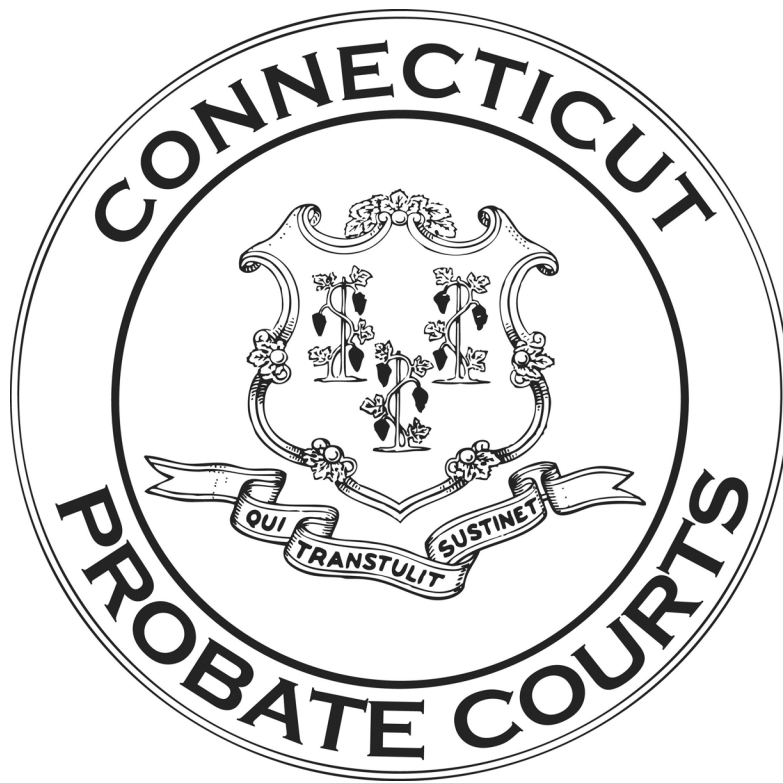


**2022  
LEGISLATIVE  
SUMMARY**



**Prepared  
by the  
Office of the Probate Court Administrator**



STATE OF CONNECTICUT

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PROBATE COURT ADMINISTRATOR

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To: All Judges and Court Staff

From: Beverly K. Streit-Kefalas  
Probate Court Administrator

Re: 2022 Legislative Summary

Date: July 29, 2022

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The General Assembly enacted several important pieces of legislation affecting the Connecticut Probate Court system during the 2022 session. This packet includes a summary of each bill and a link to the text of the public act. Within the public acts, bracketed text indicates deletions, and underlined text indicates additions.

These summaries are not meant to replace the public acts, but are rather a basic outline of the legislation. We will present a continuing education seminar on the new legislation on October 26, 2022.

Please contact us with any questions.

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[P.A. 22-3](#), AN ACT CONCERNING REMOTE MEETINGS UNDER THE FREEDOM OF INFORMATION ACT  
*Effective: April 28, 2022*

**Section 1:** Removes the sunset date of section 149 of Public Act 21-2 and allows public agencies to continue holding remote or hybrid meetings as long as they comply with the following requirements, in addition to other requirements set forth in the Act:

- If a public meeting is held by electronic means in conjunction with an in-person meeting, then the agency shall post, with its agenda, instructions for the public on how to attend by electronic means or in person
- If a public meeting is held solely by means of electronic equipment, among other requirements, said meeting shall be recorded or transcribed with posting of the transcription or recording on the agency's web site.

[P.A. 22-26](#), AN ACT CONCERNING COURT OPERATIONS AND THE UNIFORM COMMERCIAL REAL ESTATE RECEIVERSHIP ACT  
*Effective: July 1, 2023*

**Sections 44 to 49:** Adopts the Uniform Interstate Depositions and Discovery Act which should be cited as the "Connecticut Interstate Depositions and Discovery Act". The Connecticut Act provides procedures for courts, including Probate Courts, to issue subpoenas for depositions relating to a court matter pending in another state where the deposition will take place in Connecticut.

