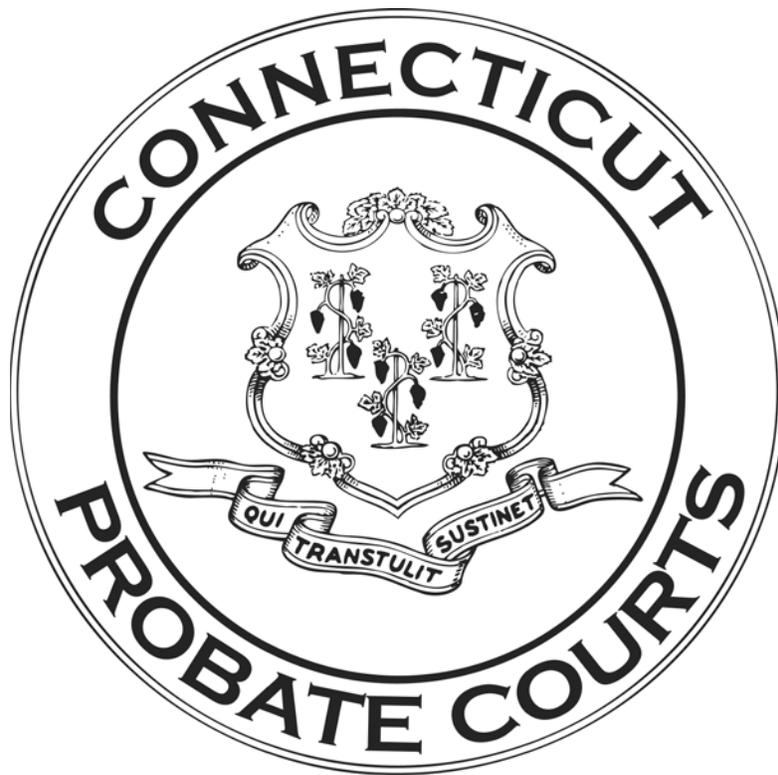


# OFFICE OF THE PROBATE COURT ADMINISTRATOR

## 2016 LEGISLATIVE SUMMARY



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STATE OF CONNECTICUT

OFFICE OF THE  
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**To: All Judges and Court Staff**

**From: Paul J. Knierim  
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**Re: 2016 Legislative Summary**

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While budget issues took center stage during the 2016 legislative session, the General Assembly enacted several important pieces of legislation affecting the Probate Courts, including our own Probate Court Operations bill. The material in this packet includes a summary of each bill and a copy of the public act.

The summaries are not meant to replace the public acts and are offered only to present a general understanding of the legislation. Bracketed red text in the public acts indicates deletions, and underlined blue text indicates additions.

We will present continuing education seminars on the new legislation at the judges' institute and clerks' roundtables this autumn.

Please contact us with any questions.

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## Public Act 16-7 (SB 219)

### An Act Concerning Probate Court Operations

*Effective date:* October 1, 2016

#### SUMMARY

The Probate Assembly and Probate Court Administration jointly developed this bill to make technical corrections and update various probate statutes. The following is a section-by-section explanation.

**Section 1** streamlines the process for a court user who files an initial petition to commence a case in the wrong Probate Court within the state. The act permits a court, upon finding that it lacks jurisdiction to hear a petition, to determine whether another Probate Court within the state has jurisdiction and transfer the case to that court. If more than one court would have jurisdiction, the original court may transfer the file to the court that is most convenient for the parties. A hearing is required before proceeding under this provision, and the court must make written findings as to the basis for its conclusion that the transferee court has jurisdiction. The court also has the option of dismissing the case rather than transferring it. If the court transfers the case, the transferee court does not charge an additional filing fee and the case proceeds according to the statutory timelines as if it were originally filed with the transferee court.

**Section 2** amends C.G.S. section 45a-288 to eliminate the obsolete requirement of giving DRS notice of a hearing on a petition for ancillary administration of a decedent's estate.

**Section 3** amends C.G.S. section 45a-656b, which establishes procedures for changing the residence of a person under conservatorship. Except in very limited circumstances, a conservator must obtain prior court approval before changing a person's residence. The court may waive the requirement of a hearing, however, if the conserved person's attorney files a document representing that the attorney has consulted with the conserved person and that the conserved person does not wish to have a hearing.

The amendment provides a parallel framework to avoid a full hearing on change of residence for a person under voluntary conservatorship who does not have an attorney. Under the revised statute, the court may conduct a brief hearing for the sole purpose of determining whether a person's written waiver of hearing in fact represents his or her wishes.

**Section 4** amends C.G.S. section 45a-106a to apply a \$225 filing fee to the following additional petitions:

- Approve placement of a child for adoption outside the state
- Review, modify or enforce a cooperative postadoption agreement
- Review an order concerning contact between an adopted child and his or her biological siblings

- Review termination of DCF voluntary services
- Resolve a dispute concerning custodianship under the Uniform Transfers to Minors Act
- Determine whether a conserved person is capable of giving informed consent for voluntary admission to a psychiatric facility
- Authorize DSS to enter the premises of an elderly person to determine if he or she needs protective services
- Determine whether a person under conservatorship or guardianship is competent to vote
- Excuse a periodic or final account of a conservator
- Excuse the final account of a trustee

**Section 5** amends C.G.S. section 45a-612 to clarify that, in proceedings to appoint a guardian, remove a guardian or terminate parental rights, Probate Courts have authority to order visitation by any relative of the minor.

**Sections 6 and 7** give court users more flexibility in deciding where to file a petition to remove a guardian or terminate parental rights. The revision permits a petitioner to file with the Probate Court where the child is domiciled or currently located. Under prior law, the child's residence was the basis for jurisdiction. The change resolves a conflict between the geographic jurisdiction provisions of the removal and termination statutes and the Uniform Child Custody Jurisdiction and Enforcement Act by enabling a Connecticut Probate Court to hear a case for a child who was removed from this state within the preceding six months.

**Section 8** expands the types of entities that may act as conservator to include limited liability companies and partnerships. Existing law permits the appointment of individuals, municipal and state officials, and corporations.

**Section 9** amends C.G.S. section 45a-177, which deals with periodic accounts of certain fiduciaries, in the following ways:

- Eliminates an obsolete reference to persons appointed by the court to sell land owned by a minor
- Specifies that the court may require accountings to be filed more frequently than every three years
- Eliminates provision for the submission of periodic accounts for filing only
- Eliminates the requirement that an account include an inventory of the estate. (The Probate Court Rules of Procedure now specify what must be included in a periodic account.)

**Section 10** eliminates the obsolete reference to accounts of trustees in insolvency.

## **Public Act 16-40 (SB 142)**

An Act Concerning Revisions to the Connecticut Uniform Power of Attorney Act

*Effective date:* October 1, 2016

### **SUMMARY**

The Uniform Power of Attorney Act (UPOA) was enacted last year as P.A. 15-240, originally to take effect on July 1, 2016. P.A. 16-40 makes several changes to the 2015 act. Most significantly, section 9 delays the effective date of the act to October 1, 2016.

**Section 2** provides that a grant of authority over “personal and family maintenance” includes the power to execute a written document in advance of the principal’s death directing the disposition of the principal’s remains after death or granting such authority to another individual.

**Section 3** creates a new “short form” POA that includes some, but not all, of the powers listed in the “long form.” The short form is designed to provide a simpler document when a POA is needed for a specific limited purpose such as a real estate closing.

**Section 8** amends C.G.S. section 45a-660, which addresses termination of a conservatorship, to authorize a Probate Court to reinstate a POA that was limited or suspended when the conservatorship was established.

## **Public Act 16-49 (HB 5255)**

An Act Concerning Guardianship of Persons with Intellectual Disability

*Effective date:* October 1, 2016

### **SUMMARY**

The act makes several technical changes to the statutes governing guardians of persons with intellectual disability. Throughout the statutes, the term “protected person” replaces “ward.” The act also shortens the cumbersome terminology “plenary (or limited) guardian of a person with intellectual disability” to “plenary (or limited) guardian.” Further, it clarifies that limited liability companies and partnerships are eligible to serve as guardian, in addition to individuals, state officials and corporations.

**Section 2** refines the language governing the confidentiality of guardianship matters. Under the revised language, the court’s file and hearings continue to be closed to the public, but the act adds greater specificity to the exceptions. In particular, the bill provides that parties to the case and their attorneys, the Department of Developmental Services and the Office of the Probate Court Administrator may have access to the court file. If a guardian is appointed, the names of the guardian and protected person become a matter of public record, thereby enabling third parties to verify the guardian’s authority. Finally, the bill authorizes the judge to permit disclosure of records for good

cause after a hearing with notice to the protected person, the protected person's attorney and the guardian.

**Section 19** repeals C.G.S. section 45a-684, which refers to obsolete statutes concerning payment of fees in guardianship matters.

## **Public Act 16-56 (HB 5430)**

An Act Permitting the Sale of Privately Held Alcoholic Liquor for Auction

*Effective date:* July 1, 2016

### **SUMMARY**

The act allows the fiduciary of a decedent's estate to sell or transfer alcoholic liquor listed in the inventory without obtaining a liquor permit, if two conditions are met: 1) both the Probate Court with jurisdiction over the estate and the Department of Consumer Protection approve the transaction; and 2) the liquor will be sold at an auction conducted by a licensed auctioneer.

## **Public Act 16-65 (HB 5571)**

An Act Concerning Banking and Consumer Protections

*Effective date:* July 1, 2016

### **SUMMARY**

**Section 64** amends the probate fee lien statute to make it clear that the lien applies only to the estates of decedents dying on or after January 1, 2015.

In addition, the act defines the terms "bona fide purchaser" and "qualified encumbrancer" and exempts both from the probate fee lien. A bona fide purchaser is a party who purchases property in good faith and without actual, implied or constructive notice that:

- the seller or a prior owner died on or after January 1, 2015; or
- a person who died on or after January 1, 2015 had transferred the property to an inter vivos trust before death.

The definition of qualified encumbrancer provides equivalent protection for a party that places a lien on property.

For practical purposes, the bona fide purchaser and qualified encumbrancer exceptions to the probate fee lien will rarely apply because information recorded in the land records and/or the circumstances of the transaction will provide constructive notice of the death of an owner.

**Public Act 16-70 (HB 5605)**

An Act Concerning the Termination of Parental Rights

*Effective date:* July 1, 2016

**SUMMARY**

**Section 2** expands the authority of a Probate Court to terminate the parental rights of a parent who commits sexual assault resulting in the conception of a child. Under prior law, this ground for termination was limited to a parent who was convicted of specified sexual assault crimes. As revised, section 45a-717 (j) now provides that parental rights may also be terminated on the basis of clear and convincing evidence that the parent committed an act that would constitute sexual assault under specified criminal statutes, even absent of a conviction.

There is one important exception to the new provision: if a parent was prosecuted for sexual assault in criminal court but found not guilty, the Probate Court must transfer a termination petition alleging sexual assault as a ground to Superior Court.

**Public Act 16-83 (HB 5237)**

An Act Concerning Fair Chance Employment

*Effective date:* January 1, 2017

**SUMMARY**

The act prohibits employers, including government agencies, from asking about a prospective employee's prior arrests, criminal charges or convictions on an initial employment application. The act does not prohibit a criminal background check at a later stage in the hiring process.

Note that we have revised the Probate Court Employment Application contained in Policy 301 of the PCA Policy Manual to delete questions relating to an applicant's criminal background. As before, the court may make a criminal background check a condition of employment after an offer has been extended. The prospective employee signs the Disclosure and Authorization for Release of Information form contained in the new hire kit to authorize the background check.

**Public Act 16-105 (HB 5366)**

An Act Concerning Court Operations

*Effective date:* October 1, 2016

**SUMMARY**

**Sections 4 and 6** permit a parent, guardian or responsible adult to file an application for a protective order on behalf of a minor as a next friend in Superior Court. An attorney for

a child appointed by a Probate Court in connection with a removal or termination petition would qualify as a responsible adult for this purpose.

### **Public Act 16-124 (SB 187)**

An Act Concerning Transfers of Guardianship and Substantiated Allegations of Abuse or Neglect by a Guardian

*Effective date:* October 1, 2016

#### **SUMMARY**

**Section 4** of the act requires DCF to notify the Probate Court if the department substantiates an allegation of abuse or neglect against a Probate Court-appointed guardian.

### **Public Act 16-145 (HB 5606)**

An Act Concerning the Connecticut Revised Uniform Fiduciary Access to Digital Assets Act

*Effective date:* October 1, 2016

#### **SUMMARY**

This uniform act establishes default rules under which a fiduciary for an individual who has digital assets may gain access to those assets. It also permits individuals with digital assets to authorize more or less access to their digital assets than provided under the default rules.

“Digital asset” is defined as an electronic record in which an individual has a right or interest. Examples include email, social media accounts, photos stored in a cloud-based account and electronic statements for an online bank account. The term does not include an underlying asset such as the money held in an online bank account. The individual who owns the digital asset is referred to as a “user,” and the entity that stores or processes the digital asset is referred to as a “custodian.”

Under the act, a user can direct the custodian whether to disclose digital assets to third parties, including fiduciaries and other designated recipients, and can specify whether the access is full or partial. The user’s directions can be memorialized in an online tool associated with a particular digital asset. A user may, in the alternative, communicate directions for access to digital assets in a will, trust agreement or power of attorney or in an instruction addressed to the custodian. If the instructions in an online tool conflict with a will or other document, the online version prevails.

The act establishes default rules for access to digital assets by executors and administrators, conservators of the estate, trustees and agents under powers of

attorney. The rules vary by the type of fiduciary, as the following summary of the provisions governing decedents' estates and conservatorships illustrates:

### **Decedents' Estates**

Absent contrary direction by the decedent, the default rule is that an executor or administrator is entitled to disclosure of digital assets and to a catalogue of the decedent's electronic communications (but not the content of those communications). If the decedent had explicitly consented to access, the executor or administrator would also be entitled to the content of electronic communications. On the other hand, the executor or administrator would be precluded from any access to digital assets if the decedent had directed as such.

### **Conservatorships**

A conservator of the estate must obtain a prior court order to obtain access to a conserved person's digital assets. If the court grants access, the default rule is that the conservator is entitled to disclosure of the conserved person's digital assets and to a catalogue of the conserved person's electronic communications (but not the content of those communications), unless the conserved person has directed otherwise.

The act specifies the documentation a custodian may require before disclosing information to a fiduciary and authorizes a custodian to charge a reasonable administrative fee. It also gives the custodian the right to seek a court order or require the fiduciary to obtain an order to verify information about the case. Depending on the type of case, the custodian may seek court findings on one or more of the following issues:

- whether the user on whose behalf the fiduciary is acting owns the account
- whether disclosure of electronic communications would violate 18 USC 2701 (unlawful access to stored electronic communications) or 47 USC 222 (confidentiality of proprietary information about telecommunications carriers and equipment manufacturers and customer proprietary network information)
- whether the user consented to disclosure
- whether disclosure is necessary for administration of the estate

A custodian may also seek a court order limiting disclosure on the ground that the fiduciary's request is unduly burdensome. On the flip side, a fiduciary can seek an order compelling disclosure or termination of an account if a custodian fails to comply with a request within 60 days after receipt.

In addition to the rules governing disclosure, the act addresses the powers of a fiduciary when dealing with digital assets. Unless the user has directed otherwise, any fiduciary with authority over the property of a user may access the user's digital assets in the

same manner as the user. If the user is deceased, the executor or administrator can exercise the powers that the user had immediately before death. This means that a fiduciary can require a custodian to provide access to a password protected digital account and can make changes or terminate the account. The act prohibits a fiduciary from impersonating the user.

The Probate Courts and the Superior Court have concurrent jurisdiction over matters relating to the act.

## **Public Act 16-156 (SB 74)**

An Act Concerning Second Parent Adoption

*Effective date:* October 1, 2016

### **SUMMARY**

The act expands C.G.S. section 45a-733 to authorize the court to waive an investigation in an adoption proceeding if the adopting parent shares parental responsibility with the parent giving the child for adoption. Prior law permitted waiver of the study requirement only in stepparent adoptions. The court may, in both co-parent and stepparent adoptions, require an investigation for good cause shown.

## **Public Act 16-168 (SB 213)**

An Act Concerning the Inheritance Rights of a Beneficiary or Survivor who is Found Not Guilty of Murder or Manslaughter by Reason of Mental Disease or Defect

*Effective date:* October 1, 2016

### **SUMMARY**

Existing law prohibits a person convicted of specified crimes from benefitting from the victim's estate or receiving life insurance or annuity benefits from the victim. The crimes include murder, murder with special circumstances, felony murder, arson murder, 1st degree manslaughter with or without a firearm, 1st or 2nd degree larceny and 1st degree abuse of an elderly, blind or disabled person or person with intellectual disability. The amendment extends the prohibition on benefitting from the victim's estate to individuals found not guilty by reason of mental disease or defect of any of the listed crimes. The act also adds 2nd degree manslaughter and 2nd degree manslaughter with a firearm to the list of crimes that trigger the statute.

**Public Act 16-194 (SB 248)**

An Act Concerning Revisions to Statutes Affecting Title to Real Property

*Effective date:* October 1, 2016

**SUMMARY**

**Section 1** clarifies that a disclaimer of real property that is not recorded on the land records is effective only against the disclaimant and those with actual knowledge of the disclaimer.

**Section 6** validates any conveyance of real property made to a trust rather than the trustee. It also validates any conveyance made by a trust rather than by the trustee.

**Public Act 16-203 (SB 342)**

An Act Concerning Electronic Filing of Campaign Reports

*Effective date:* July 1, 2017

**SUMMARY**

**Section 1** requires that, beginning July 1, 2017, all campaign reports be filed using the State Election Enforcement Commission's web-based system. Candidates for probate judge are included in the act.

**May Special Session Public Act 16-2 (SB 501)**

An Act Adjusting the State Budget for the Biennium Ending June 30, 2017

*Effective date:* Various dates

**SUMMARY**

**Section 1** appropriates \$6 million from the general fund to the Probate Court budget line under the Judicial Branch's fiscal year 2016-17 budget.

**May Special Session Public Act 16-3 (SB 502)**

An Act Concerning Revenue and Other Items to Implement the Budget for the Biennium Ending June 30, 2017

*Effective date:* Various dates; see each section

**SUMMARY**

The act is the general government budget implementer and makes several statutory changes related to the Probate Courts.

**Sections 44 and 45** reduce the amount for funeral expenses for recipients of state assistance from \$1,400 to \$1,200. Under the amendment, the \$1,200 amount is

reduced by the value of all liquid assets in the decedent's estate and any outside contributions in excess of \$3,400. (*Effective:* July 1, 2016)

**Sections 89 to 92** postpone compensation increases for judges until July 1, 2017.

**Section 193** caps probate fees on decedents' estates at \$40,000 for decedents who die on or after July 1, 2016.

### **May Special Session Public Act 16-4 (SB 503)**

An Act Authorizing and Adjusting Bonds of the State for Capital Improvements, Transportation and other Purposes and Authorizing State Grant Commitments for School Building Projects

*Effective date:* Upon passage

#### **SUMMARY**

**Sections 187 and 199** eliminate the bond funding for a new PCA office and instead authorize \$4 million to develop and implement an e-filing system for the Probate Courts.



