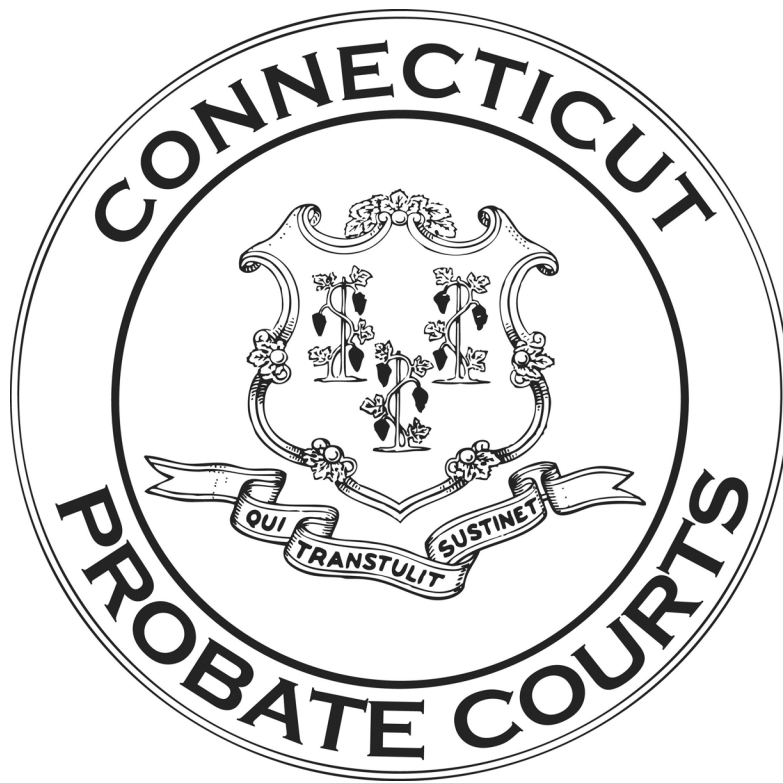


2021 LEGISLATIVE SUMMARY



Prepared
by the
Office of the Probate Court Administrator



STATE OF CONNECTICUT

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To: All Judges and Court Staff

From: Beverly K. Streit-Kefalas
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Re: 2021 Legislative Summary

Date: October 19, 2021

The General Assembly enacted several important pieces of legislation affecting the Connecticut Probate Court system during the 2021 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 21, 2021.

Please contact us with any questions.

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[P.A. 21-2](#), AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR
Effective: March 4, 2021

SUMMARY

This act, known as the CROWN Act, specifies that the term “race” includes ethnic traits historically associated with race, including hair texture and protective hairstyles. “Protective hairstyles” include wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs. The Commission on Human Rights and Opportunities has the authority to investigate complaints of discriminatory practices in employment, public accommodations, housing, credit practices, union membership, and state agency practices.

[P.A. 21-9](#), AN ACT CONCERNING TELEHEALTH
Effective: May 10, 2021 to June 30, 2023

SUMMARY

The act modifies requirements for the delivery of telehealth services and insurance coverage for telehealth services through June 30, 2023. The telehealth service must conform to the standard of care expected for in-person care as appropriate to the patient’s age and presenting condition.

In general, the act:

- allows certain telehealth providers to provide telehealth services using audio-only telephone;
- allows certain telehealth providers to use additional information and communication technologies in accordance with federal requirements (e.g., Apple FaceTime);
- authorizes the Commissioner of Public Health to temporarily modify, waive, or suspend certain regulatory requirements to reduce the spread of COVID-19 and protect the public health;
- establishes the requirements for telehealth providers seeking payment from uninsured or underinsured patients;
- requires insurance coverage for telehealth providers seeking payment from uninsured or underinsured patients;
- requires insurance coverage for telehealth services and prohibits providers reimbursed for services from seeking payment from an insured patient beyond cost sharing; and
- prohibits (1) insurance policies from excluding coverage for a telehealth platform selected by an in-network provider and (2) carriers from reducing reimbursement to a provider because services are provided through telehealth instead of in-person.

[P.A. 21-15](#), AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT
Effective: January 1, 2022, except as otherwise noted

SUMMARY

This act adopts the Uniform Parentage Act and generally:

- provides for equal treatment under the law for children born to same-sex couples by, among other things, removing certain gender-specific references (e.g., changing “maternity” and “paternity” to “parentage”);

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- expands recognition of non-biological parents by (1) making marital presumptions gender neutral and (b) establishing de facto parentage (i.e. creates best interest of the child factors that the court must consider);
- provides guidance on adjudicating parentage and adjudicating competing claims of parentage (e.g., creates best interest of the child factors that the court must consider);
- provides the process for establishing acknowledged parentage through an acknowledgement agreement;
- provides for adjudicating genetic parentage and updates the rules governing parentage of children born under a surrogacy agreement; and
- establishes a procedure to enable children conceived through assisted reproduction to access medical and identifying information about any gamete donors.

There are also conforming changes throughout the statutes addressing items such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters.

Key components of the act that directly impact the Probate Courts are:

- Redefinition of “parent,” “parentage” and “parent-child relationship,” which has implications for notice in guardian of the person of a minor and termination of parental rights matters and for notice and distributions in decedents’ estates matters;
- Expansion of jurisdiction to include petitions for parentage orders in connection with non-surrogacy assisted reproduction, gestational surrogacy agreements and gestational surrogacy agreements validated by the Probate Court and petitions to validate a genetic surrogacy agreement.

Section 1: Sections 1 to 86, inclusive, are cited as the Connecticut Parentage Act.

Section 2: Defines “acknowledged parent,” “adjudicated parent,” “alleged genetic parent,” “assisted reproduction,” “child support agency,” “determination of parentage,” “donor,” “gamete,” “embryo,” “genetic testing,” “intended parent,” “person,” “presumed parent,” “record,” “sign,” “signatory,” “state,” “transfer,” and “witnessed.” Of particular interest to the Probate Courts are the following definitions:

- (3) “Alleged genetic parent” means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. “Alleged genetic parent” includes an alleged genetic father and alleged genetic mother. It does not include a presumed parent, a parent whose parental rights have been terminated or declared not to exist or a donor.
- (6) “Child” means a person of any age whose parentage may be determined under sections 1 to 86, inclusive, of the act.
- (14) “Parent” means a person who has established a parent-child relationship under section 19 of the act.
- (15) “Parentage” or “parent-child relationship” means the legal relationship between a child and a parent of the child.

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Section 3: Sections 1 to 86, inclusive, of the act do not change the equitable powers of the courts or parental rights or duties except as provided in the act.