**Section 44:** Defines a "foreign subpoena" as a subpoena in a civil or probate action issued under authority of a court of record of a foreign jurisdiction.

**Section 46:** Sets forth procedure for a party to request issuance of a subpoena to a clerk of the Probate Court in the probate district in which discovery is sought to be conducted in this state. The party must file the original or true copy of the subpoena on the prescribed form together with the fee set forth in section 52 of the act. If the request complies with the requirements, then the clerk of the Probate Court shall promptly issue a subpoena for service upon the person to whom the foreign subpoena is directed.

A subpoena issued under this section shall: (1) Incorporate the terms used in the foreign subpoena; (2) Contain or be accompanied by an affidavit of the party stating the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel; and (3) Include the case caption and docket number of the matter pending in the foreign jurisdiction and shall identify the name and address of the Superior Court, or the Probate Court, as the case may be, issuing the subpoena.

A subpoena shall be issued on a form prescribed by the Office of the Probate Court Administrator.

**Section 48:** Provides that an application for a protective order, or to enforce, quash, or modify a subpoena issued by a clerk of the Probate Court shall be submitted to the Probate Court in which discovery is sought.

**Section 52:** Amends C.G.S. § 45a-106a to provide a \$100 fee for the issuance of a foreign subpoena.

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**Section 53:** Amends C.G.S. § 52-261 by increasing the amount of fees paid to a marshal, constable or indifferent person for service of process. The amount of the increased fee is \$50 and \$20 for subsequent service at the same address. If the statute requires in hand service, the marshal, constable or indifferent person may be entitled to mileage reimbursement for multiple trips for each attempt at service.

*Effective: October 1, 2022*

[P.A. 22-31](#), AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS

*Effective: October 1, 2022*

**Summary:** The act changes the term “deaf-blind” to “deafblind” and requires the Department of Aging and Disability Services to establish an Internet web page containing information about services for deaf, deafblind and hard of hearing individuals. The department's Internet web page shall include, but not be limited to, information related to such services provided by the department and the Departments of Social Services, Mental Health and Addiction Services and Children and Families. It also requires DSS and DCF to include on their websites a link to the ADS’ webpage with these resources.

[P.A. 22-47](#), AN ACT CONCERNING CHILDREN’S MENTAL HEALTH

**Summary:** Enacts multiple new provisions to improve the availability and provision of mental health, behavioral health, and substance use disorder treatment services to children, including:

**Section 10:** Expands DCF’s regional behavioral health consultation and care coordination program by, among other things, including mental health consultations and coordination and generally requiring it to refer the program’s pediatric patients with up to three follow-up telehealth or in-person appointments.

*Effective: May 23, 2022*

**Section 32:** Establishes a Mental and Behavioral Health Treatment Fund to be used by DCF to assist families with the costs of obtaining prescribed drugs or treatments and intensive services for children with mental and behavioral health conditions if insurance or Medicaid does not cover them.

*Effective: May 23, 2022*

**Section 37:** Requires the DCF commissioner to set up an in-home respite care services program to help parents and guardians of children with behavioral health needs and creates a General Fund account dedicated to the program.

*Effective: July 1, 2022*

**Sections 62-64:** Sets new distribution requirements for the: (1) DCF children’s behavioral and mental health resources document; and (2) Judicial Branch’s Office of Victim Services (OVS) domestic violence victim resources document.

*Effective: July 1, 2022*

[P.A. 22-57](#), AN ACT CONCERNING REGISTRATION OF TEMPORARY NURSING SERVICES AGENCIES, REPORTING OF INVOLUNTARY TRANSFERS AND DISCHARGES FROM NURSING HOMES AND RESIDENTIAL CARE HOMES, ELDER ABUSE TRAINING AND A STUDY OF MANAGED RESIDENTIAL COMMUNITY ISSUES

*Effective Date: July 1, 2022*

**Section 9:** Adds subsection (k) to C.G.S. § 19a-535 to require skilled nursing facility, chronic and convalescent nursing home or a rest home with nursing supervision to electronically report each

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involuntary transfer or discharge to the State Ombudsman and on an Internet web site portal maintained by the State Ombudsman. Currently, C.G.S. § 19a-535(c) requires that the facility notify, in writing, the resident and the resident's guardian or conservator, before effecting a proposed transfer or discharge and the right to appeal.