**Substitute Senate Bill No. 219**

**Public Act No. 16-7**

**AN ACT CONCERNING PROBATE COURT OPERATIONS**

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

Section 1. (NEW) (*Effective October 1, 2016*) (a) If a Probate Court finds, after notice and hearing on any petition, application or motion, that the court does not have jurisdiction to hear the petition, application or motion but that another Probate Court of this state does have jurisdiction to hear the petition, application or motion, the court may order that the file be transferred to the court that has jurisdiction or may dismiss the petition, application or motion for lack of jurisdiction. If the transferring court finds that more than one Probate Court has jurisdiction over the petition, application or motion, the transferring court may order that the file be transferred to the Probate Court that the transferring court finds is the most convenient forum for the parties. The transferring court shall make written findings on the basis for its finding that the transferee court has jurisdiction over the petition, application or motion, and, if applicable, which court is the most convenient forum for the parties. The transferring court's findings shall be conclusive for all further proceedings on the petition, application or motion, except that a transfer order under this section shall be subject to appeal as provided in section 45a-186 of the general statutes.

(b) Upon issuance of a transfer order under subsection (a) of this section, the transferring court shall cause certified copies of all documents in the transferring court's file to be delivered to the transferee court. The transferee court shall proceed on the underlying petition, application or motion as if it had originally been filed with the transferee court. No additional filing fee shall apply with respect to the transferred petition, application or motion.

(c) Nothing in this section shall prevent a court that has jurisdiction over a case from transferring the case to another court under a statute authorizing such transfer.

Sec. 2. Section 45a-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) When a will conveying property situated in this state has been proved and established out of this state by a court of competent jurisdiction, the executor of such will or any person interested in such property may present to the [court of probate] [Probate Court](#) in the district determined under the provisions of section 45a-287 [ ] an authenticated and exemplified copy of such will and of the record of the proceedings proving and establishing the will and [may](#) request that such copies be filed and recorded. The request shall be accompanied by a complete statement in writing of the property and estate of the decedent in this state. If, upon a hearing, after such notice to the [Commissioner of Revenue Services and other] parties in interest as the court orders, no sufficient objection is shown, the [court of probate] [Probate Court](#) shall order such copies to be filed and recorded, and they shall thereupon become a part of the files and records of such court, and shall have the same effect as if such will had been originally proved and established in such court. [of probate. Notwithstanding any objection by said commissioner to the domicile of the decedent as claimed on an application to place a will on file, the court may, in the absence of objection by any other interested party, order the copies to be filed and recorded subject only to a subsequent and final finding of domicile as provided in section 45a-309. ]

(b) Nothing in this section shall give effect to a will made in this state by [an inhabitant thereof] [a resident of this state](#) which has not been executed according to the laws of this state.

(c) If the [court of probate] [Probate Court](#) finds sufficient objection to such will, the applicant shall offer competent proof of the contents and legal sufficiency of the will, except that the original thereof need not be produced unless so directed by the [court of probate] [Probate Court](#).

Sec. 3. Subsection (g) of section 45a-656b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) A person under conservatorship may waive the right to a hearing required under this section if the attorney for the person under conservatorship has consulted with the person under conservatorship and the attorney has filed with the court a record of the waiver. Such a waiver shall be invalid if the waiver does not represent the wishes of the person under conservatorship. [If a person under voluntary representation pursuant to section 45a-646 is not represented by an attorney, the court shall conduct a hearing to determine whether the waiver represents the person's wishes.](#)

Sec. 4. Section 45a-106a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The fees set forth in this section apply to each filing made in a Probate Court on or after January 1, 2016, in any matter other than a decedent's estate.

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

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

(2) Determine paternity;

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

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

(5) Approve an adult adoption;

(6) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I)

grant authority to consent to involuntary medication, (J) determine whether informed consent has been given for voluntary admission to a hospital for psychiatric disabilities, (K) determine life-sustaining medical treatment, [(K)] (L) transfer to or from another state, [(L)] (M) modify the conservatorship in connection with a periodic review, [(M)] (N) excuse accounts under rules of procedure approved by the Supreme Court under section 45a-78, (O) terminate the conservatorship, and [(N)] (P) grant a writ of habeas corpus;

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

(8) With respect to an elderly person as defined in section 17b-450: (A) Enjoin an individual from interfering with the provision of protective services to [an elderly person] such elderly person, and (B) authorize the Commissioner of Social Services to enter the premises of such elderly person to determine whether such elderly person needs protective services;

(9) With respect to an adult with intellectual disability: (A) Appoint a temporary limited guardian, guardian or standby guardian, (B) grant visitation, (C) determine competency to vote, (D) modify the guardianship in connection with a periodic review, [(D)] (E) determine life-sustaining medical treatment, [(E)] (F) approve an involuntary placement, [(F)] (G) review an involuntary placement, and [(G)] (H) grant a writ of habeas corpus;

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

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

(12) With respect to tuberculosis: (A) Commit an individual for treatment, (B) issue a warrant to enforce an examination order, and (C) terminate an involuntary confinement;

(13) Compel an account by the trustee of an inter vivos trust, attorney-in-fact, custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of an ecclesiastical society or cemetery association;

- (14) With respect to a testamentary or inter vivos trust: (A) Construe, divide, reform or terminate the trust, [(B) appoint a trustee to fill a vacancy in the office of trustee, (C) determine title to property, (D) apply the doctrine of cy pres or approximation, (E) authorize the trustee to disclaim an interest in property, and (F)] (B) enforce the provisions of a pet trust, and (C) excuse a final account under rules of procedure approved by the Supreme Court under section 45a-78;
- (15) Authorize a fiduciary to establish a trust;
- (16) Appoint a trustee for a missing person;
- (17) Change a person's name;
- (18) Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;
- (19) Require the Department of Public Health to issue a delayed birth certificate;
- (20) Compel the board of a cemetery association to disclose the minutes of the annual meeting;
- (21) Issue an order to protect a grave marker;
- (22) Restore rights to purchase, possess and transport firearms;
- (23) Issue an order permitting sterilization of an individual; and
- (24) With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give advice or instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.
- (c) The fee to file a petition for custody of the remains of a deceased person in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the state is obligated to pay funeral and burial expenses under section 17b-84.
- (d) The fee for a fiduciary to request the release of funds from a restricted account in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the court approves the request without notice and hearing in accordance with the rules of procedure adopted by the Supreme Court under section 45a-78.

- (e) The fee for mediation conducted by a member of the panel established by the Probate Court Administrator is three hundred fifty dollars per day or part thereof.
- (f) The fee to request a continuance in a Probate Court is fifty dollars, plus the actual expenses of rescheduling the hearing that are payable under section 45a-109, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the hearing, or both. The fee shall be payable by the party who requests the continuance of a scheduled hearing or whose failure to appear necessitates the continuance.
- (g) The fee to file a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court is two hundred fifty dollars.
- (h) Except as provided in subsection (d) of section 45a-111, fees imposed under this section shall be paid at the time of filing.
- (i) If a statute or rule of procedure approved by the Supreme Court under section 45a-78 specifies filings that may be combined into a single motion, petition or application, the fee under this section for the combined filing is the amount equal to the largest of the individual filing fees applicable to the underlying motions, petitions or applications.
- (j) No fee shall be charged under this section if exempted or waived under section 45a-111 or any other provision of the general statutes.

Sec. 5. Section 45a-612 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

[The Court of Probate may grant the right of visitation to any person who has been removed as guardian of any minor child or children, any relative of the minor child or children or any parent who has been denied temporary custody of any minor child or children pending the hearing on a removal or termination of parental rights application pursuant to the provisions of sections 45a-132, 45a-593 to 45a-597, inclusive, 45a-603 to 45a-622, inclusive, and 45a-629 to 45a-638, inclusive] In connection with any proceeding for removal of guardian, appointment of guardian for a minor who has no guardian or termination of parental rights pursuant to sections 45a-603 to 45a-622, inclusive, and 45a-715 to 45a-719, inclusive, as amended by this act, the Probate Court may grant visitation to (1) any parent or guardian if temporary custody of the minor has been granted to another person pending the hearing on removal or termination of parental rights, (2) any person who has been removed as guardian of the minor, or (3) any relative of the minor. Such order shall be [according to] made in accordance with the best judgment of the court upon the facts of the case and subject to such conditions and limitations as it deems equitable. In making, modifying or terminating such an order,

the court shall be guided by the best [\[interest\] interests](#) of the [\[child\] minor](#), giving consideration to the wishes of such [\[child\] minor](#) if he [or she](#) is of sufficient age and capable of forming an intelligent opinion. The grant of such visitation rights shall not prevent any court of competent jurisdiction from thereafter acting upon the custody of such [\[child\] minor](#), the parental rights with respect to such [\[child\] minor](#) or the adoption of such [\[child\] minor](#), and any such court may include in its decree an order terminating such visitation rights.

Sec. 6. Subsection (a) of section 45a-614 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Except as provided in subsection (b) of this section, the following persons may [\[apply to\] petition](#) the Probate Court [\[for the district in which the minor resides\]](#) for the removal as guardian of one or both parents of the minor: (1) Any adult relative of the minor, including those by blood or marriage; (2) a person with actual physical custody of the minor at the time the petition is filed; or (3) counsel for the minor. [The petition shall be filed in the Probate Court in the district in which the minor resides, is domiciled or is located at the time of the filing of the petition.](#)

Sec. 7. Subsection (e) of section 45a-715 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(e) A petition under this section shall be filed in the Probate Court for the district in which [\(1\) the petitioner \[or\] resides, \(2\) the child resides, \[or,\] is domiciled or is located at the time of the filing of the petition, or \(3\)](#) in the case of a minor who is under the guardianship of any child care facility or child-placing agency, in the Probate Court for the district in which [\[the main office or any local\] any](#) office of the agency is located. If the petition is filed with respect to a child born out of wedlock, the petition shall state whether there is a putative father to whom notice shall be given under subdivision (2) of subsection (b) of section 45a-716.

Sec. 8. Section 45a-644 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

For the purposes of [\[sections 45a-644\] this section and sections 45a-645](#) to 45a-663, inclusive, the following terms shall have the following meanings:

(a) "Conservator of the estate" means a person, [\[a\] municipal or state official, \[or a private profit or nonprofit\] corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit](#), except a hospital, nursing home facility, as defined in section 19a-521, or residential care home, as defined in section 19a-521, appointed by the [\[Court of\] Probate Court](#) under the provisions of [\[sections 45a-644\] this section and sections 45a-645](#) to 45a-663, inclusive, to

supervise the financial affairs of a person found to be incapable of managing his or her own affairs or of a person who voluntarily asks the [Court of] Probate Court for the appointment of a conservator of the estate, and includes a temporary conservator of the estate appointed under the provisions of section 45a-654.

(b) "Conservator of the person" means a person, [a] municipal or state official, [or a private profit or nonprofit] corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital or nursing home facility as defined in section 19a-521, appointed by the [Court of] Probate Court under the provisions of [sections 45a-644] this section and sections 45a-645 to 45a-663, inclusive, to supervise the personal affairs of a person found to be incapable of caring for himself or herself or of a person who voluntarily asks the [Court of] Probate Court for the appointment of a conservator of the person, and includes a temporary conservator of the person appointed under the provisions of section 45a-654.

(c) "Incapable of caring for one's self" or "incapable of caring for himself or herself" means that a person has a mental, emotional or physical condition that results in such person being unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to meet essential requirements for personal needs.

(d) "Incapable of managing his or her affairs" means that a person has a mental, emotional or physical condition that results in such person being unable to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to perform the functions inherent in managing his or her affairs, and the person has property that will be wasted or dissipated unless adequate property management is provided, or that funds are needed for the support, care or welfare of the person or those entitled to be supported by the person and that the person is unable to take the necessary steps to obtain or provide funds needed for the support, care or welfare of the person or those entitled to be supported by the person.

(e) "Involuntary representation" means the appointment of a conservator of the person or a conservator of the estate, or both, after a finding by the [Court of] Probate Court that the respondent is incapable of managing his or her affairs or incapable of caring for himself or herself.

(f) "Respondent" means an adult person for whom an application for involuntary representation has been filed or an adult person who has requested voluntary representation.

(g) "Voluntary representation" means the appointment of a conservator of the person or a conservator of the estate, or both, upon request of the respondent, without a finding that the respondent is incapable of managing his or her affairs or incapable of caring for himself or herself.

(h) "Conserved person" means a person for whom involuntary representation is granted under [\[sections 45a-644\]](#) [this section and sections 45a-645](#) to 45a-663, inclusive.

(i) "Personal needs" means the needs of a person including, but not limited to, the need for food, clothing, shelter, health care and safety.

(j) "Property management" means actions to (1) obtain, administer, manage, protect and dispose of real and personal property, intangible property, business property, benefits and income, and (2) deal with financial affairs.

(k) "Least restrictive means of intervention" means intervention for a conserved person that is sufficient to provide, within the resources available to the conserved person either from the conserved person's own estate or from private or public assistance, for a conserved person's personal needs or property management while affording the conserved person the greatest amount of independence and self-determination.

Sec. 9. Section 45a-177 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) All conservators, guardians [[, persons appointed by the Court of Probate to sell land of minors](#)] and trustees, including those entrusted with testamentary trusts unless excused by the will creating the trust, shall render periodic accounts of their trusts signed under penalty of false statement to the [[Court of](#)] Probate [Court](#) having jurisdiction for allowance, at least once during each three-year period and more frequently if required [[to do so](#)] [by the court or](#) by the will or trust instrument creating the trust. [[Periodic accounts for filing only may be submitted to the court at any time during each three-year period. Upon receipt of a periodic account, the court shall cause notice of it and of its availability for examination at the court to be given in such manner and to such parties as it deems reasonable. Any such party may apply to the court for a hearing on the account. If an application for such a hearing is not received by the court from a party in interest within the time stated in the notice, the periodic account will be filed without hearing thereon and without allowance or disallowance thereof, and shall not be recorded.](#)] At the end of each three-year period from the date of the last allowance of a periodic account, or upon the earlier receipt of a final account, there shall be a hearing on all periodic accounts not previously allowed, and the final account, if any, in accordance with sections 45a-178 and 45a-179, [as amended by this act](#).

[(b) Each such periodic account shall include an inventory of the trust estate showing fully how the principal of the fund is invested and the items of income and expenditure. If there has been no change in the identity of the items comprising the principal of the fund since the last account which has been accepted and approved, it shall not be necessary to include an inventory of the trust estate. ]

[(c)] (b) If the estate held by any person in any such fiduciary capacity is less than two thousand dollars, or, in the case of a corporate fiduciary under the supervision of the Banking Commissioner or any other fiduciary bonded by a surety company authorized to do business in this state, ten thousand dollars, such fiduciary shall not be required to render such account unless so ordered by the court.

Sec. 10. Section 45a-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) When a conservator, guardian [, trustee in insolvency] or trustee of a testamentary trust exhibits his or her final account to the [Court of] Probate Court for allowance, the court shall appoint a time and place for a hearing on the account and shall cause notice of the hearing to be given as it directs. Such fiduciary shall sign the account under penalty of false statement.

(b) The court shall, before approving a final account of an executor or administrator, hold a hearing thereon for which notice may be given as the court shall direct, unless all parties interested in the estate sign and file in court a written waiver of such notice.



**Substitute Senate Bill No. 142**

**Public Act No. 16-40**

**AN ACT CONCERNING REVISIONS TO THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT**

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

Section 1. Subsections (a) and (b) of section 1-350e of the 2016 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A power of attorney executed in this state on or after ~~[October 1, 2015]~~ October 1, 2016, is valid if its execution complies with section 1-350d.

(b) A power of attorney executed in this state before ~~[October 1, 2015]~~ October 1, 2016, is valid if its execution complied with the law of this state as it existed at the time of execution.

Sec. 2. Subsection (a) of section 1-351l of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(1) Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse and the following other individuals, whether living when the power of attorney is executed or later born:

(A) The principal's children whom the principal is legally obligated to support;

(B) Other individuals legally entitled to be supported by the principal; and

(C) The individuals whom the principal has customarily supported or indicated the intent to support;

(2) Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(3) Provide living quarters for the individuals described in subdivision (1) of this subsection by:

(A) Purchase, lease or other contract; or

(B) Paying the operating costs, including interest, amortization payments, repairs, improvements and taxes, for premises owned by the principal or occupied by **[those]** [the individuals described in subdivision \(1\) of this subsection](#);

(4) Provide normal domestic help, usual vacations and travel expenses and funds for shelter, clothing, food, appropriate education, including post secondary and vocational education and other current living costs for the individuals described in subdivision (1) of this subsection;

(5) Pay expenses for necessary health care and custodial care on behalf of the individuals described in subdivision (1) of this subsection;

(6) Act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended from time to time, and applicable federal regulations, in making decisions related to the past, present or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;

(7) Continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring and replacing **[them]** [such automobiles or other means of transportation](#), for the individuals described in subdivision (1) of this subsection;

(8) Maintain credit and debit accounts for the convenience of the individuals described in subdivision (1) of this subsection and open new accounts; **[and]**

(9) Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order or other organization or continue contributions to those organizations; [and](#)

[\(10\) Execute a written document in advance of the principal's death, in accordance with section 45a-318, as amended by this act, directing the disposition of the principal's body](#)

upon the death of the principal or designating an individual to have custody and control of the disposition of the principal's body upon the death of the principal. Such written document may also designate another individual as an alternate to the individual designated to have custody and control of the disposition of the principal's body upon the death of the principal. Such disposition shall include, but not be limited to, cremation, incineration, disposition of cremains, burial, method of interment, alkaline hydrolysis and cryogenic preservation.

Sec. 3. Subsection (a) of section 1-352 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) (1) The use of either the following short form or long form in the creation of a power of attorney is authorized, and, when used, [it] the short form or long form shall be construed in accordance with the provisions of sections 1-350 to 1-353b, inclusive, [:] as amended by this act. No provision of sections 1-350 to 1-353b, inclusive, as amended by this act, shall be construed to bar the use of any other or different form of power of attorney desired by the parties concerned.

#### (2) "STATUTORY POWER OF ATTORNEY - SHORT FORM

Notice: The powers granted by this document are broad and sweeping. They are defined in Connecticut Uniform Power of Attorney Act, which expressly permits the use of any other or different form of power of attorney desired by the parties concerned. The grantor of any power of attorney or the agent may make application to a court of probate for an accounting as provided in subsection (b) of section 45a-175 of the general statutes. This power of attorney does not authorize the agent to make health care decisions for you.

Know All Persons by These Presents, which are intended to constitute a GENERAL POWER OF ATTORNEY pursuant to Connecticut Uniform Power of Attorney Act:

That I .... (insert name and address of the principal) do hereby appoint .... (insert name and address of the agent, or each agent, if more than one is designated) my agent(s) TO ACT .....

If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word 'severally'. Failure to make any insertion or the insertion of the word 'jointly' shall require the agents to act jointly.