Section 4: Provides that the courts must apply Connecticut law to determine parentage without regard to (1) place of birth of the child; or (2) past or present residence of child.

Section 5: Sets forth jurisdiction of the Probate Court, Superior Court, and Family Support Magistrate Court. The Probate Courts have jurisdiction to decide:

- Petitions to establish parentage under C.G.S. § 46b-172a;
- Petitions to determine parentage after death of the child or death of the person whose parentage is to be determined;
- Petitions for parentage orders under sections 59 (consensual assisted reproduction), 70 (gestational surrogacy agreements) and 74 (gestational surrogacy agreements validated under section 72 or 75); and
- Petitions to validate a genetic surrogacy agreement under sections 72 and 75.

Section 6: A proceeding to adjudicate parentage may be filed by (1) the child or, if a minor, through a representative of the child; (2) the person who gave birth, unless a court adjudicated the person giving birth not a parent; (3) a person who is a parent under sections 1 to 86; (4) the person who seeks to be adjudicated a parent under sections 1 to 86; (5) the Department of Social Services; (6) the Department of Children and Families; (7) a person deemed by the court to have a sufficient interest to file a claim; or (8) a representative authorized by law to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor.

Section 7: Notice must be given to (1) the person who gave birth to child, unless a court adjudicated the person giving birth not a parent; (2) a presumed, acknowledged or adjudicated parent; (3) a person whose parentage is to be adjudicated; (4) a representative authorized by law to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor; (5) the fiduciary of an estate of a deceased person entitled to notice; (6) the Attorney General, if involving public assistance recipient; and (7) the Commissioner of Children and Families.

Section 8: A court may adjudicate parentage only if the court has personal jurisdiction over that person. A court may exercise personal jurisdiction over a nonresident person, or the guardian or conservator of the person consistent with Connecticut law.

Section 9: Venue for petitions under the Connecticut Parentage Act is as follows:

- A petition to determine parentage by an alleged genetic parent is filed in the probate district where the child or birth parent resides.
- A petition to determine parentage after death of child or person whose parentage is to be determined is filed in the probate district where the child, petitioner or person whose parentage is to be determined resides or resided at time of death.
- Petitions for parentage orders under sections 59 (assisted reproduction), 70 (gestational surrogacy agreements) and 74 (gestational surrogacy agreements validated under section 72 or 75) or petitions to validate a genetic surrogacy agreement under sections 72 and 75, are filed in the probate district where the child or a party resides.

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Section 10: Addresses temporary child support, custody and visitation orders.

Section 11: Except as provided in C.G.S. §§ 46b-129, 46b-129a and 46b-172a, a minor child is a permissive party, but not a necessary party.

Section 12: Probate Court proceedings are not confidential unless otherwise provided by law or directed by the court.

Section 13: A court may dismiss a petition for failure to prosecute only without prejudice.

Section 14: An order adjudicating parentage must identify the child in the manner prescribed by Connecticut law other than sections 1 to 86 of the act. The court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 1 to 86 of the act. In a proceeding under sections 1 to 86, a copy of a bill for genetic testing or postnatal health care for the person who gave birth, provided to the adverse party not later than ten days before a hearing is admissible to establish (1) the amount; and (2) that the charge was reasonable and necessary.

Section 15: On request of a party and for good cause, the court may order the name of the child changed and order the Department of Public Health to issue an amended birth certificate.

Section 16: A party to an adjudication of parentage by a court of competent jurisdiction and any person who received notice of the proceeding are bound by the adjudication. A determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to an earlier proceeding.

Section 17: Relates to challenging an adjudication of parentage.

Section 18: A proceeding under sections 1 to 86 of the act is subject to Connecticut law that governs the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including address, telephone number, digital contact information, place of employment, Social Security number and the child's day care facility or school.

Section 19: A parent-child relationship is established between a person and a child if:

- (1) the person gives birth to the child, except as provided in sections 60 to 77 of this act (assisted reproduction/surrogacy);
- (2) there is a presumption under section 36(a)(1) or (2) of the act of the person's parentage, unless the presumption is overcome in a judicial proceeding;
- (3) there is a presumption under section 36(a)(3) of the act, and the person is adjudicated a parent or acknowledges parentage of the child under sections 24 to 35 of the act;
- (4) the person is adjudicated a parent under section 38 of the act;
- (5) the person is adjudicated a parent under sections 40 to 50 of the act;
- (6) the person adopts the child;

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- (7) the person acknowledges parentage of the child under sections 24 to 35 of the act, unless the acknowledgment is rescinded under section 30 of the act or successfully challenged under section 31 of the act;
- (8) the person's parentage is established under sections 51 to 59 of the act;
- (9) the person's parentage is established under sections 60 to 77 of the act; or
- (10) the court is deemed to have made an adjudication of parentage pursuant to section 16(b) of the act (proceedings for dissolution of marriage, annulment or legal separation).

Section 20: A parent-child relationship extends equally to every child and parent, regardless of the marital status or gender of the parent or the circumstances of the birth of the child.

Section 21: Unless parental rights are terminated, a parent-child relationship established under sections 1 to 86 of the act applies for all purposes.

Section 22: To the extent practicable, provisions applicable to father-child or mother-child relationship apply to any parent-child relationship regardless of the gender of the parent.

Section 23: Except as otherwise provided, in a proceeding to adjudicate competing claims of parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:

- (1) the age of the child;
- (2) the length of time during which each person assumed the role of parent of the child;
- (3) the nature of the relationship between the child and each person;
- (4) the harm to the child if the relationship between the child and each person is not recognized;
- (5) the basis for each person's claim to parentage of the child;
- (6) other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and
- (7) any other factor the court deems relevant to the child's best interests.

If parentage is challenged based on results of genetic testing, the court must also consider:

- (1) the facts surrounding discovery that the person might not be a genetic parent of the child; and
- (2) the length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

The court may adjudicate a child to have more than two parents under sections 1 to 86 of the act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking adjudication of parentage. The court must consider relevant factors including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

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If a court has adjudicated a child to have more than two parents, Connecticut law other than the Connecticut Parentage Act applies to determinations of legal and physical custody of, or visitation with, the child, and to obligations of support.

Sections 24 to 35 relate to acknowledgments of parentage. In particular, Section 25 includes details to be set forth in the acknowledgment of parentage form created by the Department of Public Health.

Section 36: A person is a presumed parent if:

- (1) the person and the person who gave birth to the child are married to each other and the child is born during the marriage;
- (2) the person and the person who gave birth to the child were married to each other and the child is born not later than 300 days after the date on which the marriage is terminated by death, dissolution or annulment, or after a decree of separation; or
- (3) the person, jointly with another parent, resided in the same household with the child and openly held out the child as the person's own child from the time the child was born or adopted and for a period of at least two years thereafter, including any period of temporary absence.