**Section 10:** Adds subsection (e) to C.G.S. § 19a-535a to require that not later six months after the effective date of this section, a residential care home supervision to report each involuntary transfer or discharge to the State Ombudsman and on an Internet web site portal maintained by the State Ombudsman.

**Section 12:** Amends C.G.S. § 17b-451 to require mandatory reporters of abuse, neglect, exploitation and abandonment of elder persons to complete an educational training program developed by the Commissioner of Social Services not later than December 31, 2022, or not later than ninety days after becoming a mandatory reporter.

**Section 14:** Requires the DSS to develop an advisory for medical assistance applicants for long-term medical care and home care concerning their right to seek legal assistance. The advisory shall be posted to the DSS website not later than July 1, 2022, and include the advisory in the application for assistance not later than September 1, 2023.

[P.A. 22-60](#), AN ACT APPLYING THE PROVISIONS OF THE INDIAN CHILD WELFARE ACT TO CHILD CUSTODY, PLACEMENT, ADOPTION AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS INVOLVING AN INDIAN CHILD

*Effective: May 23, 2022*

**Summary:** The new law provides that the Probate Court, or the Superior Court in cases transferred pursuant to C.G.S. § 45a-715, shall ensure that an action or proceeding involving an Indian child's custody, placement in an adoptive home or termination of parental rights of the parents of such child, is conducted in accordance with the federal Indian Child Welfare Act.

As the relevant probate petitions (for immediate temporary custody, temporary custody, removal of guardianship rights, termination of parental rights) already set forth the required disclosure of the name and address of the tribe and reservation of the minor child, if an Indian Child as defined by 25 U.S.C. 1903, the Act does not change procedures on the Probate Courts.

[P.A. 22-69](#), AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING REGIONAL BEHAVIORAL HEALTH ACTION ORGANIZATIONS

*Effective: May 23, 2022*

**Summary:** Repeals C.G.S. §§ 17a-484 and 17a-671 and makes technical changes to C.G.S. §§ 17a-495, 17a-496, 17a-497, 17a-498, 17a-499, 17a-500, 17a-501, 17a-504, 17a-505, 17a-519, 17a-525, 17a-528, 45a-656 and 45a-677 to reflect the repeal of C.G.S. § 17a-484.

With the repeal of C.G.S. §§ 17a-484 and 17a-671, there are no longer regional mental health boards to address community mental health issues nor subregional planning and action councils to address substance abuse problems. These statutory provisions have been repealed to reflect the current practice of DMHAS contracting with nonprofit organizations to operate as Regional Behavioral Health Action Organizations that address both mental health and behavioral health community needs.

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[P.A. 22-99](#), AN ACT CONCERNING THE FEE FOR A CREMATION CERTIFICATE FOR DECEASED PERSONS UNDER THE AGE OF EIGHTEEN

*Effective: July 1, 2022*

**Section 1:** Amends C.G.S. § 19a-323 by exempting assessment of any fees for costs by the Office of the Chief Medical Examiner for cremating the body of a person under the age of eighteen.

[P.A. 22-109](#), AN ACT REQUIRING THE ONLINE POSTING OF MEETING NOTICES OF STATE PUBLIC AGENCIES

*Effective: October 1, 2022*

**Summary:** Amends C.G.S. § 1-225 to provide that each public agency must post a schedule of its regular meetings, as well as notice of any special meetings, on the Secretary of the State's web site by January 31<sup>st</sup> each year in addition to posting the schedule on the agency's own web site. The Connecticut Probate Assembly is considered a public agency and must comply with this requirement.