First: In my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in

the Connecticut Uniform Power of Attorney Act to the extent that I am permitted by law to act through an agent:

(Strike out and initial in the opposite box any one or more of the subparagraphs as to which the principal does NOT desire to give the agent authority. Such elimination of any one or more of subparagraphs (A) to (M), inclusive, shall automatically constitute an elimination also of subparagraph (N).)

To strike out any subparagraph the principal must draw a line through the text of that subparagraph AND write his initials in the box opposite.

- (A) Real property;
- (B) Tangible personal property;
- (C) Stocks and bonds;
- (D) Commodities and options;
- (E) Banks and other financial institutions;
- (F) Operation of entity or business;
- (G) Insurance and annuities;
- (H) Estates, trusts and other beneficial interests;
- (I) Claims and litigation;
- (J) Personal and family maintenance;
- (K) Benefits from governmental programs or civil or military service;
- (L) Retirement plans;
- (M) Taxes;
- (N) All other matters;

.....

.....

.....

.....

(Special provisions and limitations may be included in the statutory form power of attorney only if they conform to the requirements of the Connecticut Uniform Power of Attorney Act.)

Second: With full and unqualified authority to delegate any or all of the foregoing powers to any person or persons whom my agent(s) shall select.

Third: Hereby ratifying and confirming all that said agent(s) or substitute(s) do or cause to be done.

Fourth: LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the special instructions.

Fifth: DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's Address: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: \_\_\_\_\_

Second Successor Agent's Address: \_\_\_\_\_

Sixth: EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

The execution of this statutory short form power of attorney shall be duly acknowledged by the principal in the manner prescribed for the acknowledgment of a conveyance of real property.

In Witness Whereof I have hereunto signed my name and affixed my seal this .... day of ...., 20...

.... (Signature of Principal) (Seal)

....

Witness

....

Witness

STATE OF

COUNTY OF

} SS:

On this the .... day of ...., 20.., before me, (name of the principal), signer of the foregoing instrument, personally appeared, and acknowledged the execution of such instrument to be his/her free act and deed.

....

Commissioner of the Superior Court

Notary Public

My commission expires: ...."

(3) "STATUTORY POWER OF ATTORNEY - LONG FORM

["] Notice: The powers granted by this document are broad and sweeping. They are defined in the Connecticut Uniform Power of Attorney Act, which expressly permits the use of any other or different form of power of attorney desired by the parties concerned. The grantor of any power of attorney or the agent may make application to a court of probate for an accounting as provided in subsection (b) of section 45a-175 of the general statutes. This power of attorney does not authorize the agent to make health care decisions for you.

Know All Persons by These Presents, which are intended to constitute a GENERAL POWER OF ATTORNEY pursuant to the Connecticut Uniform Power of Attorney Act:

That I . . . . (insert name and address of the principal) do hereby appoint . . . . (insert name and address of the agent, or each agent, if more than one is designated) my agent(s) TO ACT . . . . .

If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word 'severally'. Failure to make any insertion or the insertion of the word 'jointly' shall require the agents to act jointly.

First: In my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in the Connecticut Uniform Power of Attorney Act to the extent that I am permitted by law to act through an agent:

(Strike out and initial in the opposite box any one or more of the **[subdivisions]** subparagraphs as to which the principal does NOT desire to give the agent authority. Such elimination of any one or more of **[subdivisions]** subparagraphs (A) to (M), inclusive, shall automatically constitute an elimination also of **[subdivision]** subparagraph (N). )

To strike out any **[subdivision]** subparagraph the principal must draw a line through the text of that **[subdivision]** subparagraph AND write his initials in the box opposite.

- |                             |   |     |
|-----------------------------|---|-----|
| (A)                         | <b>[real estate transactions (real property)]</b> <u>Real property;</u>   | ( ) |
| (B)                         | <b>[chattel and goods transactions (tangible personal property)]</b> <u>Tangible personal property;</u>   | ( ) |
| (C)                         | <b>[bond, share and commodity transactions (stocks and bonds)]</b> <u>Stocks and bonds;</u>   | ( ) |
| <u>(D)</u>                  | <u>Commodities and options;</u>   | ( ) |
| <del>[(D)]</del> <u>(E)</u> | <b>[banking transactions (banks and other financial institutions)]</b> <u>Banks and other financial institutions;</u>   | ( ) |
| <del>[(E)]</del> <u>(F)</u> | <b>[business operating transactions (operation of entity or business)]</b> <u>Operation of entity or business;</u>  | ( ) |
| <del>[(F)]</del> <u>(G)</u> | <b>[insurance transactions (insurance and annuities)]</b> <u>Insurance and annuities;</u>   | ( ) |
| <del>[(G)]</del> <u>(H)</u> | <b>[estate transactions (estates, trusts, and other beneficial interests)]</b> <u>Estates, trusts and other beneficial interests;</u>   | ( ) |
| <del>[(H)]</del> <u>(I)</u> | <b>[claims]</b> <u>Claims</u> and litigation;   | ( ) |
| <del>[(I)]</del> <u>(J)</u> | <b>[personal relationships and affairs (personal and family maintenance)]</b> <u>Personal and family maintenance;</u>   | ( ) |
| <del>[(J)]</del> <u>(K)</u> | <b>[benefits from military service (benefits from governmental programs or civil or military service)]</b> <u>Benefits from governmental programs or civil or military service;</u> | ( ) |
| <del>[(K)]</del>            | records, reports and statements;  | ( ) |
| (L)                         | <b>[retirement]</b> <u>Retirement</u> plans;  | ( ) |
| (M)                         | <b>[taxes]</b> <u>Taxes;</u>  | ( ) |
| (N)                         | <b>[all]</b> <u>All</u> other matters;  | ( ) |

.....  
.....  
.....  
.....

(Special provisions and limitations may be included in the statutory form power of attorney only if they conform to the requirements of the Connecticut Uniform Power of Attorney Act. )

[(Strike out below and initial in the opposite box any one or more of the subdivisions as to which the principal does NOT desire to give the agent authority. To strike out any subdivision the principal must draw a line through the text of that subdivision AND write his initials in the box opposite. )]

OPTIONAL ESTATE PLANNING POWERS

YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE FOLLOWING POWERS:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. )

**[YOU SHOULD SEEK LEGAL ADVICE BEFORE]**

**[INCLUDING THE FOLLOWING POWERS: ]**

My agent MAY NOT do any of the following specific acts UNLESS I HAVE INITIALED the specific authority listed below:

- (O) Create, amend, revoke or terminate an inter vivos trust, ( )  
provided in the case of a trust established for a disabled person pursuant to 42 USC 1396p (d)(4)(A) or 42 USC 1396p (d)(4)(C), the creation of such trust by an agent shall be only as permitted by federal law;
- (P) Make a gift, subject to the limitations of the Connecticut ( )  
Uniform Power of Attorney Act and any special instructions in this power of attorney. Unless otherwise provided in the special instructions, gifts per recipient

may not exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, in an amount per recipient not to exceed twice the annual federal gift tax exclusion limit. In addition, an agent must determine that gifts are consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors;

- (Q) Create or change rights of survivorship; ( )
- (R) Create or change a beneficiary designation; ( )
- (S) Authorize another person to exercise the authority granted under this power of attorney; ( )
- (T) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; ( )
- (U) Exercise fiduciary powers that the principal has authority to delegate; ( )
- (V) Disclaim or refuse an interest in property, including a power of appointment. ( )

Second: With full and unqualified authority to delegate any or all of the foregoing powers to any person or persons whom my agent(s) shall select. [ ; ]

Third: Hereby ratifying and confirming all that said agent(s) or substitute(s) do or cause to be done.

Fourth: LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the special instructions.

Fifth: DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's Address: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: \_\_\_\_\_

Second Successor Agent's Address: \_\_\_\_\_

Sixth: EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

[In Witness Whereof I have hereunto signed my name and affixed my seal this . . . . day of . . . ., 20. . .

. . . . (Signature of Principal) (Seal)

(ACKNOWLEDGMENT)

The execution of this statutory form power of attorney shall be duly acknowledged by the principal in the manner prescribed for the acknowledgment of a conveyance of real property.

No provision of this chapter shall be construed to bar the use of any other or different form of power of attorney desired by the parties concerned.

Every statutory form power of attorney shall contain, in boldface type or a reasonable equivalent thereof, the "Notice" at the beginning of this section. ]



(3) A judicial proceeding concerning a power of attorney commenced before October 1, [2015] 2016, unless the court finds that application of a provision of sections 1-350 to 1-353b, inclusive, [as amended by this act](#), would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.

(b) An act performed by an agent under a power of attorney before October 1, [2015] 2016, is not affected by sections 1-350 to 1-353b, inclusive, [as amended by this act](#).

Sec. 5. Subsection (a) of section 19a-580e of the 2016 supplement to the general statutes, as amended by section 54 of public act 15-240, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Except as authorized by a court of competent jurisdiction, a conservator shall comply with a conserved person's individual health care instructions and other wishes, if any, expressed while the conserved person had capacity and to the extent known to the conservator, and the conservator may not revoke the conserved person's advance health care directive or a directive executed in accordance with [subdivision \(10\) of section 1-351l, as amended by this act](#), or section 45a-318, [as amended by this act](#), unless the appointing court expressly so authorizes.

Sec. 6. Subsection (c) of section 19a-580f of the 2016 supplement to the general statutes, as amended by section 51 of public act 15-240, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(c) A power of attorney for health care decisions properly executed prior to October 1, 2006, shall have the same power and effect as provided under section [1-55] [1-54a](#) of the general statutes, revision of 1958, revised to January 1, [2015] 2005, in effect at the time of its execution.

Sec. 7. Subdivisions (1) and (2) of subsection (a) of section 45a-318 of the 2016 supplement to the general statutes, as amended by section 55 of public act 15-240, are repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) (1) Any person eighteen years of age or older, and of sound mind, may execute in advance of such person's death a written document, subscribed by such person and attested by two witnesses, either: (A) Directing the disposition of such person's body upon the death of such person, which document may also designate an individual to have custody and control of such person's body and to act as agent to carry out such directions; or (B) if there are no directions for disposition, designating an individual to have custody and control of the disposition of such person's body upon the death of such person. Such disposition shall include, but not be limited to, cremation, incineration, disposition of cremains, burial, method of interment, [alkaline hydrolysis](#)

and cryogenic preservation. Any such document may designate an alternate to an individual designated under subparagraph (A) or (B) of this subdivision.

(2) Any conservator of the person authorized pursuant to subdivision (5) of subsection (a) of section 45a-656 to act on behalf of a conserved person, or any agent authorized **[pursuant to subdivision (14) of section 1-52]** to act on behalf of a principal, including any agent authorized to act on behalf of a principal pursuant to subdivision (10) of section 1-351l, as amended by this act, may execute in advance of such conserved person's or principal's death a written document, subscribed by such conservator or agent and attested by two witnesses, either: (A) Directing the disposition of such conserved person's or principal's body upon the death of such conserved person or principal, which document may also designate an individual to have custody and control of such conserved person's or principal's body and to act as agent to carry out such directions; or (B) if there are no directions for disposition, designating an individual to have custody and control of the disposition of such conserved person's or principal's body upon the death of such conserved person or principal. Such disposition shall include, but not be limited to, cremation, incineration, disposition of cremains, burial, method of interment, alkaline hydrolysis and cryogenic preservation. Any such document may designate an alternate to an individual designated under subparagraph (A) or (B) of this subdivision. A document executed by a conservator pursuant to this subdivision shall include provisions indicating that such document (i) is valid if the person is under conservatorship at the time of his or her death, and (ii) terminates upon the termination of the conservatorship when such termination occurs prior to the death of the conserved person.

Sec. 8. Subsection (a) of section 45a-660 of the 2016 supplement to the general statutes, as amended by section 53 of public act 15-240, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) (1) A conserved person may, at any time, petition the court of probate having jurisdiction for the termination of a conservatorship. A petition for termination of a conservatorship shall be determined by a preponderance of the evidence. The conserved person shall not be required to present medical evidence at such a hearing. A hearing on the petition shall be held not later than thirty days after the date the petition was filed in the Court of Probate, unless the hearing is continued for good cause. If such hearing is not held within such thirty-day period or continuance period, if applicable, the conservatorship shall terminate. If the court of probate having jurisdiction finds a conserved person to be capable of caring for himself or herself, the court shall, upon hearing and after notice, order that the conservatorship of the person be terminated. **[The court may also order the reinstatement of any authority of any agent under a power of attorney that was previously limited, suspended or terminated by the court because of the conservatorship.]** If the court finds upon hearing and after notice which the court prescribes, that a conserved person is capable of managing his or her own

affairs, the court shall order that the conservatorship of the estate be terminated and that the remaining portion of the conserved person's property be restored to the conserved person. [The court may order the reinstatement of any authority of any agent under a power of attorney that was previously limited or suspended by the court because of the conservatorship.](#) (2) If the court finds upon hearing and after notice which the court prescribes that a conserved person has no assets of any kind remaining except for that amount allowed by subsection (c) of section 17b-80, the court may order that the conservatorship of the estate be terminated. The court shall thereupon order distribution of the remaining assets to the conservator of the person or, if there is no conservator or the conservator declines or is unable to accept or the conservator is the Commissioner of Social Services, to some suitable person, to be determined by the court, to hold for the benefit of the conserved person, upon such conservator or person giving such probate bond, if any, as the court orders. (3) If any conserved person having a conservator dies, the conserved person's property other than property which has accrued from the sale of the conserved person's real property shall be delivered to the conserved person's executor or administrator. The unexpended proceeds of the conserved person's real property sold as aforesaid shall go into the hands of the executor or administrator, to be distributed as such real property would have been.

Sec. 9. (*Effective from passage*) Sections 1 to 57, inclusive, of public act 15-240 shall take effect October 1, 2016.



**House Bill No. 5255**

**Public Act No. 16-49**

**AN ACT CONCERNING GUARDIANSHIP OF PERSONS WITH INTELLECTUAL DISABILITY**

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

Section 1. Section 45a-669 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

For purposes of sections 45a-669 to [45a-684] 45a-683, inclusive, as amended by this act, the following terms shall have the following meanings:

(a) ["Plenary guardian of a person with intellectual disability"] "Plenary guardian" means a person, legally authorized state official, [or private nonprofit] corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital, nursing home facility, as defined in section 19a-521, or residential care home, as defined in section 19a-521, appointed by a [court of probate] Probate Court pursuant to the provisions of sections 45a-669 to [45a-684] 45a-683, inclusive, as amended by this act, to supervise all aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, as amended by this act, for the benefit of such adult, who by reason of the severity of [his or her] intellectual disability, has been determined to be totally unable to meet essential requirements for his or her physical health or safety and totally unable to make informed decisions about matters related to his or her care.

(b) "Legally competent" means having the legal power to direct one's personal and financial affairs. All persons in this state eighteen years of age and over are legally competent unless determined otherwise by a court in accordance with the provisions of sections 45a-669 to [45a-684] 45a-683, inclusive, as amended by this act, or unless otherwise provided by law.

(c) ["Limited guardian of a person with intellectual disability"] "Limited guardian" means a person, legally authorized state official, [or a private nonprofit] corporation,

limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital or nursing home, as defined in section 19a-521, appointed by a **[court of probate]** Probate Court pursuant to the provisions of sections 45a-669 to **[45a-684]** 45a-683, inclusive, as amended by this act, to supervise certain specified aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, as amended by this act, for the benefit of such adult, who by reason of the severity of **[his]** intellectual disability, has been determined to be able to do some, but not all, of the tasks necessary to meet essential requirements for his or her physical health or safety or to make some, but not all, informed decisions about matters related to his or her care.

(d) **["Person with intellectual disability"]** "Intellectual disability" means **[a person who has a]** the condition defined as intellectual disability pursuant to section 1-1g.

(e) "Respondent" means an adult person for whom **[an application]** a petition for guardianship or limited guardianship of the person has been filed.

(f) "Unable to meet essential requirements for his or her physical health or safety" means the inability through one's own efforts and through acceptance of assistance from family, friends and other available private and public sources, to meet one's needs for medical care, nutrition, clothing, shelter, hygiene or safety so that, in the absence of a guardian, **[of the person with intellectual disability]** serious physical injury, illness or disease is likely to occur.

(g) "Unable to make informed decisions about matters related to **[one's]** his or her care" means the inability of a person with intellectual disability to achieve a rudimentary understanding, after conscientious efforts at explanation, of information necessary to make decisions about his or her need for physical or mental health care, food, clothing, shelter, hygiene, protection from physical abuse or harm, or other care.

(h) **["Ward"]** "Protected person" means a person for whom a guardianship is granted under sections 45a-669 to **[45a-684]** 45a-683, inclusive, as amended by this act.

Sec. 2. Section 45a-670 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) **[An application]** A petition for guardianship may be filed **[by the court on its own motion or]** by any adult person. **[The application and all records of Probate Court proceedings held as a result of the filing of such application, except for the name of any guardian of the respondent, shall be sealed and shall be made available only to the respondent or the respondent's counsel or guardian, and to the Commissioner of Developmental Services or the commissioner's designee, unless the Probate Court, after hearing held with notice to the respondent or the respondent's counsel or guardian, and**

to the commissioner or the commissioner's designee, determines that such application and records should be disclosed for cause shown. An application filed by the court on its own motion shall contain a statement of the facts on which the court bases its motion, and such statement of facts shall be included in any notice to the respondent. ]

Any [other application] [petition](#) filed shall allege that a respondent, by reason of the severity of the respondent's intellectual disability, is unable to meet essential requirements for the respondent's physical health and safety and unable to make informed decisions about matters relating to the respondent's care. Such [application] [petition](#) shall be filed in [the court of probate] [Probate Court](#) in the district in which the respondent resides, [or] is domiciled [or is located at the time of the filing of the petition](#). Such [application] [petition](#) shall state: (1) Whether there is, in any jurisdiction, a guardian, limited guardian, or conservator for the respondent; (2) the extent of the respondent's inability to meet essential requirements for the respondent's physical health or safety, and the extent of the respondent's inability to make informed decisions about matters related to the respondent's care; (3) any other facts upon which guardianship is sought; and (4) in the case of a limited guardianship, the specific areas of protection and assistance required for the respondent.

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

[\(c\) All records of cases related to guardianship under sections 45a-669 to 45a-683, inclusive, as amended by this act, shall be confidential and shall not be open to public inspection by or disclosed to any person, except that \(1\) such records shall be available to \(A\) the parties in any such case and their counsel, \(B\) the Department of Developmental Services, and \(C\) the office of the Probate Court Administrator; \(2\) if the court appoints a guardian, the names of the guardian and the protected person shall be public; and \(3\) the court may, after hearing with notice to the respondent, the respondent's counsel, the guardian and the Department of Developmental Services, permit records to be disclosed for cause shown.](#)

Sec. 3. Section 45a-671 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Not later than forty-five days after the date of filing [an application] [a petition](#) for guardianship with the Probate Court, such court shall assign a time and place for hearing such [application] [petition](#). Notwithstanding the provisions of section 45a-7, the court may hold the hearing on the [application] [petition](#) at a place within the state other than its usual courtroom if it would facilitate the presence of the respondent. Such court

shall cause a citation and notice to be served upon the respondent by personal service made by a state marshal, constable or an indifferent person not less than seven days prior to the date of such hearing.