In a Probate Court proceeding under C.G.S. §§ 45a-603 to 45a-622 or C.G.S. §§ 45a-715 to 45a-717, if notice is given to a presumed parent and the presumed parent's parentage has not been established by a court adjudication or valid acknowledgement of parentage, the Probate Court has jurisdiction to determine the presumed parent's parentage.

Section 37: A proceeding to determine whether a presumed parent is a parent may be commenced (1) before the child reaches 18; or (2) after the child reaches 18, but only if the child initiates the proceeding.

Except as otherwise provided, a presumption of parentage cannot be overcome after the child turns two unless the court determines (1) the presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child; or (2) the child has more than one presumed parent; or (3) the alleged genetic parent did not know of the potential genetic parentage of the child and could not reasonably have known on account of material misrepresentation or concealment, and the alleged genetic parent commences a challenge to presumption of parentage under section 36 of the act not later than one year after the date of discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent, the court may not disestablish a presumed parent.

The following rules apply in a proceeding to adjudicate a presumed parent's parentage:

- (1) If no party to the proceeding challenges the presumed parent's parentage, the court shall adjudicate the presumed parent to be a parent.
- (2) If the presumed parent is identified under section 45 of the act as a genetic parent and that identification is not successfully challenged, the court shall adjudicate the presumed parent to be a parent.

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- (3) If the presumed parent is not identified under section 45 of the act as a genetic parent and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage, the court shall adjudicate parentage in the best interest of the child based on the factors under sections 23(a) and (b) of the act.

A presumption of parentage under section 36(a)(3) of the act can be challenged if the other parent openly held out the child as the presumed parent's child due to duress, coercion or threat of harm.

Sections 38 to 39 relate to adjudicating de facto parentage. In general, a de facto parent is adjudicated by the Superior Court.

Sections 40 to 50 relate to genetic testing of a person in a proceeding to adjudicate parentage, whether the person (1) voluntarily submits to testing; or (2) is tested under an order of the court or child support agency. Genetic testing may not be used to (1) challenge parentage of a person who is a parent under sections 51 to 77 of the act; or (2) establish parentage of a person who is a donor.

Sections 51 to 59 relate to assisted reproduction.

Section 59: A party consenting to assisted reproduction, a person who is a parent pursuant to sections 53 to 55 of the act, an intended parent or parents or the person giving birth may commence a proceeding in the Probate Court to obtain an order:

- (1) declaring that the intended parent or parents are the parent or parents of the resulting child immediately upon the birth of the child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child; and
- (2) designating the contents of the birth certificate and directing the Department of Public Health to designate the intended parent or parents as the parent or parents of the resulting child.

A proceeding may be commenced before or after the birth of the child; however, an order issued before the birth of the child does not take effect unless and until the child is born. This section does not limit the court's authority to issue other orders under any other provision of the general statutes.

Sections 60 to 77 relate to assisted reproduction under a surrogacy agreement.

Section 70: Allows a party to a gestational surrogacy agreement to initiate a proceeding to determine parentage of a child conceived pursuant to the agreement any time after the agreement has been executed by all parties.

The petition for a judgment of parentage must include (1) certification from the attorney representing the intended parent or parents and the attorney representing the surrogate that the requirements of sections 61 to 63 of the act have been met; and (2) a statement from all parties that they entered into the surrogacy agreement knowingly and voluntarily. The certification and the statement must be signed under penalty of false statement.

Service of process may be waived if each party consents to waiver of service of process.

If the court finds that the parties have satisfied the certification and statement requirement, the court shall issue a judgment (1) declaring any intended parent of the child is a parent and ordering that

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parental rights, duties and custody vest immediately upon birth of the child; (2) declaring the person acting as the gestational surrogate (and the surrogate's spouse or former spouse) is not a parent of the child; (3) declaring that the intended parent or parents have responsibility for the child immediately upon birth; (4) designating the contents of the birth certificate and directing the Department of Public Health to designate any intended parent as a parent of the child; and (5) if necessary, ordering that the child be surrendered to the intended parent or parents. The order may be issued before or after the birth of the child, but must be stayed if issued before birth.

If the parties cannot make the certification or statement required because of a technical issue, then the court may enforce the agreement if the agreement is in substantial compliance.

Section 72: A proceeding to validate a genetic surrogacy agreement is filed in the Probate Court and must be filed before the assisted reproduction related to the surrogacy agreement occurs. Upon examination of the parties, the court may issue an order finding that the requirements of sections 61 to 63 are satisfied and all parties entered the agreement voluntarily and understood the terms.

A person who terminates a genetic surrogacy agreement under section 73 of the act must file notice of the termination with the court. On receipt of the notice, the court vacates the order validating the agreement.

Section 74: Provides that upon the birth of a child conceived by assisted reproduction under a genetic surrogacy agreement validated by the Probate Court, each intended parent is a parent of the child by operation of law.

Upon the birth of the child, the intended parent or parents must file a notice with the court that validated the surrogacy agreement. The court must, immediately or as soon as practicable, issue an order without notice and hearing (*ex parte*) (1) declaring any intended parent of the child is a parent and ordering that parental rights, duties and custody vest immediately upon the birth of the child; (2) declaring the person acting as the gestational surrogate (and the surrogate's spouse or former spouse) is not a parent of the child; (3) declaring that the intended parent or parents have responsibility for the child immediately upon birth; (4) designating the contents of the birth certificate and directing the Department of Public Health to designate any intended parent as a parent of the child; and (5) if necessary, ordering that the child be surrendered to the intended parent or parents.

If it is alleged that the child was not conceived by assisted reproduction, the court may, upon sufficient findings, order genetic testing to determine the genetic parentage of the child and designate which party must pay for the testing. If the child was not conceived by assisted reproduction, then parentage is determined under sections 1 to 50 of the act, and the surrogate is not entitled to nonexpense-related compensation paid for serving as surrogate unless the agreement provides otherwise.

The surrogate may file a notice with the court, not later than 60 days after the date of birth of the child, that the child has been born to a surrogate if the intended parent or parents fail to do so. On proof of a court order under section 72 or 75 of the act, the court shall order that any intended parent is a parent of the child.

Section 75: Provides that a genetic surrogacy agreement that is not validated under section 72 of the act is enforceable only to the extent provided in sections 75 and 77 (breach of surrogacy agreement) of the act.

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If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the child is born if, upon examination of the parties, the court finds that the requirements of sections 61 to 63 are satisfied and all parties entered the agreement voluntarily and understand the terms.

