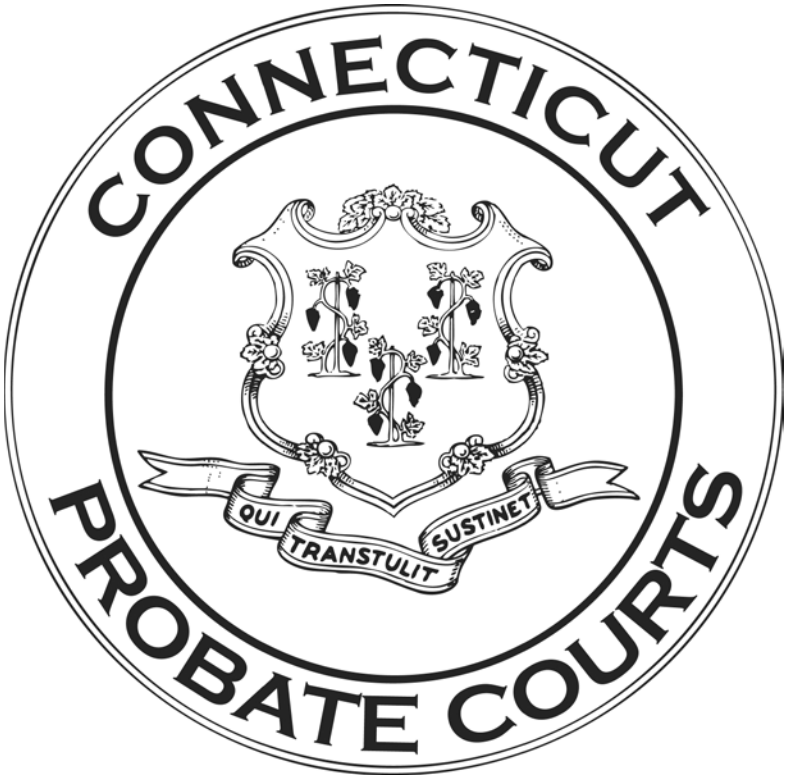
Office of the Probate Court Administrator

2015 Legislative Summary



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To: **All Judges and Court Staff**

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

Re: **2015 Legislative Summary**

The 2015 legislative session was a challenging one, particularly in the budget arena. Despite the difficulties, several bills that we supported, including our own Probate Court Operations bill, 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 date of each act.

We will present continuing education seminars on the new legislation at a series of clerks roundtables in October and at the Judges Institute on October 28.

As always, please feel free to contact us with any questions**.**

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June Special Session

Public Act 15-54 (HB 6815)

An Act Concerning the Definition and Use of the Term "Intellectual Disability"

Effective date: June 19, 2015

SUMMARY

Section 1 amends C.G.S. section 1-1g, which defines "intellectual disability." The term "mental retardation" has long since been removed from the statutes governing guardianship proceedings in the Probate Courts. However, section 1-1g retained both terms, indicating that "intellectual disability" and "mental retardation" had the same meaning. The term "mental retardation" has now been removed from the definition, leaving "intellectual disability" as the sole applicable term.

Public Act 15-132 (HB 7006)

An Act Concerning Birth Certificate Amendments

Effective date: October 1, 2015

SUMMARY

Section 2 amends C.G.S. section 19a-42b, which is an existing statute that authorizes Probate Courts to issue an order to change the sex designation on a person's birth certificate when the person resides in Connecticut but was born in a different jurisdiction. The act changes the supporting documentation required for the petition. Under the revised statute, the petitioner must provide a written statement, under penalty of law, that the applicant's gender differs from the sex designated on the original birth certificate. The applicant must also provide a notarized affidavit of a physician, advanced practice registered nurse or psychologist stating that the person has undergone surgical, hormonal or other treatment clinically appropriate for the purpose of gender transition.

Public Act 15-159 (HB 6723)

An Act Concerning Grounds for Termination of Parental Rights

Effective date: July 2, 2015

SUMMARY

Section 2 amends C.G.S. section 45a-717 concerning termination of parental rights proceedings in Probate Courts by adding abuse, as defined in section 46b-120, as a ground for termination.

Section 3 amends C.G.S. section 45a-717(b) to clarify that only a respondent parent is entitled to a court-appointed attorney in a termination. The compensation of the court-appointed attorney is paid from the Probate Court Administration Fund if the respondent parent is indigent.

Public Act 15-199 (HB 6899)

An Act Expanding Guardianship Opportunities for Children and Implementing Provisions of the Federal Preventing Sex Trafficking and Strengthening Families Act

Effective date: October 1, 2015

SUMMARY

The act makes several significant changes to statutes governing the Department of Children and Families. Three sections of the bill concern Probate Court matters.

Section 18 amends C.G.S. section 45a-715 in two distinct respects. The first concerns cooperative post-adoptive agreements under subsections (h) through (n) of the statute. These provisions allow parent(s) whose rights are to be terminated to enter into an agreement with prospective adoptive parents regarding contact between the birth parents and the child following adoption. Previously, the statute required that the child be in the custody of DCF, but that requirement has been removed. The act makes clear that such agreements between birth parents and adoptive parents are available in non-DCF adoptions. Any order approving a cooperative post-adoptive agreement must be made part of the decree terminating parental rights.

The second change to section 45a-715 establishes an additional requirement in adoption proceedings. Specifically, the amendment gives the court new authority that is *separate and distinct from the cooperative post-adoptive agreements* discussed above. Subsections (o) through (s) of section 18 provide that the court must consider, in all adoptions, whether it is in the child's best interests to allow post-adoption contact between the child and one or more biological siblings. The court must consider the following factors:

(1) age of the child and the sibling(s);
(2) extent of the existing relationship between the child and the sibling(s);
(3) physical, emotional and psychological needs, including any special needs, and stability of the child and the sibling(s);
(4) child's opinion and the opinion of the sibling(s); regarding post-adoption communication or contact;
(5) opinion of the adoptive parent regarding post-adoption communication or contact;
(6) opinions of experts, including any individuals who may have provided services to the child or the sibling(s);
(7) long-term plans for the child and the sibling(s); and
(8) relevant logistical concerns.

An order for post-adoption contact with sibling(s) must be included in the decree of adoption. An adoptive parent may petition the court to review the contact order at any time after the order has been issued. The court may terminate or modify the order after determining the best interests of the child based on the factors set forth above. The

court may not increase contact unless the adoptive parent consents and the court inquires about and considers the opinion of the child.

Section 19 amends the statute governing DCF's voluntary services program. Currently, when the child is receiving voluntary services from DCF, the agency is required to petition the Probate Court within 120 days of the child's admission for a determination of whether the care is in the child's best interests and, if so, whether there is an appropriate case service plan in place. Thereafter, annual reviews are required. The act modifies this process in several ways:

- Under the amended statutes, annual reviews are automatically required only if the child is in an out-of-home placement. For children receiving services in the family home, by contrast, only the initial 120 day review is required with no subsequent annual reviews. However, DCF, the parent or guardian, or the child, if 14 years old or older, may request periodic review of in-home services. The court may also conduct a hearing on its own motion if it determines that there are imminent concerns about the health and safety of the child.
- Any parent, guardian or child, if 14 years old or older, who disagrees with DCF's decision to terminate voluntary services may (1) request a DCF administrative hearing, or (2) request a hearing before the Probate Court. The Probate Court determines whether services may be discontinued by reviewing whether the termination was in accord with the applicable regulations adopted by the commissioner.
- DCF may transfer a child to DMHAS or DDS if it determines that the child's needs are better served by one of those agencies. DCF must give written notice to the parent or guardian and to the child, if 14 years old or older, before the transfer. If the voluntary placement has been the subject of a Probate Court proceeding, the commissioner must also notify the court of the transfer. Once the child or youth has been transferred to another agency, DCF has the option of continuing or terminating voluntary services. If DCF terminates services, DCF must notify the parent or guardian and the child, if 14 years old or older.

Section 20 deals with the role of an attorney who represents a party in a children's matter in a Probate Court that is transferred to the Superior Court for Juvenile Matters. Under the new statute an attorney's appearance in the Probate Court will continue in the Superior Court unless (1) the attorney files a motion to withdraw in the Probate Court within five days after the motion to transfer is filed, and the Probate Court grants the motion, (2) the Superior Court grants the attorney's a motion to withdraw, or (3) another attorney files an in lieu of appearance on behalf of the party. If the probate attorney continues to represent the party in Superior Court, the court may request that the Division of Public Defender Services contract with the attorney and provide compensation in accordance with the policies and rates established by the Public Defender Services Commission.

Public Act 15-217 (HB 7029)

An Act Concerning Probate Court Operations

Effective date: Various, please see individual sections below.

SUMMARY

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

Sections 1 through 6 & Section 28 address three-judge panels in various probate proceedings. *(Effective October 1, 2015)*

Sections 1 & 2 retain the respondent's right to request a three-judge panel in commitments, but remove the obsolete requirement that one of the three judges be an attorney.

Sections 4 & 5 eliminate the three-judge panel option in quarantine matters.

Section 28 repeals C.G.S. section 45a-122, which permitted a party to request a three-judge panel in any matter heard on the record by agreement of the parties under C.G.S. sections 51-72 and 51-73.

Sections 8 through 15 amend the statutes governing the Council on Probate Judicial Conduct and the statutes related to probate magistrates and attorney probate referees. *(Effective July 1, 2015)*

Section 8 authorizes the Chief Justice, who appoints probate magistrates and attorney probate referees, to suspend or remove a magistrate or referee for reasonable cause upon recommendation of the Probate Court Administrator or the Council on Probate Judicial Conduct.

Section 10 extends the jurisdiction of the council to probate magistrates, attorney probate referees and judicial candidates.

Section 10 also addresses the confidentiality of complaints to the council. Under section 15.5 of the Probate Court Rules of Procedure, when a party in a pending matter files a complaint with the council, the judge must either (a) recuse, or (b) disclose the existence of the complaint to all parties and attorneys and conduct a hearing on recusal or request citation of another judge to determine whether recusal is required. Section 10 of this act provides that an individual to whom disclosure is made shall not disclose the information to a third party unless the judge, magistrate or referee requests that the council's investigation be made public.