(b) The court shall direct notice by first class mail to the following: (1) The **[applicant]** **petitioner**; (2) the parents of the respondent; (3) the spouse of the respondent; (4) children of the respondent; **[, if any; ]** (5) the siblings of the respondent or their representatives, if the respondent has no living parents; and (6) the person in charge of the hospital, nursing home, residential facility or other institution in which the respondent may reside.

(c) The court in its discretion may order such notice as it directs to other persons having an interest in the respondent.

Sec. 4. Section 45a-672 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The notice required by subsection (a) of section 45a-671, **as amended by this act**, shall inform such respondent of (1) whether the guardianship sought is a plenary or a limited guardianship and that the court, notwithstanding which type of guardianship is sought, may appoint a plenary guardian or a limited guardian **[of the person with intellectual disability]** with such limitations as the court determines; (2) the legal consequences of both plenary and limited guardianships; (3) the facts alleged in the **[application]** **petition** and the limitations on the guardian's authority, if any, specifically applied for; and (4) the right to be represented by counsel.

Sec. 5. Section 45a-674 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

At any hearing for appointment of a plenary guardian or limited guardian, **[of the person with intellectual disability,]** the court shall receive evidence as to the condition of the respondent, including a written report or testimony by a Department of Developmental Services assessment team appointed by the Commissioner of Developmental Services or his **or her** designee, no member of which is related by blood, marriage or adoption to either the **[applicant]** **petitioner** or the respondent and each member of which has personally observed or examined the respondent within forty-five days next preceding such hearing. The assessment team shall be comprised of at least two representatives from among appropriate disciplines having expertise in the evaluation of persons alleged to have intellectual disability. The assessment team members shall make their report on a form provided for that purpose by the office of the Probate Court Administrator and shall answer questions on such form as fully and completely as possible. The report shall contain specific information regarding the severity of the intellectual disability of the respondent and those specific areas, if any, in

which [he] [the respondent](#) needs the supervision and protection of a guardian, and shall state upon the form the reasons for such opinions. The [applicant] [petitioner](#), respondent or [his] [the respondent's](#) counsel shall have the right to present evidence and cross-examine witnesses who testify at any hearing on the [application. If such] [petition. If the](#) respondent or [his] [the respondent's](#) counsel notifies the court not less than three days before the hearing that he [or she](#) wishes to cross-examine the witnesses, the court shall order such witnesses to appear. The fees for such assessment team shall be paid from funds appropriated to the Department of Developmental Services.

Sec. 6. Section 45a-675 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The respondent shall be present at any hearing for his [or her](#) guardianship, [provided] [except that](#) the court may exclude [him] [the respondent](#) from such portions of the hearing at which testimony is given which the court determines would be seriously detrimental to his [or her](#) emotional or mental condition. Any person having knowledge that the respondent is or will be medicated at that time, shall inform the court of such fact and to the extent he [or she](#) knows the same, shall inform the court of the common effects of such medication.

Sec. 7. Section 45a-676 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) If the court finds, by clear and convincing evidence, that the respondent is, by reason of the severity of the respondent's intellectual disability, totally unable to meet essential requirements for the respondent's physical health or safety and totally unable to make informed decisions about matters related to the respondent's care, the court shall appoint a plenary guardian or plenary coguardians [of the person with intellectual disability] who shall have all those powers and duties provided for in section 45a-677, [as amended by this act](#).

(b) If the court finds by clear and convincing evidence that the respondent is able to do some, but not all, of the tasks necessary to meet essential requirements for the respondent's physical health or safety or that the respondent is able to make some, but not all, informed decisions about matters related to the respondent's care, the court shall appoint a limited guardian or limited coguardians. [of the person with intellectual disability. ]

(c) For the purposes of sections 45a-669 to [45a-684] [45a-683](#), inclusive, [as amended by this act](#), any alleged inability of the respondent must be evidenced by recent behavior that would cause harm or create a risk of harm, by clear and convincing proof.

(d) The court shall take from any such plenary guardian or limited guardian a written acceptance of such guardianship and, if the court deems it necessary for the protection of the respondent, a probate bond.

(e) The court shall make written findings of fact that support each grant of authority to the plenary guardian or limited guardian. If the court in reaching its conclusion is relying on incidents of behavior that occurred more than six months prior to the date of hearing, the court findings shall include its reasoning for relying upon such incidents.

(f) In selecting a plenary guardian or limited guardian, [of the person with intellectual disability,] the court shall be guided by the best interests of the respondent, including, but not limited to, the preference of the respondent as to who should be appointed as plenary guardian or limited guardian.

(g) No person shall be excluded from serving as a plenary guardian or limited guardian solely because such person is employed by the Department of Developmental Services, except that (1) no such employee may be appointed as a plenary guardian or limited guardian of a person [with intellectual disability] residing in a state-operated residential facility for persons with intellectual disability located in the Department of Developmental Services region in which such person is employed; and (2) no such employee shall be so appointed unless no other suitable person to serve as plenary guardian or limited guardian can be found. Any appointment of an employee of the Department of Developmental Services as a plenary guardian or limited guardian shall be made for a limited purpose and duration. During the term of appointment of any such employee, the Commissioner of Developmental Services shall search for a suitable person who is not an employee of the department to replace such employee as plenary guardian or limited guardian.

(h) No person shall be excluded from serving as a plenary guardian or limited guardian solely because such person is employed by a private facility funded or licensed by the Department of Developmental Services, except that (1) no such employee may be appointed as a plenary guardian or limited guardian of a person [with intellectual disability] residing in a residential facility in which such employee is employed, and (2) no such employee shall be so appointed unless no other suitable person to serve as plenary guardian or limited guardian can be found.

(i) No person shall be excluded from serving as a plenary guardian or limited guardian solely because such person is licensed by the Department of Developmental Services to operate a community companion home, except that (1) no such licensee, nor any of such licensee's relatives or household members, may be appointed as a plenary guardian or limited guardian of a person [with intellectual disability] residing in a community companion home operated by such licensee, and (2) no such licensee shall be so

appointed unless no other suitable person to serve as plenary guardian or limited guardian can be found.

Sec. 8. Section 45a-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The court may assign to a limited guardian [of a person with intellectual disability] any portion of the duties and powers listed in subsection (d) of this section for those particular areas in which the [respondent] protected person lacks the capacity to meet the essential requirements for [such respondent's] the protected person's physical or mental health or safety.

(b) A limited guardian may also be assigned the duty to assist the [respondent] protected person in those particular areas in which the capacity of the [respondent] protected person to meet the essential requirements of such [respondent's] protected person's physical or mental health or safety, protect such [respondent's] protected person's rights, obtain necessary services, or to fulfill such [respondent's] protected person's civil duties is impaired, as well as in other ways not specifically prohibited by sections 45a-669 to [45a-684] 45a-683, inclusive, as amended by this act.

(c) A limited guardian [of a person with intellectual disability] shall have only such of the duties and responsibilities and powers of a guardian [of a person with intellectual disability] under subsection (d) of this section as the court shall specify based upon its findings with regard to the individual need of the [respondent] protected person for supervision. The guardian shall have the duty to report to the [probate court which] Probate Court that appointed such limited guardian at least annually the condition of the [respondent] protected person. The preceding duties, responsibilities and powers shall be carried out within the limitations of the resources available to the [ward] protected person, either through the [ward's] protected person's own estate or by reason of private or public assistance.

(d) The court may assign to a limited guardian the custody of the [ward] protected person for the purpose of exercising any, but not all, of the following limited duties and powers, in order to assist the [ward] protected person in achieving self-reliance: (1) To assure and consent to a place of abode outside the natural family home, (2) to consent to specifically designed educational, vocational or behavioral programs, (3) to consent to the release of clinical records and photographs, (4) to assure and consent to routine, elective and emergency medical and dental care, and (5) other specific limited powers to assure and consent to services necessary to develop or regain to the maximum extent possible the [ward's] protected person's capacity to meet essential requirements. All plenary guardians and limited guardians appointed pursuant to sections 45a-669 to [45a-684] 45a-683, inclusive, as amended by this act, shall also have a duty to assure the care and comfort of the [ward] protected person within the limitations of their

appointment, and within the limitations of the resources available to the [ward] [protected person](#) either through the [ward's] [protected person's](#) own estate or by reason of private or public assistance.

(e) A plenary guardian or limited guardian [of a person with intellectual disability] shall not have the power or authority: (1) To cause the [ward] [protected person](#) to be admitted to any institution for treatment of the mentally ill, except in accordance with the provisions of sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 420b; (2) to cause the [ward] [protected person](#) to be admitted to any training school or other facility provided for the care and training of persons with intellectual disability if there is a conflict concerning such admission between the guardian and the [protected person](#) [with intellectual disability] or next of kin, except in accordance with the provisions of sections 17a-274 and 17a-275; (3) to consent on behalf of the [ward] [protected person](#) to a sterilization, except in accordance with the provisions of sections 45a-690 to 45a-700, inclusive; (4) to consent on behalf of the [ward] [protected person](#) to psychosurgery, except in accordance with the provisions of section 17a-543; (5) to consent on behalf of the [ward] [protected person](#) to the termination of the [ward's] [protected person's](#) parental rights, except in accordance with the provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-757, inclusive; (6) to consent on behalf of the [ward] [protected person](#) to the performance of any experimental biomedical or behavioral medical procedure or participation in any biomedical or behavioral experiment, unless it (A) is intended to preserve the life or prevent serious impairment of the physical health of the [ward] [protected person](#), (B) is intended to assist the [ward] [protected person](#) to regain the [ward's] [protected person's](#) abilities and has been approved for the [ward] [protected person](#) by the court, or (C) has been (i) approved by a recognized institutional review board, as defined by 45 CFR 46, 21 CFR 50 and 21 CFR 56, as amended from time to time, which is not a part of the Department of Developmental Services, (ii) endorsed or supported by the Department of Developmental Services, and (iii) approved for the [ward] [protected person](#) by such [ward's] [protected person's](#) primary care physician; (7) to admit the [ward] [protected person](#) to any residential facility operated by an organization by whom such guardian is employed, except in accordance with the provisions of section 17a-274; (8) to prohibit the marriage or divorce of the [ward] [protected person](#); and (9) to consent on behalf of the [ward] [protected person](#) to an abortion or removal of a body organ, except in accordance with applicable statutory procedures when necessary to preserve the life or prevent serious impairment of the physical or mental health of the [ward] [protected person](#).

(f) A plenary guardian or limited guardian shall submit a report to the court: (1) Annually; (2) when the court orders additional reports to be filed; (3) when there is a significant change in the capacity of the [ward] [protected person](#) to meet the essential

requirements for the [ward's] protected person's physical health or safety; (4) when the plenary guardian or limited guardian resigns or is removed; and (5) when the guardianship is terminated.

(g) Such reports shall be submitted on a form provided by the office of the Probate Court Administrator and shall contain the following information: (1) Significant changes in the capacity of the [ward] protected person to meet the essential requirements for the [ward's] protected person's physical health or safety; (2) the services being provided to the [ward] protected person and the relationship of those services to the individual guardianship plan; (3) the significant actions taken by the limited guardian [of a person with intellectual disability] or plenary guardian [of a person with intellectual disability] during the reporting period; (4) any significant problems relating to the guardianship which have arisen during the reporting period; and (5) whether such guardianship, in the opinion of the guardian, should continue, be modified, or be terminated, and the reasons therefor.

(h) When any protected person [with intellectual disability for whom a guardian has been appointed] becomes a resident of any [town in the state in a] probate district in this state other than the one in which a guardian was appointed, or becomes a resident of any [town in the state] probate district in this state other than the one to which the guardianship file has been transferred under this section, [such] the court in [that district] which the guardianship matter is on file may, upon motion of any person deemed by the court to have sufficient interest in the welfare of the [respondent] protected person, including, but not limited to, the guardian, the Commissioner of Developmental Services or the commissioner's designee, or a relative of the protected person, [under guardianship,] transfer the file to the probate district in which the protected person [under guardianship] resides at the time of the [application] motion, provided the transfer is in the protected person's best interest. [of the person with intellectual disability. ] A transfer of the file shall be accomplished by the [probate court] Probate Court in which the guardianship matter is on file by making copies of all documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the protected person [under guardianship] resides. When the transfer is made, the [court of probate] Probate Court in which the protected person [under guardianship] resides at the time of transfer shall thereupon assume jurisdiction over the guardianship and all further accounts shall be filed with such court.

(i) A plenary guardian or limited guardian [of a person with intellectual disability] and, to the extent appropriate, [such] the protected person shall be the primary decision maker with respect to programs needed by [such] the protected person and policies and practices affecting the well-being of [such] the protected person within the authority granted by the court pursuant to this section, provided any such decision does not conflict with the requirements of section 17a-238. In making any such decision, the

plenary guardian or limited guardian shall consult with the [ward] [protected person](#) and appropriate members of the [ward's] [protected person's](#) family, where possible. A limited guardian shall be the primary decision maker only with respect to such duties assigned to the limited guardian by the court. The provisions of this subsection shall be included in any court order appointing a plenary guardian or limited guardian. [of a person with intellectual disability. ]

Sec. 9. Section 45a-678 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Any plenary guardian or limited guardian [of the person with intellectual disability] serving in accordance with the provisions of sections 45a-669 to [45a-684] [45a-683](#), inclusive, [as amended by this act](#), may be removed by the [court of probate] [Probate Court](#) which appointed such guardian and another person appointed guardian [of the person with intellectual disability] if the court [of probate] making such appointment, after notice and hearing as required in section 45a-671, [as amended by this act](#), finds such removal and appointment of a new plenary guardian or limited guardian [of the person with intellectual disability] to be in the best interest of the [respondent] [protected person](#). In the event [an application] [a petition](#) for removal has been filed under this section, the attorney of record for the [respondent] [protected person](#) shall have access to all of the records of the respondent.

Sec. 10. Section 45a-679 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

If a [ward] [protected person](#) or conserved person has both a plenary guardian or limited guardian [of the person with intellectual disability] and a conservator of the estate or person or a temporary conservator who are not the same person and a conflict arises between the two concerning the duties and responsibilities or authority of either, the matter shall be submitted to the [court of probate] [Probate Court](#) making the appointment of such guardian or conservator and such court shall, after a hearing, order the course of action which in its discretion is in the best interest of the [ward] [protected person](#) or conserved person.

Sec. 11. Section 45a-680 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Whenever a [court of probate] [Probate Court](#) appoints a plenary guardian or limited guardian, [of the person with intellectual disability,] such court may appoint a standby plenary guardian or a standby limited guardian. [of the person with intellectual disability. ] Such standby shall act if the appointed plenary guardian or limited guardian [of the person with intellectual disability] dies, becomes incapable, or renounces his [or her](#) plenary guardianship or limited guardianship. The standby

plenary guardian or standby limited guardian shall immediately inform the [court of probate] [Probate Court](#) which has jurisdiction over such guardianship of his [or her](#) assumption of the guardianship and the reason therefor. The standby guardian, in the event of the guardian's death, incapacity or renunciation, shall, upon furnishing a probate bond if such a bond had been required from the plenary guardian or limited guardian whose duties are being assumed, but without further proceedings, be empowered to assume the duties of his [or her](#) office immediately upon the death or adjudication of incompetency of the plenary guardian [of the person] or limited guardian, [of the person of the person with intellectual disability,] subject only to confirmation of his [or her](#) appointment by the [court of probate] [Probate Court](#) within sixty days following assumption of his [or her](#) duties of office.

Sec. 12. Section 45a-681 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The court shall review each guardianship [of the person with intellectual disability or limited guardianship of the person with intellectual disability] at least every three years and shall either continue, modify or terminate the order for guardianship. Pursuant to such review:

(1) The court shall receive and review written evidence as to the condition of the [ward] [protected person](#). Except as provided in subdivision (2) of this subsection, the guardian and a Department of Developmental Services professional or, if requested by the [ward] [protected person](#) or by the court, an assessment team appointed by the Commissioner of Developmental Services or the commissioner's designee shall each submit a written report to the court not later than forty-five days after the court's request for such report.

(2) In the case of a [ward] [protected person](#) who is functioning adaptively and intellectually within the severe or profound range of intellectual disability, as determined by the Department of Developmental Services, the court shall receive and review written reports as to the condition of the [ward] [protected person](#) only from the guardian, except that the court may require a Department of Developmental Services professional or assessment team to submit a written report as to the condition of [such ward] [the protected person](#).

(3) The Department of Developmental Services professional or assessment team shall personally observe or examine the [ward] [protected person](#) within the forty-five-day period preceding the date it submits any report under subdivision (4) of this subsection.

(4) Each written report shall be submitted to the court not later than forty-five days after the court's request for such report. On receipt of a written report from the guardian or a Department of Developmental Services professional or assessment team, the court shall provide a copy of the report to the attorney for the [ward] [protected person](#).

(5) Not later than thirty days after the attorney for the [ward] [protected person](#) receives a copy of a report pursuant to subdivision (4) of this subsection, the [protected person's attorney](#) [for the ward] shall (A) meet with the [ward] [protected person](#) concerning the report, and (B) provide written notice to the court (i) that the [protected person's attorney](#) [for the ward] has met with the [ward] [protected person](#), and (ii) indicating whether a hearing is requested. Nothing in this section shall prevent the [ward] [protected person](#) or the [protected person's attorney](#) [for the ward] from requesting a hearing at any other time as permitted by law.

(6) If the [ward] [protected person](#) is unable to request or obtain an attorney, the court shall appoint an attorney for the [ward] [protected person](#). If the [ward] [protected person](#) is unable to pay for the services of the attorney, the reasonable compensation of such attorney shall be established by, and paid from funds appropriated to, the Judicial Department; however, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.

(b) If the court determines, after receipt of the reports from the Department of Developmental Services professional or assessment team and the guardian, and notice from the attorney for the [ward] [protected person](#), that there has been no change in the condition of the [ward] [protected person](#) since the last preceding review by the court, a hearing on the condition of the [ward] [protected person](#) shall not be required, but the court, in its discretion, may hold such hearing. If the [protected person's attorney](#), [for the ward,] the Department of Developmental Services professional or assessment team or the guardian requests a hearing, the court shall hold a hearing within thirty days of such request. No order expanding or reducing the powers and responsibilities of a guardian shall be issued unless such hearing is held.

Sec. 13. Section 45a-682 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) [An application] [A petition](#) for a temporary limited guardian may be filed by any interested party alleging that the respondent is in need of elective surgical, medical or dental procedures or treatment involving the use of general anesthesia, and that by reason of the severity of [his] intellectual disability, he [or she](#) is unable to give informed consent to such treatment. Such [application] [petition](#) shall include two certificates, one signed by a physician licensed to practice medicine or surgery in this state and one signed by a licensed psychologist, stating that each has, within thirty days prior to the filing of the [application] [petition](#), examined the respondent and in his [or her](#) opinion (1) the respondent's condition renders him [or her](#) incapable of giving informed consent to said procedure, and (2) without such treatment, the respondent will suffer deterioration of his [or her](#) physical or mental health or serious discomfort.