A person who terminates the agreement must file a notice of termination with the court; provided, however, that a gamete or embryo transfer has not resulted in a pregnancy. Upon receipt of the notice, the court vacates the order validating the agreement.

If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated is born, the person acting as surrogate is not automatically a parent. The court must adjudicate parentage based on the best interest of the child taking into account the factors listed in section 23(a) of the act and the intent of the parties at the time of execution of the agreement.

Sections 78 to 83 relate to information collected by a gamete bank or fertility clinic regarding an anonymous donor of gametes. These provisions apply to gametes collected on or after January 1, 2022.

Section 84: Provides that when applying or construing the Connecticut Parentage Act, consideration must be given to the need to promote uniformity of the law among states that have enacted the uniform law.

Section 85: Provides that sections 1 to 86 of the act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but not 15 U.S.C. 7001(c) nor do they authorize electronic delivery of any notices described in 15 U.S.C. 7003(b).

Section 86: Provides that sections 1 to 86 of the act apply to a proceeding in which no judgment has entered before January 1, 2022 with respect to a person's parentage that has not already been adjudicated or determined by operation of law.

Sections 87 to 98 make technical changes to statutes under Titles 7, 17a, 17b and 19a consistent with the Connecticut Parentage Act.

Section 99: Amends C.G.S. § 45a-106a to replace "paternity" with "parentage" and to include petitions to validate a genetic surrogacy agreement as petitions that require a \$250 filing fee.

Section 100: Amends C.G.S. § 45a-257b to replace reference to "artificial insemination" with "assisted reproduction" as defined in section 2 of the Connecticut Parentage Act.

Section 101: Amends C.G.S. § 45a-262 to replace "A.I.D." with "assisted reproduction."

Section 102: Amends C.G.S. § 45a-437 to remove references to "born out of wedlock" and replace "father" with "parent."

Section 103: Amends C.G.S. § 45a-438 providing that a child and the child's legal representatives qualify for inheritance from or through the parent if parentage is established in accordance with the provisions of the Connecticut Parentage Act or by adoption.

Section 104: Amends C.G.S. § 45a-438b providing that a parent and the parent's kindred qualify for inheritance from or through a child if parentage is established in accordance with the provisions of the Connecticut Parentage Act or by adoption.

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Section 105: Amends C.G.S. § 45a-604 to replace the following relevant definitions:

- (1) “Mother” means a woman who is a parent as defined in section 2 of the Connecticut Parentage Act;
- (2) “Father” means a man who is a parent as defined in section 2 of the Connecticut Parentage Act;
- (3) “Parent” has the same meaning as provided in section 2 of the Connecticut Parentage Act;

Section 106: Amends C.G.S. § 45a-707 to replace the following relevant definitions:

- (5) “Parent” has the same meaning as provided in section 2 of the Connecticut Parentage Act;

Section 107: Amends C.G.S. § 45a-716 by replacing references to a “child born out of wedlock” with “a child born to parents not married to each other,” father with “alleged genetic parent” or “parent,” as applicable, and “mother” with “parent who gave birth.”

Section 108: Amends C.G.S. § 45a-717(c) by replacing “paternity” with “parentage” and adding reference to “alleged genetic parent.”

Sections 109 to 128 make technical changes to statutes under Title 46b consistent with the Connecticut Parentage Act.

Section 128: Amends C.G.S. § 46b-172a by replacing “father of a child born out of wedlock” with “alleged genetic parent of a child born to an unmarried birth parent and for whom parentage of the nonbirth parent has not yet been established,” “paternity” with “parentage,” and “mother” with “birth parent.”

Sections 129 to 146 make technical changes to statutes under Titles 46b, 51, 52 and 53 consistent with the Connecticut Parentage Act.

Section 147: Amends C.G.S. § 45a-777 by replacing “A.I.D.” with “assisted reproduction,” adding reference to the child’s legal parents and relatives of the legal parents, and other technical changes consistent with the Connecticut Parentage Act.

Section 148: Amends C.G.S. § 45a-779 by making technical changes consistent with the Connecticut Parentage Act.

Section 149: Repeals provisions relating to A.I.D. set forth in C.G.S. §§ 45a-771 to 45a-776, inclusive, and C.G.S. §§ 46b-166 and 46b-167 relating to putative fathers.

[P.A. 21-21](#), AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH CERTIFICATES BY ADULT ADOPTED PERSONS

Effective: July 1, 2021

Section 1: Amends C.G.S. § 7-53(b) by transferring the responsibility to issue an uncertified copy of a birth certificate of a deceased adopted person from the Department of Public Health to the registrar of vital statistics of the municipality where the adopted person was born. A Probate Court order under C.G.S. § 45a-751c is still required.

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Amends C.G.S. § 7-53(c) by expanding access to birth certificates for adopted persons age 18 and older and their adult children or grandchildren by allowing them to obtain an uncertified copy of the adoptee's original birth certificate upon request. Current law provides this access only for adoptions finalized on or after October 1, 1983.

Section 2: Amends C.G.S. § 45a-751b by expanding access to birth certificates for adopted persons age 18 and older and their adult children or grandchildren by allowing them to obtain an uncertified copy of the adoptee's original birth certificate upon request. Current law provides this access only for adoptions finalized on or after October 1, 1983.

Section 3: Amends C.G.S. § 45a-751c by expanding access to birth certificates for adopted persons age 18 and older and their adult children or grandchildren by allowing them to petition the Probate Court for an order directing the registrar of vital statistics of the municipality in which the adopted person was born to issue an uncertified copy of a deceased adoptee's original birth certificate.

[P.A. 21-27](#), AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE
Effective: October 1, 2021

Amends C.G.S. § 31-40w to require an employer with one or more employees to make reasonable efforts to provide a location in close proximity to the work area, other than a toilet stall, where an employee can express her milk in private which location shall be (1) free from intrusion and shielded from the public; (2) include or be situated near a refrigerator or portable cold storage device; and (3) include access to an electrical outlet.

[P.A. 21-32](#), AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES, ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION AND CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES
Effective: July 1, 2021, except as otherwise noted

SUMMARY

This act establishes a process to erase records of certain criminal convictions after a specified period following the person's most recent conviction. These provisions do not apply to (1) class A, B, or C felonies (or certain unclassified felonies); (2) family violence crimes; or (3) certain crimes requiring sex offender registration.

Sections 3, 4 and 8: Establish a process to erase conviction records for misdemeanors and certain felonies after a specified period following the person's most recent conviction, except for family violence crimes or certain crimes requiring sex offender registration; establish a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012; allow attorneys for individuals subject to immigration matters to petition for their clients' erased records; and make minor changes to existing record erasure laws.