Section 16 is a rewrite of C.G.S. section 45a-273, which establishes the small estate procedure (affidavit in lieu of administration). The revision explicitly permits the use of

the affidavit even if the estate is insolvent. It also provides that courts may not issue a decree until 30 days after sending a copy of the affidavit to DAS. This provision applies whether or not the affidavit indicates that the decedent received public assistance. *(Effective October 1, 2015)*

Sections 17 through 19 authorize the Probate Courts to maintain separate bank accounts for escrow accounts, office budgets and kinship and respite funds and prohibit the commingling of funds. *(Effective July 2, 2015)*

Section 20 amends C.G.S. section 45a-614 to permit a non-relative having actual physical custody of a minor to petition for temporary custody and removal of parent as guardian. The act repeals the provision that allows the court to act on its own motion. *(Effective January 1, 2016)*

Section 21 amends C.G.S. section 45a-646 to conform the jurisdiction provisions for voluntary conservatorships to the provisions that apply to involuntary conservatorships. The amended statute permits a person to file a voluntary petition in the probate district where the petitioner resides, is domiciled or is presently located. As a result, a Probate Court hearing an involuntary petition for a person who is hospitalized away from home can now also hear a voluntary petition for that person. *(Effective January 1, 2016)*

Section 22 amends C.G.S. section 45a-671 to clarify who is entitled to notice of hearing on a petition for appointment of a guardian of a person with intellectual disability. *(Effective January 1, 2016)*

Section 23 amends C.G.S. section 47-36o concerning statutory form conservator deeds. The act replaces the term “incapable person” with “person under voluntary or involuntary conservatorship” to make clear that a conservator’s deed is proper in both voluntary and involuntary conservatorships. *(Effective October 1, 2015)*

Section 24 amends C.G.S. section 9-218 to give the Governor discretion whether to order a special election when a vacancy in the office of probate judge occurs. The act also makes clear that the Probate Court Administrator must cite another judge or judges to cover the court during any vacancy. *(Effective October 1, 2015)*

Section 25 grants explicit authority to Probate Courts to serve as passport acceptance agencies, at the option of each judge. *(Effective October 1, 2015)*

Section 26 amends C.G.S. section 45a-474 to permit a Probate Court to name a successor trustee for an inter vivos trust, in advance of a vacancy, when the trust instrument fails to make provision for a successor. The decree must indicate the conditions that the successor must satisfy before becoming trustee. The successor trustee may assume office immediately upon satisfying those conditions. *(Effective October 1, 2015)*

Section 27 moves the town of Plainville from the Region 19 Probate District (Bristol and Plymouth) to the Farmington-Burlington Probate District. *(Effective January 9, 2019)*

Public Act 15-225 (SB 1058)

An Act Concerning Chronic Absenteeism

Effective date: July 1, 2015

SUMMARY

The act expands the existing truancy clinic pilot program (currently limited to the New Haven and Waterbury Regional Children's Probate Courts) to permit the establishment of a truancy clinic at any regional children's court or any probate district that serves a town designated as an alliance district under C.G.S. section 10-262u. The establishment of clinics is discretionary on the part of the Probate Court Administrator within available appropriations. The current state budget does not provide any funding for truancy clinics.

Public Act 15-233 (SB 896)

An Act Concerning Protective Services for Suspected Elderly Abuse Victims

Effective date: July 1, 2015

SUMMARY

Section 9 permits the Commissioner of DSS to petition the Probate Court for an order to enter the premises of a suspected victim of elder abuse when the Commissioner has been refused access during an investigation. When petitioning the Probate Court, the Commissioner must state, among other things, the reason for the belief that the elderly person (defined as 60 or older) is in need of protective services, the name and address of the individual(s) responsible for preventing access, the person(s) who will conduct the assessment and any previous efforts the department has made to access the person's premises.

The court may issue an ex parte order permitting access if the court finds there is reasonable cause to believe that the person is at risk of imminent physical or mental harm, the person is in need of protective services and access to the premises has been refused. The order expires in 10 days of issuance. DSS must be accompanied by a law enforcement official when entering the premises. The act does not authorize DSS to remove the person from the premises or provide involuntary protective services.

Public Act 15-234 (SB 900)

An Act Concerning the Adoption of the Uniform Partition of Heirs' Property Act

Effective date: October 1, 2015

SUMMARY

Sections 1 through 15 establish a special procedure for partition actions when the underlying real estate is "heirs' property." Heirs' property is defined as real property of which at least 20% is held as tenants-in-common by relatives or by a person who inherited from a relative. The act applies to partition actions brought either in the Superior Court under C.G.S. section 52-495 to 52-503 or in Probate Court under C.G.S. section 45a-326. The act contains provisions for notice, valuation of the property, right of first refusal and, if sale is necessary, an open-market sale designed to ensure that the cotenants receive fair value for their interests.

Section 15 amends C.G.S. section 47-3 to convert any estate titled in fee tail to fee simple absolute. This reverses the prior statutory provision under which the issue of the donee of a fee tail were entitled to the property on the death of the donee.

Public Act 15-236 (SB 1005)

An Act Protecting Elderly Consumers from Exploitation

Effective date: October 1, 2015

SUMMARY

The act makes several changes regarding abuse, neglect and exploitation of an elderly person. Two sections are of interest to Probate Courts.

Section 3 is new and allows an elderly person who is the victim of abuse, neglect, exploitation or abandonment to file a civil action against the perpetrator seeking actual and punitive damages as well as court costs and attorney's fees. The action may be brought by the elderly person, the elderly person's guardian or conservator, or a person or organization acting on behalf of the elderly person with the elderly person's consent. The representative of a deceased elderly victim's estate may also bring an action. Jurisdiction for an action under this provision is in the Superior Court. In addition to awarding damages, the Superior Court may issue an order prohibiting the defendant from using or transferring any of the victim's assets.

Section 4 amends C.G.S. section 45a-447, the so-called "slayer statute," which prohibits a person convicted of certain forms of homicide from inheriting from the estate of the victim. The act extends the reach of the statute by prohibiting a person convicted of 1st or 2nd degree larceny or 1st degree abuse of an elderly, blind, or disabled person or person with intellectual disabilities from inheriting, receiving insurance benefits or receiving jointly held property from the deceased victim.

Public Act 15-240 (HB 6774)

An Act Concerning Adoption of the Connecticut Uniform Power of Attorney Act

Effective date: July 1, 2016

SUMMARY

The act replaces the statutory short form power of attorney act and makes significant changes to Connecticut law regarding powers of attorney. The effective date is deferred to July 1, 2016 in light of the breadth of the changes. The summary will address the sections most relevant for the Probate Courts.

Section 4 provides that a power of attorney (POA) is durable, unless the instrument specifically provides that it is terminated by the incapacity of the principal.

Section 5 establishes the requirements for execution of a POA. It must be dated and signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign on his or her behalf and witnessed by two witnesses. While not a requirement, the POA may also be acknowledged, and the act explicitly authorizes a commissioner of the Superior Court to take the acknowledgement. Whether a POA is acknowledged has significance under sections 19 and 20 of the act, which deal with the duty of third parties to accept a POA.

Section 8 states that a principal may nominate a conservator of the person and/or estate in a POA. The court is obligated to appoint the nominee unless he or she is unwilling or unable to serve or there is significant evidence to disqualify the nominee.

A court that appoints a conservator may continue, limit, suspend or terminate a POA. If the POA remains in effect, the agent is accountable to the principal and the fiduciary. A POA that is suspended during a conservatorship is reinstated if the conservatorship is terminated as a result of the principal regaining capacity.

Section 10 describes when a POA terminates.

Section 14 addresses the duties of an agent acting under a POA.

Section 16 lists individuals who may petition the Probate Court to require an accounting of an agent under a POA, construe a POA or review the agent’s conduct. The list of individuals with standing under the act is far broader than under current law. See section 47. The court must dismiss a proceeding under this section on motion of the principal, unless the court finds that the principal is incapacitated.

Section 17 establishes remedies for breach of an agent’s duties, including money damages to restore the value of the principal’s property, attorney’s fees and costs.

Section 19 provides protection to a third party who accepts a POA and who acts without actual knowledge of issues affecting the validity of the POA. It also permits a

third party to request and rely on (1) a certification of any factual matter concerning the principal agent, or POA; (2) an English translation of the document or (3) an opinion of counsel regarding issues of law related to the POA. Translations and opinions of counsel must be provided at the principal's expense if the request is made within seven days of presentation of the POA.

Section 20 requires a third party to whom an acknowledged POA is presented to accept the POA within seven business days, unless the third party requests a certification, translation or opinion under section 19, in which case the third party must accept the POA within five days receipt of the requested document. The act prohibits a third party from requiring an additional or different form of POA. The act lists the following exceptions under which the third party is not required to accept a POA:

- the transaction would be illegal
- actual knowledge of termination of the POA,
- good faith belief that the POA is not valid or the agent does not have the authority to perform the act requested
- refusal to provide a requested certification, translation or opinion
- a report to DSS of suspected abuse, neglect, exploitation or abandonment of the principal by the agent

The Probate Court and Superior Court may issue an order mandating acceptance of the POA and may award reasonable attorney's fees and costs to the prevailing party.

Section 24 provides that an agent may exercise the following only if expressly granted in the instrument:

- create, amend or revoke trusts
- make gifts
- change beneficiary designations
- disclaim property
- delegate authority
- waive spousal rights
- exercise the principal's fiduciary powers

The act also provides that an agent who is not an ancestor, spouse or descendant of the principal may not use the POA to transfer property to the agent, or anyone the agent is legally obligated to support, unless explicitly authorized in the instrument.

Sections 27 through 40 describe the standard powers of a POA. A POA that grants authority to perform all acts that the principal can perform confers all of these powers on the agent. Any power in sections 27 through 40 can also be incorporated into a POA by reference to statutory section numbers or by reference to the descriptive term of the section.

Section 40 sets forth the requirements for an agent to make gifts from the principal's property.

Section 41 establishes the statutory form POA.

Section 42 establishes a statutory form to certify facts concerning a POA.

Section 45 establishes that the provisions of the act are applicable to:

- POAs created before, on or after 10/1/2015
- Judicial proceedings commenced on or after 10/1/2015
- Judicial proceedings commenced before 10/1/2015 unless the court finds that the rights of a party may be prejudiced

An act performed by an agent under a POA before 10/1/2015 is not affected by sections 1 to 45 of the act.

Section 46 amends C.G.S. section 45a-98, concerning the general powers of Probate Courts, to confer jurisdiction to construe a POA and to provide other relief in accordance with the act.