(b) Immediately upon receipt of the [application] petition, the court shall order such notice of the [application] petition and the date and time of hearing as it may direct to the respondent, the respondent's parents or spouse, if any, and to the Office of Protection and Advocacy for Persons with Disabilities. A hearing shall be held promptly, taking into consideration the condition of the respondent. If, after hearing, the court finds that the respondent by reason of the severity of the respondent's intellectual disability is incapable of giving informed consent to such procedure, and that the respondent will suffer deterioration of the respondent's physical or mental health or serious discomfort if such procedure or treatment, or both, is not ordered, the court may appoint a temporary limited guardian for the purpose of consenting to such procedure or treatment, or both. In making such appointment, the court shall give preference to the parent, next of kin or other person whom the court deems proper. The court may appoint the Commissioner of Developmental Services, or the commissioner's designee, to serve in such capacity if it is unable to find a suitable guardian. The appointment shall not be valid for more than sixty days. A temporary limited guardian shall be subject to all limitations set forth in section 45a-677, [as amended by this act](#).

Sec. 14. Section 45a-683 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Any plenary guardian, [\[of a person with intellectual disability\]](#) temporary limited guardian or limited guardian [\[of a person with intellectual disability\]](#) who acts in good faith or pursuant to order of a [\[court of probate\]](#) Probate Court pursuant to the provisions of sections 45a-669 to [\[45a-684\]](#) [45a-683](#), inclusive, [as amended by this act](#), shall be immune from civil liability, except that such immunity shall not extend to gross negligence.

Sec. 15. Subsection (a) of section 9-159s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The administrator of an institution, as defined in subsection (a) of section 9-159q, a residential facility for persons with intellectual disability licensed pursuant to section 17a-227, or a community residence, as defined in section 19a-507a, shall use his or her best efforts to provide written notice pursuant to subsection (b) of this section to any conservator or guardian appointed to manage the affairs of a resident of such institution, facility or residence pursuant to sections 45a-644 to 45a-663, inclusive, or sections 45a-669 to [\[45a-684\]](#) [45a-683](#), inclusive, [as amended by this act](#), at least seven days prior to the date any voter registration or voting opportunity is presented to the resident with respect to a primary, referendum or election. As used in this section, "voter registration" or "voting opportunity" includes, but is not limited to, the solicitation or completion of: (1) An application for admission as an elector; or (2) an absentee ballot, regardless of whether supervised absentee ballot voting will take place at such institution. The administrator of such institution, facility or residence shall also

use his or her best efforts to provide written notice to any such conservator or guardian at least seven days prior to the date when the resident may be brought to a polling place to vote in person. The notification provisions of this section shall not apply when a member of the resident's immediate family provides the resident with an absentee ballot application or brings the resident to a polling place to vote.

Sec. 16. Section 17a-281 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Any person who is a resident of Connecticut at the time an application is made by such resident or on behalf of such resident under the provisions of this section, and who is, or appears to be, or believes himself or herself to be a person with intellectual disability, may apply, in writing, to the Commissioner of Developmental Services, on a form prescribed by the commissioner, for admission to any facility for persons with intellectual disability. Such application shall be accompanied by a medical history of the applicant, including any medical or physical condition requiring special attention, treatment or precautions, a written psychological report provided by a psychologist either licensed under the provisions of chapter 383 or employed by the Department of Developmental Services, who has personally examined the applicant prior to the filing of application for residential placement or a copy of the determination of eligibility made in accordance with section 17a-212 and the regulations adopted thereunder. The written psychological report shall include (1) a statement that the psychologist has personally examined the applicant not more than ninety days prior to the date of filing of the application, (2) the results of a psychometric assessment conducted not more than one year prior to the date of filing of the application, and (3) an evaluation of the applicant's current level of adaptive functioning, including self-care, mental health, social, academic and vocational needs. In the event of an emergency, admission to a residential facility may be made and the required medical history and psychologist's report may be submitted not later than thirty days after the date of such admission. The application for such person, if such person is a minor, may be made by a parent, guardian of the person of, or person having custody of, such minor. If such person is an adult who has had a guardian appointed pursuant to sections 45a-669 to ~~45a-684~~ [45a-683](#), inclusive, [as amended by this act](#), such person's guardian may apply for admission and the commissioner may admit such person, provided the commissioner is satisfied that there is no conflict concerning the admission between the guardian and his or her ward or the ward's next of kin. If such conflict exists, the applicant may only be admitted under the provisions of section 17a-274. The commissioner may approve any such application for admission if the person on whose behalf application is made is suitable for admission and if space is available and may terminate such admission at any time when the commissioner feels such person will not profit from continued placement. The provisions of this section shall not apply to persons who apply to the commissioner for respite care services for a period not to exceed thirty days.

Sec. 17. Subdivision (3) of subsection (i) of section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(3) The following matters shall not be referred to a special assignment probate judge pursuant to this subsection: Appeals under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, children's matters as defined in subsection (a) of section 45a-8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to ~~45a-684~~ [45a-683](#), inclusive, [as amended by this act](#), and 45a-690 to 45a-700, inclusive, and any matter in a Probate Court heard on the record in accordance with sections 51-72 and 51-73.

Sec. 18. Subdivision (7) of section 46a-11a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(7) "Guardian" means the guardian or limited guardian of a person with intellectual disability appointed pursuant to sections 45a-669 to ~~45a-684~~ [45a-683](#), inclusive, [as amended by this act](#);

Sec. 19. Section 45a-684 of the 2016 supplement to the general statutes is repealed. (*Effective July 1, 2016*)



***Substitute House Bill No. 5430***

***Public Act No. 16-56***

***AN ACT PERMITTING THE SALE OF PRIVATELY HELD ALCOHOLIC LIQUOR FOR AUCTION***

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

Section 1. (NEW) (*Effective July 1, 2016*) Notwithstanding any provision of title 30 of the general statutes, a fiduciary of a decedent's estate may sell or transfer ownership of alcoholic liquor listed in an inventory filed for such estate pursuant to section 45a-341 of the general statutes, provided such sale or transfer is: (1) Approved in writing by the Probate Court having jurisdiction of the estate, (2) approved in writing by the Commissioner of Consumer Protection or the commissioner's designee, and (3) made for the purposes of an auction of the alcoholic liquor by an auctioneer licensed pursuant to chapter 403 of the general statutes.



**Substitute House Bill No. 5571**

**Public Act No. 16-65**

**AN ACT CONCERNING BANKING AND CONSUMER PROTECTIONS**

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

Sec. 64. Section 45a-107b of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) As used in this section: (1) "Bona fide purchaser" means a party who takes a conveyance of real property in good faith and pays valuable consideration, without actual, implied or constructive notice that (A) a holder or former holder of a title interest in the real property died on or after January 1, 2015, while continuing to hold an interest in the real property at the time of death, or (B) a former holder of a title interest in the real property died on or after January 1, 2015, after making a lifetime transfer of an interest in the real property to a trustee of a revocable trust who continued to hold the interest at the time of the former holder's death; and (2) "qualified encumbrancer" means a party who places a burden, charge or lien on real property, in good faith, without actual, implied or constructive notice that (A) a holder or former holder of a title interest in the real property died on or after January 1, 2015, while continuing to hold an interest in the real property at the time of death, or (B) a former holder of a title interest in the real property died on or after January 1, 2015, after making a lifetime transfer of an interest in the real property to a trustee of a revocable trust who continued to hold the interest at the time of the former holder's death.

[(a)] (b) The fees imposed under [subsections (b), (c) and (d)] subsection (b) of section 45a-107 shall be a lien in favor of the state of Connecticut upon any real property located in this state that is included in the basis for fees of the estate of a deceased person, from the due date until paid, with interest that may accrue in addition thereto, except that such lien shall not be valid as against any [lienor, mortgagee, judgment creditor or] bona fide purchaser or qualified encumbrancer until notice of such lien is filed or recorded in the town clerk's office or place where mortgages, liens and conveyances of such property are required by statute to be filed or recorded.

~~[(b)]~~ (c) The Probate Court for the district in which the decedent resided on the date of his or her death or, if the decedent died a nonresident of this state, for the district within which real estate or tangible personal property of the decedent is situated, shall issue a certificate of release of lien for any such real property not later than ten days after receipt of payment in full of such fee and interest thereon. The court may issue a certificate of release of lien for any such real property, or portion thereof, if the court finds that the fee and interest thereon has not been fully paid but that payment is adequately assured. A certificate of release of lien may be recorded in the office of the town clerk within which such real property is situated, and such certificate shall be conclusive proof that the fees have been paid and such lien discharged.



**Substitute House Bill No. 5605**

**Public Act No. 16-70**

**AN ACT CONCERNING THE TERMINATION OF PARENTAL RIGHTS**

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

Section 1. Subsection (j) of section 17a-112 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(j) The Superior Court, upon notice and hearing as provided in sections 45a-716 and 45a-717, [as amended by this act](#), may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the Department of Children and Families has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in the best interest of the child, and (3) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, abused or uncared for in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the commissioner for at least fifteen months and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (C) the child has been denied, by reason of an act or acts of parental commission or omission including, but not limited to, sexual molestation or exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being, except that nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights; (D) there is no

ongoing parent-child relationship, which means the relationship that ordinarily develops as a result of a parent having met on a day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of such parent-child relationship would be detrimental to the best interest of the child; (E) the parent of a child under the age of seven years who is neglected, abused or uncared for, has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable period of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; or (G) the parent [**was convicted as an adult or a delinquent by a court of competent jurisdiction of a sexual assault resulting** [committed an act that constitutes sexual assault as described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force as described in section 53a-70b, if such act resulted](#) in the conception of the child. **[, except a conviction for a violation of section 53a-71 or 53a-73a, provided the court may terminate such parent's parental rights to such child at any time after such conviction.]**

Sec. 2. Subsections (g) to (j), inclusive, of section 45a-717 of the 2016 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(g) At the adjourned hearing or at the initial hearing where no investigation and report has been requested, the court may approve a petition terminating the parental rights and may appoint a guardian of the person of the child, or, if the petitioner requests, the court may appoint a statutory parent, if it finds, upon clear and convincing evidence, that (1) the termination is in the best interest of the child, and (2) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child has been denied, by reason of an act or acts of parental commission or omission, including, but not limited to sexual molestation and exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being. Nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights; (C) there is no ongoing parent-child relationship which is defined as the relationship that ordinarily develops as a result of a parent having met on a continuing, day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time

for the establishment or reestablishment of the parent-child relationship would be detrimental to the best interests of the child; (D) a child of the parent (i) was found by the Superior Court or the Probate Court to have been neglected, abused or uncared for, as those terms are defined in section 46b-120, in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the commissioner for at least fifteen months and such parent has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (E) a child of the parent, who is under the age of seven years is found to be neglected, abused or uncared for, and the parent has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable amount of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; (G) except as provided in subsection (h) of this section, the parent committed an act that constitutes sexual assault as described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force as described in section 53a-70b, if such act resulted in the conception of the child; or [(G)] (H) the parent was [convicted as an adult or a delinquent by a court of competent jurisdiction of sexual assault resulting] finally adjudged guilty of sexual assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or of compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force under section 53a-70b, if such act resulted in the conception of [a] the child. [except for a violation of section 53a-71 or 53a-73a provided the court may terminate such parent's parental rights to such child at any time after such conviction. ]

(h) If the petition alleges an act described in subparagraph (G) of subdivision (2) of subsection (g) of this section that resulted in the conception of the child as a basis for termination of parental rights and the court determines that the respondent parent was finally adjudged not guilty of such act of sexual assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73 or of compelling a spouse or cohabitor to engage in sexual intercourse by the use of force or by the threat of the use of force under section 53a-70b, the court shall transfer the case to the Superior Court and the clerk of the Probate Court shall transmit to the clerk of the Superior Court to which the case was transferred, the original files and papers in the case. The Superior Court, upon hearing

[after notice as provided in this section and section 45a-716, may grant the petition as provided in this section.](#)

[(h)] (i) Except in the case where termination is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding: (1) The timeliness, nature and extent of services offered, provided and made available to the parent and the child by a child-placing agency to facilitate the reunion of the child with the parent; (2) the terms of any applicable court order entered into and agreed upon by any individual or child-placing agency and the parent, and the extent to which all parties have fulfilled their obligations under such order; (3) the feelings and emotional ties of the child with respect to the child's parents, any guardian of the child's person and any person who has exercised physical care, custody or control of the child for at least one year and with whom the child has developed significant emotional ties; (4) the age of the child; (5) the efforts the parent has made to adjust such parent's circumstances, conduct or conditions to make it in the best interest of the child to return the child to the parent's home in the foreseeable future, including, but not limited to, (A) the extent to which the parent has maintained contact with the child as part of an effort to reunite the child with the parent, provided the court may give weight to incidental visitations, communications or contributions and (B) the maintenance of regular contact or communication with the guardian or other custodian of the child; and (6) the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent.

[(i)] (j) If the parental rights of only one parent are terminated, the remaining parent shall be sole parent and, unless otherwise provided by law, guardian of the person.

[(j)] (k) In the case where termination of parental rights is granted, the guardian of the person or statutory parent shall report to the court within thirty days of the date judgment is entered on a case plan, as defined by the federal Adoption Assistance and Child Welfare Act of 1980, as amended from time to time, for the child. At least every three months thereafter, such guardian or statutory parent shall make a report to the court on the implementation of the plan. The court may convene a hearing upon the filing of a report and shall convene a hearing for the purpose of reviewing the plan no more than twelve months from the date judgment is entered or from the date of the last permanency hearing held pursuant to subsection (k) of section 46b-129 if the child or youth is in the care and custody of the Commissioner of Children and Families, whichever is earlier, and at least once a year thereafter until such time as any proposed adoption plan has become finalized. If the Commissioner of Children and Families is the statutory parent for the child, at such a hearing the court shall determine whether the department has made reasonable efforts to achieve the permanency plan. In the case where termination of parental rights is granted, the guardian of the person or statutory

parent shall obtain the approval of the court prior to placing the child or youth for adoption outside the state. Before ordering or approving such placement, the court shall make findings concerning compliance with the provisions of section 17a-175. Such findings shall include, but not be limited to: (1) A finding that the state has received notice in writing from the receiving state, in accordance with subsection (d) of Article III of section 17a-175, indicating that the proposed placement does not appear contrary to the interests of the child, (2) the court has reviewed such notice, (3) whether or not an interstate compact study or other home study has been completed by the receiving state, and (4) if such a study has been completed, whether the conclusions reached by the receiving state as a result of such study support the placement.



**Substitute House Bill No. 5237**

**Public Act No. 16-83**

**AN ACT CONCERNING FAIR CHANCE EMPLOYMENT**

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

Section 1. Section 31-51i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*):

(a) For the purposes of this section, "employer" means any person engaged in business who has one or more employees, including the state or any political subdivision of the state.

(b) No employer shall inquire about a prospective employee's prior arrests, criminal charges or convictions on an initial employment application, unless (1) the employer is required to do so by an applicable state or federal law, or (2) a security or fidelity bond or an equivalent bond is required for the position for which the prospective employee is seeking employment.

~~[(b)]~~ (c) No employer or employer's agent, representative or designee may require an employee or prospective employee to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-760 or 54-142a.

~~[(c)]~~ (d) An employment application form that contains any question concerning the criminal history of the applicant shall contain a notice, in clear and conspicuous language: (1) That the applicant is not required to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-760 or 54-142a, (2) that criminal records subject to erasure pursuant to section 46b-146, 54-760 or 54-142a are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the

person received an absolute pardon, and (3) that any person whose criminal records have been erased pursuant to section 46b-146, 54-76o or 54-142a shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

[(d)] (e) No employer or employer's agent, representative or designee shall deny employment to a prospective employee solely on the basis that the prospective employee had a prior arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a or that the prospective employee had a prior conviction for which the prospective employee has received a provisional pardon or certificate of rehabilitation pursuant to section 54-130a, or a certificate of rehabilitation pursuant to section 54-108f.

[(e)] (f) No employer or employer's agent, representative or designee shall discharge, or cause to be discharged, or in any manner discriminate against, any employee solely on the basis that the employee had, prior to being employed by such employer, an arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a or that the employee had, prior to being employed by such employer, a prior conviction for which the employee has received a provisional pardon or certificate of rehabilitation pursuant to section 54-130a, or a certificate of rehabilitation pursuant to section 54-108f.

[(f)] (g) The portion of an employment application form [which] that contains information concerning the criminal history record of an applicant or employee shall only be available to the members of the personnel department of the company, firm or corporation or, if the company, firm or corporation does not have a personnel department, the person in charge of employment, and to any employee or member of the company, firm or corporation, or an agent of such employee or member, involved in the interviewing of the applicant.

[(g)] (h) Notwithstanding the provisions of subsection [(f)] (g) of this section, the portion of an employment application form [which] that contains information concerning the criminal history record of an applicant or employee may be made available as necessary to persons other than those specified in said subsection [(f)] (g) by:

(1) A broker-dealer or investment adviser registered under chapter 672a in connection with (A) the possible or actual filing of, or the collection or retention of information contained in, a form U-4 Uniform Application for Securities Industry Registration or Transfer, (B) the compliance responsibilities of such broker-dealer or investment adviser under state or federal law, or (C) the applicable rules of self-regulatory organizations promulgated in accordance with federal law;

(2) An insured depository institution in connection with (A) the management of risks related to safety and soundness, security or privacy of such institution, (B) any waiver that may possibly or actually be sought by such institution pursuant to section 19 of the Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or actual obtaining by such institution of any security or fidelity bond, or (D) the compliance responsibilities of such institution under state or federal law; and

(3) An insurance producer licensed under chapter 701a in connection with (A) the management of risks related to security or privacy of such insurance producer, or (B) the compliance responsibilities of such insurance producer under state or federal law.

[(h)] (i) (1) For the purposes of this subsection: (A) "Consumer reporting agency" means any person who regularly engages, in whole or in part, in the practice of assembling or preparing consumer reports for a fee, which reports compile and report items of information on consumers that are matters of public record and are likely to have an adverse effect on a consumer's ability to obtain employment, but does not include any public agency; (B) "consumer report" means any written, oral or other communication of information bearing on an individual's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living; and (C) "criminal matters of public record" means information obtained from the Judicial Department relating to arrests, indictments, convictions, outstanding judgments, and any other conviction information, as defined in section 54-142g.

(2) Each consumer reporting agency that issues a consumer report that is used or is expected to be used for employment purposes and that includes in such report criminal matters of public record concerning the consumer shall:

(A) At the time the consumer reporting agency issues such consumer report to a person other than the consumer who is the subject of the report, provide the consumer who is the subject of the consumer report (i) notice that the consumer reporting agency is reporting criminal matters of public record, and (ii) the name and address of the person to whom such consumer report is being issued;

(B) Maintain procedures designed to ensure that any criminal matter of public record reported is complete and up-to-date as of the date the consumer report is issued, which procedures shall, at a minimum, conform to the requirements set forth in section 54-142e, [as amended by this act](#).

(3) This subsection shall not apply in the case of an agency or department of the United States government seeking to obtain and use a consumer report for employment purposes if the head of the agency or department makes a written finding pursuant to 15 USC 1681b(b)(4)(A).

(j) An employee or prospective employee may file a complaint with the Labor Commissioner alleging an employer's violation of this section.