[P.A. 22-112](#), AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT ORDERS

*Effective: October 1, 2022*

**Section 1:** Provides that, to the extent permitted by federal law, each state agency that is a party to a Probate Court proceeding must recognize and apply any order, denial or decree issued on or after October 1, 2022, provided the court had jurisdiction to issue the order, denial or decree. Any party aggrieved by a Probate Court order, denial or decree may appeal to the Superior Court under C.G.S. § 45a-186.

**Section 2:** Amends C.G.S. § 45a-186 by: (1) changing the appeal period for a writ of habeas corpus under C.G.S. § 45a-705a to 45 days; (2) providing that an appeal by a state agency under section 1 of the Act must be filed in the Judicial District for Hartford; (3) providing that the hearing on the appeal by a state agency under section 1 of the Act must commence within 90 days unless a stay is issued; and (4) prohibiting an appeal by a state agency under section 1 of the Act from being referred to a special assignment probate judge.

**Section 3:** Requires the Department of Social Services to compile annual data concerning the denial of Medicaid (Title 19) eligibility in any matter in which a Probate Court issued an order or decree concerning assets or income that, according to the department, affected the individual's eligibility. Not later than January 1, 2024, the department must report to the General Assembly: (1) on any Probate Court order or decree relating to assets or income with which the department did not comply and affected an individual applying for Medicaid eligibility including a written explanation for such noncompliance and whether the department appealed the order or decree; and (2) whether the denial of Medicaid eligibility by the department was appealed and the outcome of the status of the appeal.

[P.A. 22-118](#), AN ACT ADJUSTING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023, CONCERNING PROVISIONS RELATED TO REVENUE, SCHOOL CONSTRUCTION AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET AND AUTHORIZING ADJUSTING BONDS OF THE STATE

**Section 1:** The general fund appropriation for the Probate Court system remained at \$13.4 million for fiscal year ending June 30, 2023 (FY23), maintaining the Probate Court system at normal funding levels.

*Effective: July 1, 2022*

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**Sections 131 to 134:** Increases salaries for judges and certain other judicial officials beginning in the fiscal year ending June 30, 2023. *Effective: July 1, 2022*

**Section 194:** Amends C.G.S. § 31-51pp by making it a violation of G.G.S. §§ 31-49e to 31-49t (CT Paid Family and Medical Leave Act “CTPFMLA”) to interfere with exercising any right under CTPFMLA, to discharge or otherwise discriminate against an employee for exercising a right under CTPFMLA, to discharge or otherwise discriminate against an employee for instituting or participating in a proceeding under CTPFMLA or to deny an employee the right to use up to 2 weeks of accumulated sick leave under CTPFMLA. *Effective: July 1, 2022*

**Section 235:** Requires the Commissioner of Social Services to amend the Medicaid state plan in accordance with federal law to set the minimum community spouse resource allowance at \$50,000 and to report the impact of the increase on the number of community spouses able to keep additional assets and the cost to the state. *Effective: July 1, 2022*

**Section 450:** Amends C.G.S. § 17b-93 to clarify that the state cannot recover properly paid cash or medical assistance on or after July 1, 2022, against any property interest or estate unless required to recover under federal law and releases liens and claims filed before July 1, 2022, to recover assistance when recoveries are not required under federal law or associated with child support collection. *Effective: July 1, 2022*

**Section 451:** Amends C.G.S. § 17b-95 to clarify that the state has a claim against the estate of a person who was a beneficiary of a Medicaid program for which the state has not been reimbursed but is required to recover under federal law to the extent the estate is not necessary to support the surviving spouse, parent or dependent children of the decedent. *Effective: July 1, 2022*

**Section 455:** Amends C.G.S. § 18-85c regarding the state’s claim for reimbursement of costs of incarceration against a person’s estate to clarify that funeral and burial expenses in accordance with C.G.S. §§ 17b-84 and 17b-131 have priority over unsecured claims against the estate. *Effective: July 1, 2022*

**Section 457:** Amends C.G.S. § 18-85a regarding the state’s claim against an inmate’s property for repayment of costs of incarceration to provide an additional exemption of up to \$50,000 of an inmate’s assets except in cases in which the inmate was incarcerated for a murder with special circumstances, felony murder, 1<sup>st</sup> or 2<sup>nd</sup> degree sexual assault, 1<sup>st</sup> degree aggravated sexual assault, or aggravated sexual assault of a minor. *Effective: May 7, 2022, and applicable to costs of incarceration incurred before, on or after the effective date*