Section 47 amends C.G.S. section 45a-175 to expand the list of persons having standing to petition to compel a POA accounting. It also expands probate jurisdiction to permit the court to construe the POA or review the agent's conduct.

The statute mandates the court to grant a petition to compel an account, construe the POA or review the agent's conduct if the petitioner is the principal, the agent, or a guardian, conservator or other fiduciary. The court may grant such a petition by a spouse, parent or descendant of the principal, a person with authority to make health care decisions for the principal, an heir or beneficiary of the principal, Protective Services for the Elderly, a caregiver for the principal, a person demonstrating sufficient interest in the principal's welfare, or a person asked to accept the POA if it finds that the person has sufficient interest, relief is necessary, and that the petition is not for the purpose of harassment.

Section 49 amends C.G.S. section 45a-650 to require that a Probate Court appointing an involuntary conservator enter a specific order as to whether the authority of an agent under an existing POA is limited, suspended or terminated.

Section 53 amends C.G.S. section 45a-660 to authorize a Probate Court to reinstate any authority granted to an agent under a POA if the conserved principal has regained capacity and the conservatorship has been terminated.

Section 57 repeals the existing statutory short form power of attorney provisions of C.G.S. sections 1-42 through 1-56, the springing power of attorney provisions of C.G.S.

sections 1-56h through 1-56k, and the durable power of attorney provisions of C.G.S. section 45a-62.

Public Act 15-244 (HB 7061)

An Act Concerning the State Budget for the Biennium Ending June 30, 2017, and Making Appropriations Therefor, and Other Provisions Related to Revenue, Deficiency Appropriations and Tax Fairness and Economic Development

Effective date: July 1, 2015

SUMMARY

The act adopts the state budget for fiscal years 2015-16 and 2016-17.

Section 1 lists the appropriations from the general fund. The budget eliminates general fund support for the Probate Courts for both fiscal years.

Section 46 permits the establishment of receivables on which the Probate Court system can draw if revenue from probate fees is less than budgeted expenditures. The provision ensures that the system can continue to operate even if fee increases generate less revenue than expected.

Section 174 caps the estate tax liability of the estate of any decedent dying on or after January 1, 2016 at $20 million. Gift taxes on gifts given on or after January 1, 2016 are included in calculating the cap.

June Special Session Public Act 15-1 (SB 1501)

An Act Authorizing and Adjusting Bonds of the State for Capital Improvements, Transportation and Other Purposes

Effective date: July 1, 2015

SUMMARY

Section 2 (f) (6) of the act provides bonding in the amount of $4.1 million for the acquisition of a new facility for Probate Court Administration. This bond authorization is in addition to the $3 million amount approved in 2014.

June Special Session Public Act 15-5 (HB 1502)

An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2017, Concerning General Government, Education, Health and Human Services and Bonds of the State

Effective date: Various, please see individual sections below.

SUMMARY
The act is the general government budget implementer and makes numerous statutory changes to carry out the provisions of the state budget adopted under Public Act 15-244. The summary addresses the sections pertaining to the Probate Courts.

Section 129 amends C.G.S. section 45a-82 concerning the Probate Court Administration Fund. Under existing law, any amounts remaining in the fund in excess of fifteen percent of expenditures approved for the next fiscal year are transferred to the general fund at the end of each fiscal year. This section suspends the transfer for this year only. *(Effective June 30, 2015)*

Section 385 amends C.G.S. section 17b-84 to reduce the amount allowed for funeral expenses of a deceased recipient of state aid from $1,800 to $1,400. *(Effective July 1, 2015)*

Sections 447 to 458 make changes to various probate fees.

Section 448 increases the fees on estates of decedents with a basis for costs over $2 million, from 0.25 percent to 0.5 percent on the amount over $2 million. The section also eliminates the $12,500 cap on fees. The change applies to the estates of decedents dying on or after January 1, 2015.

This section also establishes the following other fees:

- Open a safe deposit box $50
- Appoint an estate examiner $50
- Mediation under Regulation 22 $350/day

Section 449 increases the entry fee from $150 to $225 for most petitions. *(Effective January 1, 2016)*

Fees for other petitions are specified below:

- Custody of remains $150
- Release funds from restricted account (with hearing) $150
- Mediation under Regulations 22 $350/day
- Continuance (unless waived) $50
- Admit attorney pro hac vice $250

The new fee statute differs from current law by specifying the petitions that generate a fee.

Section 450 changes how fees are calculated for fiduciary accounts. The changes will affect accounting fees for trusts, conservatorships and guardianships of the estate. The new fee is the greater of (1) 0.05 percent of the value of assets multiplied by the number

of years covered by the account and (2) 0.05 percent of receipts during the accounting period. Accounting fees are capped at $500 per year. The minimum fee, regardless of the number of years covered by the account, is $50. *(Effective January 1, 2016)*

Section 452 amends C.G.S. section 45a-110, which addresses who is responsible for the probate fee under various circumstances. The amendment provides explicit authority for the court to order a fiduciary to reimburse a person who paid a probate fee relating to an estate if the court determines that reimbursement is equitable.

Section 453 amends C.G.S. section 19a-131b to eliminate the fee to appeal a quarantine or isolation order. *(Effective July 1, 2015)*

Section 454 imposes an inchoate lien for unpaid probate fees on any real estate located in the state that is included in the basis for costs. The Probate Court is required to issue a release no later than 10 days after receipt of the fee. *(Effective July 1, 2015)*

Section 460 increases the compensation of Superior Court judges by 3 percent in each of the next two fiscal years. Since the compensation of probate judges is statutorily determined by reference to that of Superior Court judges, probate judges receive equivalent increases. *(Effective July 1, 2015)*

Section 522 repeals existing C.G.S sections 45a-106 and 45a-108. Most provisions of these sections have been moved to other sections. One exception is the $5 fee for filing a will not submitted for probate. That fee is repealed and will no longer be charged as of January 1, 2016.

Substitute House Bill No. 6815

Public Act No. 15-54

AN ACT CONCERNING THE DEFINITION AND USE OF THE TERM "INTELLECTUAL DISABILITY".

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

Section 1. Section 1-1g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) **[**For the purposes of sections 17a-210b and 38a-816, "mental retardation"**]** Except as otherwise provided by statute, "intellectual disability" means a significant limitation in intellectual functioning **[**and**]** existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age.

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

[(c)**]** (b) As used in subsection (a) of this section, "significant limitation in intellectual functioning" means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and clinically and culturally appropriate to the individual; and "adaptive behavior" means the effectiveness or

degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

Sec. 2. Subsection (f) of section 17a-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Whenever the Department of Social Services is notified that a facility receiving payments from the Department of Developmental Services under the provisions of this section has been certified as an intermediate care facility for **[**persons with mental retardation,**]** individuals with intellectual disabilities, as defined in **[**42 CFR 440. 50**]** 42 CFR 440.150, the Commissioner of Social Services shall notify the Governor and the Governor, with the approval of the Finance Advisory Committee, may transfer from the appropriation for the Department of Developmental Services to the Department of Social Services, sufficient funds to cover the cost of all services previously paid by the Department of Developmental Services that are reimbursable, at the rate established for services provided by such certified facilities. Subsequent budget requests from both departments shall reflect such transfer of responsibility.

Approved June 19, 2015

Substitute House Bill No. 7006

Public Act No. 15-132

AN ACT CONCERNING BIRTH CERTIFICATE AMENDMENTS.

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

Section 1. Section 19a-42 of the general statutes is amended by adding subsection (i) as follows (*Effective October 1, 2015*):

(NEW) (i) The commissioner shall issue a new birth certificate to reflect a gender change upon receipt of the following documents submitted in the form and manner prescribed by the commissioner: (1) A written request from the applicant, signed under penalty of law, for a replacement birth certificate to reflect that the applicant's gender differs from the sex designated on the original birth certificate; (2) a notarized affidavit by a physician licensed pursuant to chapter 370 or holding a current license in good standing in another state, an advanced practice registered nurse licensed pursuant to chapter 378 or holding a current license in good standing in another state, or a psychologist licensed pursuant to chapter 383 or holding a current license in good standing in another state, stating that the applicant has undergone surgical, hormonal or other treatment clinically appropriate for the applicant for the purpose of gender transition; and (3) if an applicant is also requesting a change of name listed on the original birth certificate, proof of a legal name change. The new birth certificate shall reflect the new gender identity by way of a change in the sex designation on the original birth certificate and, if applicable, the legal name change.

Sec. 2. Section 19a-42b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) In the case of a person who is a resident of this state and was born in another state or in a foreign jurisdiction, **[**if such other state or foreign jurisdiction requires a court decree in order to amend a birth certificate to reflect a change in

gender,] the probate courts in this state shall have jurisdiction to issue [such] a decree of a change of sex. [When a person has completed treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex, such] Such person may apply to the probate court for the district in which such person resides for a decree that such person's gender is different from the sex designated on such person's original birth certificate and that such birth certificate be amended to reflect the change in gender. The application to the probate court shall be accompanied by [an affidavit from a physician attesting that the applicant has physically changed gender and an affidavit from a psychologist, psychiatrist or a licensed clinical social worker attesting that the applicant has socially and psychologically changed gender] the following documents: (1) A written statement from the applicant, signed under penalty of law, that the applicant's gender differs from the sex designated on the original birth certificate; and (2) a notarized affidavit by a physician licensed pursuant to chapter 370 or holding a current license in good standing in another state, an advanced practice registered nurse licensed pursuant to chapter 378 or holding a current license in good standing in another state, or a psychologist licensed pursuant to chapter 383 or holding a current license in good standing in another state, stating that the applicant has undergone surgical, hormonal or other treatment clinically appropriate for the applicant for the purpose of gender transition. Upon issuance, such probate court decree shall be transmitted to the registration authority of such person's place of birth.

(b) Nothing in this section shall be construed to limit the authority of the Commissioner of Public Health to amend birth certificates in accordance with section 19a-42, as amended by this act.

Approved June 23, 2015

House Bill No. 6723

Public Act No. 15-159

AN ACT CONCERNING GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.

