge shall be made for any copy certified or otherwise that the court is required by statute to make; **[**and**]** (6) for retrieval of a file not located on the premises of the court, the actual cost or ten dollars, whichever is greater; and (7) for copying probate records through the use of a hand-held scanner, as defined in section 1-212, twenty dollars per day.

Sec. 4. Subsection (a) of section 45a-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The surviving spouse of any person who dies, or if there is no surviving spouse, any of the next of kin of such decedent, or if there is no next of kin or if such surviving spouse or next of kin refuses, then any suitable person whom the court deems to have a sufficient interest may, in lieu of filing an application for admission of a will to probate or letters of administration, file an affidavit or statement signed under penalty of false statement in the court of probate in the

district in which the decedent resided, stating, if such is the case, that all debts of the decedent have been paid in the manner prescribed by section **[**45a-392**]** 45a-365, at least to the extent of the fair value of all of the decedent's assets, when (1) such decedent leaves property of the type described in subsection (b) of this section, and (2) the aggregate value of any such property as described in subsection (b) of this section does not exceed the sum of forty thousand dollars. In addition, such affidavit or statement shall state that the decedent either did, or did not, receive aid or care from the state, which shall also include aid or care from the Department of Veterans' Affairs, whichever is true.

Sec. 5. Subsection (e) of section 45a-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(e) If an affidavit is filed under subsection (a) of this section in lieu of an application for admission of a will to probate or letters of administration and the fair value of the property of the decedent exceeds the total amount of claims, including any amounts allowed to the family under section 45a-320, the court shall proceed as follows: (1) If no purported last will and testament is found, the court shall order distribution of the excess in accordance with the laws of intestate succession; (2) if the decedent left a duly executed last will and testament and the will provides for a distribution which is the same as that under the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; (3) if the decedent left a duly executed last will and testament and the will provides for a distribution different from that under the laws of intestate succession, and the heirs at law of such decedent sign a written waiver of their right to contest the will, the court shall order the excess to be paid in accordance with the terms of the will; (4) if the will directs a distribution different from the laws of intestate succession, and the heirs at law do not waive their right to contest the admission of such will, the will shall be offered for probate in accordance with section 45a-286. In such case, the court may issue a decree under this section only if the persons entitled to take the bequests under the will consent, in writing, to the distribution of the bequests in accordance with the laws of intestate succession. If the claims against the estate exceed the value of the property of such decedent, the claims shall be paid in accordance with the priorities set forth in section **[**45a-392**]** 45a-365. As used in this subsection, the term "will" includes any duly executed codicil thereto.

Sec. 6. Section 45a-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

When any decedent is entitled to payment of medical benefits, federal or state, or insurance or health benefits or proceeds, or other intangible personal property owned by or payable to **[**him**]** the decedent or to **[**his**]** the decedent's estate in a sum not exceeding one thousand dollars, the judge of probate for the district within which such decedent resided may name an administrator, ex parte, for the purpose of enabling distribution to the surviving spouse or, if there is no surviving

spouse, to the next of kin of such decedent or to the funeral director or physician, as the case may be, upon evidence satisfactory to him that all debts have been paid or provided for as prescribed by section **[**45a-392**]** 45a-365.

Sec. 7. Subsection (b) of section 45a-597 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) If the estate is less than sufficient to pay all such expenses in full, the provisions of section **[**45a-392**]** 45a-365 as to order of payment shall govern.

Sec. 8. Section 45a-754 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) **[**The state shall furnish each court of probate with an index and a book in which shall be recorded only applications, agreements, orders, waivers, affidavits and returns of notice of hearing, appointments of guardians ad litem and decrees in**]** All records of cases related to termination of parental rights, removal of a parent as guardian, appointment of a statutory parent, **[**and**]** adoption matters, temporary guardianship and emancipation of a minor shall be confidential and shall not be open to inspection by or disclosed to any third party, except that (1) such records shall be available to (A) the parties in any such case and their counsel; (B) the Department of Children and Families; (C) any licensed child-placing agency involved in any such case; (D) any judge or employee of a court of this state who, in the performance of his or her duties, requires access to such records; (E) the office of the Probate Court Administrator; and (F) courts of other states under the provisions of sections 46b-115a to 46b-115gg, inclusive; and (2) access to and disclosure of adoption records shall be in accordance with subsection (b) of this section.

[(b) The probate court shall also maintain locked files which shall be used for the filing of sealed envelopes, each of which shall contain all the papers filed in court regarding the removal of a parent as guardian, petitions for termination of parental rights, appointment of statutory parent and adoption.

(c) In the case of an application for the removal of a parent as guardian, a petition for termination of parental rights, an application for a statutory parent or an application for adoption, the envelopes shall be marked only with the words "Adoption Matter" and the names of the adopting parents and the name borne by the minor before the adoption. In the case of a removal of parent as guardian or in the case of a termination of parental rights matter which does not result in an adoption matter, the envelopes shall be marked only with the words "Removal Of Parent As Guardian" or "Termination Of Parental Rights Matter" and the name of the minor. **]**

[(d)**]** (b) Access to **[**such**]** adoption records shall be in accordance with sections 45a-743 to 45a-753, inclusive. The records may also be disclosed upon order of

the judge of probate to a petitioner who requires such information for the health or medical treatment of any adopted person. If such information is so required and is not within the records, the biological parent or parents or blood relatives may be contacted in accordance with the procedures in **[**said**]** section 45a-753.

[(e) Any person who discloses any information contained in the indexes, record books and papers, except as provided in sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-757, inclusive, shall be fined not more than five hundred dollars or imprisoned not more than six months or both. **]**

Sec. 9. Section 45a-765 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

All proceedings, documents, correspondence and findings by the board shall be returned to the probate court initiating the application and shall be confidential **[**and placed in sealed envelopes**]** as required by section 45a-754, as amended by this act.

Sec. 10. (NEW) (*Effective October 1, 2011*) Any person seeking online access to any data processing system operated by the Office of the Probate Court Administrator, or seeking, in any other medium, information stored in such data processing system, may be required to pay to the Office of the Probate Court Administrator an amount, as established in a fee schedule determined by the Probate Court Administrator, for deposit in the Probate Court Administration Fund established in section 45a-82 of the general statutes. Such fee schedule may include reasonable charges for personal services, fringe benefits, supplies and any other expenses related to maintaining, improving and providing such data processing services including, but not limited to, program modifications, training expenses, central processor user time and the rental and maintenance of equipment.

Sec. 11. Subsection (a) of section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) **[**Any**]** Except as provided in sections 45a-187, as amended by this act, and 45a-188, as amended by this act, any person aggrieved by any order, denial or decree of a court of probate in any matter, unless otherwise specially provided by law, may, not later than forty-five days after the mailing of an order, denial or decree for a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, as amended by this act, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to 45a-705, inclusive, and not later than thirty days after mailing of an order, denial or decree for any other matter in a court of probate, appeal therefrom to the Superior Court. Such an appeal shall be commenced by filing a complaint in the superior court in the judicial district in which such court of probate is located, or, if the court of probate is located in a probate district that is

in more than one judicial district, by filing a complaint in a superior court that is located in a judicial district in which any portion of the probate district is located, except that (1) an appeal under subsection (b) of section 12-359, subsection (b) of section 12-367 or subsection (b) of section 12-395 shall be filed in the judicial district of Hartford, and (2) an appeal in a matter concerning removal of a parent as guardian, termination of parental rights or adoption shall be filed in any superior court for juvenile matters having jurisdiction over matters arising in any town within such probate district. The complaint shall state the reasons for the appeal. A copy of the order, denial or decree appealed from shall be attached to the complaint. Appeals from any decision rendered in any case after a recording is made of the proceedings under section 17a-498, 17a-685, 45a-650, 51-72 or 51-73 shall be on the record and shall not be a trial de novo.

Sec. 12. Subsection (a) of section 45a-186a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) In an appeal from an order, denial or decree of a court of probate made after a hearing that is on the record pursuant to subsection (a) of section 45a-186, as amended by this act, not later than thirty days after service is made of **[**an**]** such appeal under section 45a-186, as amended by this act, or within such further time as may be allowed by the Superior Court, the Court of Probate shall transcribe any portion of the recording of the proceedings that has not been transcribed. The expense for such transcript shall be charged against the person who filed the appeal, except that if the person who filed the appeal is unable to pay such expense and files an affidavit with the court demonstrating the inability to pay, the expense of the transcript shall be paid by the Probate Court Administrator and paid from the Probate Court Administration Fund.

Sec. 13. Section 45a-187 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) An appeal **[**under section 45a-186**]** by persons of the age of majority who are present or who have legal notice to be present, or who have been given notice of their right to request a hearing or have filed a written waiver of their right to a hearing, shall be taken within **[**thirty days**]** the time provided in section 45a-186, as amended by this act, except as otherwise provided in this section. If such persons have no notice to be present and are not present, or have not been given notice of their right to request a hearing, such appeal shall be taken within twelve months, except for appeals by such persons from an order of termination of parental rights, other than an order of termination of parental rights based on consent, or a decree of adoption, in which case appeal shall be taken within ninety days. An appeal from an order of termination of parental rights based on consent, which order is issued on or after October 1, 2004, shall be taken within twenty days.

[(b) An appeal from any probate order for the payment of claims or dividends on claims against any insolvent estate shall not be allowed unless it is taken within thirty days after the making of such order. **]**

[(c)**]** (b) An order, denial or decree of a court of probate shall not be invalid because of the disqualification of the judge unless an appeal therefrom is taken within **[**thirty days**]** the time provided in section 45a-186, as amended by this act, this section and section 45a-188, as amended by this act.

Sec. 14. Section 45a-188 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Except as provided in this section, all appeals by persons who are minors at the time of the making of the order, denial or decree appealed from shall be taken within twelve months after they arrive at the age of majority.