**Section 458:** Amends C.G.S. § 18-85b to limit the state claims for reimbursement for costs of incarceration to proceeds of causes of action of persons who are incarcerated for a murder with special circumstances, felony murder, 1<sup>st</sup> or 2<sup>nd</sup> degree sexual assault, 1<sup>st</sup> degree aggravated sexual assault, or aggravated sexual assault of a minor and who are obligated to pay the costs of incarceration under C.G.S. § 18-85a. *Effective: May 7, 2022, and applicable to costs of incarceration incurred before, on or after the effective date*

**Section 514:** Repeals C.G.S. § 17b-94 which provided that the state could claim up to 50% of a beneficiary’s inheritance for reimbursement of state aid. *Effective: July 1, 2022*



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### [P.A. 22-128](#), AN ACT ESTABLISHING JUNETEENTH INDEDEPENDENCE DAY AS A LEGAL HOLIDAY

*Effective: October 1, 2022*

**Section 1:** Amends C.G.S. § 1-4 by establishing a new legal state holiday on the 19<sup>th</sup> day of June known as Juneteenth Independence Day.

### [P.A. 22-129](#), AN ACT CONCERNING PROBATE COURT OPERATIONS

*Effective: July 1, 2022*

**Section 1:** Amends C.G.S. § 19a-7t to require the Department of Public Health to provide a person's court-appointed fiduciary with such person's COVID-19 vaccination status that was provided by a COVID-19 vaccination provider upon request by the fiduciary.

**Section 2:** Amends C.G.S. § 31-57y which provides for two hours unpaid time off from an employee's regularly scheduled work to vote in certain elections from June 23, 2021, to June 30, 2024, to also include elections for judges of probate. An employee must request such time off not less than two working days prior to such election.

**Section 3:** Amends C.G.S. § 45a-8a to expand jurisdiction of Regional Children's Probate Courts to include parentage orders under C.G.S. §§ 46b-517, 46b-531 and 46b-535, marriage licenses for minors under C.G.S. § 46b-20a, and validation of surrogacy agreements under C.G.S. §§ 46b-533 and 46b-536.

**Section 4:** Amends C.G.S. § 45a-450 to provide that the certificate of devise or descent of real property shall also include the mailing address of the devisee or descendant.

**Section 5:** Amends C.G.S. § 46b-531 by deleting subsection (d) with reference to waiver of service of process as service of process is not required by statute in a proceeding for a parentage order relating to a gestational surrogacy agreement.

**Section 6:** Amends C.G.S. § 46b-536 by clarifying that the Probate Court adjudicates a petition for parentage order relating to a genetic surrogacy agreement that is not validated.

**Section 7:** Amends C.G.S. § 46b-454 to clarify that a petition for a parentage order relating to a genetic surrogacy agreement that has not been validated is filed in the Probate Court.

### [P.A. 22-136](#), AN ACT CONCERNING REAL ESTATE AND PROBATE COURTS

*Effective: May 27, 2022*

**Section 1:** Amends C.G.S. § 45a-107b setting forth a process to obtain a release of the probate fee lien if: (1) the lien arose out of a decedent's retained life use or survivorship interest in real property; (2) the decedent died more than 10 years before a petition for release is filed; (3) no proceeding to settle the estate has been filed in a Connecticut Probate Court; (4) no Connecticut estate or succession tax return has been filed with a Probate Court or the Department of Revenue Services; (5) no Connecticut estate tax has been assessed; and (6) based on the value of all known property and taxable gifts, no Connecticut estate tax could be assessed in connection with the estate.

The petition for release of lien is filed in the district in which the decedent was domiciled at death or last resided or, if a non-resident, where the real property is located.