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

Section 1. Subsection (j) of section 17a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(j) The Superior Court, upon notice and hearing as provided in sections 45a-716 and 45a-717, as amended by this act, may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the Department of Children and Families has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in the best interest of the child, and (3) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, abused or uncared for in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the commissioner for at least fifteen months and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (C) the child has been denied, by reason of an act or acts of parental commission or omission including, but not limited to, sexual molestation or exploitation, severe physical abuse or a pattern

of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being, except that nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights; (D) there is no ongoing parent-child relationship, which means the relationship that ordinarily develops as a result of a parent having met on a day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of such parent-child relationship would be detrimental to the best interest of the child; (E) the parent of a child under the age of seven years who is neglected, abused or uncared for, has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable period of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; or (G) the parent was convicted as an adult or a delinquent by a court of competent jurisdiction of a sexual assault resulting in the conception of the child, except a conviction for a violation of section 53a-71 or 53a-73a, provided the court may terminate such parent's parental rights to such child at any time after such conviction.

Sec. 2. Subsection (g) of section 45a-717 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

Sec. 3. Subsection (b) of section 45a-717 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If a [party] respondent parent appears without counsel, the court shall inform such [party] respondent parent of [the party's] his or her right to counsel and upon request, if he or she is unable to pay for counsel, shall appoint counsel to represent such [party] respondent parent. No [party] respondent parent may waive counsel unless the court has first explained the nature and meaning of a petition for the termination of parental rights. Unless the appointment of counsel is required under section 46b-136, the court may appoint counsel to represent or appear on behalf of any child in a hearing held under this section to speak on behalf of the best interests of the child. If the respondent parent is unable to pay for [such respondent's] his or her own counsel or if the child or the parent or

guardian of the child is unable to pay for the child's counsel, in the case of a Superior Court matter, the reasonable compensation of counsel appointed for the respondent parent or the child shall be established by, and paid from funds appropriated to, the Judicial Department and, in the case of a Probate Court matter, the reasonable compensation of counsel appointed for the respondent parent or the child shall be established by, and paid from funds appropriated to, the Judicial Department, however, in the case of a Probate Court matter, 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.

Approved July 2, 2015

Substitute House Bill No. 6899

Public Act No. 15-199

AN ACT EXPANDING GUARDIANSHIP OPPORTUNITIES FOR CHILDREN AND IMPLEMENTING PROVISIONS OF THE FEDERAL PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT.

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

Section 1. (NEW) (*Effective July 1, 2015*) (a) For purposes of this section:

(1) "Caregiver" means (A) a person who holds a license issued by the Department of Children and Families to provide foster care, (B) a person who has been approved to provide foster care by a child-placing agency licensed pursuant to section 17a-149 of the general statutes, (C) a relative or fictive kin caregiver, as defined in section 17a-114 of the general statutes, as amended by this act, or (D) an operator or official of a child-placing agency licensed pursuant to section 17a-149 of the general statutes in which a child has been placed;

(2) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child;

(3) "Normal childhood activities" means extracurricular, enrichment and social activities that may include, but not be limited to, overnight activities outside the direct supervision of the caregiver for periods of up to forty-eight hours; and

(4) "Age appropriate or developmentally appropriate" means (A) activities or items that are generally accepted as suitable for children of the same chronological age or maturity level or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; or (B) in the case of a specific child, activities or items that are suitable for such child based on such child's cognitive, emotional, physical and behavioral capacities.

(b) A caregiver shall have the authority, without prior approval of the department, Probate Court or Superior Court, to allow a child in his or her care that is the subject of a service plan or safety plan to participate in normal childhood activities that are age appropriate or developmentally appropriate for such child based on a reasonable and prudent parent standard, provided (1) such activities comply with provisions included in any existing service plan or safety plan established by the department or court order, and (2) the parent or guardian of such child or youth shall be afforded an opportunity to provide input into the development of such service plan or safety plan. The Commissioner of Children and Families shall promulgate department policy to provide guidance to caregivers concerning the reasonable and prudent parent standard. Such guidance shall include factors for the caregiver to consider prior to allowing a child to participate in age appropriate or developmentally appropriate activities, including, but not limited to, the child's age, maturity, mental and physical health, developmental level, behavioral propensities and aptitude. The commissioner shall notify each caregiver of the department policy promulgated pursuant to this subsection.

(c) (1) A representative of the department shall document the child's interest in and pursuit of normal childhood activities during regular home visits and document the child's participation in normal childhood activities that are age appropriate or developmentally appropriate in such child's service plan or safety plan.

(2) A representative of the department shall document a child's interest in and pursuit of normal childhood activities that are age appropriate or developmentally appropriate during regular meetings with the parents of such child. A representative of the department shall communicate to the caregiver of such child the opinions of the parents of such child regarding the child's participation in normal childhood activities so that the caregiver may consider the opinions of the parents of such child in the provision of care to the child.

(d) The department, caregiver, child-placing agency or child care facility, as defined in section 17a-93 of the general statutes, or any other private entity under contract with the state shall not be liable for any injury to a child that occurs as a result of a caregiver allowing a child to participate in normal childhood activities pursuant to subsection (b) of this section, unless the acts or omissions of the department, caregiver, child-placing agency or child care facility or any other private entity under contract with the state that cause such injury constitute gross, wilful or wanton negligence. The provisions of this subsection shall not be construed to remove or limit any existing liability protection afforded by law.

(e) Any private entity that contracts with the department to provide placement services to children in the legal custody of the department shall have policies consistent with this section. Policies that are not consistent with this section include those that are incompatible with, contradictory to or more restrictive than those provided in this section.

Sec. 2. Subsection (c) of section 17a-111b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(c) If the court determines that such efforts are not required, the court shall, at such hearing or at a hearing held not later than thirty days after such determination, approve a permanency plan for such child. The plan may include (1) adoption and a requirement that the commissioner file a petition to terminate parental rights, (2) **[**long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver, (3)**]** transfer of guardianship, or **[**(4)**]** (3) for a child sixteen years of age or older, such other planned permanent living arrangement as may be ordered by the court, provided the commissioner has documented a compelling reason why it would not be in the best interests of the child for the permanency plan to include one of the options set forth in **[**subdivisions (1) to (3), inclusive,**]** subdivision (1) or (2) of this subsection. The child's health and safety shall be of paramount concern in formulating such plan. If the permanency plan for a child sixteen years of age or older includes such other planned permanent living arrangement pursuant to subdivision (3) of this subsection, the provisions of subdivisions (3) to (5), inclusive, of subsection (k) of section 46b-129, as amended by this act, shall be applicable.

Sec. 3. Subsection (k) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(k) (1) (A) Nine months after placement of the child or youth in the care and custody of the commissioner pursuant to a voluntary placement agreement, or removal of a child or youth pursuant to section 17a-101g or an order issued by a court of competent jurisdiction, whichever is earlier, the commissioner shall file a motion for review of a permanency plan if the child or youth has not reached his or her eighteenth birthday. Nine months after a permanency plan has been approved by the court pursuant to this subsection or subdivision (5) of subsection (j) of this section, the commissioner shall file a motion for review of the permanency plan. Any party seeking to oppose the commissioner's permanency plan, including a relative of a child or youth by blood or marriage who has intervened pursuant to subsection (d) of this section and is licensed as a foster parent for such child or youth or is vested with such child's or youth's temporary custody by order of the court, shall file a motion in opposition not later than thirty days after the filing of the commissioner's motion for review of

the permanency plan, which motion shall include the reason therefor. A permanency hearing on any motion for review of the permanency plan shall be held not later than ninety days after the filing of such motion. The court shall hold evidentiary hearings in connection with any contested motion for review of the permanency plan and credible hearsay evidence regarding any party's compliance with specific steps ordered by the court shall be admissible at such evidentiary hearings. The commissioner shall have the burden of proving that the proposed permanency plan is in the best interests of the child or youth. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child or youth remains in the custody of the Commissioner of Children and Families or, if the youth is over eighteen years of age, while the youth remains in voluntary placement with the department. The court shall provide notice to the child or youth, the parent or guardian of such child or youth, and any intervenor of the time and place of the court hearing on any such motion not less than fourteen days prior to such hearing.

(B) (i) If a child is at least twelve years of age, the child's permanency plan, and any revision to such plan, shall be developed in consultation with the child. In developing or revising such plan, the child may consult up to two individuals participating in the department's case plan regarding such child, neither of whom shall be the foster parent or caseworker of such child. One individual so selected by such child may be designated as the child's advisor for purposes of developing or revising the permanency plan.

(ii) If a child is at least twelve years of age, the commissioner shall notify the parent or guardian, foster parent and child of any administrative case review regarding such child's commitment not less than five days prior to such review and shall make a reasonable effort to schedule such review at a time and location that allows the parent or guardian, foster parent and child to attend.

(iii) If a child is at least twelve years of age, such child shall, whenever possible, identify not more than three adults with whom such child has a significant relationship and who may serve as a permanency resource. The identity of such adults shall be recorded in the case plan of such child.

(iv) Not later than January 1, 2016, and annually thereafter, the commissioner shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to children and the judiciary, on the number of case plans in which children have identified adults with whom they have a significant relationship and who may serve as a permanency resource.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The child's or youth's health and safety shall be of paramount concern in formulating such plan. Such permanency plan may include the goal of (A) revocation of commitment and reunification of the child or youth with the parent or guardian, with or without protective supervision; (B) transfer of guardianship or permanent legal guardianship; (C) **[**long-term foster care with a relative licensed as a foster parent; (D)**]** filing of termination of parental rights and adoption; or **[**(E)**]** (D) for a child sixteen years of age or older, another planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interests of the child or youth for the permanency plan to include the goals in subparagraphs (A) to **[**(D)**]** (C), inclusive, of this subdivision. Such other planned permanent living arrangement shall, whenever possible, include an adult who has a significant relationship with the child, and who is willing to be a permanency resource, and may include, but not be limited to, placement of a **[**child or**]** youth in an independent living program or long term foster care with an identified foster parent.

(3) If the permanency plan for a child sixteen years of age or older includes the goal of another planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection or subdivision (3) of subsection (c) of section 17a-111b, as amended by this act, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the child home or to secure placement for the child with a fit and willing relative, legal guardian or adoptive parent; and (B) the steps the department has taken to ensure (i) the child's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 1 of this act; and (ii) the child has regular opportunities to engage in age appropriate and developmentally appropriate activities, as defined in section 1 of this act.

[(3)**]** (4) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall (A) (i) ask the child or youth about his or her desired permanency outcome, or (ii) if the child or youth is unavailable to appear at such hearing, require the attorney for the child or youth to consult with the child or youth regarding the child's or youth's desired permanency outcome and report the same to the court, (B) review the status of the child **[**,**]** or youth, (C) review the progress being made to implement the permanency plan, (D) determine a timetable for attaining the permanency plan, (E) determine the services to be provided to the parent if the court approves

a permanency plan of reunification and the timetable for such services, and (F) determine whether the commissioner has made reasonable efforts to achieve the permanency plan. The court may revoke commitment if a cause for commitment no longer exists and it is in the best interests of the child or youth.