(b) In the case of any minor who has a guardian or guardian ad litem appointed and qualified by any court of probate in this state at the time of the making of the order, denial or decree, **[**the time in which**]** the minor or anyone on his behalf may appeal therefrom **[**shall be one month from the date of such order, denial or decree if the guardian or guardian ad litem has had legal notice, as provided for the particular proceeding, of the time and place of the hearing on such proceeding concerning which such order, denial or decree was made**]** within the time provided in section 45a-186, as amended by this act, if the guardian or guardian ad litem had legal notice of the time and place of the hearing.

[(c) All appeals by persons not inhabitants of this state who were not present at such time and did not have legal notice to be present shall be taken within twelve months thereafter. **]**

[(d)**]** (c) Any judge or clerk of the Court of Probate or any fiduciary may cause written notice of any order, denial or decree of the Court of Probate to be given to any person of the age of majority, or to the guardian or guardian ad litem of any minor who has not had legal notice of the hearing on the proceeding at which the order, denial or decree was passed and who may be aggrieved thereby. In any such case the person, minor, guardian or guardian ad litem may appeal only within **[**one month**]** the time provided in section 45a-186, as amended by this act, after receiving such notice.

Sec. 15. Section 45a-113a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Whenever a court determines that a refund is due an applicant, petitioner, moving party or other person for any overpayment of costs, fees, charges or expenses incurred under the provisions of sections 45a-106 to 45a-112, inclusive, as amended by this act, the Probate Court Administrator shall, upon

receipt of certification of such overpayment by the court of probate that issued the invoice for such costs, fees, charges or expenses, cause a refund of such overpayment to be issued from the Probate Court Administration Fund.

Sec. 16. Section 45a-287 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If the testator, at his death, was not domiciled in this state, his will may be proved in any district in this state in which: (1) The testator last resided; (2) any of the testator's real or tangible personal property is situated; (3) any of the testator's bank accounts are maintained or evidences of other intangible property of the testator are situated; (4) any one of the executors or trustees named in the will resides, or, in the case of a bank or trust company, has an office; or (5) any cause of action in favor of the testator arose or any debtor of the testator resides or has an office. If the will of any such testator may be proved in more than one district, the court which first assumes jurisdiction thereof pursuant to this section shall retain the same as to all the property of the testator situated in this state at the time of his death together with any property which subsequently comes into possession of any of the executors, trustees or other fiduciaries of the testator's estate appointed in this state.

(b) Any proceeding for the proving of a will of a testator pursuant to this section shall be commenced by an application of any person who is named as an executor of such will or by any other person who is interested in such estate. The application shall set forth a statement of the basis for jurisdiction by the court of probate of the district in which such application is filed. The court shall give notice of the hearing on such application to the Commissioner of Revenue Services, to any person named as an executor or trustee in such will, to the heirs at law of the testator, as determined by the laws of this state, and to such other persons as the court may order. Any will which has been denied probate or establishment by judgment or decree of a competent court in the testator's domicile may not be proved in this state except where such denial of probate or establishment is for a cause which is not grounds for rejection of a will of a testator domiciled in this state. Except as otherwise provided in this section, the laws of this state relating to proof and admission of wills to probate for domiciliary testators shall apply to proceedings under this section.

(c) Whenever a testator of a will which is proved in this state pursuant to this section expressly provided in his will that he elects to have the administration and disposition of his estate governed by the laws of this state, then the validity, effect and interpretation of such will, and the administration and disposition of such estate, wherever situated, including rights of creditors and rights of inheritance, shall be determined by the laws of this state in the same manner as if such testator had been domiciled in this state at the time of his death, except as otherwise provided in this section. The rights of persons who are creditors of the testator or of his estate or who may possess or claim rights of inheritance to

or elections against the testator's estate pursuant to the laws of the jurisdiction in which the testator was domiciled at the time of his death shall be governed by and subject to the laws of such jurisdiction as to any real or tangible property situated in such jurisdiction or as to any bank accounts which are maintained or other intangible property of the testator the evidences of which are situated in such jurisdiction at the time of the testator's death. Any proceeding pursuant to this subsection shall not be deemed to impair or otherwise adversely affect the claim of any other state or any possession of the United States, for inheritance, succession, estate or other death taxes which may be due and payable by reason of the testator's death.

(d) All property of a testator whose will is proved under this section shall be subject to the laws of this state relating to the taxation of inheritances and successions, **[**provided**]** except that such laws shall not be applied on the basis that the testator was a domiciliary of this state unless there is a finding that such person was domiciled in this state as provided in section 45a-309. Costs of the court of probate under section 45a-105, for proceedings in the settlement of the estate of a nondomiciliary testator whose will is proved under this section, shall be determined on the basis of an assumed gross taxable value equal to the sum of (1) the actual gross taxable estate determined under section 12-349 and (2) the value set forth in the inventory of such estate under section 45a-341 of all property therein which is not part of the actual gross taxable estate, excluding any insurance proceeds exempt from taxation under section 12-342.

(e) In proceedings in the settlement of estates under this section, for the purpose of computing the costs of the court of probate under section 45a-107, the testator shall be deemed to have been domiciled in this state, unless the court of probate determines that the proceedings in this state are ancillary to proceedings in the state of the testator's domicile.

Sec. 17. Subsection (a) of section 45a-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) When any person domiciled in this state dies intestate, the court of probate in the district in which the deceased was domiciled at his death shall have jurisdiction to grant letters of administration.

(2) When any person not domiciled in this state dies intestate, administration may be granted by the Court of Probate determined under the jurisdictional prerequisites provided in subsection (a) of section 45a-287, as amended by this act, for nondomiciliary testators, and the provisions of subsection **[**(d)**]** (e) of section 45a-287, as amended by this act, regarding Probate Court costs applicable to testate estates shall apply also to intestate estates granted administration under this section.

Sec. 18. Section 45a-316 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Whenever, upon the application of a creditor or other person interested in the estate of a deceased person, it is found by the court of probate having jurisdiction of the estate that the granting of administration on the estate or the probating of the will of the deceased will be delayed, or that it is necessary for the protection of the estate of the deceased, the court may, with or without notice, appoint a temporary administrator to hold and preserve the estate until the appointment of an administrator or the probating of the will. The court shall require from such administrator a probate bond. If the court deems it more expedient, it may order any state marshal or constable to take possession of the estate until the appointment of an administrator or executor.

(b) Any person interested in the estate of a deceased person and having a need to obtain financial or medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the court of probate having jurisdiction of the estate of the deceased person for the appointment of a temporary administrator. The court of probate may grant the application and appoint a temporary administrator for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints a temporary administrator under this subsection, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the temporary administrator to disclose the information obtained by the temporary administrator, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing a temporary administrator under this subsection, and any certificate of the appointment of a fiduciary issued by the clerk of the court, shall indicate (1) the duration of the temporary administrator's appointment, and (2) that such temporary administrator has no authority over the assets of the deceased person.

Sec. 19. Subsection (a) of section 45a-317 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The temporary administrator or officer appointed pursuant to the provisions of subsection (a) of section 45a-316, as amended by this act, shall take immediate possession of all the real and personal property of the deceased, collect the rents, debts and income thereof and do any additional acts necessary for the preservation of the estate that the court authorizes.

Approved July 8, 2011

Substitute House Bill No. 6440

Public Act No. 11-129

AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITY AND CERTAIN STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITY.

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

Section 1. Section 45a-670 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) An application for guardianship may be filed by the court on its own motion or by any adult person. The application and all records of Probate Court proceedings held as a result of the filing of such application, except for the name of any guardian of the respondent, shall be sealed and shall be made available only to the respondent or the respondent's counsel or guardian, and to the Commissioner of Developmental Services or the commissioner's designee, unless the Probate Court, after hearing held with notice to the respondent or the respondent's counsel or guardian, and to the commissioner or the commissioner's designee, determines that such application and records should be disclosed for cause shown. An application filed by the court on its own motion shall contain a statement of the facts on which the court bases its motion, and such statement of facts shall be included in any notice to the respondent. Any other application filed shall allege that a respondent, by reason of the severity of the respondent's **[**mental retardation**]** intellectual disability is unable to meet essential requirements for the respondent's physical health and safety and unable to make informed decisions about matters relating to the respondent's care. Such application shall be filed in the court of probate in the district in which the respondent resides or is domiciled. Such application shall state: (1) Whether there is, in any jurisdiction, a guardian, limited guardian, or conservator for the respondent; (2) the extent of the respondent's inability to meet essential requirements for the respondent's physical health or safety, and the extent of the respondent's inability to make informed decisions about matters related to the respondent's care; (3) any other facts upon which guardianship is sought; and (4)

in the case of a limited guardianship, the specific areas of protection and assistance required for the respondent.

(b) An application for guardianship may be filed by the parent or guardian of a minor child up to one hundred eighty days prior to the date such child attains the age of eighteen if the parent or guardian anticipates that such minor child will require a guardian upon attaining the age of eighteen. The court may grant such application in accordance with this section, provided such order shall take effect no earlier than the date the child attains the age of eighteen.