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The petitioner must also file an affidavit from the petitioner or the petitioner's attorney which includes: (1) a statement that the petitioner did not receive the title interest from the decedent as an immediate successor in interest or as a devise or distribution from the decedent's estate; (2) a statement that the affiant does not possess the information required to file a complete Connecticut estate tax return; (3) evidence that demonstrates a diligent search was made to locate the decedent's heirs, beneficiaries, or transferees and a statement that any heirs, beneficiaries, or transferees who were located, failed or refused to file a Connecticut estate tax return; and (4) a recitation of facts known to the affiant regarding the requirements of this section. If the affidavit is made by the attorney, it must be based on the attorney's personal knowledge.

The petitioner must also file an estate tax return reporting the value of the real property that is the subject of the petition for the release of lien and, to the best of the petitioner's knowledge, the value of all other property of the decedent at the time of death and taxable gifts.

The Probate Court determines whether the petitioner has met the requirements of this section and may act without notice and hearing. The court calculates the statutory probate fees based on the value of all known property and taxable gifts reported on the estate tax return, together with applicable interest, and issues an invoice for fees and interest.

Within 10 days of payment of statutory probate fee and any interest thereon, the court shall issue certificates of release of the probate fee lien. The petition for release of lien must include all known real property to which the lien applies and the release applies only to real property reported on the estate tax return.

If the Probate Court receives an estate tax return for the decedent's estate and payment of all applicable statutory probate fees after issuance of the certificate of release of lien under this section, the court refunds the probate fee paid by the petitioner but not the interest.

**Section 2:** Amends C.G.S. § 45a-113a providing that statutory probate fees based on the gross estate for succession tax purposes will not be refunded.

**Section 3:** New section providing that: (1) liens for succession tax purposes shall be deemed released unless a tax had been assessed or imposed; (2) liens for the estate tax are deemed released after 10 years from the date of death unless an estate tax return is filed or a tax has been assessed; and (3) no lien that is released shall serve as a basis for a refund from the Department of Revenue Services.

[P.A. 22-138](#), AN ACT CONCERNING OVERSIGHT AND FUNDING OF THE CONNECTICUT FATHERHOOD INITIATIVE

*Effective: May 27, 2022*

**Summary:** This act repeals the John S. Martinez Fatherhood Initiative and replaces it with the "Connecticut Fatherhood Initiative" whose objective is to promote the positive involvement and interaction of fathers with their children with an emphasis on children from low-income families, and identifies services that effectively encourage and enhance responsible and skillful parenting and increase the ability of fathers to meet the financial and emotional needs of their children.

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[P.A. 22-140](#), AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES  
*Effective: July 1, 2022*

**Section 3:** Amends C.G.S. § 17a-274 by referencing C.G.S. § 1-1g as defining intellectual disability and allowing the Commissioner of Developmental Services to designate an individual to act in his or her place in connection with a placement of an adult with intellectual disability in the custody of DDS.

**Section 11:** Amends C.G.S. § 3-39k to allow an ABLE account to be established by an eligible individual, a person selected by an eligible individual or, if the eligible person is unable to establish an ABLE account, on behalf of such individual by, in the following order: the eligible individual's agent under a power of attorney, a conservator or legal guardian, spouse, parent, sibling, grandparent, or a representative payee appointed by the Social Security Administration.

[P.A. 22-145](#), AN ACT CONCERNING ELDER ABUSE REPORTING DEADLINES, TEMPORARY FAMILY ASSISTANCE, CERTIFICATES OF NEED FOR LONG-TERM CARE FACILITIES AND CIVIL PENALTIES FOR NURSING HOMES THAT FAIL TO USE RATE INCREASES FOR EMPLOYEE WAGE ENHANCEMENTS  
*Effective: July 1, 2022*

**Section 1:** Amends C.G.S. § 17b-451 to require a mandatory reporter to report suspicion or belief of elder abuse, neglect, exploitation or abandonment within 24 hours, rather than within 72 hours, after suspicion or belief arose. Failure to timely report the first time now results in the requirement to retake mandatory training. Subsequent failures will result in a fine of no more than \$500 and retake of mandatory training.