(5) If the permanency plan for a child sixteen years of age or older includes the goal of another planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the court shall (A) (i) ask the child about his or her desired permanency outcome, or (ii) if the child is unavailable to appear at a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, require the attorney for the child to consult with the child regarding the child's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, another planned permanent living arrangement is the best permanency plan for the child; and (C) document the compelling reasons why it is not in the best interest of the child to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(4)**]** (6) If the court approves the permanency plan of adoption: (A) The Commissioner of Children and Families shall file a petition for termination of parental rights not later than sixty days after such approval if such petition has not previously been filed; (B) the commissioner may conduct a thorough adoption assessment and child-specific recruitment; and (C) the court may order that the child be photo-listed within thirty days if the court determines that such photo-listing is in the best interests of the child or youth. As used in this subdivision, "thorough adoption assessment" means conducting and documenting face-to-face interviews with the child or youth, foster care providers and other significant parties and "child specific recruitment" means recruiting an adoptive placement targeted to meet the individual needs of the specific child or youth, including, but not limited to, use of the media, use of photo-listing services and any other in-state or out-of-state resources that may be used to meet the specific needs of the child or youth, unless there are extenuating circumstances that indicate that such efforts are not in the best interests of the child or youth.

Sec. 4. Section 46b-141 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) (1) Except as otherwise limited by subsection (i) of section 46b-140 and subdivision (2) of this subsection, commitment of children convicted as delinquent by the Superior Court to the Department of Children and Families shall be for (A) an indeterminate time up to a maximum of eighteen months, or

(B) when so convicted for a serious juvenile offense, up to a maximum of four years at the discretion of the court, unless extended as hereinafter provided.

(2) Commitment of children convicted as delinquent by the Superior Court to the Department of Children and Families shall terminate when the child attains the age of twenty.

(b) The Commissioner of Children and Families may file a motion for an extension of the commitment as provided in subparagraph (A) of subdivision (1) of subsection (a) of this section beyond the eighteen-month period on the grounds that such extension is for the best interest of the child or the community. The court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The court may, after hearing and upon finding that such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months, except that such additional period shall not continue beyond the date the child attains the age of twenty. Not later than twelve months after a child is committed to the Department of Children and Families in accordance with subparagraph (A) of subdivision (1) of subsection (a) of this section, the court shall hold a permanency hearing in accordance with subsection (d) of this section. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child remains committed to the Department of Children and Families.

(c) The court shall hold a permanency hearing in accordance with subsection (d) of this section for each child convicted as delinquent for a serious juvenile offense as provided in subparagraph (B) of subdivision (1) of subsection (a) of this section within twelve months of commitment to the Department of Children and Families and every twelve months thereafter if the child remains committed to the Department of Children and Families. Such hearing may include the submission of a motion to the court by the commissioner to either (1) modify such commitment, or (2) extend the commitment beyond such four-year period on the grounds that such extension is for the best interest of the child or the community. The court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The court, after hearing, may modify such commitment or, upon finding that such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months.

(d) At least sixty days prior to each permanency hearing required pursuant to subsection (b) or (c) of this section, the Commissioner of Children and Families shall file a permanency plan with the court. At each permanency hearing, the court shall review and approve a permanency plan that is in the best interest of

the child and takes into consideration the child's need for permanency. Such permanency plan may include the goal of: (1) Revocation of commitment and placement of the child with the parent or guardian, (2) transfer of guardianship, (3) **[**permanent placement with a relative, (4)**]** adoption, or **[**(5)**]** (4) for any child sixteen years of age or older, such other planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interest of the child for the permanency plan to include the goals in subdivisions (1) to **[**(4)**]** (3), inclusive, of this subsection. Such other planned permanent living arrangement may include, but not be limited to, placement of the child in an independent living program. At any such permanency hearing, the court shall also determine whether the Commissioner of Children and Families has made reasonable efforts to achieve the permanency plan.

(e) (1) If the permanency plan for a child sixteen years of age or older includes such other planned permanent living arrangement pursuant to subdivision (4) of subsection (d) of this section, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the child home or secure a placement for the child with a fit and willing relative, legal guardian or an adoptive parent; and (B) the steps the department has taken to ensure that (i) the child's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 1 of this act; and (ii) the child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities, as defined in section 1 of this act.

(2) At any such permanency hearing in which the plan for a child sixteen years of age or older is such other planned permanent living arrangement pursuant to subdivision (4) of subsection (d) of this section, the court shall (A) (i) ask the child about his or her desired permanency outcome, or (ii) if the child is unavailable to appear at such hearing, require the attorney for the child to consult with the child regarding the child's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, such other planned permanent living arrangement is the best permanency plan for the child; and (C) document the compelling reasons why it is not in the best interest of the child to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(e)**]** (f) All other commitments of delinquent, mentally deficient or mentally ill children by the court pursuant to the provisions of section 46b-140 may be for an indeterminate time, except that no such commitment may be ordered or continued for any child who has attained the age of twenty. Commitments may be reopened and terminated at any time by said court, provided the Commissioner of Children and Families shall be given notice of such proposed

reopening and a reasonable opportunity to present the commissioner's views thereon. The parents or guardian of such child may apply not more than twice in any calendar year for such reopening and termination of commitment. Any order of the court made under the provisions of this section shall be deemed a final order for purposes of appeal, except that no bond shall be required and no costs shall be taxed on such appeal.

Sec. 5. Section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) As used in this section, (1) "approval" means a person has been approved to provide foster care by a child-placing agency licensed pursuant to section 17a-149, (2) "licensed" means a person holds a license to provide foster care issued by the Department of Children and Families, **[**to provide foster care, including foster care of a specific child, and "special study foster parent"**]** (3) "fictive kin caregiver" means a person who is twenty-one years of age or older and **[**who does not hold a license issued**]** who is unrelated to a child by birth, adoption or marriage but who has an emotionally significant relationship with such child amounting to a familial relationship and who is not approved or licensed to provide foster care by the Department of Children and Families, **[**to provide foster care**]** and (4) "regular unsupervised access" means periodic interaction with a child in the home for purposes of unsupervised child care, medical or other services to the child.

(b) (1) No child in the custody of the Commissioner of Children and Families shall be placed in foster care with any person, unless (A) such person is licensed for that purpose by the department or the Department of Developmental Services pursuant to the provisions of section 17a-227, or (B) such person's home is approved by a child placing agency licensed by the commissioner pursuant to section 17a-149, or (C) such person has received approval as provided in this section. Any person licensed by the department may be a prospective adoptive parent. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the licensing procedures and standards.

(2) The commissioner shall require each applicant for licensure or approval pursuant to this section and any person sixteen years of age or older living in the household of such applicant to submit to state and national criminal history records checks prior to issuing a license or approval to such applicant to accept placement of a child for purposes of foster care or adoption. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner shall also check the state child abuse registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person sixteen years of age or older living in the household of such applicant.

(3) The commissioner, at his or her discretion, may require any person sixteen years of age or older, who is not living in the household but who has regular unsupervised access to a child in the home of an applicant for licensure or approval, to submit to state and national criminal history records checks prior to issuing a license or approval to such applicant to accept placement of a child. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner may also check the state child abuse registry established pursuant to section 17a-101k for the name of any person sixteen years of age or older who is not living in the household but who has regular unsupervised access to a child.

(4) The commissioner shall require each individual licensed or approved pursuant to this section and any person sixteen years of age or older living in the household of such individual to submit to state and national criminal history records checks prior to renewing a license or approval for any individual providing foster care.

(5) The commissioner, at his or her discretion, may require any person sixteen years of age or older who is not living in the household but who has regular unsupervised access to a child in the home of any individual licensed or approved pursuant to this section to submit to state and national criminal history records checks prior to renewing a license or approval for such individual providing foster care.

(c) Notwithstanding the requirements of subsection (b) of this section, the commissioner may place a child with a relative **[**who is not licensed, a nonrelative, if such child's sibling who is related to the caregiver is also placed with such caregiver or with a special study foster parent**]** or fictive kin caregiver who has not been issued a license or approval, when such placement is in the best interests of the child, provided a satisfactory home visit is conducted, a basic assessment of the family is completed and such relative **[**, nonrelative or special study foster parent**]** or fictive kin caregiver attests that such relative **[**, nonrelative or special study foster parent**]** or fictive kin caregiver and any adult living within the household has not been convicted of a crime or arrested for a felony against a person, for injury or risk of injury to or impairing the morals of a child, or for the possession, use or sale of a controlled substance. Any such relative **[**, nonrelative or special study foster parent**]** or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner in accordance with the provisions of chapter 54 to implement the provisions of this section. The commissioner may grant a waiver from such regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, if such placement is otherwise in the best

interests of such child, provided no procedure or standard that is safety-related may be so waived. The commissioner shall document, in writing, the reason for granting any waiver from such regulations. **[**For purposes of this subsection, "sibling" includes a stepbrother, stepsister, half-brother or half-sister. **]**

(d) Any individual who has been licensed or received approval to provide foster care and any relative or fictive kin caregiver shall apply a reasonable and prudent parent standard, as defined in subsection (a) of section 1 of this act, on behalf of the child.

Sec. 6. Section 17a-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) No person or entity shall care for or board a child without a license obtained from the Commissioner of Children and Families, except: (1) When a child has been placed by a person or entity holding a license from the commissioner; (2) any residential educational institution exempted by the State Board of Education under the provisions of section 17a-152; (3) residential facilities licensed by the Department of Developmental Services pursuant to section 17a-227; (4) facilities providing child day care services, as defined in section 19a-77; or (5) any home that houses students participating in a program described in subparagraph (B) of subdivision (8) of section 10a-29. The person or entity seeking a child care facility license shall file with the commissioner an application for a license, in such form as the commissioner furnishes, stating the location where it is proposed to care for such child, the number of children to be cared for, in the case of a corporation, the purpose of the corporation and the names of its chief officers and of the actual person responsible for the child. The Commissioner of Children and Families is authorized to fix the maximum number of children to be boarded and cared for in any such home or institution or by any person or entity licensed by the commissioner. If the population served at any facility, institution or home operated by any person or entity licensed under this section changes after such license is issued, such person or entity shall file a new license application with the commissioner, and the commissioner shall notify the chief executive officer of the municipality in which the facility is located of such new license application, except that no confidential client information may be disclosed.