Sec. 2. Section 1-1g of the general statutes, as amended by section 1 of public act 11-16, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) For the purposes of sections **[**4a-60,**]** 17a-210b, as amended by **[**this act, 17a-580,**]** public act 11-16 and 38a-816, **[**45a-669 to 45a-684, inclusive, 46a-11a to 46a-11g, inclusive, as amended by this act, 46a-51, 46a-64b, 46b-84, 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-320 and 54-56d,**]** mental retardation means a significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(b) For the purposes of sections 2c-2b, 4a-60, 4b-28, as amended by this act, 4b-31, 8-2g, 8-3e, 8-119t, as amended by this act, 9-159s, 10-91f, 12-81, as amended by this act, 17a-210, as amended by **[**this act**]** public act 11-16, 17a-210b, as amended by **[**this act**]** public act 11-16, 17a-215c, 17a-217 to 17a-218a, inclusive, as amended by **[**this act**]** public act 11-16, 17a-220, as amended by **[**this act**]** public act 11-16, 17a-226 to 17a-227a, inclusive, as amended by **[**this act**]** public act 11-16, 17a-228, as amended by **[**this act**]** public act 11-16, 17a-231 to 17a-233, inclusive, as amended by **[**this act**]** public act 11-16, 17a-247 to 17a-247b, inclusive, as amended by **[**this act**]** public act 11-16, 17a-270, as amended by **[**this act**]** public act 11-16, 17a-272 to 17a-274, inclusive, as amended by **[**this act**]** public act 11-16, 17a-276, as amended by **[**this act**]** public act 11-16, 17a-277, as amended by **[**this act**]** public act 11-16, 17a-281, as amended by **[**this act**]** public act 11-16, 17a-282, as amended by **[**this act**]** public act 11-16, 17a-580, as amended by this act, 17a-593, 17a-594, 17a-596, 17b-226, as amended by this act, 19a-638, as amended by this act, 45a-598, 45a-669, 45a-670, as amended by this act, 45a-672, 45a-674, as amended by this act, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681, 45a-682, 45a-683, **[**and**]** 46a-11a to 46a-11g, inclusive, as amended by this act and public act 11-16, 46a-51, 46a-60, 46a-64, 46a-64b, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46a-76, 46b-84, 52-146o, 53a-46a, 53a-59a, as amended by this act, 53a-60b, as amended by this act, 53a-60c, as amended by this act, 53a-61a, as amended by this act, 53a-181i, 53a-320, as amended by this act, 53a-321, as amended by this act, 53a-322, as amended by this act, 53a-323, as amended by this act, 54-56d, as amended by this act, and 54-250, "intellectual disability" shall

have the same meaning as "mental retardation" as defined in subsection (a) of this section.

(c) As used in subsection (a) of this section, "general intellectual functioning" means the results obtained by assessment with one or more of the individually administered general intelligence tests developed for that purpose and standardized on a significantly adequate population and administered by a person or persons formally trained in test administration; "significantly subaverage" means an intelligence quotient more than two standard deviations below the mean for the test; "adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group; and "developmental period" means the period of time between birth and the eighteenth birthday.

Sec. 3. Subsection (b) of section 4b-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) Each state agency, commission or department, except the Department of Transportation, that plans to construct or enlarge a building or underground utility facility, which project has an estimated cost of one hundred thousand dollars or more, shall give written notice to the chief executive officer of the town, city or borough in which such project is planned, and to the members of the General Assembly representing such town, city or borough, not later than sixty days before advertising for bids for such project. If a state agency, commission or department plans to do such construction or enlargement itself, it shall give such notice not later than sixty days before beginning the work. Notwithstanding the provisions of this subsection, if the executive authority of the agency, commission or department determines that an emergency exists or that compliance with the provisions of this subsection would increase the cost of the construction or enlargement project, such agency, commission or department shall give such notice as soon as practicable. As used in this section, "executive authority" shall be construed as defined in section 4-37e. The provisions of this section shall not apply to a community-based residential facility for **[**mentally retarded or mentally ill individuals**]** individuals with intellectual disability or persons with psychiatric disabilities.

Sec. 4. Section 8-119t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The Commissioner of Economic and Community Development shall encourage the development of independent living opportunities for low and moderate income handicapped and developmentally disabled persons by making grants-in-aid, within available appropriations, to state-wide, private, nonprofit housing development corporations which are organized and operating for the purpose of expanding independent living opportunities for such persons. Such

grants-in-aid shall be used to facilitate the development of small, noninstitutionalized living units for such persons, through programs including, but not limited to, preproject development, receipt of federal funds, site acquisition and architectural review. For the purposes of this part, "handicapped and developmentally disabled persons" means any persons who are physically or mentally handicapped, including, but not limited to, **[**mentally retarded,**]** persons with autism, persons with intellectual disability or persons who are physically disabled **[**,**]** or sensory impaired. **[**and autistic persons. **]**

(b) The Commissioner of Economic and Community Development shall adopt regulations, in accordance with chapter 54, to carry out the purposes of this section.

Sec. 5. Subparagraph (B) of subdivision (7) of section 12-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(B) On and after July 1, 1967, housing subsidized, in whole or in part, by federal, state or local government and housing for persons or families of low and moderate income shall not constitute a charitable purpose under this section. As used in this subdivision, "housing" shall not include real property used for temporary housing belonging to, or held in trust for, any corporation organized exclusively for charitable purposes and exempt from taxation for federal income tax purposes, the primary use of which property is one or more of the following: (i) An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility; (iii) housing for homeless, **[**retarded or**]** mentally or physically handicapped individuals or persons with intellectual disability, or for battered or abused women and children; (iv) housing for ex-offenders or for individuals participating in a program sponsored by the state Department of Correction or Judicial Branch; and (v) short-term housing operated by a charitable organization where the average length of stay is less than six months. The operation of such housing, including the receipt of any rental payments, by such charitable organization shall be deemed to be an exclusively charitable purpose;

Sec. 6. Section 17a-580 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

As used in sections 17a-581 to 17a-602, inclusive, and this section:

(1) "Acquittee" means any person found not guilty by reason of mental disease or defect pursuant to section 53a-13;

(2) "Board" means the Psychiatric Security Review Board established pursuant to section 17a-581;

(3) "Conditional release" means release subject to the jurisdiction of the board for supervision and treatment on an outpatient basis and includes, but is not limited to, the monitoring of mental and physical health treatment;

(4) "Court" means the Superior Court;

(5) "Danger to himself or others" includes danger to the property of others;

(6) "Hospital for mental illness" means any public or private hospital, retreat, institution, house or place in which a person with psychiatric disabilities or drug-dependent person is received or detained as a patient, but does not include any correctional institution of the state;

(7) "Mental illness" includes any mental illness in a state of remission when the illness may, with reasonable medical probability, become active;

(8) **[**"Mental retardation" means mental retardation as defined in section 1-1g**]** "Intellectual disability" has the same meaning as provided in section 1-1g, as amended by this act;

(9) "Person who should be conditionally released" means an acquittee who has psychiatric disabilities or **[**is mentally retarded**]** has intellectual disability to the extent that his final discharge would constitute a danger to himself or others but who can be adequately controlled with available supervision and treatment on conditional release;

(10) "Person who should be confined" means an acquittee who has psychiatric disabilities or **[**is mentally retarded**]** has intellectual disability to the extent that **[**his**]** such acquittee's discharge or conditional release would constitute a danger to **[**himself**]** the acquittee or others and who cannot be adequately controlled with available supervision and treatment on conditional release;

(11) "Person who should be discharged" means an acquittee who does not have psychiatric disabilities or **[**is not mentally retarded**]** does not have intellectual disability to the extent that **[**his**]** such acquittee's discharge would constitute a danger to **[**himself**]** the acquittee or others;

(12) "Psychiatrist" means a physician specializing in psychiatry and licensed under the provisions of sections 20-9 to 20-12, inclusive;

(13) "Psychologist" means a clinical psychologist licensed under the provisions of sections 20-186 to 20-195, inclusive;

(14) "State's attorney" means the state's attorney for the judicial district wherein the acquittee was found not guilty by reason of mental disease or defect pursuant to section 53a-13;

(15) "Superintendent" means any person, body of persons or corporation, or the designee of any such person, body of persons or corporation, which has the immediate supervision, management and control of a hospital for mental illness and the patients therein.

Sec. 7. Section 17b-226 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

The state shall take into consideration the costs mandated by collective bargaining agreements with certified collective bargaining agents or other agreements between employers and employees when making grants to or entering into contracts for services with the following: (1) Nonprofit organizations for mental health services pursuant to section 17a-476; (2) nonprofit organizations concerning services for drug-dependent and alcohol-dependent persons pursuant to section 17a-676; (3) residential and educational services pursuant to subsections (a) and (b) of section 17a-17; (4) psychiatric clinics and community mental health facilities pursuant to section 17a-20; (5) day treatment centers pursuant to section 17a-22; (6) youth service bureaus pursuant to subsection (a) of section 10-19n; (7) programs for the treatment and prevention of child abuse and neglect and for juvenile diversion pursuant to section 17a-49; (8) community-based service programs pursuant to sections 18-101i and 18-101k; (9) programs for **[**mentally retarded**]** children and adults with intellectual disability pursuant to section 17a-217; (10) community-based residential facilities for **[**mentally retarded**]** persons with intellectual disability pursuant to section 17a-218; and (11) vocational training programs for **[**mentally retarded**]** adults with intellectual disability pursuant to section 17a-226.

Sec. 8. Subdivision (17) of subsection (a) of section 19a-638 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(17) A residential facility for **[**the mentally retarded**]** persons with intellectual disability licensed pursuant to section 17a-227 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for the mentally retarded;

Sec. 9. Section 45a-674 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

At any hearing for appointment of a plenary guardian or limited guardian of the person with **[**mental retardation**]** intellectual disability, the court shall receive evidence as to the condition of the respondent, including a written report or testimony by a Department of Developmental Services assessment team appointed by the Commissioner of Developmental Services or his designee, no member of which is related by blood, marriage or adoption to either the applicant or the respondent and each member of which has personally observed or

examined the respondent within forty-five days next preceding such hearing. The assessment team shall be comprised of at least two representatives from among appropriate disciplines having expertise in the evaluation of persons alleged to **[**be mentally retarded**]** have intellectual disability. The assessment team members shall make their report on a form provided for that purpose by the Office of the Probate Court Administrator and shall answer questions on such form as fully and completely as possible. The report shall contain specific information regarding the severity of the **[**mental retardation**]** intellectual disability of the respondent and those specific areas, if any, in which he needs the supervision and protection of a guardian, and shall state upon the form the reasons for such opinions. The applicant, respondent or his counsel shall have the right to present evidence and cross-examine witnesses who testify at any hearing on the application. If such respondent or his counsel notifies the court not less than three days before the hearing that he wishes to cross-examine the witnesses, the court shall order such witnesses to appear. The fees for such assessment team shall be paid from funds appropriated to the Department of Developmental Services.