Sections 9 to 32 and 34: Prohibit discrimination in various contexts based on someone's erased criminal history record information and classify certain types of discrimination on this basis as discriminatory practices under the jurisdiction of the Commission on Human Rights and Opportunities.

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[P.A. 21-35](#), AN ACT EQUALIZING COMPREHENSIVE ACCESS TO MENTAL, BEHAVIORAL AND PHYSICAL HEALTH CARE IN RESPONSE TO THE PANDEMIC

Effective: June 14, 2021

The act includes various provisions related to racial disparities in public health, health care services, pandemic preparedness, and other related topics.

Section 1: Declares racism to be a public health crisis in the state of Connecticut.

Sections 2 to 4: Establishes a 28-member Commission on Racial Equity in Public Health; outlines the commission's responsibilities, including developing a strategic plan to eliminate health disparities and inequities in various areas; establishes a goal of reducing racial disparities in certain areas by at least 70%; requires the commission to determine best practices for state agencies to evaluate structural racism within their policies, practices and operations, and create and implement a plan to eliminate any structural racism within the agency.

Section 9: Establishes a committee to advise the Public Health and Human Services committees of the General Assembly on establishing a Commission on Gun Violence Intervention and Prevention to coordinate funding and implementation of programs and strategies to reduce gun violence.

Section 10: Requires the Department of Public Health to study and report on the state's COVID-19 response.

Section 13: Requires hospitals to include implicit bias training in their regular training to staff members who care for women who are pregnant or in the postpartum period.

Section 17: Requires the Department of Mental Health and Addiction Services (1) to make mobile crisis services available on nights and weekends, within available appropriations; and (2) to develop and report on a plan to make these services available 24 hours a day, seven days a week.

Section 19: Requires the Department of Mental Health and Addiction Services to develop and post online a mental health toolkit to help employers address their employees' mental health needs that arise due to COVID-19.

Section 20: Makes various changes affecting municipal health departments, such as (1) requiring Department of Public Health approval for municipal health director appointments; (2) increasing from 30 to 60 days the minimum vacancy before the Department of Public Health may appoint someone to fill a director vacancy; and (3) requiring municipalities, with Department of Public Health approval, to designate an acting director if the existing director is unable to act during a declared public health emergency.

[P.A. 21-39](#), AN ACT CONCERNING REVISIONS TO THE CONNECTICUT UNIFORM TRUST CODE, RULE AGAINST PERPETUITIES, CONNECTICUT UNIFORM POWER OF ATTORNEY ACT, CONNECTICUT BUSINESS CORPORATION ACT AND CONNECTICUT REVISED NONSTOCK CORPORATION ACT

Effective: January 1, 2022, except as otherwise noted

SUMMARY

This act makes various changes to the Connecticut Uniform Trust Code and Connecticut Uniform Power of Attorney Act.

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Section 1: Amends C.G.S. § 45a-499c by adding a definition for “Terms of a trust,” which term is used in several sections of the UTC and makes technical changes to the definitions of “Designated representative” and “Settlor.”

Section 2: Amends C.G.S. § 45a-499j(a) by allowing a trustee to send notice to a designated representative who is qualified to represent a beneficiary in lieu of sending notice to the beneficiary. It does not change the requirement that the Probate Courts send notice to all beneficiaries regardless of whether there is a designated beneficiary.

Section 3: Amends C.G.S. § 45a-499u by adding a requirement that a designated representative act in good faith on behalf of a beneficiary.

Section 4: Amends C.G.S. § 45a-499gg by clarifying that a court may apply *cy pres* to modify or terminate a trust subject to C.G.S. § 45a-520.

Section 5: Amends C.G.S. § 45a-499nn by adding a power of withdrawal that has lapsed or been waived or released over all or any part of the trust property to the list of types of property to which a creditor of a beneficiary may not attach.

Section 6: Amends C.G.S. § 45a-487k by making a technical change to the definition of “Trust instrument” by adding “or for the benefit of” a beneficiary.

Section 7: Amends C.G.S. § 45a-491(f) by making a technical correction clarifying that “eight hundred years” replaces “ninety years” in C.G.S. § 45a-491 in addition to C.G.S. §§ 45a-492 to 45a-495, inclusive.
Effective: June 14, 2021

Section 8: Amends C.G.S. § 1-350d by clarifying that a power of attorney, if not signed by the principal, may be signed in the principal’s conscious physical presence by another individual directed by the principal.

Section 9: Amends C.G.S. § 45a-5 to allow for a conveyance of land to be executed by the principal’s agent if the power of attorney was executed in the same manner provided by C.G.S. §§ 1-350d or 1-350r(a).
Effective: October 1, 2021

[P.A. 21-46](#), AN ACT CONCERNING SOCIAL EQUITY AND THE HEALTH, SAFETY AND EDUCATION OF CHILDREN
Effective: July 1, 2021

Section 10: Amends C.G.S. § 19a-14c to allow a minor to request and receive as many outpatient mental health treatment sessions as necessary without the consent or notification of a parent or guardian. A provider may notify a parent or guardian of treatment if (1) the provider determines notification is necessary to the minor’s well-being; (2) treatment is solely for mental health and not for substance abuse disorder; and (3) the minor is given an opportunity to express an objection.

Section 21: Amends C.G.S. § 17a-10a addressing virtual visitation for children in the care and custody of the Department of Children and Families. The amendment requires that the commissioner ensure that a child has visits with parents or opportunities to communicate with such child’s parents and siblings by telephonic, video or other conferencing platforms. Specifically, these opportunities to communicate must be provided in the event of a public health emergency or national emergency. The commissioner

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must also develop a policy that requires temporary cessation of in-person visitation, on a case-by-case basis, if the child, parent or sibling is seriously ill due to a communicable disease and visitation could result in the contraction of the disease.

[P.A. 21-55](#), AN ACT STRENGTHENING THE BILL OF RIGHTS FOR LONG-TERM CARE FACILITY RESIDENTS AND AUTHORIZING THE USE OF RESIDENT TECHNOLOGY FOR VIRTUAL VISITATION AND VIRTUAL MONITORING

Effective: July 1, 2021, except as otherwise noted

SUMMARY

This act makes various changes affecting (1) any person admitted as a patient to any nursing home facility, residential care home or chronic disease hospital (long-term care) and (2) residents of a managed residential community (facility consisting of private residential units that provides a managed group living environment for persons primarily 55 years of age and older), in relevant part, to

- allow patients and residents to use technology of their choosing that facilitates virtual monitoring or virtual visitation and establishes related notification use, and consent requirements;
- require a nursing home facility to provide residents with free internet access, electricity, and a power source for virtual monitoring or virtual visitation technology, under certain conditions.