(b) Each person or entity licensed by the commissioner pursuant to subsection (a) of this section shall designate an on-site staff member who shall apply a reasonable and prudent parent standard, as defined in subsection (a) of section 1 of this act, on behalf of the child.

Sec. 7. Section 17a-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The Department of Children and Families may, and is encouraged to contract with child-placing agencies to arrange for the adoption of children who are free for adoption. If (1) a child for whom adoption is indicated, cannot, after all reasonable efforts consistent with the best interests of the child, be placed in adoption through existing sources because the child is a special needs child, and (2) the adopting family meets the standards for adoption which any other adopting family meets, the Commissioner of Children and Families shall, before adoption of such child by such family, certify such child as a special needs child and, after adoption, provide one or more of the following subsidies for the adopting parents: (A) A special-need subsidy, which is a lump sum payment paid directly to the person providing the required service, to pay for an anticipated expense resulting from the adoption when no other resource is available for such payment; or (B) a periodic subsidy which is a payment to the adopting family; and (C) in addition to the subsidies granted under this subsection, any medical benefits which are being provided prior to final approval of the adoption by the superior court for juvenile matters or the Probate Court in accordance with the fee schedule and payment procedures under the state Medicaid program administered by the Department of Social Services shall continue as long as the child qualifies as a dependent of the adoptive parent under the provisions of the Internal Revenue Code. The amount of a periodic subsidy shall not exceed the current costs of foster maintenance care.

(b) A medical subsidy may continue until the child reaches twenty-one years of age. A periodic subsidy may continue until the child reaches age eighteen, except such periodic subsidy may continue for a child who is at least eighteen years of age but less than twenty-one years of age, provided: (1) The adoption was finalized on or after October 1, 2013, (2) the child was sixteen years of age or older at the time the adoption was finalized, and (3) the child is (A) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (B) enrolled full time in an institution that provides postsecondary or vocational education; or (C) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances.

(c) The periodic subsidy is subject to review by the commissioner as provided in section 17a-118, as amended by this act.

(d) Requests for subsidies after a final approval of the adoption by the superior court for juvenile matters or the Probate Court may be considered at the discretion of the commissioner for conditions resulting from or directly related to the totality of circumstances surrounding the child prior to placement in adoption. A written certification of the need for a subsidy shall be made by the commissioner in each case and the type, amount and duration of the subsidy shall be mutually agreed to by the commissioner and the adopting parents prior to the entry of such decree. Any subsidy decision by the commissioner may be appealed by a licensed child-placing agency or the adopting parent or parents to the **[**Adoption**]** Subsidy Review Board established under subsection (e) of this section. The commissioner shall adopt regulations establishing the procedures for determining the amount and the need for a subsidy.

(e) There is established **[**an Adoption**]** a Subsidy Review Board to hear appeals under this section, section 17a-118, as amended by this act, and section 17a-120, as amended by this act. The board shall consist of the Commissioner of Children and Families, or the commissioner's designee, and a **[**licensed**]** representative of a child-placing agency and an adoptive parent appointed by the Governor. The Governor shall appoint an alternate **[**licensed**]** representative of a child-placing agency and an alternate adoptive parent. Such alternative members shall, when seated, have all the powers and duties set forth in this section and sections 17a-118, **[**and**]** as amended by this act, 17a-120, as amended by this act, and 17a-126, as amended by this act. Whenever an alternate member serves in place of a member of the board, such alternate member shall represent the same interest as the member in whose place such alternative member serves. All decisions of the board shall be based on the best interest of the child. Appeals under this section shall be in accordance with the provisions of chapter 54.

Sec. 8. Subsection (a) of section 17a-118 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) There shall be a biennial review of the subsidy for a child under eighteen years of age and an annual review for a child who is at least eighteen years of age but less than twenty-one years of age. Such reviews shall be conducted by the Commissioner of Children and Families. The adoptive parents shall, at the time of such review, submit a sworn statement that the condition which caused the child to be certified as a special needs child or a related condition continues to exist or has reoccurred and that the adoptive parent or parents are still legally responsible for the support of the child and that the child is receiving support from the adoptive family. A child who is at least eighteen years of age but less than twenty-one years of age shall continue to receive an adoption subsidy, pursuant to section 17a-117, as amended by this act, provided his or her adoptive parent submits, at the time of the review, a sworn statement that the child is (1)

enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (2) enrolled full time in an institution that provides postsecondary or vocational education; or (3) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. If the subsidy is to be terminated or reduced by the commissioner, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parents and such adoptive parents shall, at least thirty days prior to the imposition of said reduction or termination, be given a hearing before the **[**Adoption**]** Subsidy Review Board. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the **[**Adoption**]** Subsidy Review Board.

Sec. 9. Omitted

Sec. 10. Section 17a-126 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) As used in this section, (1) **[**"relative caregiver" means**]** "caregiver" means (A) a fictive kin caregiver, as defined in section 17a-114, as amended by this act, who is caring for a child, or (B) a person who is a licensed foster care provider pursuant to section 17a-114, as amended by this act, and is caring for a child who is related to such person, because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future, and (2) "commissioner" means the Commissioner of Children and Families.

(b) The commissioner shall establish a program of subsidized guardianship for the benefit of children **[**in foster care**]** who have been in foster care for not less than six consecutive months and who have been living with **[**relative**]** (1) caregivers, **[**who are licensed foster care providers pursuant to section 17a-114, and who have been in foster care for not less than six consecutive months**]** or (2) foster care providers who have been approved to provide foster care by a child-placing agency licensed pursuant to section 17a-149. A **[**relative**]** caregiver may request a guardianship subsidy from the commissioner.

(c) If a **[**relative**]** caregiver who is receiving a guardianship subsidy for a **[**related**]** child is also caring for the child's sibling, **[**who is not related to the caregiver,**]** the commissioner shall provide a guardianship subsidy to such **[**relative**]** caregiver in accordance with regulations adopted by the commissioner pursuant to subsection (e) of this section. For purposes of this subsection, "child's sibling" includes a stepbrother, stepsister, a half-brother or a half-sister.

(d) The commissioner shall provide the following subsidies under the subsidized guardianship program in accordance with this section and the regulations adopted pursuant to subsection (e) of this section: (1) A special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child and shall not exceed two thousand dollars; and (2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program. The subsidized guardianship program shall also provide a monthly subsidy on behalf of the child payable to the **[**relative**]** caregiver that is based on the circumstances of the **[**relative**]** caregiver and the needs of the child and shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in licensed foster care.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, implementing the subsidized guardianship program established under this section. Such regulations shall include all federal requirements necessary to maximize federal reimbursement available to the state, including, but not limited to, (1) eligibility for the program, (2) the maximum age at which a child is no longer eligible for a guardianship subsidy, including the maximum age, for purposes of claiming federal reimbursement under Title IV-E of the Social Security Act, at which a child is no longer eligible for a guardianship subsidy, and (3) a procedure for determining the types and amounts of the subsidies.

(f) (1) At a minimum, the guardianship subsidy provided under this section shall continue until the child reaches the age of eighteen or the age of twenty-one if such child is in full-time attendance at a secondary school, technical school or college or is in a state accredited job training program or otherwise meets the criteria set forth in federal law.

(2) A guardianship subsidy may be provided for a child, subject to the commissioner's annual review, through his or her twenty-first birthday, provided: (A) The transfer of guardianship to a successor guardian, as provided in subsection (i) of this section, was finalized on or after October 1, 2013; (B) the child was sixteen years of age or older when such transfer was finalized; and (C) the child is (i) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential, (ii) enrolled full time in an institution that provides postsecondary or vocational education, or (iii) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. To receive a guardianship subsidy pursuant to this subsection, the guardian shall, at the time of the annual review, submit to the commissioner a sworn statement that the

child is still meeting the requirements of clause (i), (ii) or (iii) of subparagraph (C) of this subdivision, provided the commissioner, in his or her discretion, may waive such requirements based on compelling circumstances.

(3) Annually, the subsidized guardian shall submit to the commissioner a sworn statement that the child is still living with and receiving support from the guardian. The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child as required by the general statutes.

(g) A guardianship subsidy shall not be included in the calculation of household income in determining eligibility for benefits of the **[**relative**]** caregiver of the subsidized child or other persons living within the household of the **[**relative**]** caregiver.

(h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) Maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the commissioner and to reduce the number of children who would otherwise be placed into nonrelative foster care when there is a **[**family member**]** caregiver willing to provide care; (2) maximizes federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the **[**relative**]** caregiver of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and interagency coordination in program implementation. The commissioner shall seek all federal waivers and reimbursement as are necessary and appropriate to implement this plan.

(i) In the case of the death, severe disability or serious illness of a **[**relative**]** caregiver who is receiving a guardianship subsidy, the commissioner may transfer the guardianship subsidy to a **[**new relative caregiver who meets the Department of Children and Families foster care safety requirements and**]** successor guardian who meets the department's foster care safety requirements if such successor guardian has been identified in the subsidy agreement, or an addendum thereto, and such successor guardian is appointed as legal guardian by a court of competent jurisdiction.

(j) Nothing in this section shall prohibit the commissioner from continuing to pay guardianship subsidies to those relative caregivers who entered into written

subsidy agreements with the Department of Children and Families prior to October 5, 2009.

(k) Not less than thirty days prior to the termination or reduction of a guardianship subsidy, the commissioner shall (1) provide written notice of such reduction or termination to the caregiver receiving such subsidy, and (2) provide such caregiver with a hearing before the Subsidy Review Board. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the Subsidy Review Board.

Sec. 11. Section 17a-10b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) Notwithstanding the provisions of section 17a-28, as amended by this act, if the Commissioner of Children and Families removes a child from the custody of a parent, the commissioner shall **[**use best efforts**]** make a reasonable effort to identify and **[**notify the grandparents of the child not later than fifteen days after the child is removed from the home. A grandparent may provide contact information to the commissioner for the purposes of such notice if the child is the subject of an investigation by the commissioner or has been, or is under, the care or supervision of the commissioner**]** provide notice, not later than thirty days after the child is removed from the home, to the following relatives: (1) Each grandparent of the child, (2) each parent of any sibling of the child, provided such parent has legal custody of such sibling, and (3) any other adult relative of the child by blood or marriage. For purposes of this subsection, "sibling" includes a stepbrother, stepsister, half-brother, half-sister and any individual who would have been considered a sibling of the child under state law except for a termination or other disruption of parental rights, including, but not limited to, the death of a parent.

