Office of the Probate Court Administrator

2014 Legislative Summary

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PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

HELEN B. BENNET
Attorney

DEBRA COHEN
Attorney

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

TEL (860) 231-2442
FAX (860) 231-1055

To: **All Judges and Court Staff**

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

Re: **2014 Legislative Summary**

The Probate Court system enjoyed a productive legislative session in 2014. Several bills supported by the Probate Assembly and probate administration, including our agency bills, were enacted. I thank all of you who worked to develop and advocate for our bills.

The material in this packet includes a summary of each bill, together with a copy of the public act. The summaries are not meant to replace the public acts and are offered only to present a general understanding of the legislation. Bracketed red text in the public acts indicates deletions, and underlined blue text indicates additions. Please note the effective dates of each act.

PCA will present continuing education seminars on the new legislation at the court staff training on October 15 and the Judges Institute on October 28.

As always, please contact me with any questions**.**

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Special Act 14-5 (SB 413)

An Act Concerning the Department of Public Health's Recommendations Regarding Medical Orders for Life-Sustaining Treatment

Effective date: Upon Passage

SUMMARY
This act permits the Commissioner of Public Health to establish a pilot program in one or more geographic regions to implement the use of medical orders for life-sustaining treatment by health care providers. A medical order for life-sustaining treatment is defined as a written medical order by a physician, APRN or physician assistant to effectuate a patient's request for life-sustaining treatment when the patient has been determined by a physician to be approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty.

Patient participation in the program is voluntary. A patient, or his or her representative, including a conservator or attorney-in-fact, must agree to participate in writing.

Participation by a health care provider is also voluntary. The Commissioner may contact representatives from health care providers in the geographic area where the Commissioner plans to establish the program to determine the level of interest.

The Commissioner may adopt policies and procedures through the regulatory process to administer the pilot program. The pilot program will terminate no later than October 1, 2016.

Public Act 14-47 (HB 5596)

An Act Making Adjustments to State Expenditures and Revenues for the Fiscal Year Ending June 30, 2015

Effective date: July 1, 2014

SUMMARY
This act makes adjustments to the biennial state budget adopted during the 2013 legislative session. The act maintains the Probate Court system's General Fund appropriation of $10.75 million. The act also transfers $250,000 from the Kinship Fund to the Grandparents and Relatives Respite Fund, maintaining total funding for both programs at $2.05 million.

Public Act 14-98 (SB 29)

An Act Authorizing and Adjusting Bonds of the State for Capital Improvements, Transportation and Other Purposes, and Concerning Miscellaneous Programs, Including the Smart Start Program, the Water Improvement System Program, School Security Grants, the Regenerative Medicine Research Fund, the Connecticut Manufacturing Innovation Fund and the Board of Regents for Higher Education Infrastructure Act

Effective date: July 1, 2014

SUMMARY

The act authorizes state bond funds for various capital improvements and other projects.

Section 2 authorizes state bonding in the amount of $3 million to purchase a larger facility for Probate Court Administration.

Public Act 14-103 (SB 154)

An Act Concerning Probate Court Operations

Effective date: Various, please see individual sections below.

SUMMARY

The act is the first of two joint submissions by the Probate Assembly and Probate Court Administration. The following is a section-by-section explanation.

Sections 1 and 3 change the location of commitment review hearings from the court that originally committed the patient to the court where the hospital treating the patient is located. The change makes it easier for patients and hospital staff to participate in the hearings. *Effective October 1, 2014*

Sections 1, 3, 5 and 6 incorporate clarifying language into statutes that require the application of rules of evidence in probate hearings involving conservatorship and commitment for the treatment of psychiatric disability. The new language specifies that the entire body of evidentiary rules used in civil matters in the Superior Court, including the Connecticut Code of Evidence, statutory provisions and the common law, applies in those matters. *Effective October 1, 2014*

Section 2 streamlines the process by which Probate Courts report psychiatric commitments to DMHAS, which in turn reports relevant information to the federal National Instant Background Check System (NICS). NICS is the database used to determine eligibility to purchase firearms. The act deletes the requirement that Probate Courts fax commitment paperwork to DMHAS and instead allows the information to be communicated electronically through CMS. This section also updates the statute by specifying that commitment forms be prescribed by the

Probate Court Administrator, removing the Attorney General from the process. *Effective October 1, 2014*

Section 4 simplifies C.G.S. section 4a-17, which specifies the procedures to be followed when providing notice of a court proceeding involving a patient in a psychiatric facility, by synchronizing the section with other statutory notice provisions. The act permits a court to satisfy any notice requirement, other than personal service, by mailing the notice by registered or certified mail to both the patient at the facility and the facility superintendent. The superintendent must also provide a copy of the notice to the patient. If a statute or rule requires personal service, the court must, in addition to making personal service on the patient, provide registered or certified mail notice to the superintendent. *Effective October 1, 2014*

Sections 7 and 8 correct an oversight in last year's budget legislation. The biennial budget adopted in 2013 transferred funding for the Kinship Fund and Grandparents and Relatives Respite Fund programs from the Department of Social Services to the Probate Courts. The act completes the transition by transferring administration of the grants from DSS to Probate Court Administration. *Effective July 1, 2014*

Section 9 amends C.G.S. section 45a-8c to permit the New Haven Regional Children's Probate Court to establish a clinic to address student attendance problems at elementary and middle schools. *Effective upon passage*

Sections 10 through 13 permit the court, in appointing a conservator, to also appoint a successor conservator to serve in the event of the death, resignation or removal of the primary conservator. It also allows a person making an advance designation of conservator to include a designation of successor conservator. The successor conservator may immediately assume the duties of conservator (unless a bond or restricted account was required for the primary conservator) if the primary conservator dies, resigns or is removed. The successor conservator must immediately inform the court that he or she has assumed duties as conservator and the reason therefore. The court may issue a decree confirming the appointment of successor conservator without notice and hearing. The arrangement ensures that a conservator is immediately available to act if the primary conservator is no longer able. *Effective July 1, 2014*

Section 14 amends C.G.S. section 45a-661 to require a court, on motion of the conservator or certain other specified persons, to transfer a conservatorship matter from one Connecticut Probate Court to another if the court finds that the conserved person has become a resident of the transferee district and the transfer is in accord with the conserved person's preference. *Effective October 1, 2014*

Section 15 repeals the requirement that the Probate Court Budget Committee submit an annual report to the Governor and the General Assembly. *Effective July 1, 2014*

Section 16 repeals C.G.S. section 45a-113, reconciling a discrepancy in the statutes that allow the use of credit cards to pay probate fees. The governing statute is now C.G.S. section 45a-113b. *Effective upon passage, June 6, 2014.*

Public Act 14-104 (SB 155)

An Act Concerning Probate Courts

Effective date: October 1, 2014

SUMMARY

The act is the second of two joint submissions by the Probate Assembly and Probate Court Administration. The following is a section-by-section explanation.

Sections 1 and 2 clarify the legal relationship between a biological parent and a child who is adopted as an adult by another person. Currently, C.G.S. section 45a-734 provides for a continuing legal relationship only if the adoptee's other biological parent is deceased and the adoptive parent is the spouse of the surviving biological parent. The statute is less clear, however, about the status of the relationship in other circumstances.

The act allows for a continuing legal relationship between an adult child and a biological parent who joins in the adoption agreement between the adult child and one other person. The legal relationship with a living biological parent who does not join in the adoption agreement is terminated.

Sections 3 through 6 relate to the determination of paternity when necessary to establish the heirs in an intestate decedent's estate. Under the prior law, paternity could be established for inheritance purposes after the death of the father or child only upon a finding by the Probate Court that the father had acknowledged in writing to be the father and openly treated the child as his own.

This act provides that a child born out of wedlock may inherit from or through his or her father, or the father from or through the child, if paternity has been established (1) by the filing of a written acknowledgement of paternity under C.G.S. section 46b-172, or (2) adjudication by a court of competent jurisdiction under chapter 815y. Note that chapter 815y includes a claim for paternity filed in the Probate Court under C.G.S. section 46b-172a.

Thus, the act has two significant effects:

1. After the death of the father or child, a determination of paternity to establish inheritance rights is no longer made in the context of the decedent's estate, but by means of a claim for paternity; and

2. The former requirement of a finding that the father acknowledged in writing to be the father and openly treated the child as his own no longer has any application. Instead, the determination is made in the manner provided in the claim for paternity statute, C.G.S. section 46b-172a.

Section 7 amends C.G.S. section 46b-172a. Under current law, a person claiming to be the father of a child born out of wedlock may file a claim for paternity in the Probate Court seeking to establish his paternity. The act broadens the statute to permit paternity claims at any time during the child's life, including after the child reaches the age of 18, as well as after the death of the child.

Sections 8 and 9 clarify that the Probate Courts may, in specified circumstances, make findings that may be used in seeking relief under the provisions of federal immigration law. Federal law permits state courts that have jurisdiction over children's matters to make findings of fact necessary for the child to apply for Special Immigrant Juvenile Status (SIJS) with the U.S. Citizenship and Immigration Services. The grant of SIJS status may enable the child to legally remain in the United States.

Under the act, a party to a Probate Court proceeding involving guardianship, termination of parental rights or adoption may request written findings for the purpose of filing an SIJS petition. The written findings must address the following:

1. The age of the minor child (child must be 21 years old or younger);
2. The marital status of the minor child (child must not be married);
3. Whether the minor child is dependent upon the court (defined in section 8 of the act);
4. Whether reunification of the minor child with one or both parents is not viable; and
5. Whether it is not in the best interests of the minor child to be returned to the minor child's or parent's country of nationality or last habitual residence.

The act provides that a child is considered dependent upon the court if the court has:

1. Removed a parent or other person as guardian;
2. Appointed a guardian or co-guardian;
3. Terminated parental rights of a parent; or
4. Approved the adoption of the child.

Section 10 permits the Superior Court for Juvenile Matters to disclose otherwise confidential records to judges and employees of the Probate Courts who require the information in the performance of their duties. This is in line with other statutory changes in recent years that permit DCF to share information with the

Probate Courts and allow the Probate Courts to share information in children's matters with DCF and other courts of this state.

Public Act 14-120 (SB 456)

An Act Concerning Adoption of the Connecticut Code of Evidence by the Supreme Court

Effective date: Upon passage, June 6, 2014

SUMMARY

This act places the adoption of the Connecticut Code of Evidence within the authority of the Supreme Court. Previously the Code was adopted by the judges of the Superior Court. The act requires the Chief Justice to appoint a standing advisory committee composed of Superior Court judges and attorneys to recommend amendments to the Code. The act specifically acknowledges the Supreme Court's common law authority and the General Assembly's legislative authority over the law of evidence.

Public Act 14-121 (SB 463)

An Act Concerning the Appointment of a Conservator for a Person with Intellectual Disability

Effective date: October 1, 2014

SUMMARY

When an application for appointment of an involuntary conservator is filed with respect to a person with intellectual disability, this act allows the introduction of psychological evidence instead of the medical evidence that is ordinarily required in the course of an involuntary conservatorship proceeding. Other requirements applicable to a physician's report apply, as well, to a psychologist's report, including:

1. The psychologist must be licensed in Connecticut;
2. The psychologist must have examined the person within 45 days before the hearing;
3. The evidence must contain specific information about the respondent's condition and its effect on the respondent's ability to care for himself or herself or manage his or her affairs;
4. The psychological record or report is confidential;
5. The court must issue an order for disclosure of psychological information to the respondent's attorney and, upon request, to the respondent; and
6. The court may order the information disclosed to anyone else it deems necessary.

Public Act 14-133 (HB 5144)

An Act Concerning Access to Birth Certificates and Parental Health Information for Adopted Persons

Effective date: July 1, 2015

SUMMARY

Existing law requires the Department of Public Health to create a new birth certificate for an adopted person, naming the adoptive parents in place of the biological parents of the adopted person. The original birth certificate remains on file, but is confidential and may be disclosed only upon court order.

When this act takes effect on July 1, 2015, it will require DPH to disclose the original birth certificate upon request to an adult adopted person, or to his or her adult children or grandchildren. No court order will be required.

This provision will apply only to adoptions finalized after October 1, 1983. A court order will still be required for adoptions that occurred prior to that date. **Sections 10 and 11** establish a new procedure by which an adult adopted person who was adopted before October 1, 1983 or the adopted person's child or grandchild my petition the Probate Court or Superior Court that finalized the adoption for an order directing DPH to issue a copy of the original birth certificate. The court must find, with respect to each biological parent named on the original birth certificate, that the parent:

1. Consents to release of the information;
2. Is deceased; or
3. If a parent is incapable or cannot be located, that a guardian ad litem or conservator consents to release of the information.

If the adult adopted person is deceased, any authorized applicant, as defined in C.G.S. section 45a-743, may petition for access to an original birth certificate using this procedure. Authorized applicants are:

1. Biological parents of the adopted person;
2. Adult biological siblings of the adopted person; and
3. Adult descendants of the adopted person.

This procedure supersedes all prior procedures by which Probate Courts were authorized to order DPH to disclose original birth certificates.

The act also establishes a voluntary procedure under which biological parents may complete a DCF form stating their preference concerning contact by an adopted child. This form will be confidential, and available only to the adult adopted person or his or her adult child or grandchild. When issuing a copy of an original birth certificate under this act, DPH must inform the adopted person that

this form, as well as the biological parents' completed health history forms, may be on file and available from DCF.

The bill requires the DPH and DCF commissioners to each report annually to the Public Health Committee, for six years, on specified matters relating to the bill's requirements.

Public Act 14-155 (HB 5466)

An Act Concerning the Department of Revenue Services' Statutes and Procedures, Including Background Checks for Employees, the Master Settlement Agreement, the Motor Vehicle Fuels Tax, the Estate Tax, Additions and Changes to Various Public Lists Maintained by the Department, the Payment Schedule for the Sales and Use Tax, a Data Match System with Financial Institutions, the Personal Income Tax and Technical Corrections

Effective date: Upon passage and applicable to taxable years beginning on or after January 1, 2014.

Section 11 modifies the definition of "Connecticut taxable estate" for estate tax purposes, applicable to individuals who die on or after January 1, 2015. It does so by (1) excluding any Connecticut taxable gifts that are includible in the decedent's gross estate for federal estate tax purposes and (2) including the amount of any Connecticut gift tax that the decedent or his or her estate paid during the three years preceding the decedent's death for gifts made by the decedent or his or her spouse. The purpose is to prevent double taxation of certain types of gifts, notably those in which the donor of the gift retains an interest.

Section 12 amends C.G.S. section 12-391, as previously amended by section 120 of Public Act 13-247. That amendment addressed the extent to which the estate tax applies to out of state property. This act states that the General Assembly intends the 2013 modifications to be clarifying in nature and applicable to all open estates.

Public Act 14-194 (SB 179)

An Act Concerning the Alzheimer's Disease and Dementia Task Force's Recommendations on Training

Effective date: October 1, 2014

SUMMARY

The Alzheimer's Disease and Dementia Task Force was formed during the 2013 legislative session to improve treatment and services for individuals with these disorders. Many recommendations focus on training professionals to be more aware of the needs of this population and to prevent exploitation.

Section 10 requires the Probate Court Administrator to develop a plan to train probate judges, paid conservators and other fiduciaries in diseases and disorders that affect a person's judgment, including but not limited to Alzheimer's Disease and dementia.

Public Act 14-204 (SB 260)

An Act Concerning the Duties of a Conservator and Other Persons Authorized to Make Decisions Relating to the Care and Disposition of a Deceased Person's Body

Effective date: October 1, 2014

SUMMARY

Existing law permits an individual to execute a document directing the disposition of his or her body and/or designating a person to have custody of the remains after death. This act prescribes the circumstances under which a person's attorney-in-fact or conservator of the person may execute such a document on his or her behalf.

Section 1 amends the "personal relationships and affairs" section of the statutory short form power of attorney to include the authority to execute such a document. **Section 3** similarly amends C.G.S. section 45a-565 to enable a Probate Court to assign to a conservator of the person the authority to execute such a document on behalf of the conserved person.

The act allows an attorney-in-fact or a conservator to execute a written document before the principal's or conserved person's death (1) directing the body's disposition upon death or (2) designating a person to have custody and control of the remains. An attorney-in-fact may execute the document if the governing power of attorney includes the "personal relationships and affairs" authority referred to above. A conservator may execute such a document if such authority is among the powers assigned to the conservator by the Probate Court. The document terminates by operation of law if the conservatorship terminates prior to the conserved person's death and the document must state that it is only valid if the conservatorship continued until the time of death.

The act prohibits a person with custody of the remains from arranging disposition in a manner that is inconsistent with the written document or the deceased person's own advance directive or other document setting forth health care instructions (including those relating to anatomical gifts), unless a Probate Court approves a different disposition.

The act specifies that when a class of persons has disposition rights over a deceased relative's body, a majority of the members of the class who can be located and wish to participate shall have 10 days to decide on the arrangements. The decision of the class members must be in writing.

Under existing law, a conservator cannot revoke the conserved person's advance health care directive unless the appointing Probate Court expressly authorizes it. The act also prohibits conservators, without court authorization, from revoking a document executed by the conserved person or his or her attorney-in-fact concerning the body's disposition and designation of custody of the remains.

Public Act 14-231 (HB 5537)

An Act Concerning the Department of Public Health's Recommendations Regarding Various Revisions to the Public Health Statutes

Effective date: October 1, 2014

SUMMARY

This act relates to Section 7 of PA 14-104, which amends C.G.S. section 46b-172a to permit the filing of a claim for paternity with the Probate Court before or after the child reaches the age of 18. (See page 4)

Section 3 of this act permits the filing of an acknowledgement of paternity after the child reaches the age of majority, provided that it must be accompanied by an affidavit affirming the adult child's consent to the acknowledgement.