Sec. 10. Subsection (b) of section 46a-11b of the general statutes, as amended by section 37 of public act 11-16, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) Such report shall contain the name and address of the allegedly abused or neglected person, a statement from the person making the report indicating his belief that such person has intellectual disability, information supporting the supposition that such person is substantially unable to protect himself from abuse or neglect, information regarding the nature and extent of the abuse or neglect and any other information which the person making such report believes might be helpful in an investigation of the case and the protection of such person with **[**mental retardation**]** intellectual disability.

Sec. 11. Section 53a-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the first degree, when such person commits assault in the first degree under section 53a-59(a)(2), 53a-59(a)(3) or 53a-59(a)(5) and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with **[**mental retardation**]** intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with **[**mental retardation**]** intellectual disability.

(b) No person shall be found guilty of assault in the first degree and assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person

with intellectual disability in the first degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with **[**mental retardation**]** intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with **[**mental retardation**]** intellectual disability.

(d) Assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the first degree is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.

Sec. 12. Section 53a-60b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the second degree when such person commits assault in the second degree under section 53a-60 or larceny in the second degree under section 53a-123(a)(3) and (1) the victim of such assault or larceny has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault or larceny is a person with **[**mental retardation**]** intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with **[**mental retardation**]** intellectual disability.

(b) No person shall be found guilty of assault in the second degree or larceny in the second degree under section 53a-123(a)(3) and assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the second degree upon the same incident of assault or larceny, as the case may be, but such person may be charged and prosecuted for all such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with **[**mental retardation**]** intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct

constituting the offense, did not know the victim was a person with **[**mental retardation**]** intellectual disability.

(d) Assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the second degree is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court.

Sec. 13. Section 53a-60c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the second degree with a firearm when such person commits assault in the second degree with a firearm under section 53a-60a and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with **[**mental retardation**]** intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with **[**mental retardation**]** intellectual disability.

(b) No person shall be found guilty of assault in the second degree or assault in the second degree with a firearm and assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the second degree with a firearm upon the same incident of assault but such person may be charged and prosecuted for all of such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with **[**mental retardation**]** intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with **[**mental retardation**]** intellectual disability.

(d) Assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the second degree with a firearm is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which three years of the sentence imposed may not be suspended or reduced by the court.

Sec. 14. Section 53a-61a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the third degree when such person commits assault in the third degree under section 53a-61 and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with **[**mental retardation**]** intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with **[**mental retardation**]** intellectual disability.

(b) No person shall be found guilty of assault in the third degree and assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the third degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with **[**mental retardation**]** intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with **[**mental retardation**]** intellectual disability.

(d) Assault of an elderly, blind, disabled **[**,**]** or pregnant **[**or mentally retarded**]** person or a person with intellectual disability in the third degree is a class A misdemeanor and any person found guilty under this section shall be sentenced to a term of imprisonment of one year which shall not be suspended or reduced.

Sec. 15. Section 53a-320 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

For the purposes of sections 53a-320 to 53a-323, inclusive, as amended by this act:

(1) "Person" means any natural person, corporation, partnership, limited liability company, unincorporated business or other business entity;

(2) "Elderly person" means any person who is sixty years of age or older;

(3) "Blind person" means any person who is blind, as defined in section 1-1f;

(4) "Disabled person" means any person who is physically disabled, as defined in section 1-1f;

(5) **[**"Mentally retarded person"**]** "Person with intellectual disability" means any person with **[**mental retardation**]** intellectual disability, as defined in section 1-1g, as amended by this act;

(6) "Abuse" means any repeated act or omission that causes physical injury or serious physical injury to an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability, except when (A) the act or omission is a part of the treatment and care, and in furtherance of the health and safety, of the elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** person with intellectual disability, or (B) the act or omission is based upon the instructions, wishes, consent, refusal to consent or revocation of consent of an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability, or the legal representative of an incapable elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability. For purposes of this subdivision, "repeated" means an act or omission that occurs on two or more occasions;

(7) "Intentionally" means "intentionally" as defined in subdivision (11) of section 53a-3;

(8) "Knowingly" means "knowingly" as defined in subdivision (12) of section 53a-3;

(9) "Recklessly" means "recklessly" as defined in subdivision (13) of section 53a-3;

(10) "Physical injury" means "physical injury" as defined in subdivision (3) of section 53a-3; and

(11) "Serious physical injury" means "serious physical injury" as defined in subdivision (4) of section 53a-3.

Sec. 16. Section 53a-321 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of abuse in the first degree when such person intentionally commits abuse of an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability and causes serious physical injury to such elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** person with intellectual disability.

(b) Abuse in the first degree is a class C felony.

Sec. 17. Section 53a-322 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of abuse in the second degree when such person: (1) Intentionally commits abuse of an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability and causes physical injury to such elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** person with intellectual disability, or (2) knowingly commits abuse of an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability and causes serious physical injury to such elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** person with intellectual disability.

(b) Abuse in the second degree is a class D felony.

Sec. 18. Section 53a-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of abuse in the third degree when such person (1) knowingly commits abuse of an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability and causes physical injury to such elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** person with intellectual disability, or (2) recklessly commits abuse of an elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** a person with intellectual disability and causes physical injury to such elderly, blind **[**,**]** or disabled person or **[**mentally retarded**]** person or person with intellectual disability.

(b) Abuse in the third degree is a class A misdemeanor.

Sec. 19. Subsection (i) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(i) The placement of the defendant for treatment for the purpose of rendering the defendant competent shall comply with the following conditions: (1) The period of placement under the order or combination of orders shall not exceed the period of the maximum sentence which the defendant could receive on conviction of the charges against the defendant or eighteen months, whichever is less; (2) the placement shall be either in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services or, if the defendant or the appropriate commissioner agrees to provide payment, in the custody of any appropriate mental health facility or treatment program which agrees to provide treatment to the defendant and to adhere to the requirements of this section; and (3) the court shall order the placement, on either an inpatient or an outpatient basis, which the court finds is the least restrictive placement appropriate and available to restore competency. If outpatient treatment is the least restrictive placement for a defendant who has not yet been released from a correctional facility, the court shall consider whether the availability of such treatment is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond. If the court determines that the defendant may not be so

released, the court shall order treatment of the defendant on an inpatient basis at a mental health facility or **[**mental retardation**]** facility for persons with intellectual disability. Not later than twenty-four hours after the court orders placement of the defendant for treatment for the purpose of rendering the defendant competent, the examiners shall transmit information obtained about the defendant during the course of an examination pursuant to subsection (d) of this section to the health care provider named in the court's order.

Sec. 20. (*Effective October 1, 2011*) (a) (1) Wherever the words "the mentally retarded" are used in the following general statutes, "persons with intellectual disability" or "individuals with intellectual disability" shall be substituted in lieu thereof; (2) wherever the words "mentally retarded", "mentally retarded person" or "mentally retarded persons" are used in the following general statutes, the words "intellectual disability", "person with intellectual disability" or "persons with intellectual disability" shall be substituted in lieu thereof; and (3) wherever the words "mental retardation" are used in the following general statutes, the words "intellectual disability" shall be substituted in lieu thereof: 2c-2b, 4a-60, 4b-31, 8-2g, 8-3e, 9-159s, 10-91f, 17a-593, 17a-594, 17a-596, 45a-598, 45a-669, 45a-672, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681, 45a-682, 45a-683, 46a-51, 46a-60, 46a-64, 46a-64b, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46b-76, 46b-84, 52-146o, 53a-46a, 53a-181i and 54-250.

(b) The Legislative Commissioners' Office shall, in codifying said sections of the general statutes pursuant to subsection (a) of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Approved July 8, 2011

House Bill No. 6490

Public Act No. 11-134

AN ACT ESTABLISHING A PROCEDURE FOR RELIEF FROM CERTAIN FEDERAL FIREARMS PROHIBITIONS.

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

Section 1. (NEW) (*Effective July 1, 2011*) (a) Any person having a federal firearms disability under 18 USC 922(d)(4) and 18 USC 922(g)(4), as a result of an adjudication or commitment rendered in this state, may petition the probate court for the district in which such person resides for relief from the federal firearms disability that resulted from such adjudication or commitment.

(b) The petitioner shall submit to the probate court, together with the petition and the releases required by subsection (d) of this section, information in support of the petition, including, but not limited to:

(1) Certified copies of medical records detailing the petitioner's psychiatric history where applicable, including records pertaining to the specific adjudication or commitment that is the subject of the petition;

(2) Certified copies of medical records from all of the petitioner's current treatment providers, if the petitioner is receiving treatment;

(3) A certified copy of all criminal history information maintained on file by the State Police Bureau of Identification and the Federal Bureau of Investigation pertaining to the petitioner or a copy of the response from said bureaus indicating that there is no criminal history information on file;

(4) Evidence of the petitioner's reputation, which may include notarized letters of reference from current and past employers, family members or personal friends, affidavits from the petitioner or other character evidence; and

(5) Any further information or documents specifically requested by the court, which documents shall be certified copies of original documents.