(b) The notice provided pursuant to subsection (a) of this section shall include: (1) A statement that the child has been removed from the custody of a parent; (2) a summary of relative's rights under federal and state law to participate in the care and placement of the child, including any options that may be deemed waived through failure to respond to such notice; (3) a description of the requirements to become licensed or approved as a foster family home and the additional services and supports that are available for a child placed in such home; and (4) a description of how the caregiver of the child may subsequently enter into an agreement with the department to receive subsidies for the provision of foster care.

Sec. 12 and 13: Omitted

Sec. 14. Subsection (a) of section 17a-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The commissioner shall prepare and maintain a written case plan for care, treatment and permanent placement of every child under the commissioner's supervision, which shall include, but not be limited to, a diagnosis of the problems of each child, the proposed plan of treatment services and temporary placement and a goal for permanent placement of the child, which may include reunification with the parent, **[**long-term foster care with an identified individual,**]** transfer of guardianship, **[**another planned permanent living arrangement, or**]** adoption or, for a child sixteen years of age or older, another planned permanent living arrangement. The child's health and safety shall be the paramount concern in formulating the plan.

Sec. 15. Subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

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

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

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

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

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

(6) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services

to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(7) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;

(8) A state or federal law enforcement officer for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

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

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

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

Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry pursuant to section 17a-101k; or (E) notifying the Department of Public Health when the Department of Children and Families possesses information regarding a Department of Public Health regulatory violation committed by an individual licensed or certified by the Department of Public Health;

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

(13) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, as amended by this act, 17a-111b, as amended by this act, 46b-129, as amended this act, and 46b-141, as amended by this act;

[(13)**]** (14) A state agency that licenses or certifies an individual to educate or care for children or youth;

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

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

[(16)**]** (17) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

[(17)**]** (18) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to

the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

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

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

[(20)**]** (21) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

[(21)**]** (22) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

[(22)**]** (23) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

[(23)**]** (24) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-11, as amended by this act, 17a-101b, 17a-101c, **[**and**]** 17a-101i, 17a-111b, as amended by this act, 46b-129, as amended by this act, and 46b-141, as amended by this act, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

[(24)**]** (25) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

[(25)**]** (26) The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child or youth, or a member of such child's or youth's immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families;

[(26)**]** (27) The Court Support Services Division of the Judicial Branch for the purpose of sharing common case records to track recidivism of juvenile offenders; and

[(27)**]** (28) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure.

Sec. 16 and 17: Omitted

Sec. 18. Section 45a-715 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Any of the following persons may petition the **[**Court of**]** Probate Court to terminate parental rights of all persons who may have parental rights regarding any minor child or for the termination of parental rights of only one parent provided the application so states: (1) Either or both parents, including a parent who is a minor; (2) the guardian of the child; (3) the selectmen of any town having charge of any foundling child; (4) a duly authorized officer of any child care facility or child-placing agency or organization or any children's home or similar institution approved by the Commissioner of Children and Families; (5) a relative of the child if the parent or parents have abandoned or deserted the child; (6) the Commissioner of Children and Families, provided the custodial parent of such minor child has consented to the termination of parental rights and the child has not been committed to the commissioner, and no application for commitment has been made; provided in any case hereunder where the child with respect to whom the petition is brought has attained the age of twelve, the child shall join in the petition.

(b) A petition for termination of parental rights shall be entitled "In the interest of . . . . (Name of child), a person under the age of eighteen years", and shall set

forth with specificity: (1) The name, sex, date and place of birth, and present address of the child; (2) the name and address of the petitioner, and the nature of the relationship between the petitioner and the child; (3) the names, dates of birth and addresses of the parents of the child, if known, including the name of any putative father named by the mother, and the tribe and reservation of an American Indian parent; (4) if the parent of the child is a minor, the names and addresses of the parents or guardian of the person of such minor; (5) the names and addresses of: (A) The guardian of the person of the child; (B) any guardians ad litem appointed in a prior proceeding; (C) the tribe and reservation of an American Indian child; and (D) the child-placing agency which placed the child in his current placement; (6) the facts upon which termination is sought, the legal grounds authorizing termination, the effects of a termination decree and the basis for the jurisdiction of the court; (7) the name of the persons or agencies which have agreed to accept custody or guardianship of the child's person upon disposition.

(c) If the information required under subdivisions (2) and (6) of subsection (b) of this section is not stated, the petition shall be dismissed. If any other facts required under subdivision (1), (3), (4), (5) or (7) of subsection (b) of this section are not known or cannot be ascertained by the petitioner, he shall so state in the petition. If the whereabouts of either parent or the putative father named under subdivision (3) of subsection (b) of this section are unknown, the petitioner shall diligently search for any such parent or putative father. The petitioner shall file an affidavit with the petition indicating the efforts used to locate the parent or putative father.

(d) If a petition indicates that either or both parents consent to the termination of their parental rights, or if at any time following the filing of a petition and before the entry of a decree a parent consents to the termination of his parental rights, each consenting parent shall acknowledge such consent on a form promulgated by the Office of the Chief Court Administrator evidencing to the satisfaction of the court that the parent has voluntarily and knowingly consented to the termination of his parental rights. No consent to termination by a mother shall be executed within forty-eight hours immediately after the birth of her child. A parent who is a minor shall have the right to consent to termination of parental rights and such consent shall not be voidable by reason of such minority. A guardian ad litem shall be appointed by the court to assure that such minor parent is giving an informed and voluntary consent.

(e) A petition under this section shall be filed in the **[**court of probate**]** Probate Court for the district in which the petitioner or the child resides or, in the case of a minor who is under the guardianship of any child care facility or child-placing agency, in the **[**court of probate**]** Probate Court for the district in which the main

office or any local office of the agency is located. If the petition is filed with respect to a child born out of wedlock, the petition shall state whether there is a putative father to whom notice shall be given under subdivision (2) of subsection (b) of section 45a-716.

(f) If any petitioner under subsection (a) is a minor or incompetent, the guardian ad litem, appointed by the court in accordance with section 45a-708, must approve the petition in writing, before action by the court.

(g) Before a hearing on the merits in any case in which a petition for termination of parental rights is contested in a **[**court of probate**]** Probate Court, the **[**court of probate**]** Probate Court shall, on the motion of any legal party except the petitioner, or may on its own motion or that of the petitioner, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the **[**probate court**]** Probate Court may, on the court's own motion or that of any interested party, transfer any termination of parental rights case to a regional children's probate court established pursuant to section 45a-8a. If the case is transferred, the clerk of the **[**Court of**]** Probate Court shall transmit to the clerk of the Superior Court or the regional children's probate court to which the case was transferred, the original files and papers in the case. The Superior Court or the regional children's probate court to which the case was transferred, upon hearing after notice as provided in sections 45a-716 and 45a-717, may grant the petition as provided in section 45a-717.

(h) Either or both birth parents and an intended adoptive parent may enter into a cooperative postadoption agreement regarding communication or contact between either or both birth parents and the adopted child. Such an agreement may be entered into if: (1) **[**The child is in the custody of the Department of Children and Families; (2) an**]** An order terminating parental rights has not yet been entered; and **[**(3)**]** (2) either or both birth parents agree to a voluntary termination of parental rights, including an agreement in a case which began as an involuntary termination of parental rights. The postadoption agreement shall be applicable only to a birth parent who is a party to the agreement. Such agreement shall be in addition to those under common law. Counsel for the child and any guardian ad litem for the child may be heard on the proposed cooperative postadoption agreement. There shall be no presumption of communication or contact between the birth parents and an intended adoptive parent in the absence of a cooperative postadoption agreement.

(i) If the **[**Court of Probate**]** court determines that the child's best interests will be served by postadoption communication or contact with either or both birth parents, the court shall so order, stating the nature and frequency of the

communication or contact. A court may grant postadoption communication or contact privileges if: (1) Each intended adoptive parent consents to the granting of communication or contact privileges; (2) the intended adoptive parent and either or both birth parents execute a cooperative agreement and file the agreement with the court; (3) consent to postadoption communication or contact is obtained from the child, if the child is at least twelve years of age; and (4) the cooperative postadoption agreement is approved by the court.

(j) A cooperative postadoption agreement shall contain the following: (1) An acknowledgment by either or both birth parents that the termination of parental rights and the adoption is irrevocable, even if the adoptive parents do not abide by the cooperative postadoption agreement; and (2) an acknowledgment by the adoptive parents that the agreement grants either or both birth parents the right to seek to enforce the cooperative postadoption agreement.

(k) The terms of a cooperative postadoption agreement may include the following: (1) Provision for communication between the child and either or both birth parents; (2) provision for future contact between either or both birth parents and the child or an adoptive parent; and (3) maintenance of medical history of either or both birth parents who are a party to the agreement.

(l) The order approving a cooperative postadoption agreement shall be made part of the final order terminating parental rights. The finality of the termination of parental rights and of the adoption shall not be affected by implementation of the provisions of the postadoption agreement, nor is the cooperative postadoption contingent upon the finalization of an adoption. Such an agreement shall not affect the ability of the adoptive parents and the child to change their residence within or outside this state.

(m) A disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the termination of parental rights or the adoption and shall not serve as a basis for orders affecting the custody of the child. The court shall not act on a petition to change or enforce the agreement unless the petitioner had participated, or attempted to participate, in good faith in mediation or other appropriate dispute resolution proceedings to resolve the dispute and allocate any cost for such mediation or dispute resolution proceedings.

(n) An adoptive parent, guardian ad litem for the child or the court on its own motion may, at any time, petition for review of communication or contact ordered pursuant to subsection (i) of this section, if the adoptive parent believes that the best interests of the child are being compromised. The court may order the communication or contact be terminated, or order such conditions in regard

to communication or contact as the court deems to be in the best interest of the adopted child.

(o) For any child who is the subject of a petition for adoption under this chapter, the court shall consider the appropriateness of postadoption communication or contact with a sibling of such child, including, but not limited to, visitation, written correspondence or telephone calls. If the court determines such postadoption communication or contact is in the best interest of the child, the court shall order that such child has access to and visitation rights with such sibling until the child reaches eighteen years of age.