Substitute Senate Bill No. 413

Special Act No. 14-5

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT.

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

Section 1. (*Effective from passage*) (a) The Commissioner of Public Health may, within available appropriations, establish a pilot program in one or more geographic areas in the state to implement the use of medical orders for life-sustaining treatment by health care providers. For purposes of this section: (1) "Medical order for life-sustaining treatment" means a written medical order by a physician, advanced practice registered nurse or physician assistant to effectuate a patient's request for life-sustaining treatment when the patient has been determined by a physician to be approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty; and (2) "health care provider" means any person, corporation, limited liability company, facility or institution operated, owned or licensed by this state to provide health care or professional medical services, or an officer, employee or agent thereof acting in the course and scope of his or her employment.

(b) The Commissioner of Public Health may establish an advisory group of health care providers and consumer advocates to make recommendations concerning the pilot program described in this section. The members of such advisory group may include one or more: (1) Physicians; (2) advanced practice registered nurses; (3) physician assistants; (4) emergency medical service providers; (5) patient advocates, including, but not limited to, advocates for persons with disabilities; (6) hospital representatives; or (7) long-term care facility representatives.

(c) Prior to commencement of the pilot program pursuant to this section, said commissioner may contact a representative of each health care institution, as defined in section 19a-490 of the general statutes, a representative of each

emergency medical service organization, as defined in section 19a-175 of the general statutes, any physician licensed under chapter 370 of the general statutes, any advanced practice registered nurse licensed under chapter 378 of the general statutes and any physician assistant licensed under chapter 370 of the general statutes in the geographic area in which the commissioner intends to establish the pilot program to request such institution's, organization's, physician's, advanced practice registered nurse's or physician assistant's participation in the pilot program. Participation by each institution, organization, physician, advanced practice registered nurse or physician assistant shall be voluntary.

(d) Patient participation in the pilot program shall be voluntary. Any agreement to participate in the pilot program shall be made in writing, signed by the patient or the patient's legally authorized representative. Such agreement shall be maintained by the health care institution, emergency medical services organization, physician, advanced practice registered nurse or physician assistant that presented such agreement to the patient and shall be made available to the commissioner upon request.

(e) Notwithstanding the provisions of sections 19a-495 and 19a-580d of the general statutes, and regulations adopted thereunder, the Commissioner of Public Health shall implement policies and procedures for any pilot program established in accordance with this section to ensure that: (1) Medical orders for life-sustaining treatment are transferrable among, and recognized by, various types of health care institutions; (2) any procedures and forms developed for recording medical orders for life-sustaining treatment require the signature of the patient or the patient's legally authorized representative on the medical order for life-sustaining treatment and the patient or the patient's legally authorized representative is given a copy of any such order immediately after signing such order; (3) prior to requesting the signature of the patient or the patient's legally authorized representative on such order, the physician, advanced practice registered nurse or physician assistant writing the medical order discusses with the patient or the patient's legally authorized representative the patient's goals for care and treatment and the benefits and risks of various methods for documenting the patient's wishes for end-of-life treatment, including medical orders for life-sustaining treatment; and (4) each physician, advanced practice registered nurse or physician assistant that intends to write a medical order for life-sustaining treatment receives training concerning: (A) The importance of talking with patients about their personal treatment goals; (B) methods for presenting choices for end-of-life care that elicit information concerning patients' preferences and respects those preferences without directing patients toward a particular option for end-of-life care; (C) the importance of fully informing patients about the benefits and risks of an immediately effective medical order for life-sustaining treatment; (D) awareness of factors that may affect the use of medical orders for life-sustaining treatment, including but not limited to: Race, ethnicity, age, gender, socioeconomic position, immigrant status, sexual minority status,

language disability, homelessness, mental illness and geographic area of residence; and (E) procedures for properly completing and effectuating medical orders for life-sustaining treatment.

(f) After the termination of any pilot program established pursuant to this section, said commissioner shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to public health concerning the pilot program.

(g) Said commissioner may implement policies and procedures necessary to implement the pilot program while in the process of adopting such policies and procedures in regulation form, in accordance with chapter 54 of the general statutes, provided the commissioner holds a public hearing prior to implementing such policies and procedures and prints notice of the intent to adopt regulations in the Connecticut Law Journal not later than twenty days after the date of implementation of such policies and procedures. Policies implemented pursuant to this section shall be valid until the time final regulations are adopted or until the pilot program terminates, whichever occurs earlier.

(h) Any pilot program established in accordance with this section shall terminate not later than October 1, 2016.

Signed by the Governor on May 28, 2014

House Bill No. 5596

Public Act No. 14-47

AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES AND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 2015.

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

Section 1. (*Effective July 1, 2014*) The amounts appropriated for the fiscal year ending June 30, 2015, in section 1 of public act 13-247 regarding the GENERAL FUND are amended to read as follows:

JUDICIAL DEPARTMENT	2014-2015	
Personal Services	[342,634,762]	341,775,107
Other Expenses	[66,722,732]	66,785,224
Forensic Sex Evidence Exams	1,441,460	
Alternative Incarceration Program	56,504,295	
Justice Education Center, Inc.	545,828	
Juvenile Alternative Incarceration	[28,367,478]	28,442,478
Juvenile Justice Centers	3,136,361	
Probate Court	10,750,000	
Youthful Offender Services	18,177,084	
Victim Security Account	9,402	
Children of Incarcerated Parents	582,250	
Legal Aid	1,660,000	
Youth Violence Initiative	[1,500,000]	2,250,000
Judge's Increases	3,688,736	
Children's Law Center	109,838	
Juvenile Planning		150,000
Nonfunctional - Change to Accruals	[2,279,008]	2,305,031
AGENCY TOTAL	[538,109,234]	538,313,094

Substitute Senate Bill No. 29

Public Act No. 14-98

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES, AND CONCERNING MISCELLANEOUS PROGRAMS, INCLUDING THE SMART START PROGRAM, THE WATER IMPROVEMENT SYSTEM PROGRAM, SCHOOL SECURITY GRANTS, THE REGENERATIVE MEDICINE RESEARCH FUND, THE CONNECTICUT MANUFACTURING INNOVATION FUND AND THE BOARD OF REGENTS FOR HIGHER EDUCATION INFRASTRUCTURE ACT.

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

Sec. 2. (Effective July 1, 2014) The proceeds of the sale of bonds described in sections 1 to 7, inclusive, of this act, to the extent hereinafter stated, shall be used for the purpose of acquiring, by purchase or condemnation, undertaking, constructing, reconstructing, improving or equipping, or purchasing land or buildings or improving sites for the projects hereinafter described, including payment of architectural, engineering, demolition or related costs in connection therewith, or of payment of the cost of long-range capital programming and space utilization studies as hereinafter stated:

(a) For the Office of Legislative Management:

(1) Information technology updates, replacements and improvements, replacement of various equipment in the Capitol complex, including updated technology for the Office of State Capitol Police, renovations and repairs and minor capital improvements at the Capitol complex and the Old State House, not exceeding $ 4,892,200;

(2) Production and studio equipment for the Connecticut Network, not exceeding $ 3,230,000.

(b) For the Office of Governmental Accountability: Information technology improvements, not exceeding $ 1,000,000.

(c) For the State Comptroller:

(1) Enhancements and upgrades to the CORE financial system for the retirement module, not exceeding $ 50,000,000;

(2) Enhancements and upgrades to the Core-CT human resources system at The University of Connecticut, not exceeding $ 7,000,000.

(d) For the Office of Policy and Management: For transit-oriented development and predevelopment activities, not exceeding $ 7,000,000.

(e) For the Department of Veterans' Affairs:

(1) State matching funds for federal grants-in-aid for renovations and code required improvements to existing facilities, not exceeding $ 1,409,450;

(2) Planning and feasibility study for additional veterans' housing at the Rocky Hill campus, including demolition of vacant buildings, not exceeding $ 500,000.

(f) For the Department of Administrative Services:

(1) Land acquisition, construction, improvements, repairs and renovations at fire training schools, not exceeding $ 15,777,672;

(2) Acquisition and renovation of a building for the offices of the Probate Court, not exceeding $ 3,000,000;

(3) Infrastructure improvements, including engineering and construction of an offsite storm water improvement related to the construction of a new courthouse in Torrington, not exceeding $ 800,000.

(g) For the Office of the Healthcare Advocate: Development, acquisition and implementation of health information technology systems and equipment in support of the state innovation model, not exceeding $ 1,900,000.

(h) For the Agricultural Experiment Station: Planning and design, construction and equipment for additions and renovation to the Valley Laboratory in Windsor, not exceeding $ 1,000,000.

(i) For the Capital Region Development Authority: For the purposes and uses provided in section 32-602 of the general statutes, not exceeding $ 30,000,000.

(j) For the Department of Energy and Environmental Protection: To provide funding to the public, educational and governmental programming and

educational technology investment account established pursuant to section 16-331cc of the general statutes, not exceeding $ 3,500,000.

(k) For the State Library: Creation and maintenance of a state-wide platform for the distribution of electronic books to public library patrons, not exceeding $ 2,200,000.

Signed by the Governor on May 22, 2014

Substitute Senate Bill No. 154

Public Act No. 14-103

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 17a-498 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Upon **[**such**]** an application being filed in the Probate Court pursuant to the Probate Court's jurisdiction under section 17a-497, such court shall assign a time, not later than ten business days **[**thereafter**]** after the date the application was filed, and a place for hearing such application, and shall cause reasonable notice **[**thereof**]** of such hearing to be given to the respondent and to such relative or relatives and friends as **[**it**]** the court deems advisable. **[**Said**]** The notice shall inform **[**such**]** the respondent that he or she has a right to be present at the hearing; that he or she has a right to counsel; that he or she, if indigent, has a right to have counsel appointed to represent him or her; and that he or she has a right to cross-examine witnesses testifying at any hearing upon such application.

(b) (1) If the court finds such respondent is indigent or otherwise unable to pay for counsel, the court shall appoint counsel for such respondent, unless such respondent refuses counsel and the court finds that the respondent understands the nature of his or her refusal. The court shall provide such respondent a reasonable opportunity to select his or her own counsel to be appointed by the court. If the respondent does not select counsel or if counsel selected by the respondent refuses to represent such respondent or is not available for such representation, the court shall appoint counsel for the respondent from a panel of attorneys admitted to practice in this state provided by the Probate Court Administrator in accordance with regulations promulgated by the Probate Court Administrator in accordance with section 45a-77. The reasonable compensation of appointed counsel shall be established by, and paid from funds appropriated to, the Judicial Department, **[**however,**]** except that 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.

(2) Prior to such hearing, such respondent or his or her counsel, in accordance with the provisions of sections 52-146d to 52-146i, inclusive, shall be afforded access to all records including, **[**without limitation**]** but not limited to, hospital records if such respondent is hospitalized, and shall be entitled to take notes **[**therefrom**]** from any of such records. If such respondent is hospitalized at the time of the hearing, the hospital shall make available at such hearing for use by **[**the patient**]** such hospitalized respondent or his or her counsel all records in its possession relating to the condition of **[**the**]** such hospitalized respondent. Notwithstanding the provisions of sections 52-146d to 52-146i, inclusive, and subject to the rules of evidence as provided in subsection (h) of this section, all such hospital records directly relating to the **[**patient**]** hospitalized respondent shall be admissible at the request of any party or the **[**Court of**]** Probate Court in any proceeding relating to confinement to or release from a hospital for psychiatric disabilities. **[**Nothing herein shall prevent timely objection to the admissibility of evidence in accordance with the rules of civil procedure. **]**

(c) (1) The court shall require the certificates, signed under penalty of false statement, of at least two impartial physicians selected by the court, one of whom shall be a practicing psychiatrist, **[**both**]** and each of whom shall be licensed to practice medicine in the state of Connecticut and shall have been **[**practitioners**]** a practitioner of medicine for at least one year and shall not be connected with the hospital for psychiatric disabilities to which the application is being made, or related by blood or marriage to the applicant, or to the respondent. Such certificates shall indicate that **[**they**]** the physicians have personally examined **[**such person within**]** the respondent not more than ten days **[**of**]** prior to such hearing. The court shall appoint such physicians from a list of physicians and psychiatrists provided by the Commissioner of Mental Health and Addiction Services and such appointments shall be made in accordance with regulations **[**to be**]** promulgated by the Probate Court Administrator in accordance with section 45a-77. Each such physician shall make a report on a separate form provided for that purpose by the **[**Department of Mental Health and Addiction Services**]** Probate Court Administrator and shall answer such questions as may be set forth on such form as fully and completely as reasonably possible. Such form shall include, but not be limited to, questions relating to the specific psychiatric disabilities alleged, whether or not the respondent is dangerous to himself or herself or others, whether or not such illness has resulted or will result in serious disruption of the respondent's mental and behavioral functioning, whether or not hospital treatment is both necessary and available, whether or not less restrictive placement is recommended and available and whether or not the respondent is incapable of understanding the need to accept the recommended treatment on a voluntary basis. **[**Any**]** Each such physician shall state upon the form the reasons for his or her opinions. Such respondent or his or her counsel shall have the right to present evidence and cross-examine witnesses who testify

at any hearing on the application. If such respondent notifies the court not less than three days before the hearing that he or she wishes to cross-examine the examining physicians, the court shall order such physicians to appear.

(2) The court shall cause a recording of the testimony of such hearing to be made, to be transcribed only in the event of an appeal from the decree rendered **[**hereunder**]** under this section. A copy of such transcript shall be furnished without charge to any appellant whom the **[**Court of**]** Probate Court finds unable to pay for **[**the same**]** such copy. The cost of such transcript shall be paid from funds appropriated to the Judicial Department.

(3) If **[**, on such hearing,**]** the court finds by clear and convincing evidence that the **[**person complained of**]** respondent has psychiatric disabilities and is dangerous to himself or herself or others or gravely disabled, **[**it**]** the court shall make an order for his or her commitment, considering whether or not a less restrictive placement is available, to a hospital for psychiatric disabilities to be named in such order, there to be confined for the period of the duration of such psychiatric disabilities or until he or she is discharged or converted to voluntary status pursuant to section 17a-506 in due course of law. Such court order shall further command some suitable person to convey such person to such hospital for psychiatric disabilities and deliver him or her, with a copy of such order and of such certificates, to the keeper thereof. In appointing a person to execute such order, the court shall give preference to a near relative or friend of the person with psychiatric disabilities, so far as **[**it**]** the court deems it practicable and judicious. Notice of any action taken by the court shall be given to the respondent and his or her attorney, if any, in such manner as the court concludes would be appropriate under the circumstances.

(d) If the respondent refuses to be examined by the court-appointed physicians as **[**herein**]** provided in subsection (c) of this section, the court may issue a warrant for the apprehension of the respondent and a police officer for the town in which such court is located or if there is no such police officer then the state police shall deliver the respondent to a general hospital where the respondent shall be examined by two physicians, one of whom shall be a practicing psychiatrist, in accordance with subsection (c) of this section. If as a result of such examination, the respondent is committed under section 17a-502, transportation of the respondent to any such hospital, if such respondent is a female, shall be in accordance with the provisions of section 17a-505. If the respondent is not committed under section 17a-502, **[**he**]** the respondent shall be released and the reports of such physicians shall be sent to the **[**Court of**]** Probate Court to satisfy the requirement of examination **[**of**]** by two physicians under subsection (c) of this section.

(e) The respondent shall be given the opportunity to elect voluntary status under section 17a-506 at any time prior to adjudication of the application, subject to the following provisions: (1) In the event that a patient is in the hospital, the patient

shall be informed by a member of the hospital staff within twenty-four hours prior to the time an application is filed with the court, that he or she may continue in the hospital on a voluntary basis under the provisions of section 17a-506, and any application for involuntary commitment by the hospital shall include a statement that such voluntary status has been offered to the respondent and refused, and (2) in the event that a respondent is not hospitalized, the notice of hearing shall inform the respondent that **[**he or she**]** the respondent has the right to enter the hospital on a voluntary basis under the provisions of section 17a-506, and, if the respondent enters the hospital under **[**said**]** section 17a-506, the application for involuntary commitment shall be withdrawn. When any patient who has elected voluntary status following the filing of an application but prior to adjudication in any proceeding for involuntary commitment thereafter notifies the hospital that he or she wants to be released, a new application for involuntary commitment may be filed. If such new application is filed **[**within**]** not later than forty-five days after the patient's election of voluntary status on a prior application, the application for involuntary commitment may, at the discretion of the judge, be heard on the merits, notwithstanding the patient's subsequent request to remain a voluntary patient under the provisions of section 17a-506. Notwithstanding the provisions of sections 17a-29, 17a-540, 17a-543, 17a-544, subsection (f) of section 17a-547 and section 17a-548, **[**in the event that**]** if a patient under section 17a-506 refuses to accept medication or treatment in accordance with the treatment plan prescribed by the attending physician and such patient is imminently dangerous to himself or others, an application for involuntary commitment may be filed for such patient in accordance with the provisions of this section.

(f) The respondent shall be present at any hearing for his or her commitment under this section. If the respondent is medicated at that time, the hospital shall provide written notice to the court **[**shall be notified by the hospital in writing**]** of such fact and of the common effects of such medication.