(c) The petitioner shall cause a copy of the petition and all supporting documents submitted to the probate court pursuant to subsection (b) of this section to be delivered to the Commissioner of Public Safety and shall certify to the probate court that such delivery has been made.

(d) The petitioner shall provide for the release of all of the petitioner's records that may relate to the petition, including, but not limited to, health, mental health, military, immigration, juvenile court, civil court and criminal records, on forms prescribed by the Probate Court Administrator. The releases shall authorize the Commissioner of Public Safety to obtain any of such records for use at the probate court hearing or in any appeal from the decision of the probate court.

(e) The petitioner shall ensure that all required information accompanies the petition at the time it is submitted to the court. Unless specifically requested by the court, information provided after receipt of the petition by the court shall not be considered. Information specifically requested by the court must be received by the court no later than fifteen days after the date of the request in order for the information to be considered. The court may extend such time period for good cause shown. Failure to provide the requested information within such time period may result in a denial of the petition.

(f) Upon the filing of the petition, the probate court shall set a date, time and place for a hearing and shall give notice of such hearing to (1) the petitioner, (2) the Commissioner of Public Safety, (3) the court that rendered the adjudication or commitment, (4) the conservator appointed for the petitioner, if any, and (5) any other person determined by the court to have an interest in the matter.

(g) The court shall cause a recording of the testimony given at such hearing to be made. Such recording shall be transcribed only in the event of an appeal from the decision rendered by the probate court under this section. A copy of such transcript shall be furnished without charge to any appellant whom the probate court finds is unable to pay for such copy. The cost of such transcript shall be paid from funds appropriated to the Judicial Department.

(h) The petitioner shall have the burden of establishing by clear and convincing evidence that (1) the petitioner is not likely to act in a manner that is dangerous to public safety, and (2) granting relief from the federal firearms disability is not contrary to the public interest. The Commissioner of Public Safety and any other person determined by the court to have an interest in the matter may present any and all relevant information at the probate court hearing and in any appeal to the Superior Court.

(i) In determining whether to grant relief under this section, the court shall consider the following:

(1) The circumstances regarding the firearms disability imposed by 18 USC 922(d)(4) and 18 USC 922(g)(4);

(2) The petitioner's record, which shall include, at a minimum, the petitioner's mental health records and criminal history records, if any;

(3) The petitioner's reputation, which the petitioner must demonstrate through character witness statements, testimony or other character evidence; and

(4) Any other relevant information provided by the petitioner, the Commissioner of Public Safety or any other person determined by the court to have an interest in the matter.

(j) The court shall grant relief under this section if it finds by clear and convincing evidence that: (1) The petitioner will not be likely to act in a manner dangerous to public safety, and (2) granting the relief will not be contrary to the public interest. The court shall include in its decision the specific findings of fact on which it bases its decision.

(k) The petitioner or the Commissioner of Public Safety may appeal the final decision of the probate court to the Superior Court in accordance with the provisions of section 45a-186 of the general statutes. Notwithstanding any other provision of the general statutes, any review of the decision of the probate court by the Superior Court shall be de novo.

(l) Enforcement of any decision of the probate court granting relief pursuant to the petition shall be stayed until the period in which to take an appeal under section 45a-186 of the general statutes has expired or, if an appeal is taken, until the final decision of the court. If the court grants the relief and no appeal is taken or an appeal is taken and the decision is upheld, the court granting relief shall notify the Commissioner of Public Safety of that decision.

(m) As soon as practicable after receiving notice of the decision of the court granting relief, the Commissioner of Public Safety shall (1) coordinate the removal or cancellation of the record in the National Instant Criminal Background Check System (NICS), and (2) notify the Attorney General of the United States that the basis of the record no longer applies.

(n) All proceedings in the probate court under the provisions of this section shall be closed to the public and all records of the proceedings shall be confidential and not subject to disclosure except to the petitioner or his or her counsel and the Commissioner of Public Safety, unless the probate court, after notice to the parties and a hearing, determines that such records should be disclosed for good cause shown.

Approved July 8, 2011

Substitute Senate Bill No. 1043

Public Act No. 11-167

AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

Section 1. Section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) As used in this section:

(1) "Person" means (A) any individual named in a record, maintained by the department, who (i) is presently or at any prior time was a ward of or committed to the commissioner for any reason; (ii) otherwise received services, voluntarily or involuntarily, from the department; or (iii) is presently or was at any prior time the subject of an investigation by the department; (B) **[**the parent of a person, as defined**]** a parent whose parental rights have not been terminated or current guardian of an individual described in subparagraph (A) of this subdivision, if such **[**person**]** individual is a minor; or (C) the authorized representative of **[**a person, as defined**]** an individual described in subparagraph (A) of this subdivision, if such **[**person**]** individual is deceased;

(2) "Attorney" means the licensed attorney authorized to assert the confidentiality of or right of access to records of a person;

(3) "Authorized representative" means a parent, guardian, guardian ad litem, attorney, conservator or other individual authorized to assert the confidentiality of or right of access to records of a person;

(4) "Consent" means permission given in writing by a person, **[**his**]** such person's attorney or **[**his**]** authorized representative to disclose specified information, within a limited time period, regarding the person to specifically identified individuals or entities;

(5) "Records" means information created or obtained in connection with the department's child protection activities or other activities related to a child while in the care or custody of the department, including information in the registry of reports to be maintained by the commissioner pursuant to section 17a-101k, as amended by this act; **[**provided records which are not created by the department are not subject to disclosure, except as provided pursuant to subsection (f), (l) or (n) of this section; **]**

(6) "Disclose" means (A) to provide an oral summary of records maintained by the department to an individual, agency, corporation or organization, or (B) to allow an individual, agency, corporation or organization to review or obtain copies of such records in whole, part or summary form;

(7) "Near fatality" means an act **[**, as certified by a physician,**]** that places a child in serious or critical condition.

(b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213, records maintained by the department shall be confidential and shall not be disclosed, unless the department receives written consent from the person or as provided in this section, section 17a-101g or 17a-101k, as amended by this act. Any unauthorized disclosure shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. Any employee of the department who in the ordinary course of such person's employment has reasonable cause to suspect or believe that another employee has engaged in the unauthorized disclosure of records shall report in writing such unauthorized disclosure of records to the commissioner. The report shall include the name of the person disclosing the information and the nature of the information disclosed and to whom it was disclosed, if known.

[(c) When information concerning an incident of abuse or neglect has been made public or when the commissioner reasonably believes publication of such information is likely, the commissioner or the commissioner's designee may disclose, with respect to an investigation of such abuse or neglect: (1) Whether the department has received a report in accordance with sections 17a-101a to 17a-101c, inclusive, or section 17a-103, and (2) in general terms, any action taken by the department, provided (A) the names or other individually identifiable information of the minor victim or other family member is not disclosed, and (B) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless the person has been arrested for a crime due to such abuse or neglect.

(d) The commissioner shall make available to the public, without the consent of the person, information in general terms or findings concerning an incident of abuse or neglect which resulted in a child fatality or near fatality of a child, provided disclosure of such information or findings does not jeopardize a pending investigation. **]**

(c) Records that (1) contain privileged communications, or (2) are confidential pursuant to any federal law or regulation shall not be disclosed except as authorized by law.

(d) Any information disclosed from a person's record shall not be further disclosed to another individual or entity without the written consent of the person, except pursuant to (1) section 19a-80 or 19a-80f, provided such disclosure is otherwise permitted pursuant to subsections (b) and (c) of this section, or (2) the order of a court of competent jurisdiction.

(e) The commissioner shall, upon written request, disclose the following information concerning agencies licensed by the Department of Children and Families, except foster care parents, relatives of the child who are **[**certified**]** licensed to provide foster care or prospective adoptive families: (1) The name of the licensee; (2) the date the original license was issued; (3) the current status of the license; (4) whether an agency investigation or review is pending or has been completed; and (5) any licensing action taken by the department at any time during the period such license was issued and the reason for such action, provided disclosure of such information will not jeopardize a pending investigation.

[(f) The commissioner or the commissioner's designee shall, upon request, promptly provide copies of records, without the consent of a person, to (1) a law enforcement agency, (2) the Chief State's Attorney, or the Chief State's Attorney's designee, or a state's attorney for the judicial district in which the child resides or in which the alleged abuse or neglect occurred, or the state's attorney's designee, for purposes of investigating or prosecuting an allegation of child abuse or neglect, (3) the attorney appointed to represent a child in any court in litigation affecting the best interests of the child, (4) a guardian ad litem appointed to represent a child in any court in litigation affecting the best interests of the child, (5) the Department of Public Health, in connection with: (A) Licensure of any person to care for children for the purposes of determining the suitability of such person for licensure, subject to the provisions of sections 17a-101g and 17a-101k, or (B) an investigation conducted pursuant to section 19a-80f, (6) any state agency which licenses such person to educate or care for children pursuant to section 10-145b or 17a-101j, subject to the provisions of sections 17a-101g and 17a-101k concerning nondisclosure of findings of responsibility for abuse and neglect, (7) the Governor, when requested in writing, in the course of the Governor's official functions or the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and the select committee of the General Assembly having cognizance of matters relating to children when requested in the course of said committees' official functions in writing, and upon a majority vote of said committee, provided no names or other identifying information shall be disclosed unless it is essential to the legislative or gubernatorial purpose, (8) a local or regional board of education, provided the

records are limited to educational records created or obtained by the state or Connecticut-Unified School District #2, established pursuant to section 17a-37, (9) a party in a custody proceeding under section 17a-112 or 46b-129, in the Superior Court where such records concern a child who is the subject of the proceeding or the parent of such child, (10) the Chief Child Protection Attorney, or his or her designee, for purposes of ensuring competent representation by the attorneys whom the Chief Child Protection Attorney contracts with to provide legal and guardian ad litem services to the subjects of such records and to ensure accurate payments for services rendered by such contract attorneys, (11) the Department of Motor Vehicles, for purposes of checking the state's child abuse and neglect registry pursuant to subsection (e) of section 14-44, and (12) a judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding. A disclosure under this section shall be made of any part of a record, whether or not created by the department, provided no confidential record of the Superior Court shall be disclosed other than the petition and any affidavits filed therewith in the superior court for juvenile matters, except upon an order of a judge of the Superior Court for good cause shown. The commissioner shall also disclose the name of any individual who cooperates with an investigation of a report of child abuse or neglect to such law enforcement agency or state's attorney for purposes of investigating or prosecuting an allegation of child abuse or neglect. The commissioner or the commissioner's designee shall, upon request, subject to the provisions of sections 17a-101g and 17a-101k, promptly provide copies of records, without the consent of the person, to (A) the Department of Public Health for the purpose of determining the suitability of a person to care for children in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social Services for determining the suitability of a person for any payment from the department for providing child care.