Sec. 2. Subsection (a) of section 54-142e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding the provisions of subsection (e) of section 54-142a and section 54-142c, with respect to any person, including, but not limited to, a consumer reporting agency as defined in subsection [(h)] (i) of section 31-51i, as amended by this act, that purchases criminal matters of public record, as defined in said subsection (h), from the Judicial Department, the department shall make available to such person information concerning such criminal matters of public record that have been erased pursuant to section 54-142a. Such information may include docket numbers or other information that permits the person to identify and permanently delete records that have been erased pursuant to section 54-142a.

Sec. 3. (*Effective from passage*) (a) There is established a fair chance employment task force to study issues, including, but not limited to, the employment opportunities available to individuals with criminal histories.

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

- (1) One appointed by the speaker of the House of Representatives;
  - (2) One appointed by the president pro tempore of the Senate;
  - (3) One appointed by the majority leader of the House of Representatives;
  - (4) One appointed by the majority leader of the Senate;
  - (5) One appointed by the minority leader of the House of Representatives;
  - (6) One appointed by the minority leader of the Senate; and
  - (7) The executive director of the African-American Affairs Commission, or the executive director's designee.
- (c) Any member of the task force appointed under subdivisions (1) to (7), inclusive, of subsection (b) of this section may be a member of the General Assembly.
- (d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

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

(f) The administrative staff of the African-American Affairs Commission shall serve as administrative staff of the task force.

(g) Not later than January 1, 2017, and the January first thereafter, the task force shall submit a report on its findings and offer recommendations for any administrative or legislative action necessary to address such findings to the joint standing committees of the General Assembly having cognizance of matters relating to labor and the judiciary, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits its final report or January 1, 2018, whichever is later.



**Substitute House Bill No. 5366**

**Public Act No. 16-105**

**AN ACT CONCERNING COURT OPERATIONS**

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

Sec. 4. Subsections (a) and (b) of section 46b-15 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any family or household member, as defined in section 46b-38a, who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member may make an application to the Superior Court for relief under this section. [The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b, as amended by this act.](#)

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders *ex parte*, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. [In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch that may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report](#)

may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, "violent crime" includes: (A) An incident resulting in physical harm, bodily injury or assault; (B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening; (C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and (D) cruelty to animals as set forth in section 53-247.

Sec. 6. Subsection (b) of section 46b-16a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) The application shall be accompanied by an affidavit made by the applicant under oath that includes a statement of the specific facts that form the basis for relief. Upon receipt of the application, if the allegations set forth in the affidavit meet the requirements of subsection (a) of this section, the court shall schedule a hearing not later than fourteen days from the date of the application. If a postponement of a hearing on the application is requested by either party, no ex parte order shall be continued except upon agreement of the parties or by order of the court for good cause shown. If the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any ex parte order that was issued shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian

or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. If the court finds that there are reasonable grounds to believe that the respondent has committed acts constituting grounds for issuance of an order under this section and will continue to commit such acts or acts designed to intimidate or retaliate against the applicant, the court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant. If the court finds that there are reasonable grounds to believe that an imminent danger exists to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include, but are not limited to, an order enjoining the respondent from: (1) Imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; and (3) entering the dwelling of the applicant.



**Substitute Senate Bill No. 187**

**Public Act No. 16-124**

**AN ACT CONCERNING TRANSFERS OF GUARDIANSHIP AND SUBSTANTIATED ALLEGATIONS OF ABUSE OR NEGLECT BY A GUARDIAN**

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

Sec. 4. Section 17a-101j of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) After the investigation has been completed and the Commissioner of Children and Families has reasonable cause to believe that sexual abuse or serious physical abuse of a child has occurred, the commissioner shall notify the appropriate local law enforcement authority and the Chief State's Attorney or the Chief State's Attorney's designee or the state's attorney for the judicial district in which the child resides or in which the abuse or neglect occurred of such belief and shall provide a copy of the report required in sections 17a-101a to 17a-101c, inclusive, and 17a-103.

(b) Whenever a report has been made pursuant to sections 17a-101a to 17a-101c, inclusive, and 17a-103, alleging that abuse or neglect has occurred at an institution or facility that provides care for children and is subject to licensure by the state for the caring of children, and the Commissioner of Children and Families, after investigation, has reasonable cause to believe abuse or neglect has occurred, the commissioner shall forthwith notify the state agency responsible for such licensure of such institution or facility and provide records, whether or not created by the department, concerning such investigation.

(c) If, after the investigation is completed, the commissioner substantiates an allegation of abuse or neglect against an individual who has been appointed guardian of a child by the Probate Court, the commissioner shall notify the Probate Court of such substantiation.

[(c)] (d) If, after the investigation is completed, the commissioner determines that a parent or guardian inflicting abuse or neglecting a child is in need of treatment for

substance abuse, the commissioner shall refer such person to appropriate treatment services.

[(d)] (e) For purposes of this section, "child" includes any victim described in subdivision (2) of subsection (a) of section 17a-101a.



**Substitute House Bill No. 5606**

**Public Act No. 16-145**

**AN ACT CONCERNING THE CONNECTICUT REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT**

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

Section 1. (NEW) (*Effective October 1, 2016*) Sections 1 to 18, inclusive, of this act may be cited as the "Connecticut Revised Uniform Fiduciary Access to Digital Assets Act".

Sec. 2. (NEW) (*Effective October 1, 2016*) As used in sections 1 to 18, inclusive, of this act:

- (1) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives or stores a digital asset of the user or provides goods or services to the user;
- (2) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney;
- (3) "Carries" means engages in the transmission of an electronic communication;
- (4) "Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person;
- (5) "Conservator" means a person appointed by a court to manage the estate of a living individual. "Conservator" includes a limited conservator;
- (6) "Content of an electronic communication" or "content of electronic communications" means information concerning the substance or meaning of the communication which:
  - (A) Has been sent or received by a user;

(B) Is stored in electronic form by a custodian providing an electronic-communication service to the public or is carried or maintained by a remote-computing service to the public; and

(C) Is not readily accessible to the public;

(7) "Court" means a court of competent jurisdiction, including, but not limited to, the Probate Court or the Superior Court. A judge of the Probate Court or the Superior Court shall be deemed a judge of competent jurisdiction for the purposes of 18 USC 2510(9), as amended from time to time, with respect to an order issued under any provision of sections 1 to 18, inclusive, of this act;

(8) "Custodian" means a person that carries, maintains, processes, receives or stores a digital asset of a user;

(9) "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user;

(10) "Digital asset" means an electronic record in which an individual has a right or interest. "Digital asset" does not include an underlying asset or liability unless the asset or liability is itself an electronic record;

(11) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

(12) "Electronic communication" has the meaning set forth in 18 USC 2510(12), as amended from time to time;

(13) "Electronic-communication service" means a custodian that provides to a user the ability to send or receive an electronic communication;

(14) "Fiduciary" means an original, additional or successor executor, conservator, agent or trustee;

(15) "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases or the like;

(16) "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and the user, to provide directions for disclosure or nondisclosure of digital assets to a third person;

(17) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity;

(18) "Executor" means an executor, administrator, special administrator, temporary administrator of an estate or any person that performs substantially the same functions as such executor, administrator, special administrator or temporary administrator under the laws of this state, other than sections 1 to 18, inclusive, of this act;

(19) "Power of attorney" means a record that grants an agent authority to act in the place of a principal;

(20) "Principal" means an individual who grants authority to an agent in a power of attorney;

(21) "Conserved person" means an individual for whom a conservator has been appointed. "Conserved person" includes a respondent, as defined in section 45a-644 of the general statutes, for whom an application for the appointment of a conservator is pending;

(22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(23) "Remote-computing service" means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 USC 2510(14), as amended from time to time;

(24) "Terms-of-service agreement" means an agreement that controls the relationship between a custodian and a user;

(25) "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. "Trustee" includes a successor trustee;

(26) "User" means a person that has an account with a custodian; and

(27) "Will" includes a codicil, testamentary instrument that only appoints an executor and instrument that revokes or revises a testamentary instrument.

Sec. 3. (NEW) (*Effective October 1, 2016*) (a) Sections 1 to 18, inclusive, of this act apply to:

(1) A fiduciary acting under a will or power of attorney executed before, on or after October 1, 2016;

- (2) An executor acting for a decedent who died before, on or after October 1, 2016;
  - (3) A conservatorship proceeding commenced before, on or after October 1, 2016; and
  - (4) A trustee acting under a trust created before, on or after October 1, 2016.
- (b) Sections 1 to 18, inclusive, of this act apply to a custodian if the user resides in this state or resided in this state at the time of the user's death.
- (c) Sections 1 to 18, inclusive, of this act do not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

Sec. 4. (NEW) (*Effective October 1, 2016*) (a) A user may use an online tool to direct the custodian to disclose to a designated recipient, or not to disclose to a designated recipient, some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney or other record.

(b) If a user has not used an online tool to give direction under subsection (a) of this section or if the custodian has not provided an online tool to give such direction, the user may allow or prohibit in a will, trust, power of attorney or other record disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

(c) A user's direction under subsection (a) or (b) of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms-of-service agreement.

Sec. 5. (NEW) (*Effective October 1, 2016*) (a) Sections 1 to 18, inclusive, of this act do not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(b) Sections 1 to 18, inclusive, of this act do not give a fiduciary or a designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(c) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law or by a terms-of-service agreement if the user has not provided direction under section 4 of this act.

Sec. 6. (NEW) (*Effective October 1, 2016*) (a) When disclosing digital assets of a user under sections 1 to 18, inclusive, of this act, the custodian may, at its sole discretion:

- (1) Grant a fiduciary or designated recipient full access to the user's account;
  - (2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or
  - (3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.
- (b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under sections 1 to 18, inclusive, of this act.
- (c) A custodian need not disclose under any provision of sections 1 to 18, inclusive, of this act a digital asset deleted by a user.
- (d) If a user directs or a fiduciary requests a custodian to disclose under any provision of sections 1 to 18, inclusive, of this act some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden on the custodian, the custodian or fiduciary may seek an order from the court to disclose:
- (1) A subset limited by date of the user's digital assets;
  - (2) All of the user's digital assets to the fiduciary or designated recipient;
  - (3) None of the user's digital assets; or
  - (4) All of the user's digital assets to the court for review in camera for the purpose of permitting the court to issue an order pursuant to sections 1 to 18, inclusive, of this act.

Sec. 7. (NEW) (*Effective October 1, 2016*) If a deceased user consented to, or a court directs disclosure of, the contents of electronic communications of the user, the custodian shall disclose to the executor of the estate of the user the content of an electronic communication sent or received by the user if the executor gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the death certificate of the user;
- (3) A certified copy of the certificate of appointment as executor;

(4) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney or other record evidencing the user's consent to disclosure of the content of electronic communications; and

(5) If requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) Evidence linking the account to the user; or

(C) A court record or order that includes a finding by the court that:

(i) The user had a specific account with the custodian that is identifiable by the information specified in subparagraph (A) of this subdivision;

(ii) Disclosure of the content of electronic communications of the user would not violate 18 USC 2701 et seq. , 47 USC 222, or other applicable law, as amended from time to time;

(iii) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(iv) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

Sec. 8. (NEW) (*Effective October 1, 2016*) Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the executor of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the executor gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the death certificate of the user;

(3) A certified copy of the certificate of appointment as executor; and

(4) If requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) Evidence linking the account to the user;

(C) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or

(D) A finding by the court that:

(i) The user had a specific account with the custodian that is identifiable by the information specified in subparagraph (A) of this subdivision; or

(ii) Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

Sec. 9. (NEW) (*Effective October 1, 2016*) To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content of electronic communications if the agent gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

(3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) If requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(B) Evidence linking the account to the principal.

Sec. 10. (NEW) (*Effective October 1, 2016*) Unless otherwise ordered by the court, directed by the principal or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

(3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) If requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(B) Evidence linking the account to the principal.

Sec. 11. (NEW) (*Effective October 1, 2016*) Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee who is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

Sec. 12. (NEW) (*Effective October 1, 2016*) Unless otherwise ordered by a court, directed by the user or provided in a trust, a custodian shall disclose to a trustee who is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received or stored by the custodian in the account of the trust if the trustee gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the trust instrument that includes consent to disclosure of the content of electronic communications to the trustee;

(3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(4) If requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the account of the trust; or

(B) Evidence linking the account to the trust.

Sec. 13. (NEW) (*Effective October 1, 2016*) Unless otherwise ordered by the court, directed by the user or provided in a trust, a custodian shall disclose, to a trustee who is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and carried, maintained, processed, received or stored by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian:
  - (A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
  - (B) Evidence linking the account to the trust.

Sec. 14. (NEW) (*Effective October 1, 2016*) (a) After an opportunity for a hearing in the manner prescribed in sections 45a-645a to 45a-645c, inclusive, of the general statutes, a court may grant a conservator access to the digital assets of a conserved person.

(b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalogue of electronic communications sent or received by a conserved person and any digital assets, other than the content of electronic communications, in which the conserved person has a right or interest if the conservator gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
  - (2) A certified copy of the court order that gives the conservator authority over the digital assets of the conserved person; and
  - (3) If requested by the custodian:
    - (A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the account of the conserved person; or
    - (B) Evidence linking the account to the conserved person.
- (c) A conservator with general authority to manage the assets of a conserved person may request a custodian of the digital assets of the conserved person to suspend or terminate an account of the conserved person for good cause. A request made under this subsection must be accompanied by a certified copy of the certificate of appointment giving the conservator authority over the conserved person's property.

Sec. 15. (NEW) (*Effective October 1, 2016*) (a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

(1) The duty of care;

(2) The duty of loyalty; and

(3) The duty of confidentiality.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

(1) Except as otherwise provided in section 4 of this act, is subject to the applicable terms-of-service agreement;

(2) Is subject to other applicable law, including copyright law;

(3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and

(4) May not be used to impersonate the user.

(c) A fiduciary with authority over the property of a decedent, conserved person, principal or settlor has the right to access any digital asset in which the decedent, conserved person, principal or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, conserved person, principal or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including, but not limited to, section 53a-251 of the general statutes.

(e) A fiduciary with authority over the tangible, personal property of a decedent, conserved person, principal or settlor:

(1) Has the right to access the property and any digital asset stored in it; and

(2) Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including, but not limited to, section 53a-251 of the general statutes.

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

(1) A certified copy of the death certificate of the user if the user is deceased;

(2) A certified copy of any one or more of the following that gives the fiduciary authority over the account:

(A) A certificate of appointment as executor;

(B) A certificate of appointment as conservator;

(C) A power of attorney; or

(D) A trust; and

(3) If requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) Evidence linking the account to the user; or

(C) A finding by a court that the user had a specific account with the custodian that is identifiable by the information specified in subparagraph (A) of this subdivision.

Sec. 16. (NEW) (*Effective October 1, 2016*) (a) Not later than sixty days after receipt of the information required under sections 7 to 15, inclusive, of this act, a custodian shall comply with a request under any provision of sections 1 to 18, inclusive, of this act from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply with such request, the fiduciary or designated recipient may apply to the court for an order directing compliance with the request.

(b) An order under subsection (a) of this section directing compliance with such request must contain a finding that compliance is not in violation of 18 USC 2702, as amended from time to time.

(c) A custodian may notify the user that a request was made under sections 1 to 18, inclusive, of this act for disclosure or to terminate an account.

(d) A custodian may deny a request under any provision of sections 1 to 18, inclusive, of this act from a fiduciary or designated recipient for disclosure of digital assets or to

terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(e) Sections 1 to 18, inclusive, of this act do not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under sections 1 to 18, inclusive, of this act to obtain a court order which:

- (1) Specifies that an account belongs to the conserved person or principal;
- (2) Specifies that there is sufficient consent from the conserved person or principal to support the requested disclosure; and
- (3) Contains a finding required by law other than the provisions of sections 1 to 18, inclusive, of this act.

(f) A custodian and its officers, employees and agents are immune from liability for an act or omission done in good faith in compliance with the provisions of sections 1 to 18, inclusive, of this act.

Sec. 17. (NEW) (*Effective October 1, 2016*) In applying and construing this Connecticut Revised Uniform Fiduciary Access to Digital Assets Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Revised Uniform Fiduciary Access to Digital Assets Act.

Sec. 18. (NEW) (*Effective October 1, 2016*) Sections 1 to 17, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq. , but do not modify, limit or supersede Section 101(c) of said act, 15 USC 7001(c) or authorize electronic delivery of any of the notices described in Section 103(b) of said act, 15 USC 7003(b).

Sec. 19. Section 45a-334a of the general statutes is repealed. (*Effective October 1, 2016*)



**Substitute Senate Bill No. 74**

**Public Act No. 16-156**

**AN ACT CONCERNING SECOND PARENT ADOPTION**

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

Section 1. Section 45a-733 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Notwithstanding the provisions of section 45a-727, in the case of a child sought to be adopted by a stepparent or a person who shares parental responsibility with the parent of such child pursuant to subdivision (3) of subsection (a) of section 45a-724, the [Court of] Probate Court may waive all requirements of notice to the Commissioner of Children and Families and shall waive, unless good cause is shown for an investigation and report, all requirements for investigation and report by the Commissioner of Children and Families or by a child-placing agency. Upon receipt of the application and agreement, the [Court of] Probate Court may set a day for a hearing upon the agreement and shall give reasonable notice of the hearing to the parties to the agreement and to the child, if over twelve years of age.

(b) At the hearing the court may deny the application, enter a final decree approving the adoption if it is satisfied that the adoption is in the best interests of the child, or, for good cause shown, order an investigation by the Commissioner of Children and Families or a child-placing agency.



**Substitute Senate Bill No. 213**

**Public Act No. 16-168**

**AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF MURDER OR MANSLAUGHTER BY REASON OF MENTAL DISEASE OR DEFECT**

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

Section 1. Section 45a-447 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) (1) A person finally adjudged guilty, either as the principal or accessory, or finally found not guilty by reason of mental disease or defect pursuant to section 53a-13, of any crime under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, or in any other jurisdiction, of any crime, the essential elements of which are substantially similar to such crimes, or a person [**determined to be**] finally adjudged guilty, or found not guilty by reason of mental disease or defect, under any of said sections pursuant to this subdivision, shall not inherit or receive any part of the estate of (A) the deceased victim, whether under the provisions of any act relating to intestate succession, or as devisee or legatee, or otherwise under the will of the deceased victim, or receive any property as beneficiary or survivor of the deceased victim, or (B) any other person when such homicide or death terminated an intermediate estate, or hastened the time of enjoyment. For the purposes of this subdivision, an interested person may bring an action in the Superior Court for a determination, by a preponderance of the evidence, that an heir, devisee, legatee or beneficiary of the deceased victim who has predeceased the interested person would have been adjudged guilty or found not guilty by reason of mental disease or defect, either as the principal or accessory, under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, had the heir, devisee, legatee or beneficiary survived.

(2) With respect to inheritance under the will of the deceased victim, or rights to property as heir, devisee, legatee or beneficiary of the deceased victim, the person whose participation in the estate of another or whose right to property as such heir,

devisee, legatee or beneficiary is so prevented under the provisions of this section shall be considered to have predeceased the deceased victim.