(g) The hospital shall notify each patient at least annually that such patient has a right to a further hearing pursuant to this section. **[**In the event that**]** If the patient requests such hearing, it shall be held by the **[**court of probate which ordered the confinement of such patient**]** Probate Court for the district in which the hospital is located. Any such request shall be immediately filed with the appropriate court by the hospital. After such request is filed with the Probate Court, it shall proceed in the manner provided in subsections (a), (b), (c) and (f) of this section. In addition, the hospital shall furnish **[**each court of probate**]** the Probate Court for the district in which the hospital is located on a monthly basis with a list of all patients confined **[**therein**]** in the hospital involuntarily **[**by such court who have been confined**]** without release for one year since the last annual review under this section of the patient's commitment or since the original commitment. The hospital shall include in such notification the type of review **[**which**]** the patient last received. If the patient's last annual review had a hearing, the **[**probate court notified**]** Probate Court shall, within fifteen business days thereafter, appoint an

impartial physician who is a psychiatrist from the list provided by the Commissioner of Mental Health and Addiction Services as set forth in subsection (c) of this section and not connected with the hospital in which the patient is confined **[**nor**]** or related by blood or marriage to the original applicant or to the respondent, which physician shall see and examine each such patient within fifteen business days after **[**his**]** such physician's appointment and make a report forthwith to such court of the condition of the patient on forms provided by the **[**Department of Mental Health and Addiction Services**]** Probate Court Administrator. If the **[**Court of**]** Probate Court concludes that the confinement of any such patient should be reviewed by such court for possible release of the patient, the court, on its own motion, shall proceed in the manner provided in subsections (a), (b), (c) and (f) of this section, except that the examining physician shall be considered one of the physicians required by subsection (c) of this section. If the patient's last annual review did not result in a hearing, and in any event at least every two years, the **[**probate court notified**]** Probate Court shall, within fifteen business days, proceed with a hearing in the manner provided in subsections (a), (b), (c) and (f) of this section. All costs and expenses, including Probate Court entry fees provided by statute, in conjunction with the annual psychiatric review and the judicial review under this subsection, except costs for physicians appointed pursuant to this subsection, shall be established by, and paid from funds appropriated to, the Judicial Department, **[**however,**]** except that if funds have not been included in the budget of the Judicial Department for such costs and expenses, such payment shall be made from the Probate Court Administration Fund. Compensation of any physician appointed to conduct the annual psychiatric review, to examine a patient for any hearing held as a result of such annual review or for any other biennial hearing required pursuant to sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, shall be paid by the state from funds appropriated to the Department of Mental Health and Addiction Services in accordance with rates established by the Department of Mental Health and Addiction Services.

(h) The rules of evidence applicable to civil matters in the Superior Court shall apply to hearings under this section.

Sec. 2. Section 17a-499 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

All proceedings of the **[**Court of**]** Probate Court, upon application made under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, shall be in writing and filed in such court, and, whenever a court passes an order for the admission of any person to any state hospital for psychiatric disabilities, **[**it shall record the same**]** the court shall record the order and give a certified copy of

such order and of the reports of the physicians to the person by whom such person is to be taken to the hospital, as the warrant for such taking and commitment, and shall also forthwith transmit a like copy to the Commissioner of Mental Health and Addiction Services, and, in the case of a person in the custody of the Commissioner of Correction, to the Commissioner of Correction. Whenever a court passes an order for the commitment of any person to any hospital for psychiatric disabilities, it shall, within three business days, provide **[**a copy of the order of commitment to**]** the Commissioner of Mental Health and Addiction Services **[**who shall maintain**]** with access to identifying information including, but not limited to, name, address, sex, date of birth and date of commitment on all commitments ordered on and after June 1, 1998. All commitment applications, orders of commitment and commitment papers issued by any court in committing persons with psychiatric disabilities to public or private hospitals for psychiatric disabilities shall be in accordance with a form prescribed by the **[**Attorney General**]** Probate Court Administrator, which form shall be uniform throughout the state. **[**For all such commitment applications and orders, the Commissioner of Mental Health and Addiction Services shall cause suitable blanks, in accordance with said form, to be printed and furnished at the expense of the state. **]** State hospitals and other hospitals for persons with psychiatric disabilities shall, so far as they are able, upon reasonable request of any officer of a court having the power of commitment, send one or more trained attendants or nurses to attend any hearing concerning the commitment of any person with psychiatric disabilities and any such attendant or nurse, when present, shall be designated by the court as the authority to serve commitment process issued under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive.

Sec. 3. Section 17a-510 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person who is a patient in a hospital for psychiatric disabilities upon the order of any **[**court of probate**]** Probate Court, or his or her representative, may make application to the **[**court of probate**]** Probate Court for the district in which **[**such**]** the hospital is located for his or her release from **[**said**]** the hospital. Upon receipt of any such application, such court shall assign a time, not later than ten days **[**thereafter**]** after the date the application was filed, and a place for hearing such application, and shall cause reasonable notice **[**thereof**]** of such hearing to be given to the applicant, to the superintendent of the hospital where the applicant is confined and to such relative or relatives and friends as **[**it**]** the court deems advisable. **[**Such**]** The notice shall inform the applicant that he or she has a right to be present at the hearing and to present evidence at the hearing; that he or she has a right to counsel; that he or she, if indigent, has a right to have counsel appointed to represent him or her; and that he or she has a right to cross-examine witnesses at any hearing upon such application. Notwithstanding the provisions of chapter 899, hospital records shall be admissible in evidence,

subject to the rules of evidence as provided in subsection (b) of this section. [Nothing herein shall prevent timely objection to the admissibility of evidence in accordance with the rules of civil procedure.] Unless the court finds that further confinement of the applicant is necessary in accordance with the standards set forth in section 17a-498, as amended by this act, the court shall order the release of such person. All of the expenses in connection with an application filed under this section shall be paid by the applicant, unless the applicant is indigent or otherwise unable to pay such expenses, in which case such expenses shall be paid by the state from funds appropriated to the Department of Mental Health and Addiction Services, in accordance with rates established by [said] the department, and attorney's fees shall be established by, and paid from funds appropriated to, the Judicial Department, [however,] except that if funds have not been included in the budget of the Judicial Department for such attorney's fees, such fees shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund, provided in no event shall the expenses be paid for any one applicant for more than two hearings in any one year, including the hearing provided for in subsection (g) of section 17a-498, as amended by this act. Such court may, for reasonable cause shown, order any person confined in a hospital for psychiatric disabilities to be removed to any other hospital for psychiatric disabilities in this state. If the officers, directors or trustees of a state hospital for psychiatric disabilities are notified by the superintendent of such [institution] hospital or other person in a managerial capacity that he or she has reason to believe that any person committed [thereto] to such hospital by order of a [probate court] Probate Court does not have psychiatric disabilities or is not a suitable subject to be confined in such [institution] hospital, or is appropriate for voluntary status, such officers, directors or trustees may discharge such person or convert the status of such person to voluntary status pursuant to section 17a-506. The superintendent or other director of such [institution] hospital shall notify such person's next of kin or close friend of such person's discharge, provided such [patient] person consents in writing to such notification.

(b) The rules of evidence applicable to civil matters in the Superior Court shall apply to hearings under this section.

Sec. 4. Section 4a-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

[In] (a) If a party to any action or proceeding in any court [to which any person] or a person whose property rights may be affected by any such action or proceeding is confined by order of any court, or as provided [by] in section 17a-502 or 17a-506, in any institution for persons with psychiatric disabilities in this state, [is a party or which affects or relates to the property rights of any such person,] a copy of all process, notices and documents required to be served upon such confined person [either personally or at such confined person's abode or by mail] by means other than personal service shall be sent by registered or

certified mail to such confined person at the institution where such person is confined and **[**to the Commissioner of Administrative Services at Hartford,**]** another copy thereof shall be **[**so mailed**]** sent by registered or certified mail to the superintendent of the institution where such person is confined. **[**or left with the superintendent or the superintendent's representative at his or her office, and another copy thereof so served upon the superintendent of such institution or the superintendent's representative, for such confined person, which shall be equivalent to and constitute service thereof at the usual place of abode of such confined person whether he or she then has another usual place of abode or not; and as soon thereafter as practical and reasonable, such superintendent or such superintendent's representative shall deliver such copy to such confined person. Whenever service or notice is required by publication only, two copies thereof shall be sent to the superintendent of the institution by registered or certified mail, and one copy shall also be so mailed to the Commissioner of Administrative Services at Hartford; and such superintendent or such superintendent's representative shall deliver one copy thereof to the confined person as soon as practical and reasonable. **]** Such mailing and proof of delivery thereof shall satisfy any requirement under law for service of such process, notices or documents by means other than personal service and shall be deemed equivalent to any service of such process, notices or documents required under law by means other than personal service. A copy of all process, notices or documents that are required to be served by means of personal service on such confined person shall be sent by registered or certified mail to the superintendent of the institution where such person is confined, in addition to being served personally on such confined person. As soon as practical and reasonable after receiving a copy of any process, notice or document under this subsection, such superintendent or such superintendent's representative shall deliver such copy of the process, notice or document to such confined person.

(b) No action or proceeding shall abate because of any failure to comply with the provisions of this section, but the court before whom any such action or proceeding is pending shall, upon finding noncompliance with any of said provisions, order immediate compliance with said provisions.

Sec. 5. Section 45a-645b of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

The rules of evidence **[**in**]** applicable to civil **[**actions adopted by the judges of**]** matters in the Superior Court shall apply to all hearings held pursuant to sections 45a-644 to 45a-667v, inclusive. All testimony at a hearing held pursuant to sections 45a-644 to 45a-667v, inclusive, shall be given under oath or affirmation.

Sec. 6. Subsection (b) of section 45a-650 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(b) The rules of evidence **[**in**]** applicable to civil **[**actions adopted by the judges of**]** matters in the Superior Court shall apply to all hearings pursuant to this section. All testimony at a hearing held pursuant to this section shall be given under oath or affirmation.

Sec. 7. Section 17b-751a of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

A grandparent or other relative caregiver who is appointed a guardian of a child or children **[**through**]** by the Superior Court or Probate Court and who is not a recipient of subsidized guardianship subsidies under section 17a-126 or foster care payments from the Department of Children and Families shall, within available appropriations, be eligible to apply for grants under the Kinship Fund and Grandparents and Relatives Respite Fund administered by the **[**Department of Social Services through the**]** Probate Court Administrator.

Sec. 8. Section 17b-751d of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Department of Social Services shall be the lead state agency for community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect. The responsibilities of the department shall include, but not be limited to, collaborating with state agencies, hospitals, clinics, schools and community service organizations, to: (1) Initiate programs to support families at risk for child abuse or neglect; (2) assist organizations to recognize child abuse and neglect; (3) encourage community safety; (4) increase broad-based efforts to prevent child abuse and neglect; (5) create a network of agencies to advance child abuse and neglect prevention; and (6) increase public awareness of child abuse and neglect issues. The department, subject to available state, federal and private funding, shall be responsible for implementing and maintaining programs and services, including, but not limited to: (A) The Nurturing Families Network, established pursuant to subsection (a) of section 17b-751b; (B) Family Empowerment Initiative programs; (C) Help Me Grow; (D) **[**the Kinship Fund and Grandparent's Respite Fund; (E)**]** Family School Connection; **[**(F)**]** (E) support services for residents of a respite group home for girls; **[**(G)**]** (F) legal services on behalf of indigent children; **[**(H)**]** (G) volunteer services; **[**(I)**]** (H) family development training; **[**(J)**]** (I) shaken baby syndrome prevention; and **[**(K)**]** (J) child sexual abuse prevention.

(b) Not later than sixty days after October 5, 2009, the Commissioner of Social Services shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly, having cognizance of matters relating to human services and appropriations and the budgets of state agencies on the integration of the duties described in subsection (a) of this section into the department.

Sec. 9. Section 45a-8c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Probate Court Administrator may, within available appropriations, establish a pilot truancy clinic within the **[**regional children's probate court**]** Regional Children's Probate Courts for **[**the district of**]** Waterbury and New Haven. The administrative judge of **[**the regional children's probate court for the district of Waterbury**]** each Regional Children's Probate Court, or the administrative judge's designee, shall administer the truancy clinic for the administrative judge's respective court.

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

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

(d) The truancy **[**clinic**]** clinics shall operate for the purpose of identifying and resolving the cause of a child's truancy using nonpunitive procedures. After the initial appearance made pursuant to the summons described in subsection (b) of this section, the participation of a parent or guardian in the truancy clinic shall be voluntary. The truancy **[**clinic**]** clinics shall establish protocols for clinic participation and shall establish programs and relationships with schools, individuals, public and private agencies, and other organizations to provide services and support for parents, guardians and children participating in the **[**clinic**]** clinics.

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

(f) Not later than September 1, **[**2012**]** 2014, and annually thereafter, the administrative judge of the **[**regional children's probate court**]** Regional Children's Probate Court for **[**the district of**]** Waterbury and the administrative judge of the Regional Children's Probate Court for New Haven shall each file a report with the

Probate Court Administrator assessing the **[**truancy clinic's**]** effectiveness of the truancy clinic in the administrative judge's respective court.

(g) Not later than January 1, **[**2015**]** 2016, the Probate Court Administrator shall submit, in accordance with section 11-4a, a report assessing the effectiveness of the truancy **[**clinic**]** clinics to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and education.

Sec. 10. (NEW) (*Effective July 1, 2014*) Whenever a Probate Court appoints a conservator of the person or a conservator of the estate, the court may also appoint a successor conservator of the person or successor conservator of the estate. The successor conservator shall act as conservator if the court accepts the resignation of the conservator or removes the conservator or if the conservator is adjudicated incapable or dies. The successor conservator may assume the duties of conservator immediately upon the Probate Court's acceptance of the resignation of the conservator of the person or conservator of the estate or removing such conservator, upon such conservator being adjudicated incapable or upon the death of such conservator, provided a successor conservator of the estate may not assume the duties of conservator of the estate before furnishing a probate bond or providing proof of a restricted account if a bond or restricted account was required from the conservator of the estate. The successor conservator shall immediately inform the Probate Court that has jurisdiction over the conservator of the person or conservator of the estate that the successor conservator assumed the role of conservator of the person or conservator of the estate and the reasons for assuming such role. The Probate Court may issue a decree, without notice and hearing, confirming the successor conservator's appointment after the requirements of this section are met.

Sec. 11. Section 19a-575a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person eighteen years of age or older may execute a document that contains health care instructions, the appointment of a health care representative, the designation of a conservator of the person for future incapacity and a document of anatomical gift. Any such document shall be signed and dated by the maker with at least two witnesses and may be in the substantially following form:

THESE ARE MY HEALTH CARE INSTRUCTIONS.

MY APPOINTMENT OF A HEALTH CARE REPRESENTATIVE,

THE DESIGNATION OF MY CONSERVATOR OF THE PERSON

FOR MY FUTURE INCAPACITY

AND

MY DOCUMENT OF ANATOMICAL GIFT

To any physician who is treating me: These are my health care instructions including those concerning the withholding or withdrawal of life support systems, together with the appointment of my health care representative, the designation of my conservator of the person for future incapacity and my document of anatomical gift. As my physician, you may rely on these health care instructions and any decision made by my health care representative or conservator of my person, if I am incapacitated to the point when I can no longer actively take part in decisions for my own life, and am unable to direct my physician as to my own medical care.

I, ... , the author of this document, request that, if my condition is deemed terminal or if I am determined to be permanently unconscious, I be allowed to die and not be kept alive through life support systems. By terminal condition, I mean that I have an incurable or irreversible medical condition which, without the administration of life support systems, will, in the opinion of my attending physician, result in death within a relatively short time. By permanently unconscious I mean that I am in a permanent coma or persistent vegetative state which is an irreversible condition in which I am at no time aware of myself or the environment and show no behavioral response to the environment. The life support systems which I do not want include, but are not limited to: Artificial respiration, cardiopulmonary resuscitation and artificial means of providing nutrition and hydration. I do want sufficient pain medication to maintain my physical comfort. I do not intend any direct taking of my life, but only that my dying not be unreasonably prolonged.

I appoint . . . . to be my health care representative. If my attending physician determines that I am unable to understand and appreciate the nature and consequences of health care decisions and unable to reach and communicate an informed decision regarding treatment, my health care representative is authorized to make any and all health care decisions for me, including (1) the decision to accept or refuse any treatment, service or procedure used to diagnose or treat my physical or mental condition, except as otherwise provided by law such as for psychosurgery or shock therapy, as defined in section 17a-540, and (2) the decision to provide, withhold or withdraw life support systems. I direct my health care representative to make decisions on my behalf in accordance with my wishes, as stated in this document or as otherwise known to my health care representative. In the event my wishes are not clear or a situation arises that I did not anticipate, my health care representative may make a decision in my best interests, based upon what is known of my wishes.

If . . . . is unwilling or unable to serve as my health care representative, I appoint . . . . to be my alternative health care representative.

If a conservator of my person should need to be appointed, I designate . . . . be appointed my conservator. If . . . . is unwilling or unable to serve as my conservator, I designate . . . . . I designate …. to be successor conservator. No bond shall be required of either of them in any jurisdiction.

I hereby make this anatomical gift, if medically acceptable, to take effect upon my death.

I give: (check one)

. . . . (1) any needed organs or parts
. . . . (2) only the following organs or parts ….

to be donated for: (check one)

(1) . . . . any of the purposes stated in subsection (a) of section 19a-289j
(2) . . . . these limited purposes . . . .

These requests, appointments, and designations are made after careful reflection, while I am of sound mind. Any party receiving a duly executed copy or facsimile of this document may rely upon it unless such party has received actual notice of my revocation of it.

Date . . . . , 20. .

. . . . L. S.

This document was signed in our presence by . . . . the author of this document, who appeared to be eighteen years of age or older, of sound mind and able to understand the nature and consequences of health care decisions at the time this document was signed. The author appeared to be under no improper influence. We have subscribed this document in the author's presence and at the author's request and in the presence of each other.