Section 1: Amends C.G.S. § 19a-550, patient's bill of rights, to include the right to treat living quarters as the patient's home, including the right to communicate privately with persons of the patient's choice, using technology of the patient's choice as long as no other patient's rights are violated, subject to rules to protect the privacy, health and safety of other patients. Patients have the right to access the Department of Public Health or the Office of the Long-Term Care Ombudsman. This section applies to any person admitted as a patient to any nursing home facility, residential care home or chronic disease hospital.

Section 2: Amends C.G.S. § 19a-697, resident's bill of rights, to include the right to treat living quarters as the resident's home, including the right to communicate privately with persons of the resident's choice, using technology of the resident's choice as long as no other resident's rights are violated, subject to rules to protect the privacy, health and safety of other residents. This section applies to managed residential communities.

Section 3: Sets forth procedures for a resident of a nursing home facility to have remote audio or video communications that may include recording capabilities and virtual monitoring of a resident by a third party via technology owned and operated by the resident in the resident's room or living quarters. This section applies to residents of a nursing home facility.

[P.A. 21-67](#), AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES

Effective: July 1, 2021

SUMMARY

Under C.G.S. § 29-38c, any state's attorney, any assistant state's attorney or two police officers may request a risk protection order if they have probable cause to believe that a person poses a risk of imminent personal injury to himself or to another person. The Superior Court judge may issue the risk

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protection order or a warrant to confiscate all firearms or other deadly weapons and ammunition. The court must give notice to the Commissioner of Emergency Services and Public Protection when a risk assessment order or warrant is issued. The act also allows a family or household member or medical professional to apply for a risk protection order which is filed with the Geographical Area Court. The procedures and protections are outlined in the act.

[P.A. 21-71](#), AN ACT CONCERNING ESSENTIAL SUPPORT PERSONS AND A STATE-WIDE VISITATION POLICY FOR RESIDENTS OF LONG-TERM CARE FACILITIES

Effective: June 24, 2021

SUMMARY

This act allows residents of certain long-term care facilities to designate an essential support person to visit even when there are visitation restrictions imposed on other visitors. The act requires the Commissioner of Public Health to establish a statewide policy for visitation with long-term care residents, including during public health emergencies. The policy must include requirements that incorporate a resident's need for essential support. The act also expands the state long-term care ombudsman's duties to include providing services designed to address the impact of socialization, visitation, and the role of essential support persons on a resident's health, safety, and well-being.

[P.A. 21-100](#), AN ACT CONCERNING PROBATE COURT OPERATIONS

Effective: July 1, 2021

Section 1: Amends C.G.S. § 45a-106a(b)(15) to include motions to validate, combine or modify a trust and motions to assume jurisdiction of an out-of-state trust as motions that require a \$250 filing fee.

Sections 2 to 4: Amend C.G.S. §§ 45a-106a(c), 45a-107(b)(4) and 45a-107(c)(4), respectively, to clarify that probate fees are waived when the state is obligated to pay funeral and burial expenses for indigent persons and for recipients under the state-administered general assistance program under C.G.S. § 17b-131 (in addition to C.G.S. § 17b-84).

Section 5: Amends C.G.S. § 45a-111 to incorporate C.G.S. § 45a-106a in the statutes for which a waiver of fees for adoption proceedings involving special needs children applies. This section also changes "entry" fee to "filing" fee to conform to other statutes and practice.

Section 6: Amends C.G.S. § 45a-112 to incorporate C.G.S. § 45a-106a in the statutes for which payment by a state agency may be deferred. This section also changes "entry" fee to "filing" fee to conform to other statutes and practice.

Section 7: Amends C.G.S. § 45a-113a to incorporate C.G.S. § 45a-106a in the statutes for which a refund may be due.

Section 8: Amends C.G.S. § 45a-113b to allow for service fees when making a payment of probate fees by electronic funds transfer in addition to credit cards.

Sections 9 to 11: Amend C.G.S. §§ 45a-186, 45a-186a and 45a-186b, respectively, to clarify that an appeal to the Superior Court from a Probate Court order concerning an appeal from a quarantine or isolation order under C.G.S. § 19a-131b is an appeal to the Superior Court from a hearing on the record.

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Section 12: Amends C.G.S. § 45a-597 to allow a guardian of an adult with intellectual disability having the authority to manage finances to pay administration expenses when the protected person dies if the assets are not greater than the priority administration expenses.

Section 13: Amends C.G.S. § 45a-172a to clarify that the court appoints a guardian ad litem on behalf of the child only if the child is a minor.

Section 14: Amends C.G.S. § 17a-111 to allow for electronic transfer of a file concerning review of a voluntary admission to the Department of Children and Families to another Probate Court.

Sections 15 to 27: Amend C.G.S. §§ 17a-274, 45a-9a, 45a-27, 45a-65, 45a-68, 45a-76, 45a-80, 45a-84, 45a-649a, 45a-670, 45a-674, 45a-677 and 45a-754 to correctly reference the Office of the Probate Court Administrator.

[P.A. 21-104](#), AN ACT CONCERNING COURT OPERATIONS

Effective: June 28, 2021

SUMMARY

This act makes various changes to court operations. Most of the changes apply to the Connecticut Supreme, Appellate and Superior Courts. Of interest to the Probate Courts is:

Section 15: Amends C.G.S. § 45a-78 by transferring the responsibility to conduct the public hearings regarding the Probate Court Rules of Procedure from the Supreme Court to the Probate Court Administrator. The amendment requires the Probate Court Administrator to designate no fewer than three Probate Court judges to conduct the public hearing on rule changes before they are presented to the judges of the Supreme Court for adoption and promulgation. The amendment also removes the reference to C.G.S. § 51-14.

Section 56: Allows a Judicial Department official authorized to administer an oath under C.G.S. § 1-24 to administer an oath or affirmation remotely.

[P.A. 21-112](#), AN ACT CONCERNING THE FUNERAL EXPENSES OF CERTAIN VETERANS

Effective: October 1, 2021

SUMMARY

This act amends C.G.S. § 27-118 by redefining expenses eligible for the state burial benefit for indigent veterans to mean the cost of (1) cash advances paid by the funeral director, funeral services, and funeral merchandise (e.g., alternative containers, caskets, urns, vaults, and outer burial containers); (2) burial, cremation, or disposition; and (3) publishing an obituary.

[P.A. 21-121](#), AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

Effective: July 1, 2021

Section 54: Allows the Commissioner of Public Health to suspend licensure requirements for chronic and convalescent nursing homes to allow them to temporarily provide services to patients with a reportable disease or emergency illness or health condition during a declared public health emergency. Nursing homes may provide these services under their existing license after obtaining approval from the

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Department of Public Health if they (1) provide services to patients in a building that is not physically connected to its licensed facility or (2) expand their bed capacity in a part of a facility that is separate from the licensed facility.