(g) When the commissioner or his designee determines it to be in a person's best interest, the commissioner or his designee may disclose records, whether or not created by the department and not otherwise privileged or confidential communications under state or federal law, without the consent of a person to:

(1) Multidisciplinary teams which are formed to assist the department in investigation, evaluation or treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services under contract with the department for a child referred to the provider;

(2) Any agency in another state which is responsible for investigating or protecting against child abuse or neglect for the purpose of investigating a child abuse case;

(3) An individual, including a physician, authorized pursuant to section 17a-101f to place a child in protective custody if such individual has before him a child whom he reasonably suspects may be a victim of abuse or neglect and such individual requires the information in a record in order to determine whether to place the child in protective custody;

(4) An individual or public or private agency responsible for a person's care or custody and authorized by the department to diagnose, care for, treat or supervise a child who is the subject of a record of child abuse or neglect or a public or private agency responsible for a person's education for a purpose related to the individual's or agency's responsibilities;

(5) The Attorney General or any assistant attorney general providing legal counsel for the department;

(6) Individuals or public or private agencies engaged in medical, psychological or psychiatric diagnosis or treatment of a person perpetrating the abuse or who is unwilling or unable to protect the child from abuse or neglect when the commissioner or his designee determines that the disclosure is needed to accomplish the objectives of diagnosis or treatment;

(7) A person who reports child abuse pursuant to sections 17a-101a to 17a-101c, inclusive, and section 17a-103, who made a report of abuse involving the subject child, provided the information disclosed is limited to (A) the status of the investigation, and (B) in general terms, any action taken by the department;

(8) An individual conducting bona fide research, provided no information identifying the subjects of records shall be disclosed unless (A) such information is essential to the purpose of the research; (B) each person identified in a record or his authorized representative has authorized such disclosure in writing; and (C) the department has given written approval;

(9) The Auditors of Public Accounts or their representative, provided no information identifying the subjects of the records shall be disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

(10) The Department of Social Services, provided the information disclosed is necessary to promote the health, safety and welfare of the child;

(11) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs;

(12) The superintendents, or their designees, of state-operated facilities within the department; and

(13) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child, who is a client of said department and who is applying for participation in said department's voluntary services program or enrolled in said program. Records provided pursuant to this subdivision shall be limited to a written summary of any investigation conducted by the Department of Children and Families pursuant to section 17a-101g. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services voluntary services program or at the time that a child's annual individualized plan of care is updated, said department shall notify such parent or guardian that records specified in this subdivision may be provided by the Department of Children and Families to the Department of Developmental Services without the consent of such parent or guardian.

(h) The commissioner or his designee may disclose the name, address and fees for services to a person, to individuals or agencies involved in the collection of fees for such services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, such disclosure of further information shall be limited to the following: (1) That the person was in fact committed to or otherwise served by the department; (2) dates and duration of service; and (3) a general description of the service, which shall include evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in any institution or facility.

(i) Notwithstanding the provisions of subsections (f) and (l) of this section, the name of an individual reporting child abuse or neglect shall not be disclosed without his written consent except to (1) an employee of the department responsible for child protective services or the abuse registry; (2) a law enforcement officer; (3) an appropriate state's attorney; (4) an appropriate assistant attorney general; (5) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 46b-129, or a criminal prosecution involving child abuse or neglect; or (6) a state child care licensing agency, executive director of any institution, school or facility or superintendent of schools pursuant to section 17a-101i.

(j) Notwithstanding the provisions of subsection (g) of this section, the name of any individual who cooperates with an investigation of a report of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed to the persons listed in subsection (i) of this section.

(k) Notwithstanding the confidentiality provisions of this section, the commissioner, upon request of an employee, shall disclose such records to such employee or his authorized representative which would be applicable and

necessary for the purposes of an employee disciplinary hearing or appeal from a decision after such hearing.

(l) Information disclosed from a person's record shall not be disclosed further without the written consent of the person, except if disclosed (1) pursuant to the provisions of section 19a-80f, or (2) to a party or his counsel pursuant to an order of a court in which a criminal prosecution or an abuse, neglect, commitment or termination proceeding against the party is pending. A state's attorney shall disclose to the defendant or his counsel in a criminal prosecution, without the necessity of a court order, exculpatory information and material contained in such record and may disclose, without a court order, information and material contained in such record which could be the subject of a disclosure order. All written records disclosed to another individual or agency shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such material shall not be disclosed to anyone without written consent of the person or as provided by this section. A copy of the consent form specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed thereon shall accompany such record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.

(m) In addition to the right of access provided in section 1-210, any person, regardless of age, his authorized representative or attorney shall have the right of access to any records made, maintained or kept on file by the department, whether or not such records are required by any law or by any rule or regulation, when those records pertain to or contain information or materials concerning the person seeking access thereto, including but not limited to records concerning investigations, reports, or medical, psychological or psychiatric examinations of the person seeking access thereto, provided that (1) information identifying an individual who reported abuse or neglect of a person, including any tape recording of an oral report pursuant to section 17a-103, shall not be released unless, upon application to the Superior Court by such person and served on the Commissioner of Children and Families, a judge determines, after in camera inspection of relevant records and a hearing, that there is reasonable cause to believe the reporter knowingly made a false report or that other interests of justice require such release; and (2) if the commissioner determines that it would be contrary to the best interests of the person or his authorized representative or attorney to review the records, he may refuse access by issuing to such person or representative or attorney a written statement setting forth the reasons for such refusal, and advise the person, his authorized representative or attorney of the right to seek judicial relief. When any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained therein, he shall have the unqualified right to add a statement to the record setting forth what he believes to be an

accurate statement of those facts, and said statement shall become a permanent part of said record.

(n) (1) Any person, attorney or authorized representative aggrieved by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or of subsection (m) of this section, except subdivision (2) of said subsection (m), may seek judicial relief in the same manner as provided in section 52-146j; (2) any person, attorney or authorized representative denied access to records by the commissioner under subdivision (2) of subsection (m) of this section may petition the superior court for the venue district provided in section 46b-142 in which the person resides for an order requiring the commissioner to permit access to those records, and the court after hearing, and an in camera review of the records in question, shall issue such an order unless it determines that to permit such access would be contrary to the best interests of the person or authorized representative.

(o) The commissioner shall promulgate regulations pursuant to chapter 54, within one year of October 1, 1996, to establish procedures for access to and disclosure of records consistent with the provisions of this section. **]**

(f) The name of any individual who reports suspected abuse or neglect of a child or youth or cooperates with an investigation of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed pursuant to subparagraph (B) of subdivision (1) of subsection (g) of this section to (1) an employee of the department for reasons reasonably related to the business of the department; (2) a law enforcement officer for purposes of investigating abuse or neglect of a child or youth; (3) a state's attorney for purposes of investigating or prosecuting abuse or neglect of a child or youth; (4) an assistant attorney general or other legal counsel representing the department; (5) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 17a-112 or 46b-129, or a criminal prosecution involving child abuse or neglect; (6) a state child care licensing agency; or (7) the executive director of any institution, school or facility or superintendent of schools pursuant to section 17a-101i.

(g) The department shall disclose records, subject to subsections (b) and (c) of this section, without the consent of the person who is the subject of the record, to:

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) information identifying an individual who reported abuse or neglect of the person, including any tape recording or an oral report pursuant to section 17a-

103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the business of the department;

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

(5) The Child Advocate or the Child Advocate's designee;

(6) The Chief Child Protection Attorney or the Chief Child Protection Attorney's designee;

(7) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting an allegation of child abuse or neglect, provided such prosecuting authority shall have access to records of a delinquency defendant, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;

(8) A state or federal law enforcement officer for purposes of investigating an allegation of child abuse or neglect;

(9) Any foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

(10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committees of the General Assembly having cognizance of matters relating to human services and the judiciary and the select committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committees' official functions, and upon a majority vote of said committees, provided no names or other identifying information is disclosed unless it is essential to the gubernatorial or legislative purpose;

(11) The Department of Public Health for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; or (C) an investigation conducted pursuant to section 19a-80f;

(12) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's voluntary services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' voluntary services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

(13) A state agency that licenses or certifies a person to educate or care for children or youth;

(14) A judge or employee of a probate court who requires access to such records in order to perform such judge's or employee's official duties;

(15) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs, or a judge of the Superior Court in a criminal prosecution for purposes of in-camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

(16) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

(17) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

(18) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

(19) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44, provided information disclosed pursuant to this subdivision shall be limited to information obtained in

an investigation conducted pursuant to section 17a-101g and information contained in the abuse and neglect registry pursuant to section 17a-101k, as amended by this act; and

(20) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families.