. . . .	. . . .
(Witness)	(Witness)
. . . .	. . . .
(Number and Street)	(Number and Street)
. . . .	. . . .
(City, State and Zip Code)	(City, State and Zip Code)

STATE OF CONNECTICUT }
COUNTY OF . . . . } ss. . . . .

We, the subscribing witnesses, being duly sworn, say that we witnessed the execution of these health care instructions, the appointments of a health care representative, the designation of a conservator for future incapacity and a document of anatomical gift by the author of this document; that the author subscribed, published and declared the same to be the author's instructions, appointments and designation in our presence; that we thereafter subscribed the document as witnesses in the author's presence, at the author's request, and in the presence of each other; that at the time of the execution of said document the author appeared to us to be eighteen years of age or older, of sound mind, able to understand the nature and consequences of said document, and under no improper influence, and we make this affidavit at the author's request this . . . . day of . . . . 20. . .

. . . .
(Witness) (Witness)

Subscribed and sworn to before me this . . . . day of . . . . 20. .

. . . .
Commissioner of the Superior Court
Notary Public
My commission expires: . . . .

(Print or type name of all persons signing under all signatures)

(b) Except as provided in section 19a-579b, an appointment of health care representative may only be revoked by the declarant, in writing, and the writing shall be signed by the declarant and two witnesses.

(c) The attending physician or other health care provider shall make the revocation of an appointment of health care representative a part of the declarant's medical record.

(d) In the absence of knowledge of the revocation of an appointment of health care representative, a person who carries out an advance directive pursuant to the provisions of this chapter shall not be subject to civil or criminal liability or discipline for unprofessional conduct for carrying out such advance directive.

(e) The revocation of an appointment of health care representative does not, of itself, revoke the living will of the declarant.

Sec. 12. Section 45a-645 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person who has attained at least eighteen years of age, and who is of sound mind, may designate in writing a person or persons whom he or she desires to be appointed as conservator or successor conservator of his or her person or estate or both, if he or she is thereafter found to be incapable of managing his or her affairs or incapable of caring for himself or herself.

(b) The designation shall be executed, witnessed and revoked in the same manner as provided for wills in sections 45a-251 and 45a-257, except that any person who is so designated as a conservator shall not qualify as a witness.

(c) Such written instrument may excuse the person or persons so designated from giving the probate bond required under the provisions of section 45a-650, as amended by this act, if appointed thereafter as a conservator.

Sec. 13. Subsection (h) of section 45a-650 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(h) The respondent or conserved person may appoint, designate or nominate a conservator or successor conservator pursuant to section 19a-575a, as amended by this act, 19a-580e, 19a-580g or 45a-645, as amended by this act, or may, orally or in writing, nominate a conservator or successor conservator who shall be appointed unless the court finds that the appointee, designee or nominee is unwilling or unable to serve or there is substantial evidence to disqualify such person. If there is no such appointment, designation or nomination or if the court does not appoint the person appointed, designated or nominated by the respondent or conserved person, the court may appoint any qualified person, authorized public official or corporation in accordance with subsections (a) and (b) of section 45a-644. In considering whom to appoint as conservator or successor conservator, the court shall consider (1) the extent to which a proposed conservator has knowledge of the respondent's or conserved person's preferences regarding the care of his or her person or the management of his or her affairs, (2) the ability of the proposed conservator to carry out the duties, responsibilities and powers of a conservator, (3) the cost of the proposed conservatorship to the estate of the respondent or conserved person, (4) the proposed conservator's commitment to promoting the respondent's or conserved person's welfare and independence, and (5) any existing or potential conflicts of interest of the proposed conservator.

Sec. 14. Section 45a-661 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

When any person under voluntary or involuntary representation becomes a settled inhabitant of any town in the state in a probate district other than the one in which a conservator was appointed, and is an actual resident in such district, the **[**court of probate**]** Probate Court in which the conservator was appointed shall, upon motion of the conservator, the person under conservatorship, the first

selectman or the chief executive officer of the town in which the person under conservatorship resides or the husband or wife or a relative of the person under conservatorship, transfer the file to the probate district in which the person under conservatorship resides at the time of the application, if the court determines that the requested transfer is the preference of the person under conservatorship. A transfer of the file shall be accomplished by the **[**probate court**]** Probate Court in which the conservator was originally appointed by making copies of all recorded 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 person under conservatorship resides. When the transfer is made, the **[**court of probate**]** Probate Court in which the person under conservatorship resides at the time of transfer shall thereupon assume jurisdiction over the conservatorship and all further accounts shall be filed with such court.

Sec. 15. Section 45a-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Probate Court Administrator shall establish a Probate Court Budget Committee consisting of the Probate Court Administrator and two judges of probate appointed by the Connecticut Probate Assembly. The Probate Court Administrator shall serve as chairperson of the committee.

(b) Not later than June 30, 2010, and annually thereafter, the committee shall establish, in accordance with the criteria established in regulations issued pursuant to subsection (b) of section 45a-77: (1) A compensation plan, which plan shall include employee benefits, for employees of the courts of probate, (2) staffing levels for each court of probate, and (3) a miscellaneous office budget for each court of probate. Such compensation plan, staffing levels and office budgets shall be established within the expenditures and anticipated available funds in the proposed budget established pursuant to section 45a-84.

[(c) Not later than June 30, 2010, and annually thereafter, the Probate Court Budget Committee shall report to the Governor and the General Assembly, after consultation with the Office of the Chief Court Administrator and the Secretary of the Office of Policy and Management, on the committee's efforts to reduce costs and any potential cost saving measures resulting from probate court mergers effective on or after June 9, 2009. Such report shall be submitted in accordance with section 11-4a. **]**

Sec. 16. Section 45a-113 of the general statutes is repealed. (*Effective from passage*)

Signed by the Governor on June 6, 2014

Substitute Senate Bill No. 155

Public Act No. 14-104

AN ACT CONCERNING PROBATE COURTS.

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

Section 1. Section 45a-731 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

A final decree of adoption, whether issued by a court of this state or a court of any other jurisdiction, shall have the following effect in this state:

(1) All rights, duties and other legal consequences of the biological relation of a child and parent shall thereafter exist between the adopted person and the **[**adopting**]** adoptive parent and the relatives of such **[**adopting**]** adoptive parent. Such adopted person shall be treated as if such adopted person were the biological child of the **[**adopting**]** adoptive parent, for all purposes including the applicability of statutes which do not expressly exclude an adopted person in their operation or effect;

(2) The **[**adopting**]** adoptive parent and the adopted person shall have rights of inheritance from and through each other and the biological and adopted relatives of the **[**adopting**]** adoptive parent. The right of inheritance of an adopted person extends to the heirs of such adopted person, and such heirs shall be the same as if such adopted person were the biological child of the **[**adopting**]** adoptive parent;

(3) The adopted person and the biological children and other adopted children of the **[**adopting**]** adoptive parent shall be treated, unless otherwise provided by statute, as siblings, having rights of inheritance from and through each other. Such rights of inheritance extend to the heirs of such adopted person and of the biological children and other adopted children, and such heirs shall be the same as if each such adopted person were the biological child of the **[**adopting**]** adoptive parent;

(4) The adopted person shall, except as hereinafter provided, be treated as if such adopted person were the biological child of the **[**adopting**]** adoptive parent for purposes of the applicability of all documents and instruments, whether executed before or after the adoption decree is issued, which do not expressly exclude an adopted person in their operation or effect. The words "child", "children", "issue", "descendant", "descendants", "heir", "heirs", "lawful heirs", "grandchild" and "grandchildren", when used in any will or trust instrument shall include legally adopted persons unless such document clearly indicates a contrary intention. Nothing in this section shall be construed to alter or modify the provisions of section 45a-257 concerning revocation of a will or codicil when a child is born as the result of artificial insemination;

(5) Except in the case of an adoption as provided in subdivision (2) or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of section 45a-734, as amended by this act, the legal relationship between the adopted person and the adopted person's biological parent or parents and the relatives of such biological parent or parents is terminated for all purposes, including the applicability of statutes which do not expressly include such an adopted person in their operation and effect. The biological parent or parents of the adopted person are relieved of all parental rights and responsibilities;

(6) Except in the case of an adoption as provided in subdivision (2) or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of section 45a-734, as amended by this act, the biological parent or parents and their relatives shall have no rights of inheritance from or through the adopted person, nor shall the adopted person have any rights of inheritance from or through the biological parent or parents of the adopted person and the relatives of such biological parent or parents, except as provided in this section;

(7) Except in the case of an adoption as provided in subdivision (2) or (3) of subsection (a) of section 45a-724 or subsection (c) or (d) of section 45a-734, as amended by this act, the legal relationship between the adopted person and the adopted person's biological parent or parents and the relatives of such biological parent or parents is terminated for purposes of the construction of documents and instruments, whether executed before or after the adoption decree is issued, which do not expressly include the individual by name or by some designation not based on a parent and child or blood relationship, except as provided in this section;

(8) Notwithstanding the provisions of subdivisions (1) to (7), inclusive, of this section, when one of the biological parents of a minor child has died, **[**and the surviving parent has remarried subsequent to such parent's death,**]** adoption of such child **[**by the person with whom such remarriage is contracted**]** shall not affect the rights of such child to inherit from or through the deceased parent and the deceased parent's relatives;

(9) Nothing in this section shall deprive an adopted person who is the biological child of a veteran who served in time of war as defined in subsection (a) of section 27-103 of aid under the provisions of section 27-140 or deprive a child receiving benefits under the Social Security Act, 42 USC Sec. 301 et seq. , as amended from time to time, from continued receipt of benefits authorized under said act;

(10) Except as provided in subdivision (11) of this section, the provisions of law in force prior to October 1, 1959, affected by the provisions of this section shall apply to the estates or wills of persons dying prior to said date and to inter vivos instruments executed prior to said date and which on said date were not subject to the grantor's power to revoke or amend;

(11) The provisions of subdivisions (1) to (9), inclusive, of this section shall apply to the estate or wills of persons dying prior to October 1, 1959, and to inter vivos instruments executed prior to said date and which on said date were not subject to the grantor's power to revoke or amend, unless (A) a contrary intention of the testator or grantor is demonstrated by clear and convincing evidence, or (B) distribution of the estate or under the will or under the inter vivos instrument has been or will be made pursuant to court order entered prior to October 1, 1991;

(12) No fiduciary, distributee of the estate or person to whom a legacy has been paid shall be liable to any other person for any action taken or benefit received prior to October 1, 1991, provided any such action was taken or benefit was received in good faith by such fiduciary, distributee or legatee with respect to the applicability of statutes concerning the rights of inheritance or rights to take of adopted persons under any instrument executed prior to October 1, 1959;

(13) No fiduciary shall have the obligation to determine the rights of inheritance or rights to take of an adopted person under an instrument executed prior to October 1, 1959, unless the fiduciary receives a written claim for benefits by or on behalf of such adopted person.

Sec. 2. Section 45a-734 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person eighteen years of age or older may, by written agreement with another person at least eighteen years of age but younger than himself or herself, unless the other person is his or her **[**wife, husband**]** spouse, brother, sister, uncle or aunt of the whole or **[**half-blood**]** half blood, adopt the other person as his or her child, provided the written agreement shall be approved by the **[**court of probate**]** Probate Court for the district in which the **[**adopting**]** proposed adoptive parent resides or, if the **[**adopting parent is not an inhabitant of**]** proposed adoptive parent does not reside in this state, for the district in which the adopted person resides.

[(b) The Court of Probate may, upon presentation of the agreement of adoption for approval, cause public notice to be given of the time and place of hearing on the agreement. If at the hearing the court finds that it will be for the welfare of the adopted person and for the public interest that the agreement be approved, it may pass an order of approval of it and cause the agreement and the order to be recorded. Thereupon**]**

(b) The Probate Court shall cause notice of the time and place of hearing on the proposed adoption to be given to each party to the adoption agreement. If the spouse of the proposed adoptive parent is not a party to the adoption agreement, notice shall be given to the spouse. The court may give notice to other persons interested in the welfare of the proposed adoptive parent or adopted person. The court shall approve the adoption agreement if it finds that the proposed adoptive parent and adopted person share a relationship that is similar to that between a parent and an adult child and that the adoption is in the best interests of the proposed adoptive parent and adopted person. Upon the court's approval of the adoption agreement, the adopted person shall become the legal child of the **[**adopting person**]** adoptive parent, and the **[**adopting person**]** adoptive parent shall become the legal parent of the adopted person, and the provisions of section 45a-731, as amended by this act, shall apply.

(c) One parent of an adult child may join in an adoption agreement between the parent's spouse and the adult child. Upon the court's approval of the adoption agreement, the legal relationship between the adult child and the parent who did not join in the adoption agreement shall be terminated in accordance with subdivisions (5), (6) and (7) of section 45a-731, as amended by this act, and the adopted person shall be the child of the parent and spouse who joined in the adoption agreement, except that the adoption shall not affect the rights of the adopted person to inherit from or through a parent who died before the adoption occurred, as provided in subdivision (8) of section 45a-731, as amended by this act.

(d) One parent of an adult child may join in an adoption agreement between one other person and the adult child. Upon the court's approval of the adoption agreement, the legal relationship between the adult child and the parent who did not join the adoption agreement shall be terminated in accordance with subdivisions (5), (6) and (7) of section 45a-731, as amended by this act, and the adopted person shall be the child of the parent and other person who joined the adoption agreement, except that the adoption shall not affect the rights of the adopted person to inherit from or through a parent who died before the adoption occurred, as provided in subdivision (8) of section 45a-731, as amended by this act.

[(c)**]** (e) A married person shall not adopt a person under the provisions of this section unless both **[**husband and wife**]** the married person and the married person's spouse join in the adoption agreement, except that the **[**Court of**]**

Probate Court may approve an adoption agreement by either of them upon finding that there is sufficient reason why the other should not join in the agreement.

[(d) When one of the biological parents of an adult has died and the surviving parent remarries, the person with whom the remarriage is celebrated may become an adopting parent without the biological parent's joining in the adoption except to consent in writing. Upon the approval of the court, the adopted person shall be in law the child of both. **]**

Sec. 3. Section 45a-437 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) If there is no will, or if any part of the property, real or personal, legally or equitably owned by the decedent at the time of his or her death, is not effectively disposed of by the will or codicil of the decedent, the portion of the intestate estate of the decedent, determined after payment of any support allowance from principal pursuant to section 45a-320, which the surviving spouse shall take is:

(1) If there is no surviving issue or parent of the decedent, the entire intestate estate absolutely;

(2) If there is no surviving issue of the decedent but the decedent is survived by a parent or parents, the first one hundred thousand dollars plus three-quarters of the balance of the intestate estate absolutely;

(3) If there are surviving issue of the decedent all of whom are also issue of the surviving spouse, the first one hundred thousand dollars plus one-half of the balance of the intestate estate absolutely;

(4) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, one-half of the intestate estate absolutely.

(b) For the purposes of this section: **[**issue shall include**]**

(1) Issue includes children born out of wedlock **[**and the issue of such children**]** who qualify for inheritance under the provisions of section 45a-438, as amended by this act, and the legal representatives of such children;

(2) A father of a child born out of wedlock shall be considered a parent if the father qualifies for inheritance from or through the child under the provisions of section 45a-438b, as amended by this act.

Sec. 4. Section 45a-438 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) After distribution has been made of the intestate estate to the surviving spouse in accordance with section 45a-437, as amended by this act, **[**all**]** the residue of the real and personal estate shall be distributed **[**in equal proportions**]** equally, according to its value at the time of distribution, among the children, including children born after the death of the decedent, as provided in subsection (a) of section 45a-785, and the legal representatives of any of them who may be dead, except that children or other descendants who receive estate by advancement of the intestate in the intestate's lifetime shall themselves or their representatives have only so much of the estate as will, together with such advancement, make their share equal to what they would have been entitled to receive had no such advancement been made.

(b) Except as provided in section 45a-731, as amended by this act, for the purposes of **[**intestate succession by, through or from a person, an individual is the child of his genetic parents, regardless of marital status of such parents. With respect to a child born out of wedlock, the father of a child born out of wedlock shall be considered a parent if (1) the father and mother have married after the child's birth, or (2) the father has been adjudicated the father of the child by a court of competent jurisdiction, or (3) the father has acknowledged under oath in writing that he is the father of the child, or (4) after the death of either the father or the child, paternity has been established by the Probate Court by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his**]** this chapter, a child born out of wedlock and the child's legal representatives shall qualify for inheritance from or through the father if (1) the father's paternity was established by a written acknowledgment of paternity under section 46b-172, or (2) the father's paternity has been adjudicated by a court of competent jurisdiction under chapter 815y.

[(c) For the purposes of this section legal representatives shall include legal representatives of children born out of wedlock, provided any such child qualifies for inheritance under subsection (b) of this section. **]**

Sec. 5. Section 45a-438b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

[For the purposes of this chapter, the father of a child born out of wedlock shall be considered a parent, provided paternity is established (1) prior to the death of such father by a court of competent jurisdiction or (2) after the death of such father by the Probate Court, provided paternity established after death is ineffective to qualify the father or his kindred to inherit from or through the child unless it is demonstrated by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his. **]**

Except as provided in section 45a-731, as amended by this act, for the purposes of this chapter, a father and his kindred shall qualify for inheritance from or through a child who was born out of wedlock if (1) the father's paternity was established by a written acknowledgment of paternity under section 46b-172, or (2) the father's paternity has been adjudicated by a court of competent jurisdiction under chapter 815y.