(3) With respect to real property owned in joint tenancy with rights of survivorship with the deceased victim, such final adjudication as guilty [or finding of not guilty by reason of mental disease or defect](#) shall be a severance of the joint tenancy [,] and shall convert the joint tenancy into a tenancy in common as to the [deceased victim and the person so adjudged \[and the deceased victim\] or found](#), but not as to any remaining joint tenant or tenants. [, such severance being] [Such severance shall be](#) effective as of the time such adjudication [of guilty] [or finding](#) becomes final. When such jointly owned property is real property, a certified copy of the final adjudication as guilty [or finding of not guilty by reason of mental disease or defect](#) shall be recorded by the fiduciary of the deceased victim's estate, or may be recorded by any other interested party in the land records of the town where such real property is situated.

(4) With respect to personal property owned in joint tenancy with rights of survivorship with the deceased victim, such final adjudication as guilty [or finding of not guilty by reason of mental disease or defect](#) shall convert the personal property to property owned solely by the deceased victim except to the extent that the adjudged guilty person [or person found not guilty by reason of mental disease or defect](#) can prove by a preponderance of the evidence [[the adjudged guilty](#)] [such](#) person's financial contributions to such property.

(b) In all other cases where a defendant has been convicted under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, [53a-56, 53a-56a](#), 53a-122, 53a-123 or 53a-321, the right of such adjudged guilty person [or person found not guilty by reason of mental disease or defect](#) to inherit or take any part of the estate of the deceased victim or to inherit or take any estate as to which the death of such deceased victim terminated an intermediate estate, or hastened the time of enjoyment, or to take any property as beneficiary or survivor of the deceased victim shall be determined by the common law, including equity.

(c) (1) A named beneficiary of a life insurance policy or annuity who intentionally causes the death of the person upon whose life the policy is issued or the annuitant, or who is finally adjudged guilty under section 53a-122, 53a-123 or 53a-321, is not entitled to any benefit under the policy or annuity, and the policy or annuity becomes payable as though such beneficiary had predeceased the deceased victim.

(2) (A) A conviction [or a finding of not guilty by reason of mental disease or defect](#) under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, [53a-56, 53a-56a](#), 53a-122, 53a-123 or 53a-321, or a determination pursuant to subparagraph (B) of this subdivision that a named beneficiary would have been found guilty under any of said sections had the named beneficiary survived, [or would have been found not guilty by](#)

reason of mental disease or defect had the named beneficiary survived, shall be conclusive for the purposes of this subsection.

(B) For the purposes of this subsection, an interested person may bring an action in the Superior Court for a determination, by a preponderance of the evidence, that a named beneficiary who has predeceased the interested person would have been found guilty under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-122, 53a-123 or 53a-321, or would have been found not guilty by reason of mental disease or defect under any of said sections, had the named beneficiary survived.

(C) In the absence of such a conviction, finding or determination, the Superior Court may determine by the common law, including equity, whether the named beneficiary is entitled to any benefit under the policy or annuity.

(D) In any proceeding brought under this subsection, the burden of proof shall be **[upon]** on the person challenging the eligibility of the named beneficiary for benefits under a life insurance policy or annuity.

(3) Any insurance company **[making]** that makes payment according to the terms of its policy or annuity is not liable for any additional payment by reason of this section unless **[it]** the insurance company has received at its home office or principal address written notice of a claim under this section prior to such payment.

(d) Notwithstanding the provisions of subsections (a) to (c), inclusive, of this section, the Superior Court may allow a defendant adjudged guilty under section 53a-122, 53a-123 or 53a-321, or found not guilty by reason of mental disease or defect under any of said sections, to petition a court in equity to override the prohibitions on inheritance or other benefit to the adjudged guilty person under such sections if the court shall determine that overriding such prohibitions would fulfill the intent of the deceased victim or that application of such prohibitions would be grossly inequitable under all of the circumstances, which could include, without limitation, restitution or other substantial benefit provided to the deceased victim during the deceased victim's lifetime or express forgiveness by the deceased victim. The burden of proof **[and persuasion]** shall be **[upon]** on the petitioner.



**Substitute Senate Bill No. 248**

**Public Act No. 16-194**

**AN ACT CONCERNING REVISIONS TO STATUTES AFFECTING TITLE TO REAL PROPERTY**

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

Section 1. Subsection (d) of section 45a-583 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(d) A disclaimer under this section shall be effective if made in the following manner: (1) A disclaimer of a present interest shall be delivered not later than the date which is nine months after the later of (A) the effective date of the nontestamentary instrument, or (B) if the disclaimer is made by or on behalf of a natural person, the day on which such person attains the age of eighteen years or, if such person does not survive to the age of eighteen years, the day on which such person dies. (2) A disclaimer of a future interest shall be delivered not later than the date which is nine months after the later of (A) the event determining that the taker of the interest is finally ascertained and such interest is indefeasibly vested or (B) if the disclaimer is made by or on behalf of a natural person, the day on which such person attains the age of eighteen years or, if such person does not survive to the age of eighteen years, the day on which such person dies. (3) If the disclaimant, or the person on whose behalf the disclaimer is made, does not have actual knowledge of the existence of the interest, the disclaimer shall be delivered not later than the date which is nine months after the later of (A) the date on which the disclaimant, or the person on whose behalf the disclaimer is made, first has actual knowledge of the existence of the interest or (B) if the disclaimer is made by or on behalf of a natural person, the day on which such person attains the age of eighteen years or, if such person does not survive to the age of eighteen years, the day on which such person dies. (4) The disclaimer shall be delivered to the transferor of the interest, the transferor's legal representative or the holder of the legal title to the property to which such interest relates. (5) If an interest in real property is disclaimed, a copy of such disclaimer shall also be recorded in the office of the town clerk in which the real property is situated. **[within such nine-month period, and if a copy of such disclaimer is not so recorded, it shall be ineffective against any person other than the disclaimant, or**

the person on whose behalf such disclaimer is made, but only as to such real property interest] As to such real property interest, such disclaimer shall not be effective against any person other than the disclaimant, the person on whose behalf such disclaimer is made or any person having actual knowledge of such disclaimer until the time of recording. For the purposes of this section, the effective date of a nontestamentary instrument is the date on which the maker no longer has power to revoke it or to transfer to the maker or another the entire legal and equitable ownership of the interest.

Sec. 2. Subsection (b) of section 47-12a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) The affidavits provided for in this section may relate to the following matters: Age, sex, birth, death, capacity, relationship, family history, heirship, names, identity of parties, marital status, possession or adverse possession, adverse use, residence, service in the armed forces, conflicts and ambiguities in description of land in recorded instruments, [and] the happening of any condition or event which may terminate an estate or interest and any other state of facts affecting title to real property.

Sec. 3. Section 49-9a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Notwithstanding the provisions of this chapter, a release of mortgage executed by any person other than an individual that is invalid because it is not issued or executed by, or fails to appear in the name of the record holder of the mortgage on one, two, three or four-family residential real property located in this state, including, but not limited to, a residential unit in any common interest community, as defined in section 47-202, shall be as valid as if it had been issued or executed by, or appeared in the name of, the record holder of the mortgage unless an action challenging the validity of the release is commenced and a notice of lis pendens is recorded in the land records of the town where the release is recorded within five years after the release is recorded, provided an affidavit is recorded in the land records of the town where the mortgage was recorded which states the following:

(1) The affiant has been and remains the record owner or the personal representative of the record owner of the real property described in the mortgage for at least two years prior to and as of the date of the affidavit;

(2) The recording information for the mortgage, any assignment of the mortgage and the release;

(3) Since the date of the recording of the release, the affiant has received no demand for payment of all or any portion of the debt secured by the mortgage and has received no

notice or communication that would indicate that all or any portion of the mortgage debt remains due and owing; and

(4) To the best of the affiant's knowledge and belief, the mortgage debt has been paid in full.

(b) The provisions of subsection (a) of this section shall not apply to any release obtained by forgery or fraud.

Sec. 4. Section 49-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

A mechanic's lien shall not continue in force for a longer period than one year after the lien has been perfected, unless the party claiming the lien commences an action to foreclose it, by complaint, cross-complaint or counterclaim, and records a notice of lis pendens in evidence thereof on the land records of the town in which the lien is recorded within one year from the date the lien was recorded or within sixty days of any final disposition of an [application made pursuant to section 49-35a, including any appeal taken with respect thereto](#) in accordance with section 49-35c, whichever is later. Each such lien, after the expiration of the one-year period or sixty-day period, as the case may be, without action commenced and notice thereof filed as aforesaid, shall be invalid and discharged as a matter of law. An action to foreclose a mechanic's lien shall be privileged in respect to assignment for trial. With respect to any such lien which was validated in accordance with the provisions of section 49-37a, the one-year period or sixty-day period, as the case may be, shall toll from the date of the validation.

Sec. 5. Subsection (c) of section 52-380a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(c) A judgment lien on real property may be foreclosed or redeemed in the same manner as mortgages on the same property. In the case of a consumer judgment, the complaint shall indicate whether, pursuant to an installment payment order under subsection (b) of section 52-356d, the court has entered a stay of execution and, if such a stay was entered, shall allege any default on an installment payment order which is a precondition to foreclosure. No action to foreclose a judgment lien filed pursuant to this section may be commenced unless an execution may issue pursuant to section 52-356a. The judgment lien shall expire twenty years after the judgment was rendered, [except any judgment lien recorded with respect to a small claims action shall expire ten years after the judgment was rendered](#), unless the party claiming the lien commences an action to foreclose it within that period of time and records a notice of lis pendens in evidence thereof on the land records of the town in which the real property is located.

Sec. 6. (NEW) (*Effective October 1, 2016*) Any conveyance of an interest in land to a trust rather than the trustee or trustees of the trust shall constitute a valid and enforceable transfer of that interest. Any conveyance by the trust, which conveyance is signed by a duly authorized trustee of such trust, shall be treated as if the conveyance was made by the trustee.



**Substitute Senate Bill No. 342**

**Public Act No. 16-203**

**AN ACT CONCERNING ELECTRONIC FILING OF CAMPAIGN REPORTS**

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

Section 1. Section 9-675 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) The State Elections Enforcement Commission shall (1) create a **[software]** web-based program **[or programs]** for the preparation and electronic submission of financial disclosure statements required by **[section 9-608]** chapters 155 to 157, inclusive, and (2) prescribe the standard reporting format and specifications for **[other software programs created by vendors]** any software program created by a vendor for such purpose. No software program created by a vendor may be used for the electronic submission of such financial disclosure statements **[, until]** unless the commission determines that the software program provides for the standard reporting format **[,]** and complies with the specifications **[, which are]** prescribed under subdivision (2) of this subsection for **[vendor software programs]** any such software program. The commission shall provide training in the use of the **[software program or programs]** web-based program created by the commission.

(b) On and after July 1, 2017, the following shall file all financial disclosure statements required by chapters 155 to 157, inclusive, by electronic submission pursuant to subsection (a) of this section: (1) The treasurer of the candidate committee or exploratory committee for each candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, State Treasurer, **[or]** Secretary of the State, **[who]** state senator, state representative or judge of probate that raises or spends **[two hundred fifty]** one thousand dollars or more, **[during an election campaign shall file in electronic form all financial disclosure statements required by section 9-608 by either transmitting disks, tapes or other electronic storage media containing the contents of such statements to the State Elections Enforcement Commission or**

transmitting the statements on-line to said commission. Each such treasurer shall use either (1) a software program created by the commission under subdivision (1) of subsection (a) of this section, for all such statements, or (2) another software program which provides for the standard reporting format, and complies with the specifications, which are prescribed by the commission under subdivision (2) of subsection (a) of this section, for all such statements. The commission shall accept any statement that uses any such software program] (2) the treasurer of any state central committee, legislative caucus committee or legislative leadership committee, (3) the treasurer of any other political committee or town committee required to be registered with the commission that (A) raises or spends one thousand dollars or more during the current calendar year, or (B) raised or spent one thousand dollars or more in the preceding regular election cycle, and (4) the treasurer of any committee, or any other person, who makes or obligates to make any independent expenditure and who is required to file a financial disclosure statement of any such independent expenditure with the State Elections Enforcement Commission in accordance with the provisions of section 9-601d. Once any such candidate committee or exploratory committee has raised or spent [~~two hundred fifty~~] one thousand dollars or more during an election campaign, all previously filed statements required by [~~said section 9-608~~] chapters 155 to 157, inclusive, which were not filed [~~in electronic form~~] by electronic submission shall be refiled in such [~~form, using such a software program,~~] manner not later than the date on which the treasurer of [~~the~~] such committee is required to file [~~the next regular statement under said section 9-608~~] its next financial disclosure statement.

(c) (1) The treasurer of the candidate committee for any other candidate, as defined in section 9-601, that neither raises nor spends one thousand dollars or more who is required to file the financial disclosure statements required by [~~section 9-608~~] chapters 155 to 157, inclusive, with the commission, and (2) the treasurer of any other political committee or [~~party committee,~~] town committee that neither raises nor spends one thousand dollars or more who is required to file the financial disclosure statements required by chapters 155 to 157, inclusive, with the State Elections Enforcement Commission may file [~~in electronic form~~] any such financial disclosure statements [~~required by said section 9-608.~~ Such filings may be made by either transmitting disks, tapes or other electronic storage media containing the contents of such statements to the proper authority under section 9-603 or transmitting the statements on-line to such proper authority. Each such treasurer shall use either (A) a software program created by the commission under subdivision (1) of subsection (a) of this section, for all such statements filed in electronic form, or (B) another software program which provides for the standard reporting format, and complies with the specifications, which are prescribed by the commission under subdivision (2) of subsection (a) of this section, for all such statements filed in electronic form. The proper

authority under section 9-603 shall accept any statement that uses any such software program. ] by electronic submission pursuant to subsection (a) of this section.

(d) Notwithstanding the provisions of this section, upon the written request of a treasurer or any other person described in subdivisions (1) to (4), inclusive, of subsection (b) of this section, the commission may waive the requirement to file by electronic submission pursuant to subsection (a) of this section if such treasurer or other person demonstrates good cause.

Sec. 2. Subsection (d) of section 9-608 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) At the time of filing statements required under this section, the treasurer of each candidate committee shall send to the candidate a duplicate statement and the treasurer of each party committee and each political committee other than an exploratory committee shall send to the chairman of the committee a duplicate statement. Each statement required to be filed with the commission under this section, section 9-601d, section 9-706 or section 9-712 shall be deemed to be filed in a timely manner if: (1) For a statement filed as a hard copy, including, but not limited to, a statement delivered by the United States Postal Service, courier service, parcel service or hand delivery, the statement is received by the commission by five o'clock p. m. on the day the statement is required to be filed, (2) for a statement authorized by the commission to be filed electronically, including, but not limited to, a statement filed via dedicated electronic mail, facsimile machine, a web-based program created by the commission or other electronic means, the statement is transmitted to the commission not later than eleven fifty-nine o'clock p. m. on the day the statement is required to be filed, or (3) for a statement required to be filed pursuant to section 9-601d, section 9-706 or section 9-712, by the deadline specified in each such section. Any other filing required to be filed with a town clerk pursuant to this section shall be deemed to be filed in a timely manner if it is delivered by hand to the office of the town clerk in accordance with the provisions of section 9-603 before four-thirty o'clock p. m. or postmarked by the United States Postal Service before midnight on the required filing day. If the day for any filing falls on a Saturday, Sunday or legal holiday, the statement shall be filed on the next business day thereafter. The State Elections Enforcement Commission shall not levy a penalty upon a treasurer for failure to file a hard copy of a statement in a timely manner in accordance with the provisions of this section [.] if such treasurer has a copy of the statement time stamped by the State Elections Enforcement Commission that shows timely receipt of the statement [.] or the treasurer has a return receipt from the United States Postal Service or a similar receipt from a commercial delivery service

confirming timely [receipt] delivery of such statement [by] was made or should have been made to said commission.



**Senate Bill No. 501**

**May Special Session, Public Act No. 16-2**

**AN ACT ADJUSTING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017**

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

Section 1. (*Effective July 1, 2016*) The amounts appropriated for the fiscal year ending June 30, 2017, in section 1 of public act 15-244, as amended by section 155 of public act 15-5 of the June special session, regarding the GENERAL FUND are amended to read as follows:

JUDICIAL

JUDICIAL DEPARTMENT

Personal Services	[385,338,480]	<u>350,277,435</u>
Other Expenses	[68,813,731]	<u>62,021,594</u>
Forensic Sex Evidence Exams	[1,441,460]	<u>1,348,010</u>
Alternative Incarceration Program	[56,504,295]	<u>52,747,603</u>
Justice Education Center, Inc.	[518,537]	<u>466,217</u>
Juvenile Alternative Incarceration	[28,442,478]	<u>25,788,309</u>
Juvenile Justice Centers	[2,979,543]	<u>2,786,379</u>
<u>Probate Court</u>		<u>6,000,000</u>
Workers' Compensation Claims	[6,559,361]	<u>6,042,106</u>
Youthful Offender Services	[18,177,084]	<u>13,311,287</u>
Victim Security Account	[9,402]	<u>8,792</u>
Children of Incarcerated Parents	[582,250]	<u>544,503</u>
Legal Aid	[1,660,000]	<u>1,552,382</u>
Youth Violence Initiative	[2,137,500]	<u>1,925,318</u>
Youth Services Prevention	[3,600,000]	<u>3,187,174</u>

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Children's Law Center	[109,838]	<u>102,717</u>
Juvenile Planning	[250,000]	<u>233,792</u>
AGENCY TOTAL	[577,123,959]	<u>528,343,618</u>

**Senate Bill No. 502****May Special Session, Public Act No. 16-3****AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017**

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

Sec. 44. Section 17b-84 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Upon the death of any beneficiary under the state supplement or the temporary family assistance program, the Commissioner of Social Services shall order the payment of a sum not to exceed one thousand ~~four~~ two hundred dollars as an allowance toward the funeral and burial expenses of such ~~deceased~~ decedent. The payment for funeral and burial expenses shall be reduced by (1) the amount in any revocable or irrevocable funeral fund, (2) any prepaid funeral contract, ~~or~~ (3) the face value of any life insurance policy owned by the ~~recipient. Contributions may be made by any person for the cost of the funeral and burial expenses of the deceased over and above the sum established under this section without thereby diminishing the state's obligation.~~ decedent, (4) the net value of all liquid assets in the decedent's estate, and (5) contributions in excess of three thousand four hundred dollars toward such funeral and burial expenses from all other sources, including friends, relatives and all other persons, organizations, agencies, veterans' programs and other benefit programs.