(h) The department may, subject to subsections (b) and (c) of this section, disclose records without the consent of the person who is the subject of the record, to:

(1) An employee or former employee of the department or such employee or former employee's authorized representative for purposes of participating in any court, administrative or disciplinary proceeding, provided such disclosure shall be limited to records that are necessary to the proceeding, as determined by the department;

(2) Multidisciplinary teams, as described in section 17a-106a;

(3) A provider of professional services for a child, youth or parent referred to such provider, provided such disclosure is limited to information necessary to provide services to the child, youth or parent;

(4) An individual or agency under contract with the department for the purposes of identifying and assessing a potential foster or adoptive home for a child or youth, provided no information identifying a biological parent of a child or youth is disclosed without the permission of such biological parent;

(5) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; or (B) promoting the health, safety and welfare of the child or youth;

(6) A physician examining a child with respect to whom abuse or neglect is suspected and who is authorized pursuant to section 17a-101f to keep the child in the custody of a hospital when such physician requires the information in a record of the department to determine whether to keep the child or youth in protective custody;

(7) An individual who reports child abuse or neglect pursuant to sections 17a-101a to 17a-101c, inclusive, or 17a-103, who made a report of abuse or neglect, provided the information disclosed is limited to (A) the status of the investigation conducted pursuant to section 17a-101g resulting from the individual's report; and (B) in general terms, the action taken by the department as a result of such investigation;

(8) An individual or organization engaged in the business of medical, psychological or psychiatric diagnosis and treatment and who is treating an individual who has perpetrated abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, or who is unwilling or unable to protect a child or youth from abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, when the commissioner, or the commissioner's designee, determines that the disclosure is necessary to accomplish the objectives of diagnosis or treatment;

(9) A court or public agency in another state or a federally recognized Indian tribe, that is responsible for investigating child abuse or neglect, preventing child abuse and neglect or providing services to families at risk for abuse or neglect, for the purpose of such investigation, prevention or providing services to such families;

(10) An individual conducting bona fide research, provided no information identifying the subject of the record is disclosed unless (A) such information is essential to the purpose of the research; and (B) the department has given written approval for the use of such information;

(11) An individual or agency involved in the collection of fees for services, provided such information is limited to the name and address of the person who received the services and the fees for services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, the Department of Children and Families may disclose the following: (A) That the person was, in fact, provided services by the department; (B) the dates and duration of service; and (C) a general description of the service, including evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in an institution or facility;

(12) A law enforcement officer or state's attorney if there is reasonable cause to believe that a child or youth is being abused or neglected or at risk of being abused or neglected as a result of any suspected criminal activity by any person;

(13) Any individual interviewed as part of an investigation conducted pursuant to section 17a-101g, who is not otherwise entitled to such information, provided such disclosure of information is limited to: (A) The general nature of the allegations contained in the reports; (B) the identity of the child or youth alleged to have been abused or neglected; and (C) information necessary to effectively conduct the investigation;

(14) Any individual, when information concerning an incident of abuse or neglect has been made public or the commissioner reasonably believes publication of such information is likely, provided such disclosure is limited to: (A) Whether the department has received any report in accordance with sections 17a-101a to

17a-101c, inclusive, or section 17a-103; (B) in general terms, any action taken by the department, provided: (i) Names or other individually identifiable information of the minor victim or other family members is not disclosed, regardless of whether such individually identifiable information is otherwise available, and (ii) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless such person has been arrested for a crime due to such abuse or neglect; (C) confirmation or denial of the accuracy of information that has been made public; and (D) notwithstanding the provisions of section 46b-124, in general terms, the legal status of the case;

(15) Any individual for the purpose of locating a missing parent, child or youth, provided such disclosure is limited to information that assists in locating such missing parent, child or youth;

(16) Any individual, when the information or findings concern an incident of abuse or neglect that resulted in a child or youth fatality or near fatality of a child or youth, provided disclosure of such information or findings is in general terms and does not jeopardize a pending investigation;

(17) A court of competent jurisdiction whenever an employee of the department is subpoenaed and ordered to testify about such records;

(18) An individual who is not employed by the department who arranges, performs or assists in performing functions or activities on behalf of the department, including, but not limited to, data analysis, processing or administration, utilization reviews, quality assurance, practice management, consultation, data aggregation and accreditation services.

(i) Notwithstanding the provisions of subsections (e) to (h), inclusive, of this section, the department may refuse to disclose records to any individual, provided the department gives such individual notice (1) that records are being withheld; (2) of the general nature of the records being withheld; (3) of the department's reason for refusing to disclose the records; and (4) of the individual's right to judicial relief pursuant to subsection (j) of this section.

(j) (1) Any person or individual aggrieved by a violation of subsection (b) or (d), subsections (f) to (h), inclusive, or subsection (k) of this section, or a person's authorized representative, may seek judicial relief in the manner prescribed in section 52-146j.

(2) Any person, individual or authorized representative denied access to records by the commissioner under subdivision (i) of this section may petition the superior court for the venue district provided in section 46b-142 in which the person resides for an order requiring the commissioner to permit access to those records, and the court, after a hearing and an in-camera review of the records in

question, shall issue such an order unless it determines that permitting disclosure of all or any portion of the record (A) would be contrary to the best interests of the person or the person's authorized representative; (B) could reasonably result in the risk of harm to any individual; or (C) would contravene the public policy of the state.

(k) All written records disclosed to another individual or agency shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such records shall not be disclosed to anyone without the written consent of the person or as provided by this section. A copy of the consent form, specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed on such disclosure, shall accompany the record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.

(l) Whenever any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained in such record, such person, attorney or authorized representative may add a statement to the record setting forth what such person, attorney or authorized representative believes to be an accurate statement of those facts and such statement shall become a permanent part of the record.

Sec. 2. Subdivision (1) of subsection (c) of section 17a-101k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(c) (1) Following a request for appeal, the commissioner or the commissioner's designee shall conduct an internal review of the recommended finding to be completed no later than thirty days after the request for appeal is received by the department. The commissioner or the commissioner's designee shall review all relevant information relating to the recommended finding, to determine whether the recommended finding is factually or legally deficient and ought to be reversed. Prior to the review, the commissioner shall provide the individual access to all relevant documents in the possession of the commissioner regarding the finding of responsibility for abuse or neglect of a child, as provided in **[**subsection (m) of**]** section 17a-28, as amended by this act.

Approved July 13, 2011

Substitute Senate Bill No. 982

Public Act No. 11-177

AN ACT CONCERNING A PILOT TRUANCY CLINIC IN WATERBURY.

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

Section 1. (NEW) (*Effective from passage*) (a) The Probate Court Administrator may, within available appropriations, establish a pilot truancy clinic within the regional children's probate court for the district of Waterbury. The administrative judge of the regional children's probate court for the district of Waterbury shall administer the truancy clinic.

(b) The principal of any elementary or middle school in the Waterbury school district, or the principal's designee, may refer to the truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a of the general statutes, or at risk of becoming a truant. Upon receiving such referral, the truancy clinic shall prepare a citation and summons for the parent or guardian of the child to appear at the clinic. An attendance officer authorized pursuant to section 10-199 of the general statutes, or an officer authorized pursuant to section 10-200 of the general statutes, shall deliver the citation, summons and a copy of the referral to the parent or guardian.

(c) The administrative judge of the regional children's probate court for the district of Waterbury may refer any matter referred to the truancy clinic to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a of the general statutes to hear the matter.

(d) The truancy clinic shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy clinic shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and

private agencies, and other organizations to provide services and support for parents, guardians and children participating in the clinic.

(e) The Probate Court Administrator shall establish policies and procedures to implement the truancy clinic and measure the clinic's effectiveness.

(f) Not later than September 1, 2012, and annually thereafter, the administrative judge of the regional children's probate court for the district of Waterbury shall file a report with the Probate Court Administrator assessing the truancy clinic's effectiveness.

(g) Not later than January 1, 2015, the Probate Court Administrator shall submit, in accordance with section 11-4a of the general statutes, a report assessing the effectiveness of the truancy clinic to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

Sec. 2. Section 45a-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) In any matter pending in any court of probate, except an involuntary patient matter or involuntary commitment matter under chapter 319i, a temporary custody matter under part II of chapter 802h, or an involuntary representation matter under part IV of chapter 802h, the court may refer the matter, with the consent of the parties or their attorneys, to a probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter.

(2) The probate magistrate or attorney probate referee to whom the matter is referred shall hear the matter and file a report with the court on his or her findings of fact and conclusions drawn therefrom not later than sixty days after the conclusion of such hearing. The probate magistrate or attorney probate referee may file an amendment to the report with the court prior to the date the court accepts, modifies or rejects the report pursuant to subdivision (4) of this subsection. Upon the filing of any report or amendment to a report under this subdivision, the probate clerk shall provide a copy of the report or amendment to the report to the parties and their attorneys.

(3) Any party aggrieved by a finding of fact or a conclusion drawn therefrom in a report or amendment to a report may file an objection with the court not later than twenty-one days after the date the report was filed pursuant to subdivision (2) of this subsection.

(4) At least twenty-one days after a report is filed pursuant to subdivision (2) of this subsection, the court shall hold a hearing on the report and any amendment to the report or objection filed pursuant to this subsection. Not later than thirty days after the conclusion of a hearing under this subdivision, the court shall

determine whether to accept, modify or reject the report or any amendment to the report. If the court finds that the probate magistrate or attorney probate referee has materially erred in his or her findings or conclusions in such report or amendment or that there are other sufficient reasons why the report or amendment should not be accepted, the court shall, in the court's discretion, modify or reject the report or amendment. If the court rejects the report and any amendment to the report, the court may hear and determine the matter or refer the matter to a different probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a to hear the matter and report his or her findings of fact and conclusions drawn therefrom in accordance with subdivision (2) of this subsection, provided the parties or their attorneys consent to such referral. If the court accepts or modifies the report or amendment, the court shall issue a decree.