Sec. 6. Section 45a-439 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) (1) If there are no children or any legal representatives of them, then, after the portion of the husband or wife, if any, is distributed or set out, the residue of the estate shall be distributed equally to the parent or parents of the intestate, **[**provided**]** except that no parent who has abandoned a minor child and continued such abandonment until the time of death of such child **[**,**]** shall be entitled to share in the estate of such child or be deemed a parent for the purposes of subdivisions (2) to (4), inclusive, of this subsection. (2) If there is no parent, the residue of the estate shall be distributed equally to the brothers and sisters of the intestate and those who legally represent them. (3) If there is no parent or brothers and sisters or those who legally represent them, the residue of the estate shall be distributed equally to the next of kin in equal degree, **[**. No**]** and no representatives shall be admitted among collaterals after the representatives of brothers and sisters. (4) If there is no next of kin, **[**then**]** the residue of the estate shall be distributed equally to the stepchildren and those who legally represent them.

(b) When any will executed prior to January 1, 1902, fails for any reason to dispose of the whole or any part of the estate of the testator, and such estate becomes intestate, the **[**same**]** estate shall be distributed in accordance with the statutes of distribution in force at the time such will was executed.

(c) Real property subject to the life use of husband or wife, remaining undivided at the expiration of such life use, shall be distributed in the same manner by the same or other distributors, or the **[**same**]** real property may be distributed during the continuance of such life interest and subject thereto.

(d) In ascertaining the next of kin in all cases, the rule of the civil law shall be used.

(e) Relatives of the half blood shall take the same share under this section that they would take if they were of the whole blood.

(f) For the purposes of this section:

(1) A father of a child born out of wedlock shall be considered a parent if the father qualifies for inheritance under section 45a-438b, as amended by this act; and

(2) Next of kin shall include the kindred of a deceased father of a child born out of wedlock if the father would have qualified for inheritance from or through the child under section 45a-438b, as amended by this act, had the father survived the child.

Sec. 7. Section 46b-172a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Any person claiming to be the father of a child born out of wedlock may **[**at any time, but no later than sixty days after the date of notice under section 45a-716,**]** file a claim for paternity with the **[**court of probate**]** Probate Court for the district in which either the mother or the child resides, on forms provided by such court. The claim may be filed at any time during the life of the child, whether before, on or after the date the child reaches the age of eighteen, or after the death of the child, but not later than sixty days after the date of notice under section 45a-716. The claim shall contain the claimant's name and address, the name and last-known address of the mother and the month and year of the birth or expected birth of the child. Not later than five days after the filing of a claim for paternity, the **[**judge of the court of probate**]** court shall cause a certified copy of such claim to be served upon the mother or prospective mother of such child by personal service or service at her usual place of abode, and to the Attorney General by first class mail. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231. The claim for paternity shall be admissible in any action for paternity under section 46b-160, and shall estop the claimant from denying his paternity of such child and shall contain language that he acknowledges liability for contribution to the support and education of the child after **[**its**]** the child's birth and for contribution to the pregnancy-related medical expenses of the mother.

(b) If a claim for paternity is filed by the father of any minor child born out of wedlock, the **[**court of probate**]** Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

(c) The child shall be made a party to the action **[**. Said child**]** and shall be represented by a guardian ad litem appointed by the court in accordance with section 45a-708. Payment shall be made in accordance with such section from funds appropriated to the Judicial Department, **[**however**]** except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

(d) In the event that the mother or the claimant father is a minor, the court shall appoint a guardian ad litem to represent him or her in accordance with the provisions of section 45a-708. Payment shall be made in accordance with said section from funds appropriated to the Judicial Department, **[**however**]** except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

[(e) Upon the motion of the putative father, the mother, or his or her counsel, or the judge of probate having jurisdiction over such application, filed not later than three days prior to any hearing scheduled on such claim, the Probate Court Administrator shall appoint a three-judge court from among the several judges of probate to hear such claim. Such three-judge court shall consist of at least one judge who is an attorney-at-law admitted to practice in this state. The judge of the court of probate having jurisdiction over such application under the provisions of this section shall be a member, provided such judge may disqualify himself in which case all three members of such court shall be appointed by the Probate Court Administrator. Such three-judge court when convened shall have all the powers and duties set forth under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, and shall be subject to all of the provisions of law as if it were a single-judge court. The judges of such court shall designate a chief judge from among their members. All records for any case before the three-judge court shall be maintained in the court of probate having jurisdiction over the matter as if the three-judge court had not been appointed. **]**

[(f)**]** (e) By filing a claim under this section, the putative father submits to the jurisdiction of the **[**court of probate**]** Probate Court.

[(g)**]** (f) Once alleged parental rights of the father have been adjudicated in his favor under subsection (b) of this section, or acknowledged as provided for under section 46b-172, his rights and responsibilities shall be equivalent to those of the mother, including those rights defined under section 45a-606. Thereafter, disputes involving custody, visitation or support shall be transferred to the Superior Court under chapter 815j, except that the **[**probate court**]** Probate Court may enter a temporary order for custody, visitation or support until an order is entered by the Superior Court.

[(h)**]** (g) Failing perfection of parental rights as prescribed by this section, any person claiming to be the father of a child born out of wedlock (1) who has not been adjudicated the father of such child by a court of competent jurisdiction, or (2) who has not acknowledged in writing that he is the father of such child, or (3) who has not contributed regularly to the support of such child or (4) whose name does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but

not limited to, guardianship and adoption, unless he has shown a reasonable degree of interest, concern or responsibility for the child's welfare.

[(i)**]** (h) Notwithstanding the provisions of this section, after the death of the father of a child born out of wedlock, a party deemed by the court to have a sufficient interest may file a claim for paternity on behalf of such father with the **[**probate court**]** Probate Court for the district in which either the putative father resided or the party filing the claim resides. If a claim for paternity is filed pursuant to this subsection, the **[**court of probate**]** Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

Sec. 8. (NEW) (*Effective October 1, 2014*) (a) For the purposes of this section and section 9 of this act, a minor child shall be considered dependent upon the court if the court has (1) removed a parent or other person as guardian of the minor child, (2) appointed a guardian or coguardian for the minor child, (3) terminated the parental rights of a parent of the minor child, or (4) approved the adoption of the minor child.

(b) At any time during the pendency of a petition to remove a parent or other person as guardian under section 45a-609 or 45a-610 of the general statutes, or to appoint a guardian or coguardian under section 45a-616 of the general statutes, a party may file a petition requesting the Probate Court to make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile status under 8 USC 1101(a)(27)(J). The Probate Court shall cause notice of the hearing on the petition to be given by first class mail to each person listed in subsection (b) of section 45a-609 of the general statutes, and such hearing may be held at the same time as the hearing on the underlying petition for removal or appointment. If the court grants the petition to remove the parent or other person as guardian or appoint a guardian or coguardian, the court shall make written findings on the following: (1) The age of the minor child; (2) the marital status of the minor child; (3) whether the minor child is dependent upon the court; (4) whether reunification of the minor child with one or both of the minor child's parents is not viable due to any of the grounds sets forth in subdivisions (2) to (5), inclusive, of section 45a-610 of the general statutes; and (5) whether it is not in the best interests of the minor child to be returned to the minor child's or parent's country of nationality or last habitual residence.

(c) If the court has previously granted a petition to remove a parent or other person as guardian under section 45a-609 or 45a-610 of the general statutes or to appoint a guardian or coguardian under section 45a-616 of the general statutes, a parent, guardian or attorney for the minor child may file a petition requesting that the court make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile

under 8 USC 1101(a)(27)(J). The court shall cause notice of the hearing on the petition to be given by first class mail to each parent, guardian and attorney for the minor child, to the minor child if the minor child is twelve years of age or older and to other persons as the court determines. The court shall make written findings on the petition in accordance with subsection (b) of this section.

Sec. 9. (NEW) (*Effective October 1, 2014*) (a) At any time during the pendency of a petition to terminate parental rights under any provision of sections 45a-715 to 45a-717, inclusive, of the general statutes, or to approve an adoption under section 45a-727 of the general statutes, a party may file a petition requesting the Probate Court to make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile status under 8 USC 1101(a)(27)(J). The Probate Court shall cause notice of the hearing on the petition to be given by first class mail to each person listed in subsection (b) of section 45a-716 of the general statutes, and such hearing may be held at the same time as the hearing on the underlying petition to terminate parental rights or approve an adoption. If the court grants the petition to terminate parental rights or approve the adoption, the court shall make written findings on the following: (1) The age of the minor child; (2) the marital status of the minor child; (3) whether the minor child is dependent upon the court; (4) whether reunification of the minor child with one or both of the minor child's parents is not viable due to any of the grounds set forth in subdivision (2) of subsection (g) of section 45a-717 of the general statutes; and (5) whether it is not in the best interests of the minor child to be returned to the minor child's or parent's country of nationality or last habitual residence.

(b) If the court has previously granted a petition to terminate parental rights under section 45a-717 of the general statutes or to approve an adoption under section 45a-727 of the general statutes, a statutory parent, guardian, adoptive parent or attorney for the minor child may file a petition requesting that the court make findings under this section to be used in connection with a petition to the United States Citizenship and Immigration Services for designation of the minor child as having special immigrant juvenile under 8 USC 1101(a)(27)(J). The court shall order notice of the hearing on the petition to be given by first class mail to the statutory parent, each guardian, adoptive parent and attorney for the minor child, to the minor child if the minor child is twelve years of age or older and to other persons as the court determines. The court shall make written findings in accordance with subsection (a) of this section.

Sec. 10. Section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) For the purposes of this section, "records of cases of juvenile matters" includes, but is not limited to, court records, records regarding juveniles maintained by the Court Support Services Division, records regarding juveniles

maintained by an organization or agency that has contracted with the Judicial Branch to provide services to juveniles, records of law enforcement agencies including fingerprints, photographs and physical descriptions, and medical, psychological, psychiatric and social welfare studies and reports by juvenile probation officers, public or private institutions, social agencies and clinics.

(b) All records of cases of juvenile matters, as provided in section 46b-121, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, except that: (1) **[**The records concerning any matter transferred from a court of probate pursuant to section 45a-623 or subsection (g) of section 45a-715 or any appeal from probate to the superior court for juvenile matters pursuant to subsection (b) of section 45a-186 shall be available to the court of probate from which such matter was transferred or from which such appeal was taken; (2) such**]** Such records shall be available to (A) the attorney representing the child or youth, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (B) the parents or guardian of the child or youth until such time as the child or youth reaches the age of majority or becomes emancipated, (C) an adult adopted person in accordance with the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the Division of Criminal Justice who, in the performance of their duties, require access to such records, (E) employees of the Judicial Branch who, in the performance of their duties, require access to such records, (F) another court under the provisions of subsection (d) of section 46b-115j, (G) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority or has been emancipated, (H) the Department of Children and Families, **[**and**]** (I) the employees of the Division of Public Defender Services who, in the performance of their duties related to Division of Public Defender Services assigned counsel, require access to such records, and (J) judges and employees of the Probate Court who, in the performance of their duties, require access to such records; and **[**(3)**]** (2) all or part of the records concerning a youth in crisis with respect to whom a court order was issued prior to January 1, 2010, may be made available to the Department of Motor Vehicles, provided such records are relevant to such order. Any records of cases of juvenile matters, or any part thereof, provided to any persons, governmental **[**and**]** or private agencies, **[**and**]** or institutions pursuant to this section shall not be disclosed, directly or indirectly, to any third party not specified in subsection (d) of this section, except as provided by court order, **[**or**]** in the report required under section 54-76d or 54-91a or as otherwise provided by law.

(c) All records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be confidential and for the use of the court in juvenile matters and shall not be disclosed except as provided in this section.

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) Judicial Branch employees who, in the performance of their duties, require access to such records, (2) judges and employees of the Probate Court who, in the performance of their duties, require access to such records, and **[**(2)**]** (3) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child, (C) the design and delivery of treatment programs pursuant to section 46b-121j, or (D) the delivery of court diversionary programs. Such employees and authorized agents include, but are not limited to, law enforcement officials, community-based youth service bureau officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters and officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, the Court Support Services Division and agencies under contract with the Judicial Branch. Such records shall also be available to (i) the attorney representing the child, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (ii) the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (iii) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (iv) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations, (v) a state or federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be limited to that information necessary for the collection of and application for such moneys, and (vi) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information, or as otherwise provided by law.

(e) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, may be disclosed upon order of the court to any person who

has a legitimate interest in the information and is identified in such order. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court.

(f) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be available to the victim of the crime committed by such child to the same extent as the record of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom such victim may request such information. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court.

(g) Information concerning a child who has escaped from a detention center or from a facility to which **[**he**]** the child has been committed by the court or for whom an arrest warrant has been issued with respect to the commission of a felony may be disclosed by law enforcement officials.

(h) Nothing in this section shall be construed to prohibit any person employed by the Judicial Branch from disclosing any records, information or files in **[**his**]** such employee's possession to any person employed by the Division of Criminal Justice as a prosecutorial official, inspector or investigator who, in the performance of his or her duties, requests such records, information or files, or to prohibit any such employee of said division from disclosing any records, information or files in **[**his**]** such employee's possession to any such employee of the Judicial Branch who, in the performance of his or her duties, requests such records, information or files.

(i) Nothing in this section shall be construed to prohibit a party from making a timely objection to the admissibility of evidence consisting of records of cases of juvenile matters, or any part thereof, in any Superior Court or Probate Court proceeding, or from making a timely motion to seal any such record pursuant to the rules of the superior court or the rules of procedure adopted under section 45a-78.

[(i)**]** (j) A state's attorney shall disclose to the defendant or **[**his**]** such defendant's counsel in a criminal prosecution, without the necessity of a court order, exculpatory information and material contained in any record disclosed to such state's attorney pursuant to this section and may disclose, without a court order, information and material contained in any such record which could be the subject of a disclosure order.

[(j)**]** (k) Notwithstanding the provisions of subsection (d) of this section, any information concerning a child that is obtained during any mental health screening or assessment of such child, during the provision of services pursuant to subsection (b) of section 46b-149, or during the performance of an educational

evaluation pursuant to subsection (e) of section 46b-149, shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity providing such services or performing such screening, assessment or evaluation. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or provision of services to the child, or pursuant to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

[(k)**]** (l) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, containing information that a child has been convicted as delinquent for a violation of subdivision (e) of section 1-1h, subsection (c) of section 14-147, subsection (a) of section 14-215, section 14-222, subsection (b) of section 14-223, subsection (a), (b) or (c) of section 14-224, section 30-88a or subsection (b) of section 30-89, shall be disclosed to the Department of Motor Vehicles for administrative use in determining whether administrative sanctions regarding such child's motor vehicle operator's license are warranted. Records disclosed pursuant to this subsection shall not be further disclosed.

[(l)**]** (m) Records of cases of juvenile matters involving adoption proceedings, or any part thereof, shall be confidential and may only be disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

Sec. 11. (*Effective October 1, 2014*) (a) Wherever the words "adopting parent" are used in the following general statutes, "adoptive parent" shall be substituted in lieu thereof: 45a-727, 45a-736 and 45a-746.

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

Signed by the Governor on June 6, 2014

Substitute Senate Bill No. 456

Public Act No. 14-120

AN ACT CONCERNING ADOPTION OF THE CONNECTICUT CODE OF EVIDENCE BY THE SUPREME COURT.

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

Section 1. (NEW) (*Effective from passage*) (a) The Supreme Court is authorized to adopt the Connecticut Code of Evidence. If the Supreme Court proceeds with the adoption of the Connecticut Code of Evidence, the Chief Justice shall appoint a standing advisory committee that shall study the provisions of said code and the orderly development of evidence law, and make recommendations to the Supreme Court concerning any proposed amendments to said code by the Supreme Court. The committee shall be comprised of judges of the Superior Court and attorneys who are members of the bar of this state and representative of diverse areas of the practice of law. The Chief Justice shall appoint one member of the committee to serve as the chairperson of the committee. In carrying out the duties prescribed in this subsection, the committee, in its discretion, may conduct public hearings.

(b) On or before January 1, 2015, and annually thereafter, the chairperson of the advisory committee established pursuant to subsection (a) of this section, shall report on the activities of the advisory committee to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Upon the adoption of said code by the Supreme Court, such report shall include any proposed amendments to said code which are being considered by the advisory committee.

(c) Nothing in this section shall limit with respect to the law of evidence the authority of the Supreme Court under common law or the legislative authority of the General Assembly.

Signed by the Governor on June 6, 2014

Substitute Senate Bill No. 463

Public Act No. 14-121

AN ACT CONCERNING THE APPOINTMENT OF A CONSERVATOR FOR A PERSON WITH INTELLECTUAL DISABILITY.

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

Section 1. Subsections (a) to (d), inclusive, of section 45a-650 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) At any hearing on an application for involuntary representation, before the court receives any evidence regarding the condition of the respondent or of the respondent's affairs, the court shall require clear and convincing evidence that the court has jurisdiction, that the respondent has been given notice as required in section 45a-649, and that the respondent has been advised of the right to retain an attorney pursuant to section 45a-649a and is either represented by an attorney or has waived the right to be represented by an attorney. The respondent shall have the right to attend any hearing held under this section.

(b) The rules of evidence in civil actions adopted by the judges of the Superior Court shall apply to all hearings pursuant to this section. All testimony at a hearing held pursuant to this section shall be given under oath or affirmation.