Section 57: Requires nursing homes, residential care homes, and chronic disease hospitals associated with nursing homes to position beds in a manner that promotes resident care. Specifically, the bed position (1) cannot act as a restraint to the resident or create a hazardous situation; (2) must allow for infection control; and (3) provide at least a three-foot clearance at the sides and foot of each bed.

[P.A. 21-135](#), AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES STATUTES

Effective: July 7, 2021

Section 2: Amends C.G.S. § 17a-238 to allow a Department of Developmental Services regional or training school director to consent to emergency medical treatment for an individual under their custody or control, under the same conditions and procedures that already apply to emergency surgery.

Section 5: Amends C.G.S. § 45a-681 to allow the Department of Developmental Services to submit a copy of the eligibility determination letter denying services to an individual based on its determination that the individual does not have intellectual disability in lieu of a professional or assessment team report. This provision mirrors C.G.S. § 45a-674(b).

[P.A. 21-185](#), AN ACT CONCERNING NURSING HOMES AND DEMENTIA SPECIAL CARE UNITS

Effective: October 1, 2021, except as otherwise noted

SUMMARY

Makes various changes concerning nursing homes and dementia special care units and the delivery of long-term care services.

Section 1: Requires nursing homes and dementia special care units to employ a full-time infection prevention and control specialist responsible for ongoing training, inclusion of information in documentation provided to residents, participation in an infection prevention and control committee, and training supplemental or replacement staff in event of an outbreak. The specialist must work on a rotating schedule that ensures the specialist covers each eight-hour shift at least once per month.

Sections 2 to 3: Require nursing homes and dementia special care units to provide an emergency plan of operations to the towns in which they are located and maintain certain personal protective equipment.

Section 4: Each nursing home must have at least one person licensed or certified to start an intravenous line who is available on-call during each shift.

Sections 5 to 7: Require meetings of the nursing home's infection prevention and control committee, require testing for infectious disease as directed by the Department of Public Health and encourage establishment of a family council.

Section 8: Requires each nursing home to ensure that each resident's care plan includes (1) measures to address social, emotional and mental health needs, including strategies to minimize isolation; (2) visitation protocols in plain language; and (3) information on the role of the Office of the Long-Term

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Care Ombudsman. On or before January 1, 2022, each nursing home must ensure that staff is educated regarding (1) best practices for addressing social, emotional and mental health needs; and (2) all components of person-centered care.

Section 9: Requires the Public Health Preparedness Advisory Committee to amend the plan for emergency responses to public health emergencies.

Effective: July 13, 2021

Section 10: Requires the Department of Public Health to establish minimum staffing level requirements for nursing homes and adopt regulations.

Section 11: Requires the Department of Public Health to seek federal and state funds available for improvements to nursing home infrastructure.

Effective: July 13, 2021

[P.A. 21-2](#), June Special Session, AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023

Effective: July 1, 2021, except as otherwise noted

Sections 11 to 14: Increases salaries for judges and certain other judicial officials beginning in the fiscal year ending June 30, 2022.

Effective: June 23, 2021

Section 32: Requires the Commissioner of Labor, within available appropriations, to establish the Office of the Unemployed Workers' Advocate to assist unemployed persons.

Effective: June 23, 2021

Section 67: Requires the Commissioner of Developmental Services to annually report the number of individuals that DDS has determined are eligible for DDS funding or services and who (1) have unmet residential care needs; (2) have unmet employment opportunity and day service needs; or (3) are eligible for the behavioral services program and are waiting for funding allocation. The report must be made to the Public Health and Appropriations committees of the General Assembly.

Effective: June 23, 2021

Section 94: Requires every employer to grant to employees two hours of unpaid time off to vote in a state election and, if the employee is an elector, to vote in a special election for U.S. Senator, U.S. Representative, state senator or state representative if the employee requests the time off not less than two working days in advance.

Effective: June 23, 2021 until June 30, 2024

Section 95: Amends C.G.S. § 9-12 by removing the prohibition against a mentally incompetent person being admitted as an elector.

Effective: June 23, 2021

Sections 105 to 106: Amend C.G.S. § 9-450 by moving up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) Probate Judge in a multi-town district; or (2) a member of Congress.

Effective: June 23, 2021

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Section 145: Requires the Department of Public Health to provide a person (or parent or guardian of a minor) information that was provided by a COVID-19 vaccination provider regarding the person's vaccination status upon request. Prohibits DPH from disclosing the status to any other person without written consent.

Effective: June 23, 2021

Sections 149 to 151: Sets forth methods by which a public agency may conduct public meetings solely or in part by means of electronic equipment.

Effective: July 1, 2021 until April 30, 2022

Section 149: Provides that "Public agency," "meeting," "executive session," "electronic equipment" and "electronic transmission" have the same meaning as provided in C.G.S. § 1-200.

Notice and Agenda

The agency must provide direct notification in writing or by electronic transmission to members at least 48 hours before a regular meeting conducted solely or in part by electronic transmission and also to the public by posting at the agency's regular office and on the agency's website. The agency must also post a notice in the Secretary of the State's office and on its website.

The agenda must be posted not less than 24 hours prior to the meeting in the same manner as described above. The notice and agenda must include instructions for the public to attend and provide comment or otherwise participate in the meeting through electronic equipment or in-person, as applicable or permitted by law.

Conducting the Meeting

If the agency conducts regular meetings solely by electronic equipment, the agency must:

1. provide, upon written request submitted not less than 24 hours before the meeting, any member of the public with a physical location and any electronic equipment necessary to attend the meeting in real time;
2. provide the same opportunities for comment and testimony and otherwise participate in the meeting, except the agency is not required to adjourn or postpone because of an interruption, failure or degradation of the person's connection to the meeting by electronic equipment;
3. ensure that the meeting is recorded or transcribed, except any portion that is executive session, and post the recording or transcription on the agency's website and make it available to the public at the agency's office not later than seven days after the meeting;
4. if a quorum of the members is participating by electronic equipment from the same location, permit members of the public to attend the meeting at that location.

An agency that conducts a meeting must provide members the opportunity to participate by electronic equipment. The agency is not required to adjourn if a member loses the ability to participate, unless the member is necessary for a quorum.

Members of the public must make a good faith effort to state their names each time they speak during an uninterrupted dialogue or series of questions and answers.

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Special Meetings

The notice and agenda must be posted not less than 24 hours prior to the meeting in accordance with C.G.S. § 1-225(d). The notice and agenda must include instructions for the public to attend and provide comment or otherwise participate in the meeting through electronic equipment or in-person, as applicable or permitted by law.