(5) The court shall give notice to the parties and their attorneys of the time and place of any hearing under this subsection.

(b) A probate magistrate or attorney probate referee assigned by the Probate Court Administrator pursuant to section 45a-123a may hear any matter referred to such probate magistrate or attorney probate referee by the truancy clinic established in section 1 of this act.

[(b)**]** (c) Each probate magistrate and attorney probate referee shall be sworn to faithfully perform the duties of a probate magistrate or attorney probate referee, as the case may be, and shall have all the powers conferred by law upon judges of probate for procuring the attendance of witnesses and for punishing for contempt.

Approved July 13, 2011

Substitute Senate Bill No. 1044

Public Act No. 11-180

AN ACT CONCERNING NOTIFICATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES WHEN A YOUTH IS ARRESTED FOR PROSTITUTION AND OUT-OF-STATE PLACEMENTS OF CHILDREN AND YOUTH.

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

Section 1. Subsection (c) of section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(c) (1) Upon the arrest of any child by an officer, such officer may **[**(1)**]** (A) release the child to the custody of the child's parent or parents, guardian or some other suitable person or agency, **[**(2)**]** (B) at the discretion of the officer, release the child to the child's own custody, or **[**(3)**]** (C) immediately turn the child over to a juvenile detention center. When a child is arrested for the commission of a delinquent act and the child is not placed in detention or referred to a diversionary program, an officer shall serve a written complaint and summons on the child and the child's parent, guardian or some other suitable person or agency. If such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the child's arrest or a capias to assure the appearance in court of such parent, guardian or other person. If a child wilfully fails to appear in response to such a summons, the court may order such child taken into custody and such child may be charged with the delinquent act of wilful failure to appear under section 46b-120. The court may punish for contempt, as provided in section 46b-121, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

(2) Upon the arrest of any youth by an officer for a violation of section 53a-82, such officer shall report suspected abuse or neglect to the Department of

Children and Families in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

Sec. 2. Subsection (j) of section 45a-717 of the general statutes is repealed and the following is substitute in lieu thereof (*Effective October 1, 2011*):

(j) In the case where termination of parental rights is granted, the guardian of the person or statutory parent shall report to the court within thirty days of the date judgment is entered on a case plan, as defined by the federal Adoption Assistance and Child Welfare Act of 1980, as amended from time to time, for the child. At least every three months thereafter, such guardian or statutory parent shall make a report to the court on the implementation of the plan. The court may convene a hearing upon the filing of a report and shall convene a hearing for the purpose of reviewing the plan no more than twelve months from the date judgment is entered or from the date of the last permanency hearing held pursuant to subsection (k) of section 46b-129 if the child or youth is in the care and custody of the Commissioner of Children and Families, whichever is earlier, and at least once a year thereafter until such time as any proposed adoption plan has become finalized. If the Commissioner of Children and Families is the statutory parent for the child, at such a hearing the court shall determine whether the department has made reasonable efforts to achieve the permanency plan. In the case where termination of parental rights is granted, the guardian of the person or statutory parent shall obtain the approval of the court prior to placing the child or youth for adoption outside the state. Before ordering or approving such placement, the court shall make findings concerning compliance with the provisions of section 17a-175. Such findings shall include, but not be limited to: (1) A finding that the state has received notice in writing from the receiving state, in accordance with subsection (d) of Article III of section 17a-175, indicating that the proposed placement does not appear contrary to the interests of the child, (2) the court has reviewed such notice, (3) whether or not an interstate compact study or other home study has been completed by the receiving state, and (4) if such a study has been completed, whether the conclusions reached by the receiving state as a result of such study support the placement.

Sec. 3. Subsection (q) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(q) The provisions of section 17a-152, regarding placement of a child from another state, and section 17a-175, regarding the Interstate Compact on the Placement of Children, shall apply to placements pursuant to this section. In any proceeding under this section involving the placement of a child or youth in another state where the provisions of section 17a-175 are applicable, the court shall, before ordering or approving such placement, state for the record the court's finding concerning compliance with the provisions of section 17a-175. The court's statement shall include, but not be limited to: (1) A finding that the state has received notice in writing from the receiving state, in accordance with

subsection (d) of Article III of section 17a-175, indicating that the proposed placement does not appear contrary to the interests of the child, (2) the court has reviewed such notice, (3) whether or not an interstate compact study or other home study has been completed by the receiving state, and (4) if such a study has been completed, whether the conclusions reached by the receiving state as a result of such study support the placement.

Approved July 13, 2011

Substitute Senate Bill No. 365

Public Act No. 11-224

AN ACT CONCERNING INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY.

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

Section 1. Subsection (d) of section 17b-451 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(d) **[**Any**]** (1) Subject to subdivision (2) of this subsection, any person who makes any report pursuant to sections 17b-450 to 17b-461, inclusive, as amended by this act, or who testifies in any administrative or judicial proceeding arising from such report shall be immune from any civil or criminal liability on account of such report or testimony, except for liability for perjury. **[**, unless such person acted in bad faith or with malicious purpose. **]**

(2) Any person who makes any report pursuant to sections 17b-450 to 17b-461, inclusive, as amended by this act, is guilty of making a fraudulent or malicious report or providing false testimony when such person (A) wilfully makes a fraudulent or malicious report to the commissioner pursuant to the provisions of this section, (B) conspires with another person to make or cause to be made such report, or (C) wilfully testifies falsely in any administrative or judicial proceeding arising from such report as to the abuse, neglect, exploitation or abandonment of, or need of protective services for, an elderly person. Making a fraudulent or malicious report or providing false testimony is a class A misdemeanor.

Sec. 2. Subsection (a) of section 17b-452 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The commissioner upon receiving a report that an elderly person allegedly is being, or has been, abused, neglected, exploited or abandoned, or is in need of protective services shall investigate the report to determine the situation relative to the condition of the elderly person and what action and services, if any, are

required. The investigation shall include (1) a visit to the named elderly person, (2) consultation with those individuals having knowledge of the facts of the particular case, and (3) an interview with the elderly person alone unless (A) the elderly person refuses to consent to such interview, (B) a physician, having examined the elderly person not more than thirty days prior to or after the date on which the commissioner receives such report, provides a written letter stating that in the opinion of the physician an interview with the elderly person alone is medically contraindicated, or (C) the commissioner determines that such interview is not in the best interests of the elderly person. If the commissioner determines that a caretaker is interfering with the commissioner's ability to conduct an interview alone with the elderly person, the commissioner may bring an action in the Superior Court or Probate Court seeking an order enjoining such caretaker from interfering with the commissioner's ability to conduct an interview alone with the elderly person. In investigating a report under this subsection, the commissioner may subpoena witnesses, take testimony under oath and compel the production of any necessary and relevant documents necessary to investigate the allegations of abuse, neglect or abandonment. The commissioner may request the Attorney General to petition the Superior Court for such order as may be appropriate to enforce the provisions of this section. Upon completion of the investigation, written findings shall be prepared which shall include recommended action and a determination of whether protective services are needed. The person filing the report shall be notified of the findings, upon request.

Approved July 13, 2011

Substitute House Bill No. 6453

Special Act No. 11-12

AN ACT ESTABLISHING A TASK FORCE TO STUDY GRANDPARENTS' VISITATION RIGHTS.

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

Section 1. (*Effective from passage*) (a) There is established a task force to study issues related to visitation rights for grandparents. Such study shall include, but not be limited to, an examination of (1) the legal and social issues related to grandparents' access to visitation, (2) the impact of the loss of contact on families, (3) social supports to promote the continuation of these relationships, and (4) legislative proposals that are consistent with the state constitution.

(b) The task force shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives, who shall be a representative of an advocacy group representing the interests of grandparents seeking visitation rights;

(2) One appointed by the president pro tempore of the Senate, who shall be a representative of an advocacy group representing the interests of children;

(3) One appointed by the majority leader of the House of Representatives, who shall be a representative of a Connecticut legal services program and who has experience working in family law;

(4) One appointed by the majority leader of the Senate, who shall be a representative of the family law section of the Connecticut Bar Association;

(5) Three appointed by the minority leader of the House of Representatives, one who shall be an attorney who has experience representing the interests of parents and two who shall be chosen from the ranking members of the joint standing committees of the General Assembly having cognizance of matters

relating to aging or the judiciary or of the select committee of the General Assembly having cognizance of matters relating to children;

(6) Three appointed by the minority leader of the Senate, one who shall be a social work professional and two who shall be chosen from the ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to aging or the judiciary or of the select committee of the General Assembly having cognizance of matters relating to children;

(7) The chairs of the joint committee of the General Assembly having cognizance of matters relating to aging, or their designees;

(8) The chairs of the joint committee of the General Assembly having cognizance of matters relating to the judiciary, or their designees;

(9) The chairs of the select committee of the General Assembly having cognizance of matters relating to children, or their designees;

(10) A representative of the family law division of the Judicial Branch; and

(11) The Commissioner of Children and Families, or the commissioner's designee.

(c) Any member of the task force appointed under subdivision (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force, from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the Commission on Aging shall serve as administrative staff of the task force, within available appropriations.

(g) Not later than February 1, 2012, the task force shall submit a report on its findings and recommendations, including any recommendations for legislation to enhance visitation rights for grandparents, to the joint standing committees of the General Assembly having cognizance of matters relating to aging and the judiciary and to the select committee of the General Assembly having cognizance of matters relating to children, in accordance with the provisions of section 11-4a

of the general statutes. The task force shall terminate on the date that it submits such report or February 1, 2012, whichever is later.

Approved July 13, 2011