(c) (1) After making the findings required under subsection (a) of this section, the court shall receive evidence regarding the respondent's condition, the capacity of the respondent to care for himself or herself or to manage his or her affairs, and the ability of the respondent to meet his or her needs without the appointment of a conservator. Unless waived by the court pursuant to subdivision (2) of this subsection, medical evidence shall be introduced from one or more physicians licensed to practice medicine in **[**the**]** this state who have examined the respondent **[**within**]** not more than forty-five days **[**preceding**]** prior to the hearing, except that for a person with intellectual disability, as defined in section 1-1g, psychological evidence may be introduced in lieu of such medical evidence from

a psychologist licensed pursuant to chapter 383 who has examined the respondent not more than forty-five days prior to the hearing. The evidence shall contain specific information regarding the respondent's condition and the effect of the respondent's condition on the respondent's ability to care for himself or herself or to manage his or her affairs. The court may also consider such other evidence as may be available and relevant, including, but not limited to, a summary of the physical and social functioning level or ability of the respondent, and the availability of support services from the family, neighbors, community or any other appropriate source. Such evidence may include, if available, reports from the social work service of a general hospital, municipal social worker, director of social service, public health nurse, public health agency, psychologist, coordinating assessment and monitoring agencies, or such other persons as the court considers qualified to provide such evidence.

(2) The court may waive the requirement that medical evidence be presented if it is shown that the evidence is impossible to obtain because of the absence of the respondent or the respondent's refusal to be examined by a physician or that the alleged incapacity is not medical in nature. If such requirement is waived, the court shall make a specific finding in any decree issued on the application stating why medical evidence was not required.

(3) Any hospital, psychiatric, psychological or medical record or report filed with the court pursuant to this subsection shall be confidential.

(d) Upon the filing of an application for involuntary representation pursuant to section 45a-648, the court shall issue an order for the disclosure of the medical information required pursuant to this section and any psychological information submitted with respect to a person with intellectual disability pursuant to subsection (c) of this section to the respondent's attorney and, upon request, to the respondent. The court may issue an order for the disclosure of such **[**medical**]** information to any other person as the court determines necessary.

Sec. 2. Subsections (c) and (d) of section 45a-660 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(c) The court shall review each conservatorship not later than one year after the conservatorship was ordered, and not less than every three years after such initial one-year review. After each such review, the court shall continue, modify or terminate the order for conservatorship. The court shall receive and review written evidence as to the condition of the conserved person. The conservator and a physician licensed to practice medicine in this state shall each submit a written report to the court **[**within**]** not more than forty-five days **[**of**]** after the court's request for such report, except that for a person with intellectual disability, as defined in section 1-1g, a psychologist licensed pursuant to chapter 383 may submit such written report in lieu of a physician. On receipt of a written report

from the conservator or a physician or psychologist, as the case may be, the court shall provide a copy of the report to the conserved person and the attorney for the conserved person. If the conserved person is unable to request or obtain an attorney, the court shall appoint an attorney. If the conserved person is unable to pay for the services of the attorney, the reasonable rates of compensation of such attorney shall be established by, and the attorney shall be paid from funds appropriated to, the Judicial Department. If funds have not been included in the budget of the Judicial Department for such purposes, such rates of compensation shall be established by the Probate Court Administrator and the attorney shall be paid from the Probate Court Administration Fund. The physician or psychologist, as the case may be, shall examine the conserved person **[**within the forty-five-day period preceding**]** not more than forty-five days prior to the date of submission of the physician's or psychologist's report. Any physician's or psychologist's report filed with the court pursuant to this subsection shall be confidential. The court may issue an order for the disclosure of medical information **[**required**]** or psychological information received pursuant to this subsection, except that the court shall issue an order for the disclosure of **[**medical**]** such information to the conserved person's attorney. Not later than thirty days after receipt of the conservator's report and the physician's or psychologist's report, as the case may be, the attorney for the conserved person shall notify the court that the attorney has met with the conserved person and shall inform the court as to whether a hearing is being requested. Nothing in this section shall prevent the conserved person or the conserved person's attorney from requesting a hearing at any other time as permitted by law.

(d) If the court finds, after receipt of the reports from the attorney for the conserved person, the physician or psychologist, as the case may be, and the conservator, by clear and convincing evidence, that the conserved person continues to be incapable of managing his or her affairs or continues to be incapable of caring for himself or herself, as the case may be, and that there are no less restrictive means available to assist the conserved person in managing his or her affairs or caring for himself or herself, as the case may be, the court shall continue or modify the conservatorship under the terms and conditions of the appointment of the conservator under section 45a-650, as amended by this act. If the court does not make such a finding of continued incapacity by clear and convincing evidence, the court shall terminate the conservatorship. A hearing on the condition of the conserved person shall not be required under this subsection, except that the court may hold a hearing in its discretion and shall hold a hearing if the conserved person, conserved person's attorney or conservator requests a hearing, in which case the court shall hold a hearing within thirty days of such request.

Signed by the Governor on June 6, 2014

Substitute House Bill No. 5144

Public Act No. 14-133

AN ACT CONCERNING ACCESS TO BIRTH CERTIFICATES AND PARENTAL HEALTH INFORMATION FOR ADOPTED PERSONS.

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

Section 1. Section 7-51 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) (1) The department and registrars of vital statistics shall restrict access to and issuance of a certified copy of birth and fetal death records and certificates less than one hundred years old, to the following eligible parties: **[**(1)**]** (A) The person whose birth is recorded, if such person is **[**(A)**]** (i) over eighteen years of age, **[**or (B)**]** (ii) a certified homeless youth, as defined in section 7-36, **[**; (2) the person whose birth is recorded, if such person is**]** or (iii) a minor emancipated pursuant to sections 46b-150 to 46b-150e, inclusive; **[**(3)**]** (B) such person's **[**children**]** child, **[**grandchildren**]** grandchild, spouse, parent, guardian or grandparent; **[**(4)**]** (C) the chief executive officer of the municipality where the birth or fetal death occurred, or the chief executive officer's authorized agent; **[**(5)**]** (D) the local director of health for the town or city where the birth or fetal death occurred or where the mother was a resident at the time of the birth or fetal death, or the director's authorized agent; **[**(6)**]** (E) attorneys-at-law representing such person or such person's parent, guardian, child or surviving spouse; **[**(7)**]** (F) a conservator of the person appointed for such person; **[**(8) members**]** (G) a member of a genealogical **[**societies**]** society incorporated or authorized by the Secretary of the State to do business or conduct affairs in this state; **[**(9) agents**]** (H) an agent of a state or federal agency as approved by the department; and **[**(10) researchers**]** (I) a researcher approved by the department pursuant to section 19a-25.

(2) Except as provided in section 7-53, as amended by this act, and section 19a-42a, access to confidential files on paternity, adoption, gender change or gestational agreements, or information contained within such files, shall not be

released to any party, including the eligible parties listed in subdivision (1) of this subsection, except upon an order of a court of competent jurisdiction.

(b) No person other than the eligible parties listed in subsection (a) of this section shall be entitled to examine or receive a copy of any birth or fetal death record or certificate, access the information contained therein, or disclose any matter contained therein, except upon written order of a court of competent jurisdiction. Nothing in this section shall be construed to permit disclosure to any person, including the eligible parties listed in subsection (a) of this section, of information contained in the "information for health and statistical use only" section or the "administrative purposes only" section of a birth certificate, unless specifically authorized by the department for statistical or research purposes. The Social Security number of the parent or parents listed on any birth certificate shall not be released to any party, except to those persons or entities authorized by state or federal law. Such confidential information, other than the excluded information set forth in this subsection, shall not be subject to subpoena or court order and shall not be admissible before any court or other tribunal.

(c) (1) The registrar of the town in which the birth or fetal death occurred or of the town in which the mother resided at the time of the birth or fetal death, or the department, may issue a certified copy of the certificate of birth or fetal death of any person born in this state **[**which**]** that is kept in paper form in the custody of the registrar. Except as provided in subdivision (2) of this subsection, such certificate shall be issued upon the written request of an eligible party listed in subsection (a) of this section. Any registrar of vital statistics in this state with access, as authorized by the department, to the electronic vital records system of the department may issue a certified copy of the electronically filed certificate of birth or fetal death of any person born in this state upon the written request of an eligible party listed in subsection (a) of this section.

(2) In the case of a certified homeless youth, such certified homeless youth and the person who is certifying the certified homeless youth as homeless, as described in section 7-36, shall appear in person when the certified homeless youth is presenting the written request described in subdivision (1) of this subsection at (A) the office of the registrar of the town in which the certified homeless youth was born, (B) the office of the registrar of the town in which the mother of the certified homeless youth resided at the time of the birth, (C) if the birth certificate of the certified homeless youth has been electronically filed, any registrar of vital statistics in the state with access, as authorized by the department, to the electronic vital records system, or (D) the state vital records office of the department. The certified homeless youth shall present to the registrar or the department information sufficient to identify himself or herself as may be required by regulations adopted by the commissioner pursuant to section 7-41. The person who is certifying the certified homeless youth as homeless shall present to the registrar or the department information sufficient to identify himself or herself as meeting the certification requirements of section 7-36.

(d) The department and each registrar of vital statistics shall issue only certified copies of birth certificates or fetal death certificates, **[**for births or fetal deaths occurring less than one hundred years prior to the date of the request**]** except as provided in sections 7-51a and 7-53, as amended by this act.

Sec. 2. Section 7-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) Upon receipt of the record of adoption referred to in subsection (e) of section 45a-745 or of other evidence satisfactory to the department that a person born in this state has been adopted, the department shall prepare a new birth certificate of such adopted person, except that no new certificate of birth shall be prepared if the court decreeing the adoption, the adoptive parents or the adopted person, if over fourteen years of age, so requests. Such new birth certificate shall include all the information required to be set forth in a certificate of birth of this state as of the date of birth, except that the adopting parents shall be named as the parents instead of the **[**genetic**]** birth parents and, when a certified copy of the birth of such person is requested by an **[**authorized person**]** eligible party as described in subdivision (1) of subsection (a) of section 7-51, as amended by this act, a copy of the new certificate of birth as prepared by the department shall be provided. **[**Any person**]** Immediately after a new certificate of birth has been prepared, an exact copy of such certificate, together with a written notice of the evidence of adoption, shall be transmitted by the department to the registrar of vital statistics of each municipality in which the birth of the adopted person is recorded. The new birth certificate, the original certificate of birth on file and the evidence of adoption shall be filed and indexed, under such regulations as the commissioner adopts, in accordance with chapter 54, to carry out the provisions of this section and to prevent access to the records of birth and adoption and the information contained in the records, except as provided in this section.

(b) Except as provided in subsection (c) of this section and section 10 of this act, an original certificate of birth may only be issued if the person named in the certificate of birth is deceased and the person seeking to obtain such certificate of birth is an authorized applicant, as defined in section 45a-743. Any authorized applicant seeking to **[**examine or**]** obtain a copy of the original **[**record or**]** certificate of birth shall first obtain a written court order **[**signed by the judge of the probate court for the district in which the adopted person was adopted or born in accordance with section 45a-753, or a written order of the Probate Court in accordance with the provisions of section 45a-752, stating that the court is of the opinion that the examination of the birth record of the adopted person by the adopting parents or the adopted person, if over eighteen years of age, or by the person wishing to examine the same or that the issuance of a copy of such birth certificate to the adopting parents or the adopted person, if over eighteen years of age, or to the person applying therefor will not be detrimental to the public interest or to the welfare of the adopted person or to the welfare of the genetic or adoptive parent or parents**]** issued in accordance with section 10 of this act.

Upon receipt of such court order, **[**the registrar of vital statistics of any town in which the birth of such person was recorded, or**]** the department **[**,**]** may issue **[**the certified**]** an uncertified copy of the original certificate of birth on file, marked with a notation by the issuer that such original certificate of birth has been superseded by a replacement certificate of birth as on file. **[**, or may permit the examination of such record. Immediately after a new certificate of birth has been prepared, an exact copy of such certificate, together with a written notice of the evidence of adoption, shall be transmitted by the department to the registrar of vital statistics of each town in this state in which the birth of the adopted person is recorded. The new birth certificate, the original certificate of birth on file and the evidence of adoption shall be filed and indexed, under such regulations as the commissioner adopts, in accordance with chapter 54, to carry out the provisions of this section and to prevent access to the records of birth and adoption and the information therein contained without due cause, except as provided in this section. **]**

(c) Upon request, the department shall issue an uncertified copy of an original certificate of birth to (1) an adopted person who is eighteen years of age or older whose adoption was finalized on or after October 1, 1983, or (2) such adopted person's adult child or grandchild. Such certificate shall be marked with a notation by the issuer that such original certificate of birth has been superseded by a replacement certificate of birth as on file. Additionally, a notice stating that information related to the birth parents' preferences regarding contact by such adopted person or such adopted person's adult child or grandchild and a medical health history form completed by the birth parent may be on file with the Department of Children and Families shall be printed on such certificate or attached thereto.

(d) Any person, except such birth or adoptive parents, **[**or**]** such adopted person or such adopted person's adult child or grandchild, who discloses any information contained in such records, except as provided in this section shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(e) Whenever a certified copy of an adoption decree from a court of a foreign country, having jurisdiction of the adopted person, is filed with the department under the provisions of this section, such decree, when written in a language other than English, shall be accompanied by an English translation, which shall be subscribed and sworn to as a true translation by an American consulate officer stationed in such foreign country.

Sec. 3. (NEW) (*Effective July 1, 2015*) (a) Upon the request of a birth parent, the Department of Children and Families shall make available to him or her a contact preference form on which the birth parent may state a preference regarding contact by the person whose birth is recorded on a certificate of birth that may be made available in accordance with section 7-53 of the general statutes, as

amended by this act, to an adopted person when such person is eighteen years of age or older or to such adopted person's adult child or grandchild. Upon such request, the department shall also provide the birth parent with a form on which to record his or her health history pursuant to subdivision (10) of subsection (a) of section 45a-746 of the general statutes.

(b) The contact preference form shall provide the birth parent with the following options from which the birth parent shall select one:

(1) I would like to be contacted.

(2) I would like to be contacted, but only through an intermediary, as designated by the birth parent.

(3) I do not want to be contacted.

(c) When the department receives a completed contact preference form or completed health history form from a birth parent, the department shall maintain such form in a confidential file and shall provide copies only to the adopted person who is eighteen years of age or older or such adopted person's adult child or grandchild, upon request. A completed contact preference form shall not be considered a public record for the purposes of section 1-210 of the general statutes.

Sec. 4. (NEW) (*Effective from passage*) (a) Not later than January 1, 2016, and annually thereafter until January 1, 2021, the Commissioner of Public Health shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, concerning the number of original birth certificates issued annually to adopted persons eighteen years of age or older whose adoption was finalized on or after October 1, 1983, or the adult children or grandchildren of adopted persons in accordance with section 7-53 of the general statutes, as amended by this act, to the joint standing committee of the General Assembly having cognizance of matters relating to public health.

(b) Not later than January 1, 2016, and annually thereafter until January 1, 2021, the Commissioner of Children and Families shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, concerning the number of contact preference forms and medical health history forms annually filed with the department in accordance with section 3 of this act to the joint standing committee of the General Assembly having cognizance of matters relating to public health. The report shall include the number of birth parents that selected each option described in section 3 of this act.

Sec. 5. Section 7-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The fee for a certification of birth registration, short form, shall be fifteen dollars. The fee for a certified copy of a certificate of birth, long form, shall be twenty dollars, except that the fee for such certifications and copies when issued by the department shall be thirty dollars.

(b) The fee for a certified copy of a certificate of marriage or death shall be twenty dollars. Such fees shall not be required of the department.

(c) The fee for one certified copy of a certificate of death for any deceased person who was a veteran, as defined in subsection (a) of section 27-103, shall be waived when such copy is requested by a spouse, child or parent of such deceased veteran.

(d) The fee for an uncertified copy of an original certificate of birth issued pursuant to section 7-53, as amended by this act, shall be sixty-five dollars.

Sec. 6. Section 45a-744 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

It is the policy of the state of Connecticut to make available to adopted and adoptable persons who are adults (1) information concerning their background and status; to give the same information to their adoptive parent or parents; and, in any case where such **[**adult**]** adopted or adoptable persons are deceased, to give the same information to their adult descendants, including adopted descendants; **[**except a copy of their original birth certificate as provided by section 7-51; **]** (2) to provide for consensual release of additional information which may identify the biological parents or relatives of such adult adopted or adoptable persons when release of such information is in the best interests of such persons; (3) except as provided in subdivisions **[**(4) and (5)**]** (1) and (4) to (6), inclusive, of this section, to protect the right to privacy of all parties to termination of parental rights, statutory parent and adoption proceedings; (4) to make available to any biological parent of an adult adopted or adult adoptable person, including a person claiming to be the father who was not a party to the proceedings for termination of parental rights, information which would tend to identify such adult adopted or **[**adult**]** adoptable person; **[**and**]** (5) to make available to any adult biological sibling of an adult adopted or adult adoptable person information which would tend to identify such adult adopted or adult adoptable person; and (6) to make available to any adult adopted person eighteen years of age or older or such adopted person's adult child or grandchild a copy of an original birth certificate, as provided in section 7-53, as amended by this act, or section 10 of this act.

Sec. 7. Section 45a-751b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) **[**If**]** Except as provided in subsection (c) of this section, if parental rights were terminated on or after October 1, 1995, any information tending to identify the adult adopted or adoptable person, a biological parent, including a person claiming to be the father who was not a party to the proceedings for the termination of parental rights, or adult biological sibling shall not be disclosed unless written consent is obtained from the person whose identity is being requested.

(b) (1) **[**If**]** Except as provided in subsection (c) of this section, if parental rights were terminated on or before September 30, 1995, (A) any information tending to identify the biological parents, including a person claiming to be the father who was not a party to the proceedings for the termination of parental rights, shall not be disclosed unless written consent is obtained from each biological parent who was party to such proceedings, except as provided in subdivision (2) of this subsection, and (B) identifying information shall not be disclosed to a biological parent, including a person claiming to be the father who was not a party to the proceedings for the termination of parental rights, without the written consent of each biological parent who was a party to such proceedings and the consent of the adult adopted or adoptable person whose identity is being requested.