(b) The Commissioner of Social Services may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 45. Section 17b-131 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) When a person in any town, or sent from such town to any licensed institution or state humane institution, dies or is found dead therein and does not

leave sufficient estate ~~[or]~~ and has no legally liable relative able to pay the cost of a proper funeral and burial, or upon the death of any beneficiary under the state-administered general assistance program, the Commissioner of Social Services shall give to such person a proper funeral and burial, and shall pay a sum not exceeding one thousand ~~[four]~~ two hundred dollars as an allowance toward the funeral expenses of such ~~[deceased, said]~~ decedent. Said sum ~~[to]~~ shall be paid, upon submission of a proper bill, to the funeral director, cemetery or crematory, as the case may be. Such payment for funeral and burial expenses shall be reduced by (1) the amount in any revocable or irrevocable funeral fund, (2) any prepaid funeral contract, (3) the face value of any life insurance policy owned by the decedent, ~~[and]~~ (4) the net value of all liquid assets in the decedent's estate, and (5) contributions in excess of three thousand ~~[two]~~ four hundred dollars toward such funeral and burial expenses from all other sources including friends, relatives and all other persons, organizations, ~~[veterans' and other benefit programs and other]~~ agencies, veterans' programs and other benefit programs.

(b) The Commissioner of Social Services may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 89. Subsections (a) and (b) of section 51-47 of the 2016 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The judges of the Superior Court, judges of the Appellate Court and judges of the Supreme Court shall receive annually salaries as follows:

(1) On and after July 1, 2014, (A) the Chief Justice of the Supreme Court, one hundred ninety-four thousand seven hundred fifty-seven dollars; (B) the Chief Court Administrator if a judge of the Supreme Court, Appellate Court or Superior Court, one hundred eighty-seven thousand one hundred forty-eight dollars; (C) each associate judge of the Supreme Court, one hundred eighty thousand two hundred four dollars; (D) the Chief Judge of the Appellate Court, one hundred seventy-eight thousand two hundred ten dollars; (E) each judge of the Appellate Court, one hundred sixty-nine thousand two hundred forty-five dollars; (F) the Deputy Chief Court Administrator if a judge of the Superior Court, one hundred sixty-six thousand one hundred fifty-eight dollars; (G) each judge of the Superior Court, one hundred sixty-two thousand seven hundred fifty-one dollars.

(2) On and after July 1, 2015, (A) the Chief Justice of the Supreme Court, two hundred thousand five hundred ninety-nine dollars; (B) the Chief Court Administrator if a judge of the Supreme Court, Appellate Court or Superior

Court, one hundred ninety-two thousand seven hundred sixty-three dollars; (C) each associate judge of the Supreme Court, one hundred eighty-five thousand six hundred ten dollars; (D) the Chief Judge of the Appellate Court, one hundred eighty-three thousand five hundred fifty-six dollars; (E) each judge of the Appellate Court, one hundred seventy-four thousand three hundred twenty-three dollars; (F) the Deputy Chief Court Administrator if a judge of the Superior Court, one hundred seventy-one thousand one hundred forty-three dollars; (G) each judge of the Superior Court, one hundred sixty-seven thousand six hundred thirty-four dollars.

(3) On and after [\[July 1, 2016\]](#) [July 1, 2017](#), (A) the Chief Justice of the Supreme Court, two hundred six thousand six hundred seventeen dollars; (B) the Chief Court Administrator if a judge of the Supreme Court, Appellate Court or Superior Court, one hundred ninety-eight thousand five hundred forty-five dollars; (C) each associate judge of the Supreme Court, one hundred ninety-one thousand one hundred seventy-eight dollars; (D) the Chief Judge of the Appellate Court, one hundred eighty-nine thousand sixty-three dollars; (E) each judge of the Appellate Court, one hundred seventy-nine thousand five hundred fifty-two dollars; (F) the Deputy Chief Court Administrator if a judge of the Superior Court, one hundred seventy-six thousand two hundred seventy-seven dollars; (G) each judge of the Superior Court, one hundred seventy-two thousand six hundred sixty-three dollars.

(b) (1) In addition to the salary such judge is entitled to receive under subsection (a) of this section, on and after July 1, 2014, a judge designated as the administrative judge of the appellate system shall receive one thousand one hundred nine dollars in annual salary, each Superior Court judge designated as the administrative judge of a judicial district shall receive one thousand one hundred nine dollars in annual salary and each Superior Court judge designated as the chief administrative judge for facilities, administrative appeals, judicial marshal service or judge trial referees or for the Family, Juvenile, Criminal or Civil Division of the Superior Court shall receive one thousand one hundred nine dollars in annual salary.

(2) In addition to the salary such judge is entitled to receive under subsection (a) of this section, on and after July 1, 2015, a judge designated as the administrative judge of the appellate system shall receive one thousand one hundred forty-two dollars in additional compensation, each Superior Court judge designated as the administrative judge of a judicial district shall receive one thousand one hundred forty-two dollars in additional compensation and each Superior Court judge designated as the chief administrative judge for facilities, administrative appeals, judicial marshal service or judge trial referees or for the Family, Juvenile,

Criminal or Civil Division of the Superior Court shall receive one thousand one hundred forty-two dollars in additional compensation.

(3) In addition to the salary such judge is entitled to receive under subsection (a) of this section, on and after ~~July 1, 2016~~ July 1, 2017, a judge designated as the administrative judge of the appellate system shall receive one thousand one hundred seventy-seven dollars in additional compensation, each Superior Court judge designated as the administrative judge of a judicial district shall receive one thousand one hundred seventy-seven dollars in additional compensation and each Superior Court judge designated as the chief administrative judge for facilities, administrative appeals, judicial marshal service or judge trial referees or for the Family, Juvenile, Criminal or Civil Division of the Superior Court shall receive one thousand one hundred seventy-seven dollars in additional compensation.

Sec. 90. Subsection (f) of section 52-434 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Each judge trial referee shall receive, for acting as a referee or as a single auditor or committee of any court or for performing duties assigned by the Chief Court Administrator with the approval of the Chief Justice, for each day the judge trial referee is so engaged, in addition to the retirement salary: (1) (A) On and after July 1, 2014, the sum of two hundred forty-four dollars; (B) on and after July 1, 2015, the sum of two hundred fifty-one dollars, and (C) on and after ~~July 1, 2016~~ July 1, 2017, the sum of two hundred fifty-nine dollars; and (2) expenses, including mileage. Such amounts shall be taxed by the court making the reference in the same manner as other court expenses.

Sec. 91. Subsection (h) of section 46b-231 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) (1) On and after July 1, 2014, the Chief Family Support Magistrate shall receive a salary of one hundred forty-one thousand six hundred eighty-six dollars, and other family support magistrates shall receive an annual salary of one hundred thirty-four thousand eight hundred forty-eight dollars.

(2) On and after July 1, 2015, the Chief Family Support Magistrate shall receive a salary of one hundred forty-five thousand nine hundred thirty-six dollars, and other family support magistrates shall receive an annual salary of one hundred thirty-eight thousand eight hundred ninety-three dollars.

(3) On and after ~~July 1, 2016~~ [July 1, 2017](#), the Chief Family Support Magistrate shall receive a salary of one hundred fifty thousand three hundred fourteen dollars, and other family support magistrates shall receive an annual salary of one hundred forty-three thousand sixty dollars.

Sec. 92. Subsection (b) of section 46b-236 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) On and after July 1, 2014, each family support referee shall receive, for acting as a family support referee, in addition to the retirement salary, the sum of two hundred eleven dollars and expenses, including mileage, for each day a family support referee is so engaged.

(2) On and after July 1, 2015, each family support referee shall receive, for acting as a family support referee, in addition to the retirement salary, the sum of two hundred seventeen dollars and expenses, including mileage, for each day a family support referee is so engaged.

(3) On and after ~~July 1, 2016~~ [July 1, 2017](#), each family support referee shall receive, for acting as a family support referee, in addition to the retirement salary, the sum of two hundred twenty-three dollars and expenses, including mileage, for each day a family support referee is so engaged.

Sec. 193. Section 45a-107 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The basic fees for all proceedings in the settlement of the estate of any deceased person, including succession and estate tax proceedings, shall be in accordance with the provisions of this section.

(b) In the case of a decedent who dies on or after July 1, 2016, fees shall be computed as follows:

(1) The basis for fees shall be (A) the greatest of (i) the gross estate for succession tax purposes, as provided in section 12-349, (ii) the inventory, including all supplements thereto, (iii) the Connecticut taxable estate, as defined in section 12-391, or (iv) the gross estate for estate tax purposes, as provided in chapters 217 and 218, except as provided in subdivisions (5) and (6) of this subsection, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance, and minus the attorney's fees and other costs

and expenses of recovering such damages. Any portion of the basis for fees that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivisions (3) and (4) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, fees shall be assessed in accordance with the following table:

<u>Basis for Computation</u>	<u>Of Fees</u>	<u>Total Fee</u>
<u>0 to \$500</u>		<u>\$25</u>
<u>\$501 to \$1,000</u>		<u>\$50</u>
<u>\$1,000 to \$10,000</u>		<u>\$50, plus 1% of all</u> <u>in excess of \$1,000</u>
<u>\$10,000 to \$500,000</u>		<u>\$150, plus .35% of all</u> <u>in excess of \$10,000</u>
<u>\$500,000 to \$2,000,000</u>		<u>\$1,865, plus .25% of all</u> <u>in excess of \$500,000</u>
<u>\$2,000,000 to \$8,877,000</u>		<u>\$5,615 plus .5% of all</u> <u>in excess of \$2,000,000</u>
<u>\$8,877,000 and over</u>		<u>\$40,000</u>

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for fees is less than ten thousand dollars and a full estate is opened, the minimum fee shall be one hundred fifty dollars.

(4) In any matter in which the Commissioner of Administrative Services is the legal representative of the estate pursuant to section 4a-16, the fee shall be the lesser of (A) the amount calculated under subdivisions (1) and (2) of this subsection, or (B) the amount collected by the Commissioner of Administrative Services after paying the expense of funeral and burial in accordance with section 17b-84.

(5) In the case of a deceased person who was domiciled in this state on the date of his or her death, the gross estate for estate tax purposes shall, for the purpose of determining the basis for fees pursuant to subdivision (1) of this subsection, be reduced by the fair market value of any real property or tangible personal property of the deceased person situated outside of this state.

(6) In the case of a deceased person who was not domiciled in this state on the date of his or her death but who owned real property or tangible personal

property situated in this state on the date of his or her death, only the fair market value of such real property or tangible personal property situated in this state shall be included in the basis for fees pursuant to subdivision (1) of this subsection.

[(b)] (c) In the case of a decedent who dies on or after January 1, 2015, and prior to July 1, 2016, fees shall be computed as follows:

(1) The basis for fees shall be (A) the greatest of (i) the gross estate for succession tax purposes, as provided in section 12-349, (ii) the inventory, including all supplements thereto, (iii) the Connecticut taxable estate, as defined in section 12-391, or (iv) the gross estate for estate tax purposes, as provided in chapters 217 and 218, except as provided in subdivisions (5) and (6) of this subsection, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance, and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for fees that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivisions (3) and (4) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, fees shall be assessed in accordance with the following table:

Basis for Computation Of Fees	Total Fee
0 to \$ 500	\$ 25
\$ 501 to \$ 1,000	\$ 50
\$ 1,000 to \$ 10,000	\$ 50, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 500,000	\$ 150, plus . 35% of all in excess of \$ 10,000
\$ 500,000 to \$ 2,000,000	\$ 1,865, plus . 25% of all in excess of \$ 500,000
\$ 2,000,000 and over	\$ 5,615 plus . 5% of all in excess of \$ 2,000,000

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for fees is less than ten thousand dollars and a full estate is opened, the minimum fee shall be one hundred fifty dollars.

(4) In any matter in which the Commissioner of Administrative Services is the legal representative of the estate pursuant to section 4a-16, the fee shall be the lesser of (A) the amount calculated under subdivisions (1) and (2) of this subsection, or (B) the amount collected by the Commissioner of Administrative Services after paying the expense of funeral and burial in accordance with section 17b-84.

(5) In the case of a deceased person who was domiciled in this state on the date of his or her death, the gross estate for estate tax purposes shall, for the purpose of determining the basis for fees pursuant to subdivision (1) of this subsection, be reduced by the fair market value of any real property or tangible personal property of the deceased person situated outside of this state.

(6) In the case of a deceased person who was not domiciled in this state on the date of his or her death but who owned real property or tangible personal property situated in this state on the date of his or her death, only the fair market value of such real property or tangible personal property situated in this state shall be included in the basis for fees pursuant to subdivision (1) of this subsection.

~~(c)~~ (d) For estates in which proceedings were commenced on or after January 1, 2011, for decedents who died before January 1, 2015, fees shall be computed as follows:

(1) The basis for fees shall be (A) the greatest of (i) the gross estate for succession tax purposes, as provided in section 12-349, (ii) the inventory, including all supplements thereto, (iii) the Connecticut taxable estate, as defined in section 12-391, or (iv) the gross estate for estate tax purposes, as provided in chapters 217 and 218, except as provided in subdivisions (5) and (6) of this subsection, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance, and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for fees that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivisions (3) and (4) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, fees shall be assessed in accordance with the following table:

Basis for Computation Of Fees	Total Fee
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0 to \$ 500	\$ 25
\$ 501 to \$ 1,000	\$ 50
\$ 1,000 to \$ 10,000	\$ 50, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 500,000	\$ 150, plus . 35% of all in excess of \$ 10,000
\$ 500,000 to \$ 4,754,000	\$ 1,865, plus . 25% of all in excess of \$ 500,000
\$ 4,754,000 and over	\$ 12,500

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for fees is less than ten thousand dollars and a full estate is opened, the minimum fee shall be one hundred fifty dollars.

(4) In any matter in which the Commissioner of Administrative Services is the legal representative of the estate pursuant to section 4a-16, the fee shall be the lesser of (A) the amount calculated under subdivisions (1) and (2) of this subsection, or (B) the amount collected by the Commissioner of Administrative Services after paying the expense of funeral and burial in accordance with section 17b-84.

(5) In the case of a deceased person who was domiciled in this state on the date of his or her death, the gross estate for estate tax purposes shall, for the purpose of determining the basis for fees pursuant to subdivision (1) of this subsection, be reduced by the fair market value of any real property or tangible personal property of the deceased person situated outside of this state.

(6) In the case of a deceased person who was not domiciled in this state on the date of his or her death but who owned real property or tangible personal property situated in this state on the date of his or her death, only the fair market value of such real property or tangible personal property situated in this state shall be included in the basis for fees pursuant to subdivision (1) of this subsection.

~~[(d)]~~ (e) For estates in which proceedings were commenced on or after April 1, 1998, and prior to January 1, 2011, fees shall be computed as follows:

(1) The basis for fees shall be (A) the gross estate for succession tax purposes, as provided in section 12-349, the inventory, including all supplements thereto, the Connecticut taxable estate, as defined in section 12-391, or the gross estate for estate tax purposes, as provided in chapters 217 and 218, whichever is greater,

plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for fees that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, fees shall be assessed in accordance with the following table:

Basis for Computation Of Fees	Total Fee
0 to \$ 500	\$ 25
\$ 501 to \$ 1,000	\$ 50
\$ 1,000 to \$ 10,000	\$ 50, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 500,000	\$ 150, plus . 35% of all in excess of \$ 10,000
\$ 500,000 to \$ 4,754,000	\$ 1,865, plus . 25% of all in excess of \$ 500,000
\$ 4,754,000 and over	\$ 12,500

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for fees is less than ten thousand dollars and a full estate is opened, the minimum fee shall be one hundred fifty dollars.

(4) In estates where the gross taxable estate is less than six hundred thousand dollars, in which no succession tax return is required to be filed, a probate fee of . 1 per cent shall be charged against non-solely-owned real estate, in addition to any other fees computed under this section.

~~[(e)]~~ (f) A fee of fifty dollars shall be payable to the court by any creditor applying to the Probate Court pursuant to section 45a-364 for consideration of a claim. If such claim is allowed by the court, the court may order the fiduciary to reimburse the amount of such fee from the estate.

~~[(f)]~~ (g) A fee of fifty dollars, plus the actual expenses of rescheduling the adjourned hearing that are payable under section 45a-109, shall be payable to the court by any party who requests an adjournment of a scheduled hearing or

whose failure to appear necessitates an adjournment, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the adjourned hearing, or both.

**[(g)] (h)** A fee of two hundred fifty dollars shall be payable to the Probate Court by a petitioner filing a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court.

**[(h)] (i)** A fee of fifty dollars shall be payable to the Probate Court by a petitioner filing a petition to open a safe deposit box under section 45a-277 or 45a-284.

**[(i)] (j)** A fee of fifty dollars shall be payable to the Probate Court by a petitioner filing a petition for appointment of an estate examiner under section 45a-317a.

**[(j)] (k)** The fee for mediation conducted by a member of the panel established by the Probate Court Administrator is three hundred fifty dollars per day or part thereof.

**[(k)] (l)** Except as provided in subsections **[(e) to (j)] (f) to (k)**, inclusive, of this section, in no event shall any fee exceed **(1)** ten thousand dollars for any estate in which proceedings were commenced prior to April 1, 1998, **[and] (2)** twelve thousand five hundred dollars for any estate in which proceedings were commenced on or after April 1, 1998, for decedents dying before January 1, 2015, and (3) forty thousand dollars for decedents dying on or after July 1, 2016. Fees calculated in accordance with subsection (c) of this section for the estates of decedents dying on or after January 1, 2015, and prior to July 1, 2016, shall not be subject to a maximum amount.

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

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

(2) If a tax return or a copy of a tax return required under subparagraph (D) of subdivision (3) of subsection (b) of section 12-392 is not filed with a Probate Court by the due date for such return or copy under subdivision (1) of subsection (b) of section 12-392 or by the date an extension under subdivision (4) of subsection (b) of section 12-392 expires, the fees that would have been due under this section if such return or copy had been filed by such due date or expiration date shall bear interest at the rate of one-half of one per cent per month or portion thereof from the date that is thirty days after such due date or expiration

date, whichever is later, until paid. If a return or copy is filed with a Probate Court on or before such due date or expiration date, whichever is later, the fees assessed shall bear interest as provided in subdivision (1) of this subsection;

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

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

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

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

Sec. 194. Subsection (b) of section 45a-107b of the 2016 supplement to the general statutes, as amended by section 64 of public act 16-65, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) The fees imposed under [~~subsection (b)~~] subsections (b) and (c) of section 45a-107, as amended by this act, shall be a lien in favor of the state of Connecticut upon any real property located in this state that is included in the basis for fees of the estate of a deceased person, from the due date until paid, with interest that may accrue in addition thereto, except that such lien shall not be valid as against any bona fide purchaser or qualified encumbrancer until notice of such lien is filed or recorded in the town clerk's office or place where mortgages, liens and conveyances of such property are required by statute to be filed or recorded.

**Senate Bill No. 503****May Special Session, Public Act No. 16-4****AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES AND AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS**

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

Sec. 187. Subdivision (2) of subsection (f) of section 2 of public act 14-98 is amended to read as follows (*Effective July 1, 2016*):

(2) [**Acquisition and renovation of a building**] [Development and implementation of an electronic filing system](#) for the offices of the Probate Court, not exceeding \$ 3,000,000;

Sec. 199. Subdivision (6) of subsection (f) of section 2 of public act 15-1 of the June special session is amended to read as follows (*Effective July 1, 2016*):

(6) [**Acquisition and renovation of a building**] [Development and implementation of an electronic filing system](#) for the offices of the Probate Court, not exceeding [**\$ 4,100,000**] [\\$1,000,000](#).