Voting and Minutes

The vote of any member participating by electronic equipment must be taken by roll call, unless the vote is unanimous. Minutes must list members attending in person and members attending by means of electronic equipment.

Adjournment

If a meeting conducted by electronic equipment is interrupted by the failure, disconnection or, in the chairperson's determination, unacceptable degradation of the electronic means, or a member necessary to form a quorum loses the ability to participate, the agency may, not less than 30 minutes and not more than two hours from the interruption, resume the meeting in person if there is a quorum or resume by electronic equipment if restored. The agency must, if practicable, post a notification on its website of the expected time of resumption, adjournment or postponement of the hearing.

Section 150: Amends C.G.S. § 1-227 by allowing for notice of a regular meeting by electronic transmission in addition to mail.

Section 151: Amends C.G.S. § 1-228 by requiring the agency to post a notice of adjournment on its website.

Section 275: Amends C.G.S. § 31-49p by allowing a covered employee who is aggrieved by a denial of compensation under the Family Medical Leave Insurance Program to file an appeal, rather than a complaint, not more than 21 calendar days after the denial is issued. The Commissioner of Labor or designee may decide the appeal on the file record or supplement the record or conduct a hearing. The "file record" means any document submitted to the Paid Family and Medical Leave Insurance Authority or the private plan administrator, any documents relied upon in making the determination, and any other document the commissioner or designee deems necessary. The commissioner or designee may require witnesses, production of documents and may issue subpoenas. The commissioner must adopt regulations governing rules of procedure for disposition of appeals. Any party aggrieved by the decision of the commissioner or designee may appeal the decision to the Hartford Superior Court or the Superior Court in the judicial district where the aggrieved party resides not later than 30 days after decision is issued.

Effective: June 23, 2021

Section 276: Amends C.G.S. § 4-186 by exempting appeals from the denial of compensation under the Family and Medical Leave Insurance Program or imposition of a penalty pursuant to C.G.S. § 4-186 from the Uniform Administrative Procedure Act.

Effective: June 23, 2021

Section 277: Amends C.G.S. § 31-51kk by removing a provision that explicitly excluded the state from the definition of employer under Connecticut family and medical leave.

Effective: June 23, 2021

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Section 278: Makes conforming change to C.G.S. § 31-51kk effective January 1, 2022.

Section 279: Amends C.G.S. § 31-51pp by requiring that an employee aggrieved by a violation of the section file a complaint with the Commissioner of Labor within 180 calendar days of the employer action that prompted the complaint, except for good cause. The commissioner or designee must conduct an investigation and make a finding regarding jurisdiction and whether a violation occurred.

If the commissioner or designee finds no jurisdiction or no violation, the commissioner or designee must dismiss the complaint and issue a release of jurisdiction to allow the complainant to bring an action in Superior Court. The action must be brought within 90 calendar days after the date of the release of the decision. The employee may be awarded appropriate relief, including rehiring or reinstatement, back wages, and reestablishment of benefits.

If the commissioner or designee finds jurisdiction and a violation, the commissioner or designee may require participation in a mandatory settlement conference and, absent settlement, hold a hearing to render a final decision.

Any employee aggrieved by a violation of C.G.S. § 31-51pp may bring a direct action in the Superior Court within 180 days of the alleged violation without first filing an administrative complaint.

Effective: June 23, 2021

Section 280: Makes conforming changes to C.G.S. § 31-51pp effective January 1, 2022.

Section 318: Amends C.G.S. § 17b-272 by increasing the personal needs allowance provided to certain long-term care facility residents to \$75 per month.

Section 328: Amends C.G.S. § 17b-104 by requiring the Department of Social Services to disregard tax refunds when calculating income eligibility under the state supplementation to the Supplemental Security Income Program.

Section 329: Amends C.G.S. § 17b-191 by requiring the Department of Social Services to disregard tax refunds when calculating income eligibility under the state-administered general assistance program.

Section 330: Amends C.G.S. § 17b-342 by requiring the Department of Social Services to disregard tax refunds when calculating income eligibility under the Connecticut home-care program for the elderly.

Section 454: Amends C.G.S. § 4a-16 by requiring the Commissioner of Administrative Services to make a reasonable effort to inform the next of kin of a decedent, in writing, upon completing a financial accounting of the estate's assets and debts, that the commissioner intends to become the legal representative of the small estate. The commissioner must, not later than 30 days after making a reasonable effort to contact next of kin, file a certificate with the Probate Court having jurisdiction over the estate. The certificate must state that the total estate consisting only of personal property is under \$40,000, and the claim of the state, together with \$375 for last illness, and funeral and burial expenses in accordance with C.G.S. §§ 17b-84 and 17b-131, equals or exceeds the amount of the estate. The amount of the state's claim is limited to amounts due under the provisions of federal law or C.G.S. §§ 17b-93 and 18-85c.

Effective: October 1, 2021

Section 455: Amends C.G.S. § 17b-79 by limiting liens placed on real property for recovery of state assistance to amounts required to be recovered under federal law. The state cannot recover cash or

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medical assistance from a lien unless the state is required to recover it under federal law, and any certificate or lien filed before July 1, 2021 shall be deemed released by the state if the recovery is not required under federal law.

Section 456: Amends C.G.S. § 17b-93 by limiting the amount of the state's recovery to the amount that the state is required to recover under federal law. The state cannot recover cash or medical assistance against any interest in property unless the state is required to recover it under federal law and any lien or claim filed before July 1, 2021 shall be deemed released by the state if the recovery is not required under federal law.

Section 457: Amends C.G.S. § 17b-94 by limiting the amount of the state's recovery to the amount that the state is required to recover under federal law or, in the case of a parent liable to repay under § 17b-93, whose proceeds from the cause of action are not subject to recovery under federal law, the lesser of 50% of the proceeds received by such parent or the amount owed by the parent. The state cannot recover cash or medical assistance from a claim filed on any property, property interest or cause of action or estate unless the state is required to recover under federal law, and any claim filed before July 1, 2021 shall be deemed released by the state if the recovery is not required under federal law or the provisions of C.G.S. § 17b-93.

[S.A. 21-15](#), AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE THIRTIETH, 2023, AND MAKING APPROPRIATIONS THEREFOR, AND MAKING DEFICIENCY AND ADDITIONAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, 2021

Effective: July 1, 2021

The biennial budget funds the Probate Court system at the level of \$13.5 million in fiscal year ending June 30, 2022 (FY22), and \$13.4 million in fiscal year ending June 30, 2023 (FY23), maintaining the Probate Court system at normal funding levels.