(2) **[**On**]** Except as provided in subsection (c) of this section, on and after October 1, 2009, information tending to identify a biological parent who is subject to this subsection may be disclosed to an authorized applicant if the biological parent whose information is to be disclosed provides written consent, provided the child-placing agency or department attempts to determine the whereabouts of the other biological parent and obtain written consent from such other biological parent to permit disclosure of such information in the manner permitted under subdivision (1) of this subsection. If such other biological parent cannot be located or does not provide such written consent, information tending to identify the biological parent who has provided written consent may be disclosed to an authorized applicant, provided: (A) Information tending to identify the other biological parent shall not be disclosed without the written consent of the other biological parent, and (B) the biological parent whose information is to be disclosed signs an affidavit that such parent shall not disclose any information tending to identify the other biological parent without the written consent of the other biological parent.

(c) Regardless of the date parental rights were terminated, on or after July 1, 2015, the Department of Public Health shall, upon request, issue an uncertified copy of an original birth certificate to an adopted person eighteen years of age or older who is the subject of the birth certificate and whose adoption was finalized on or after October 1, 1983, or such adopted person's adult child or grandchild, in accordance with the provisions of section 7-53, as amended by this act.

[(c)**]** (d) If the whereabouts of any person whose identity is being sought are unknown, the court shall appoint a guardian ad litem pursuant to subsection (c) of section 45a-753, as amended by this act.

[(d)**]** (e) When the authorized applicant requesting identifying information has contact with a biological sibling who is a minor, identifying information shall not be disclosed unless consent is obtained from the adoptive parents or guardian or guardian ad litem of the sibling.

[(e)**]** (f) Any information tending to identify any adult relative other than a biological parent shall not be disclosed unless written consent is obtained from such adult relative. The consent of any biological parents common to the person making the request and the person to be identified shall be required unless (1) the parental rights of such parents have been terminated and not reinstated, guardianship has been removed and not reinstated or custody has been removed and not reinstated with respect to such adult relative or (2) the adoption was finalized on or after June 12, 1984. No consent shall be required if the person to be identified is deceased. If the person to be identified is deceased, the information that may be released shall be limited as provided in subsection (e) of section 45a-753, as amended by this act.

[(f)**]** (g) Any adult person for whom there is only removal of custody or removal of guardianship as specified in subsection (b) of section 45a-750, as amended by this act, may apply in person or in writing to the child-placing agency, the department, the court of probate or the superior court **[**which**]** that has the information. Such information shall be made available within sixty days of receipt of such request unless the child-placing agency, department or court notifies the person requesting the information that it cannot be made available within sixty days and states the reason for the delay. If the person making such request is a resident of this state and it appears that counseling is advisable with release of the information, the child-placing agency or department may request that the person appear for an interview. If the person making such request is not a resident of this state, and if it appears that counseling is advisable with release of the information, the child-placing agency, department or court may refer the person to an out-of-state agency or appropriate governmental agency or department, approved by the department or accredited by the Child Welfare League of America, the National Conference of Catholic Charities, the Family Services Association of America or the Council on Accreditation of Services of Families and Children. If an out-of-state referral is made, the information shall be released to the out-of-state child-placing agency or department for release to the applicant, provided such information shall not be released unless the out-of-state child-placing agency or department is satisfied as to the identity of the person.

Sec. 8. Subsection (c) of section 19a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(c) An amended certificate shall supersede the original certificate that has been changed and shall be marked "Amended", except for amendments due to parentage or gender change. The original certificate in the case of parentage or gender change shall be physically or electronically sealed and kept in a confidential file by the department and the registrar of any town in which the birth was recorded, and may be unsealed for **[**viewing or**]** issuance only as provided in section 7-53, as amended by this act, or upon a written order of a court of competent jurisdiction. The amended certificate shall become the **[**public**]** official record.

Sec. 9. Subsection (b) of section 45a-750 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(b) Any person for whom there is only a removal of custody or removal of guardianship, and such removal took place in this state shall be given information **[**which**]** that may identify the biological parent or parents or any relative of such person, upon request, in person or in writing, in accordance with subsection **[**(f)**]** (g) of section 45a-751b, as amended by this act, provided such information with respect to any relative shall not be released unless the consents required in subsection **[**(e)**]** (f) of section 45a-751b, as amended by this act, are obtained.

Sec. 10. (NEW) (*Effective July 1, 2015*) (a) On the petition of an adopted person who is eighteen years of age or older and whose adoption was finalized prior to October 1, 1983, or such adopted person's adult child or grandchild, the Probate Court or the Superior Court that finalized an adoption or appointed a guardian ad litem in accordance with section 45a-753 of the general statutes, as amended by this act, shall issue an order directing the Department of Public Health to issue an uncertified copy of an original birth certificate to such adopted person or such adopted person's child or grandchild in accordance with subsection (b) of section 7-53 of the general statutes, as amended by this act, provided each birth parent named on the original birth certificate: (1) Consents to the release of identifying information in accordance with sections 45a-751 to 45a-751b, inclusive, of the general statutes, as amended by this act; (2) is deceased; or (3) a legal representative or guardian ad litem consents to the release of identifying information on behalf of the birth parent in accordance with section 45a-753 of the general statutes, as amended by this act. Nothing in this section shall limit the right of an adopted person eighteen years of age or older whose adoption was finalized on or after October 1, 1983, or such adopted person's adult child or grandchild to obtain an uncertified copy of an original birth certificate pursuant to section 7-53 of the general statutes, as amended by this act.

(b) On the petition of an authorized applicant, as defined in section 45a-743 of the general statutes, the Probate Court or the Superior Court that finalized an adoption or appointed a guardian ad litem in accordance with section 45a-753 of the general statutes, as amended by this act, shall issue an order directing the Department of Public Health to issue an uncertified copy of an original birth

certificate to the authorized applicant in accordance with subsection (b) of section 7-53 of the general statutes, as amended by this act, provided the person named in the certificate of birth is deceased and each birth parent named on the original birth certificate: (1) Consents to the release of identifying information, in accordance with sections 45a-751 to 45a-751b, inclusive, of the general statutes, as amended by this act; (2) is deceased; or (3) a legal representative or guardian ad litem consents to the release of identifying information on behalf of the birth parent, in accordance with section 45a-753 of the general statutes, as amended by this act.

Sec. 11. Section 45a-753 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) If a request is received pursuant to section 45a-751, the child-placing agency or department **[**which**]** that has agreed to attempt to locate the person or persons whose identity is being requested or the child-placing agency or department **[**which**]** that furnished a report ordered by the court following a petition **[**made under subsection (f) of this section**]** shall not be required to expend more than ten **[**hours**]** hours' time within sixty days of receipt of the request unless the child-placing agency or department notifies the authorized applicant of a delay and states the reason for the delay. The child-placing agency or department may charge the applicant reasonable compensation and be reimbursed for expenses in locating any person whose identity is being requested. The obtaining of such consent shall be accomplished in a manner **[**which**]** that will protect the confidentiality of the communication and shall be done without disclosing the identity of the applicant. For the purposes of this section any records at the **[**Court of**]** Probate Court or the Superior Court shall be available to an authorized representative of the child-placing agency or department to which the request has been made.

(b) If the child-placing agency or department is out-of-state and unwilling to expend time for such purpose, the **[**court of probate which**]** Probate Court or Superior Court that finalized the adoption or terminated parental rights **[**or the superior court which terminated parental rights**]** shall upon petition appoint a licensed or approved child-placing agency or the department to complete the requirements of this section.

(c) If the relative whose identity is requested cannot be located or appears to be incompetent but has not been legally so declared, the **[**Court of**]** Probate Court or the Superior Court shall appoint a guardian ad litem under the provisions of section 45a-132, at the expense of the person making the request. The guardian ad litem shall decide whether to give consent on behalf of the relative whose identity is being requested.

(d) If the relative whose identity has been requested has been declared legally incapable or incompetent by a court of competent jurisdiction, then the legal representative of such person may consent to the release of such information.

(e) Such guardian ad litem or legal representative shall give such consent unless after investigation he or she concludes that it would not be in the best interest of the adult person to be identified for such consent to be given. **[**If**]** Except as provided in section 10 of this act, if release of the information requires the consent of such guardian ad litem or legal representative, or if the person whose identity is sought is deceased, only the following information may be released: (1) All names by which the person whose identity is being sought has been known, and all known addresses; (2) the date and place of such person's birth; (3) all places where such person was employed; (4) such person's Social Security number; (5) the names of educational institutions such person attended; and (6) any other information that may assist in the search of a person who cannot be located.

[(f) (1) If (A) the person whose identity is being sought cannot be located or is incompetent or (B) the child-placing agency or department has not located the person within sixty days, the authorized applicant may petition for access to the information to the court of probate or the superior court which terminated the parental rights or to the court of probate which approved the adoption.

(2) Within fifteen days of receipt of the petition, the court shall order the child-placing agency or department which has access to such information to present a report. The report by the child-placing agency or department shall be completed within sixty days after receipt of the order from the court.

(3) If the child-placing agency or department is out-of-state and unwilling to provide the report, the court shall refer the matter to a child-placing agency in this state or to the department for a report.

(4) The report shall determine through an interview with the adult adopted or adult adoptable person and through such other means as may be necessary whether (A) release of the information would be seriously disruptive to or endanger the physical or emotional health of the authorized applicant, and (B) release of the information would be seriously disruptive to or endanger the physical or emotional health of the person whose identity is being requested.

(5) Upon receipt of the report, or upon expiration of sixty days, whichever is sooner, the court shall set a time and place for hearing not later than fifteen days after receipt of the report or expiration of such sixty days, whichever is sooner. The court shall immediately give notice of the hearing to the authorized applicant and to the child-placing agency or the department.

(6) At the hearing, the authorized applicant may give such evidence to support the petition as the authorized applicant deems appropriate.

(7) Within fifteen days after the conclusion of the hearing, the court shall issue a decree as to whether the information requested shall be given to the authorized applicant.

(8) The requested information shall be provided to the authorized applicant unless the court determines that: (A) Consent has not been granted by a guardian ad litem appointed by the court to represent the person whose identity has been requested; (B) release of the information would be seriously disruptive to or endanger the physical or emotional health of the authorized applicant; or (C) release of the information would be seriously disruptive to or endanger the physical or emotional health of the person whose identity is being requested.

(9) If the court denies the petition and determines that it would be in the best interests of the person whose identity is being requested to be notified that the authorized applicant has petitioned the court for identifying information, the court shall request the child-placing agency or department to so notify the person whose identity is being requested. The notification shall be accomplished in a manner which will protect the confidentiality of the communication and shall be done without disclosing the identity of the authorized applicant. If the person whose identity is being requested is so notified, the authorized applicant who petitioned the court shall be informed that this notification was given. **]**

Signed by the Governor on June 6, 2014

Substitute House Bill No. 5466

Public Act No. 14-155

AN ACT CONCERNING THE DEPARTMENT OF REVENUE SERVICES' STATUTES AND PROCEDURES, INCLUDING BACKGROUND CHECKS FOR EMPLOYEES, THE MASTER SETTLEMENT AGREEMENT, THE MOTOR VEHICLE FUELS TAX, THE ESTATE TAX, ADDITIONS AND CHANGES TO VARIOUS PUBLIC LISTS MAINTAINED BY THE DEPARTMENT, THE PAYMENT SCHEDULE FOR THE SALES AND USE TAX, A DATA MATCH SYSTEM WITH FINANCIAL INSTITUTIONS, THE PERSONAL INCOME TAX AND TECHNICAL CORRECTIONS.

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

Sec. 11. Subsections (c) and (d) of section 12-391 of the 2014 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) For purposes of this section:

(1) (A) "Connecticut taxable estate" means, with respect to the estates of decedents dying on or after January 1, 2005, but prior to January 1, 2010, (i) the gross estate less allowable deductions, as determined under Chapter 11 of the Internal Revenue Code, plus (ii) the aggregate amount of all Connecticut taxable gifts, as defined in section 12-643, made by the decedent for all calendar years beginning on or after January 1, 2005, but prior to January 1, 2010. The deduction for state death taxes paid under Section 2058 of said code shall be disregarded.

(B) "Connecticut taxable estate" means, with respect to the estates of decedents dying on or after January 1, 2010, but prior to January 1, 2015, (i) the gross estate less allowable deductions, as determined under Chapter 11 of the Internal Revenue Code, plus (ii) the aggregate amount of all Connecticut taxable gifts, as defined in section 12-643, made by the decedent for all calendar years beginning on or after January 1, 2005. The deduction for state death taxes paid under Section 2058 of said code shall be disregarded.

(C) "Connecticut taxable estate" means, with respect to the estates of decedents dying on or after January 1, 2015, (i) the gross estate less allowable deductions, as determined under Chapter 11 of the Internal Revenue Code, plus (ii) the aggregate amount of all Connecticut taxable gifts, as defined in section 12-643, made by the decedent for all calendar years beginning on or after January 1, 2005, other than Connecticut taxable gifts that are includable in the gross estate for federal estate tax purposes of the decedent, plus (iii) the amount of any tax paid to this state pursuant to section 12-642 by the decedent or the decedent's estate on any gift made by the decedent or the decedent's spouse during the three-year period preceding the date of the decedent's death. The deduction for state death taxes paid under Section 2058 of the Internal Revenue Code shall be disregarded.

(2) "Internal Revenue Code" means the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, except in the event of repeal of the federal estate tax, then all references to the Internal Revenue Code in this section shall mean the Internal Revenue Code as in force on the day prior to the effective date of such repeal.

(3) "Gross estate" means the gross estate, for federal estate tax purposes.

(d) (1) (A) With respect to the estates of decedents who die on or after January 1, 2005, but prior to January 1, 2010, a tax is imposed upon the transfer of the estate of each person who at the time of death was a resident of this state. The amount of the tax shall be determined using the schedule in subsection (g) of this section. A credit shall be allowed against such tax for any taxes paid to this state pursuant to section 12-642 for Connecticut taxable gifts made on or after January 1, 2005, but prior to January 1, 2010.

(B) With respect to the estates of decedents who die on or after January 1, 2010, but prior to January 1, 2015, a tax is imposed upon the transfer of the estate of each person who at the time of death was a resident of this state. The amount of the tax shall be determined using the schedule in subsection (g) of this section. A credit shall be allowed against such tax for any taxes paid to this state pursuant to section 12-642 for Connecticut taxable gifts made on or after January 1, 2005, provided such credit shall not exceed the amount of tax imposed by this section.

(C) With respect to the estates of decedents who die on or after January 1, 2015, a tax is imposed upon the transfer of the estate of each person who at the time of death was a resident of this state. The amount of the tax shall be determined using the schedule in subsection (g) of this section. A credit shall be allowed against such tax for (i) any taxes paid to this state pursuant to section 12-642 by the decedent or the decedent's estate for Connecticut taxable gifts made on or after January 1, 2005, and (ii) any taxes paid by the decedent's spouse to this

state pursuant to section 12-642 for Connecticut taxable gifts made by the decedent on or after January 1, 2005, that are includable in the gross estate of the decedent, provided such credit shall not exceed the amount of tax imposed by this section.

(2) If real or tangible personal property of such decedent is located outside of this state, the amount of tax due under this section shall be reduced by an amount computed by multiplying the tax otherwise due pursuant to subdivision (1) of this subsection, without regard to the credit allowed for any taxes paid to this state pursuant to section 12-642, by a fraction, **[**(i)**]** (A) the numerator of which is the value of that part of the decedent's gross estate attributable to real or tangible personal property located outside of the state, and **[**(ii)**]** (B) the denominator of which is the value of the decedent's gross estate.

(3) For a resident estate, the state shall have the power to levy the estate tax upon real property situated in this state, tangible personal property having an actual situs in this state and intangible personal property included in the gross estate of the decedent, regardless of where it is located. The state is permitted to calculate the estate tax and levy said tax to the fullest extent permitted by the Constitution of the United States.

Sec. 12. (*Effective from passage*) Section 120 of public act 13-247, shall take effect June 19, 2013. It is the intent of the General Assembly that the amendments made by section 120 of public act 13-247 to subsections (d) and (e) of section 12-391 of the general statutes, as amended by this act, are clarifying in nature and apply to all open estates.

Sec. 16. Subdivision (10) of subsection (a) of section 12-701 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to taxable years commencing on or after January 1, 2014*):

(10) "Connecticut fiduciary adjustment" means the net positive or negative total of the following items relating to income, gain, loss or deduction of a trust or estate: (A) There shall be added together (i) any interest income from obligations issued by or on behalf of any state, political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity, exclusive of such income from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut and exclusive of any such income with respect to which taxation by any state is prohibited by federal law, (ii) any exempt-interest dividends, as defined in Section 852(b)(5) of the Internal Revenue Code, exclusive of such exempt-interest dividends derived from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state

of Connecticut and exclusive of such exempt-interest dividends derived from obligations, the income with respect to which taxation by any state is prohibited by federal law, (iii) any interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States which federal law exempts from federal income tax but does not exempt from state income taxes, (iv) to the extent properly includable in determining the net gain or loss from the sale or other disposition of capital assets for federal income tax purposes, any loss from the sale or exchange of obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut, in the income year such loss was recognized, (v) to the extent deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries, any income taxes imposed by this state, (vi) to the extent deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries, any interest on indebtedness incurred or continued to purchase or carry obligations or securities the interest on which is exempt from tax under this chapter, (vii) expenses paid or incurred during the taxable year for the production or collection of income which is exempt from tax under this chapter, or the management, conservation or maintenance of property held for the production of such income, and the amortizable bond premium for the taxable year on any bond the interest on which is exempt from taxation under this chapter, to the extent that such expenses and premiums are deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries, **[**and**]** (viii) to the extent deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries, the deduction allowable as qualified domestic production activities income, pursuant to Section 199 of the Internal Revenue Code, and (ix) to the extent not includable in federal taxable income prior to deductions relating to distributions to beneficiaries, the total amount of a lump sum distribution for the taxable year. (B) There shall be subtracted from the sum of such items (i) to the extent properly includable in gross income for federal income tax purposes, any income with respect to which taxation by any state is prohibited by federal law, (ii) to the extent allowable under section 12-718, exempt dividends paid by a regulated investment company, (iii) with respect to any trust or estate which is a shareholder of an S corporation which is carrying on, or which has the right to carry on, business in this state, as said term is used in section 12-214, the amount of such shareholder's pro rata share of such corporation's nonseparately computed items, as defined in Section 1366 of the Internal Revenue Code, that is subject to tax under chapter 208, in accordance with subsection (c) of section 12-217 multiplied by such corporation's apportionment fraction, if any, as determined in accordance with section 12-218, (iv) to the extent properly includable in gross income for federal income tax purposes, any interest income from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut, (v) to the extent properly includable in determining the net gain or

loss from the sale or other disposition of capital assets for federal income tax purposes, any gain from the sale or exchange of obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut, in the income year such gain was recognized, (vi) any interest on indebtedness incurred or continued to purchase or carry obligations or securities the interest on which is subject to tax under this chapter, but exempt from federal income tax, to the extent that such interest on indebtedness is not deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries, (vii) ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income which is subject to taxation under this chapter, but exempt from federal income tax, or the management, conservation or maintenance of property held for the production of such income, and the amortizable bond premium for the taxable year on any bond the interest on which is subject to tax under this chapter, but exempt from federal income tax, to the extent that such expenses and premiums are not deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries, and (viii) the amount of any refund or credit for overpayment of income taxes imposed by this state, to the extent properly includable in gross income for federal income tax purposes for the taxable year and to the extent deductible in determining federal taxable income prior to deductions relating to distributions to beneficiaries for the preceding taxable year.

Signed by the Governor on June 11, 2014

Substitute Senate Bill No. 179

Public Act No. 14-194

AN ACT CONCERNING THE ALZHEIMER'S DISEASE AND DEMENTIA TASK FORCE'S RECOMMENDATIONS ON TRAINING.

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

Sec. 10. Section 45a-77 of the general statutes is amended by adding subsection (g) as follows (*Effective October 1, 2014*):

(NEW) (g) The Probate Court Administrator shall develop a plan to offer training to probate judges, paid conservators and other fiduciaries in diseases and disorders affecting the judgment of a person, including, but not limited to, Alzheimer's disease and dementia.

Signed by the Governor on June 12, 2014

Substitute Senate Bill No. 260

Public Act No. 14-204

AN ACT CONCERNING THE DUTIES OF A CONSERVATOR AND OTHER PERSONS AUTHORIZED TO MAKE DECISIONS RELATING TO THE CARE AND DISPOSITION OF A DECEASED PERSON'S BODY.

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

Section 1. Section 1-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

In a statutory short form power of attorney, the language conferring general authority with respect to personal relationships and affairs shall be construed to mean that the principal authorizes the agent: (1) To do all acts necessary for maintaining the customary standard of living of the spouse and children and other dependents of the principal, including, but not limited to, power to provide living quarters by purchase, lease or by other contract, or by payment of the operating costs, including interest, amortization payments, repairs and taxes, of premises owned by the principal and occupied by his family or dependents, to provide normal domestic help for the operation of the household; to provide usual vacations and usual travel expenses; to provide usual educational facilities, and to provide funds for all the current living costs of such spouse, children and other dependents, including, among other things, shelter, clothing, food and incidentals; (2) to provide, whenever necessary, medical, dental and surgical care, hospitalization and custodial care for the spouse, children and other dependents of the principal; (3) to continue whatever provision has been made by the principal, prior to the creation of the agency or thereafter, for his spouse, children and other dependents, with respect to automobiles, or other means of transportation, including, but not limited to, power to license, insure and replace any automobiles owned by the principal and customarily used by the spouse, children or other dependents of the principal; (4) to continue whatever charge accounts have been operated by the principal, prior to the creation of the agency or thereafter, for the convenience of his spouse, children or other dependents; to open such new accounts as the agent deems desirable for the accomplishment

of any of the purposes enumerated in this section, and to pay the items charged on such accounts by any person authorized or permitted by the principal to make such charges prior to the creation of the agency; (5) to continue the discharge of any services or duties assumed by the principal, prior to the creation of the agency or thereafter, to any parent, relative or friend of the principal; (6) to supervise and enforce, defend or settle any claim by or against the principal arising out of property damages or personal injuries suffered by or caused by the principal, or under such circumstances that the loss resulting therefrom will, or may, fall on the principal; (7) to continue payments incidental to the membership or affiliation of the principal in any church, club, society, order or other organization or to continue contributions thereto; (8) to demand, receive or obtain by action, proceeding or otherwise any money or other thing of value to which the principal is, or may become, or may claim to be, entitled as salary, wages, commission or other remuneration for services performed, or as a dividend or distribution upon any stock, or as interest or principal upon any indebtedness, or any periodic distribution of profits from any partnership or business in which the principal has or claims an interest, and to endorse, collect or otherwise realize upon any instrument for the payment so received; (9) to prepare, execute and file all tax, Social Security, unemployment insurance and information returns required by the laws of the United States or of any state or subdivision thereof, or of any foreign government; to prepare, execute and file all other papers and instruments which the agent deems desirable or necessary for the safeguarding of the principal against excess or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation, and to pay, to compromise, to contest or to apply for refunds in connection with any taxes or assessments for which the principal is or may be liable; (10) to utilize any asset of the principal for the performance of the powers enumerated in this section, including, but not limited to, power to draw money by check or otherwise from any bank deposit of the principal; sell any land, chattel, bond, share, commodity interest, chose in action or other asset of the principal; borrow money and pledge as security for such loan, any asset, including insurance, which belongs to the principal; (11) to execute, acknowledge, verify, seal, file and deliver any application, consent, petition, notice, release, waiver, agreement or other instrument which the agent deems useful for the accomplishment of any of the purposes enumerated in this section; (12) to prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any transaction enumerated in this section or to intervene in any action or proceeding relating thereto; (13) to hire, discharge and compensate any attorney, accountant, expert witness or other assistant or assistants when the agent deems such action to be desirable for the proper execution by him of any of the powers described in this section, and for the keeping of needed records thereof; **[**and**]** (14) to 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;

and (15) in general, and in addition to all the specific acts in this section enumerated, to do any other act or acts, which the principal can do through an agent, for the welfare of the spouse, children or dependents of the principal or for the preservation and maintenance of the other personal relationships of the principal to parents, relatives, friends and organizations. All powers described in this section shall be exercisable equally whether the acts required for their execution relate to real or personal property owned by the principal at the giving of the power of attorney or thereafter acquired and whether such acts are performable in the state of Connecticut or elsewhere.

Sec. 2. Section 45a-318 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(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: **[**(1)**]** (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 **[**(2)**]** (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 and cryogenic preservation. Any such document may designate an alternate to an individual designated under **[**subdivision (1) or (2) of this subsection**]** 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, as amended by this act, to act on behalf of a conserved person, or any agent authorized pursuant to subdivision (14) of section 1-52, as amended by this act, to act on behalf of a principal 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 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.

(b) No person having the custody and control of the disposition of a deceased person's body shall knowingly provide for a disposition of the body in a manner that is inconsistent with a document executed by a person pursuant to the provisions of subsection (a) of this section or section 19a-575a, unless such disposition is approved by the Probate Court.

[(b)**]** (c) No person may challenge a funeral director's decision to carry out the directions for disposition contained in a document executed for the purposes of subsection (a) or **[**(f)**]** (h) of this section if the funeral director's decision and conduct in carrying out such directions for disposition in reliance on such document was reasonable and warranted under the circumstances.

[(c)**]** (d) In the absence of a written designation of an individual pursuant to subsection (a) of this section, or in the event that an individual and any alternate designated pursuant to subsection (a) of this section decline to act or cannot be located within forty-eight hours after the time of death or the discovery of the body, the following individuals, in the priority listed, shall have the right to custody and control of the disposition of a person's body upon the death of such person, subject to any directions for disposition made by such person, conservator or agent pursuant to subdivision (1) or (2) of subsection (a) of this section:

(1) The deceased person's spouse, unless such spouse abandoned the deceased person prior to the deceased person's death or has been adjudged incapable by a court of competent jurisdiction;

(2) The deceased person's surviving adult children;

(3) The deceased person's surviving parents;

(4) The deceased person's surviving siblings;

(5) Any adult person in the next degree of kinship in the order named by law to inherit the deceased person's estate, provided such adult person shall be of the third degree of kinship or higher;

(6) Such adult person as the Probate Court shall determine.

(e) In the event that the applicable class of persons set forth in subdivisions (2) to (5), inclusive, of subsection (d) of this section, contains more than one person, the custody and control of the body shall be in a majority of the members of the class who can be located and indicate willingness to participate in making arrangements for the disposition within a reasonable time not to exceed ten days

after the date on which the deceased person is identified. Such class members shall indicate their decision in writing.

[(d)**]** (f) A document executed by a person for the purposes of subsection (a) or **[**(f)**]** (h) of this section shall revoke any document previously executed by such person for the purposes of said subsection or any prior cremation authorization or other authorization for the disposition of remains executed by such person.

[(e)**]** (g) A document executed by a person for the purposes of subsection (a) of this section may be in substantially the following form, but the use of such form shall not preclude the use of any other form:

DISPOSITION OF REMAINS AND

APPOINTMENT OF AGENT

I, ... , of . . . . , being of sound mind, make known that upon my death my body shall be disposed of in the following manner:

(Insert desired disposition directions)

I appoint . . . . , having an address and telephone number of . . . . , to have custody and control of my body to act as my agent to carry out the disposition directions expressed in this document, and in the absence of disposition directions, to have custody and control of my body and to determine the disposition of my body. If . . . . shall decline to act or cannot be located within forty-eight hours of my death or the discovery of my body, then . . . . , having an address and telephone number of . . . . , shall act in that person's place and stead.

Executed at (insert location of execution), Connecticut on (insert date of execution).

. . . .

(Signature)

Signed in our presence by . . . . who, at the time of the execution of this document, appeared to be of sound mind and over eighteen years old.

. . . . of . . . .

. . . .

(Signature of witness)

. . . . of . . . .

. . . .

(Signature of witness)

[(f)**]** (h) A DD Form 93, "Record of Emergency Data", executed by a member of the armed forces of the state or the United States shall be given the same legal effect as a document executed for the purposes of subsection (a) of this section.

[(g)**]** (i) The court of probate for the district of the domicile or residence of a deceased person shall have jurisdiction to hear and decide any issue regarding the custody, control or disposition of the deceased person's body, upon the petition of any individual designated by the deceased person pursuant to subsection (a) or **[**(f)**]** (h) of this section, the individual entitled to custody and control under subsection **[**(c)**]** (d) of this section if no designation is made pursuant to subsection (a) of this section, the first selectman, chief executive officer or director of health of the town in which the deceased person's body is being held, or the funeral director or any other person or institution holding the deceased person's body, and upon such notice to interested parties as the court shall determine.

[(h)**]** (j) This section shall not (1) apply to the disposition of the body of a deceased person under the provisions of sections 19a-270 and 54-102, (2) affect the powers and duties of the Chief Medical Examiner under the provisions of sections 19a-406 to 19a-408, inclusive, or (3) affect the making of anatomical gifts under the provisions of sections 14-42 and 19a-289 to 19a-289v, inclusive.

Sec. 3. Subsection (a) of section 45a-656 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The conservator of the person shall have the duties and authority expressly assigned by the court pursuant to section 45a-650, which duties and authority may include: (1) The duty and responsibility for the general custody of the conserved person; (2) the authority to establish the conserved person's residence within the state, subject to the provisions of section 45a-656b; (3) the authority to give consent for the conserved person's medical or other professional care, counsel, treatment or service; (4) the duty to provide for the care, comfort and maintenance of the conserved person; **[**and**]** (5) the authority to execute a written document in advance of the conserved person's death, in accordance with section 45a-318, as amended by this act, directing the disposition of the conserved person's body upon the death of such person or designating an individual to have custody and control of the disposition of such person's body upon the death of such person; and (6) the duty to take reasonable care of the conserved person's personal effects.

Sec. 4. Section 19a-580e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(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 (14) of section 1-52, as amended by this act, or section 45a-318, as amended by this act, unless the appointing court expressly so authorizes.

(b) Absent a court order to the contrary, a **[**health care**]** decision of a health care representative concerning health care or the disposition of the body of a deceased person takes precedence over that of a conservator, except under the following circumstances: (1) When the health care decision concerns a person who is subject to the provisions of section 17a-566, 17a-587, 17a-588 or 54-56d; (2) when a conservator has been appointed for a conserved person who is subject to an order authorized under subsection (e) of section 17a-543, for the duration of the conserved person's hospitalization; or (3) when a conservator has been appointed for a conserved person subject to an order authorized under section 17a-543a.

Signed by the Governor on June 13, 2014

Substitute House Bill No. 5537

Public Act No. 14-231

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES.

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

Sec. 2. Subsection (d) of section 19a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(d) (1) Upon receipt of (A) an acknowledgment of paternity executed in accordance with the provisions of subsection (a) of section 46b-172, as amended by this act, by both parents of a child born out of wedlock, or (B) a certified copy of an order of a court of competent jurisdiction establishing the paternity of a child born out of wedlock, the commissioner shall include on or amend, as appropriate, such child's birth certificate to show such paternity if paternity is not already shown on such birth certificate and to change the name of the child under eighteen years of age if so indicated on the acknowledgment of paternity form or within the certified court order as part of the paternity action. If a person who is the subject of a voluntary acknowledgment of paternity, as described in this subdivision, is eighteen years of age or older, the commissioner shall obtain a notarized affidavit from such person affirming that he or she agrees to the commissioner's amendment of such person's birth certificate as such amendment relates to the acknowledgment of paternity. The commissioner shall amend the birth certificate for an adult child to change his or her name only pursuant to a court order.

(2) If another father is listed on the birth certificate, the commissioner shall not remove or replace the father's information unless presented with a certified court order that meets the requirements specified in section 7-50, or upon the proper filing of a rescission, in accordance with the provisions of section 46b-172, as amended by this act. The commissioner shall thereafter amend such child's birth certificate to remove or change the father's name and to change the name of the

child, as requested at the time of the filing of a rescission, in accordance with the provisions of section 46b-172, as amended by this act. Birth certificates amended under this subsection shall not be marked "Amended".

Sec. 3. Subsection (a) of section 46b-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) (1) In lieu of or in conclusion of proceedings under section 46b-160, a written acknowledgment of paternity executed and sworn to by the putative father of the child when accompanied by (A) an attested waiver of the right to a blood test, the right to a trial and the right to an attorney, **[**and**]** (B) a written affirmation of paternity executed and sworn to by the mother of the child, and (C) if the person subject to the acknowledgment of paternity is an adult eighteen years of age or older, a notarized affidavit affirming consent to the voluntary acknowledgment of paternity, shall have the same force and effect as a judgment of the Superior Court. It shall be considered a legal finding of paternity without requiring or permitting judicial ratification, and shall be binding on the person executing the same whether such person is an adult or a minor, subject to subdivision (2) of this subsection. Such acknowledgment shall not be binding unless, prior to the signing of any affirmation or acknowledgment of paternity, the mother and the putative father are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing such affirmation or acknowledgment. The notice to the mother shall include, but shall not be limited to, notice that the affirmation of paternity may result in rights of custody and visitation, as well as a duty of support, in the person named as father. The notice to the putative father shall include, but not be limited to, notice that such father has the right to contest paternity, including the right to appointment of counsel, a genetic test to determine paternity and a trial by the Superior Court or a family support magistrate and that acknowledgment of paternity will make such father liable for the financial support of the child until the child's eighteenth birthday. In addition, the notice shall inform the mother and the father that DNA testing may be able to establish paternity with a high degree of accuracy and may, under certain circumstances, be available at state expense. The notices shall also explain the right to rescind the acknowledgment, as set forth in subdivision (2) of this subsection, including the address where such notice of rescission should be sent, and shall explain that the acknowledgment cannot be challenged after sixty days, except in court upon a showing of fraud, duress or material mistake of fact.

(2) The mother and the acknowledged father shall have the right to rescind such affirmation or acknowledgment in writing within the earlier of (A) sixty days, or (B) the date of an agreement to support such child approved in accordance with subsection (b) of this section or an order of support for such child entered in a proceeding under subsection (c) of this section. An acknowledgment executed in accordance with subdivision (1) of this subsection may be challenged in court or before a family support magistrate after the rescission period only on the basis of

fraud, duress or material mistake of fact which may include evidence that he is not the father, with the burden of proof upon the challenger. During the pendency of any such challenge, any responsibilities arising from such acknowledgment shall continue except for good cause shown.

(3) All written notices, waivers, affirmations and acknowledgments required under subdivision (1) of this subsection, and rescissions authorized under subdivision (2) of this subsection, shall be on forms prescribed by the Department of Public Health, provided such acknowledgment form includes the minimum requirements specified by the Secretary of the United States Department of Health and Human Services. All acknowledgments and rescissions executed in accordance with this subsection shall be filed in the paternity registry established and maintained by the Department of Public Health under section 19a-42a.

(4) An acknowledgment of paternity signed in any other state according to its procedures shall be given full faith and credit by this state.

Signed by the Governor on June 13, 2014