(p) The court shall consider the following factors in determining whether postadoption communication or contact with a sibling is in the best interest of the child: (1) The age of the child and his or her sibling; (2) the extent of the existing relationship between the child and his or her sibling; (3) the physical, emotional and psychological needs, including any special needs, and stability of the child and his or her sibling; (4) the child's opinion and the opinion of his or her sibling regarding such postadoption communication or contact; (5) the opinion of the adoptive parent regarding such postadoption communication or contact; (6) opinions of experts, including any individuals who may have provided services to the child or his or her sibling; (7) the long-term plans for the child and his or her sibling; and (8) any relevant logistical concerns.

(q) Any determination of the court pursuant to subsection (o) of this section shall be included in the final adoption order, but such determination shall not affect the validity of the adoption. Nothing in this subsection shall limit the authority of the court to enforce its orders in any manner permitted by law.

(r) An adoptive parent may, at any time, petition the court to review its determination regarding postadoption communication or contact between a child and his or her sibling. Upon receiving such petition, the court shall conduct a review of its determination using the factors listed in subsection (p) of this section and may order the communication or contact to be terminated or modified if the court determines that such termination or modification is in the best interest of the child. If any dispute arises pursuant to such review, the court may order the parties to engage in mediation.

(s) The court shall not, pursuant to the review required under subsection (r) of this section, increase communication or contact between the adopted child and his or her sibling unless the court (1) receives consent from the adoptive parent; and (2) inquires about and considers the opinion of the child regarding such increase.

Sec. 19. Section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The commissioner may, in the commissioner's discretion, admit to the department on a voluntary basis any child or youth who, in the commissioner's opinion, could benefit from any of the services offered or administered by, or under contract with, or otherwise available to, the department. Application for voluntary admission shall be made in writing by the parent or guardian of a child under fourteen years of age or by such person himself or herself if he or she is a child fourteen years of age or older or a youth. The fact that a parent has applied for services or received services for his or her child through voluntary admission shall not be used against the parent (1) in any investigation conducted by the department in accordance with section 17a-101g, (2) when making placement decisions for the child, (3) when making foster care licensing determinations in accordance with section 17a-114, as amended by this act, or (4) in any court proceeding related to the placement of a minor relative of the parent.

(b) A child or youth voluntarily admitted to the department shall be deemed to be within the care of the commissioner until such admission is terminated. The commissioner shall terminate the admission of any child or youth voluntarily admitted to the department within ten days after receipt of a written request for termination from a parent or guardian of any child under fourteen years of age or from a child if such child is fourteen years of age or older, or youth, unless prior to the expiration of that time the commissioner has sought and received from the Superior Court an order of temporary custody as provided by law. **[**The**]** Except as provided in subsection (i) of this section, the commissioner may terminate the admission of any child or youth voluntarily admitted to the department after (1) giving reasonable notice in writing to (A) the parent or guardian of any child **[**under fourteen years of age and to a child**]** or youth, and (B) the child if such child is fourteen years of age or older, **[**and to any**]** or youth, and (2) if the commissioner has previously petitioned the Probate Court pursuant to subsection (c) of this section, providing notice to the Probate Court of such petition. Any child or youth admitted voluntarily to the department may be placed in, or transferred to, any resource, facility or institution within the department or available to the commissioner except the Connecticut Juvenile Training School, provided the commissioner shall give written notice to such child or youth and to the parent or guardian of the child of the commissioner's intention to make a transfer at least ten days prior to any actual transfer, unless written notice is waived by those entitled to receive it, or unless an emergency commitment of such child or youth is made pursuant to section 17a-502. Any child or youth admitted voluntarily to the department may be transferred to the supervision of the Department of Mental Health and Addiction Services or the

Department of Developmental Services, in collaboration with the commissioner of the department to which the child is transferred. The Commissioner of Children and Families shall provide written notice of his or her intention to make a transfer at least ten days prior to any actual transfer to a child fourteen years of age or older, or youth, and to the parent or guardian of the child or youth being transferred. If the department has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall provide notice of such petition to the court. The Commissioner of Children and Families may continue to provide services to the child or youth in collaboration with the department to which the child or youth has been transferred or may terminate the voluntary services if, in the commissioner's discretion, the department to which the child or youth has been transferred provides adequate services. The commissioner shall provide written notice of his or her intention to terminate services following a transfer to another department to a child fourteen years of age or older, or youth, and to the parent or guardian of such child or youth. If the department has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall provide notice of such petition to the court.

(c) Not more than one hundred twenty days after admitting a child or youth on a voluntary basis, the **[**department**]** commissioner shall petition the **[**probate court**]** Probate Court for the district in which a parent or guardian of the child or youth resides for a determination as to whether continuation **[**in**]** of care is in the child's or youth's best interest and, if so, whether there is an appropriate case service or permanency plan in place for such child or youth. A case service plan shall be required for all children and youths receiving services voluntarily from the department who are not in an out-of-home placement. A permanency plan shall be required for all children and youths voluntarily admitted to the department and placed by the department in a foster home licensed pursuant to section 17a-114, as amended by this act, or a facility licensed pursuant to section 17a-145, as amended by this act. Upon receipt of such **[**application**]** petition, the court shall set a time and place for a hearing to be held within thirty days of receipt of the **[**application**]** petition, unless continued by the court for cause shown. The court shall order notice of the hearing to be given by first class mail at least five days prior to the hearing to the Commissioner of Children and Families, and by first class mail at least five days prior to the hearing to the parents or guardian of the child or youth and **[**the minor, if over twelve**]** the child, if such child is fourteen years of age or older, or youth. If the whereabouts of the parent or guardian are unknown, or if delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. In making its determination as to whether there is an appropriate case service plan for a child or youth, the court shall consider the items specified in subdivision (2) of subsection (d) of this section. In making its determination as to whether there is

an appropriate permanency plan for a child or youth, the court shall consider the items specified in subsection (f) of this section. The court shall possess continuing jurisdiction in proceedings under this section.

(d) (1) If the child or youth is not in an out-of-home placement, the commissioner shall not be required to file periodic motions for review of the case service plan, provided the court shall conduct a hearing to review the case service plan on motion of the commissioner, a parent or guardian of the child or youth or a child fourteen years of age or older, or youth. The court may conduct a hearing on its own motion to review the case service plan for a child or youth who is not in an out-of-home placement if the court determines that imminent concerns regarding the health and safety of the child or youth require a hearing. The court shall provide notice of the time and place of the hearing on such motion to the commissioner, the parents or guardian of the child or youth and to the child, if such child is fourteen years of age or older, or youth, not later than ten days prior to the date of such hearing. In making its determination as to whether there is an appropriate case service plan, the court shall consider the items specified in subdivision (2) of this subsection.

(2) At a hearing on a motion to review a case service plan for a child or youth who is not in an out-of-home placement, the court shall approve a case service plan that is in the best interests of the child or youth. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen the family; and (C) any further efforts which have been or will be made to promote the best interests of the child or youth. At the conclusion of the hearing, the court may: (i) Direct that the services being provided be continued if the court determines that continuation of the child or youth in services is in the child's or youth's best interests, or (ii) direct that the child's or youth's services be modified to reflect the child's or youth's best interest.

[(d) (1)**]** (e) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner and remains placed (1) in a foster home licensed pursuant to section 17a-114, as amended by this act, (2) in a foster home approved by a child-placing agency licensed pursuant to section 17a-149, or (3) in a facility licensed pursuant to section 17a-145, as amended by this act, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. **[**The**]** Not later than ten days prior to the date of such hearing, the court shall provide notice to

the commissioner, the parents or guardian of the child or youth and [such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing] to the child, if such child is fourteen years of age or older, or youth, of the time and place of such hearing. In making its determination as to whether there is an appropriate permanency plan in place, the court shall consider the items specified in subsection (f) of this section.

[(2)] (f) (1) At a [permanency hearing held in accordance with the provisions of subdivision (1) of this subsection] hearing to review a permanency plan for a child or youth who is placed in a foster home licensed pursuant to section 17a-114, as amended by this act, or facility licensed pursuant to section 17a-145, as amended by this act, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (C) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (D) any further efforts [which] that have been or will be made to promote the best interests of the child or youth.

[(3)] (2) The permanency plan [pursuant to subdivision (2) of this subsection] may include the goal of (A) placement of the child or youth with the parent or guardian, (B) transfer of guardianship, (C) [long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver, (D)] termination of parental rights and adoption, or [(E)] (D) for a youth, such other planned permanent living arrangement ordered by the court, provided the commissioner has documented a compelling reason why it would not be in the best interest of the [child or] youth for the permanency plan to include the goals in subparagraphs (A) to [(D)] (C), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a [child or] youth in an independent living program or long-term foster care with an identified foster parent.

[(4)] (3) At a [permanency] hearing on a motion to review a permanency plan, the court shall review the status of the child or youth and the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed by the plan and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. At the conclusion of the hearing, the court may: (A) Direct that the services being provided, or the

placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child's or youth's best interests, or (B) direct that the child's or youth's services or placement be modified to reflect the child's or youth's best interest.

(4) If the permanency plan for a youth includes the goal of such other planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the youth home or to secure placement for the youth with a fit and willing relative, legal guardian or adoptive parent; and (B) the steps the department has taken to ensure (i) the youth's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 1 of this act; and (ii) the youth has regular opportunities to engage in age appropriate and developmentally appropriate activities, as defined in section 1 of this act.

(5) If the permanency plan for a youth includes the goal of such other planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the court shall (A) (i) ask the youth about his or her desired permanency outcome, or (ii) if the youth is unavailable to appear at a hearing held in accordance with the provisions of subdivision (1) of this subsection, require the attorney for the youth to consult with the youth regarding the youth's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, such other planned permanent living arrangement is the best permanency plan for the youth; and (C) document the compelling reasons why it is not in the best interest of the youth to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(e)**]** (g) The commissioner shall adopt regulations in accordance with chapter 54 **[**describing the documentation required for**]** concerning (1) applications for voluntary admission, **[**and for**]** (2) the grant or denial of services, (3) informal administrative case review, **[**upon request, of any denial of an application for voluntary admission**]** and (4) termination of voluntary admission.

[(f)**]** (h) Any person aggrieved by a decision of the commissioner denying voluntary services may appeal such decision through an administrative hearing held pursuant to chapter 54.

(i) Any parent or guardian of a child or youth, or any child fourteen years of age or older, who is aggrieved by a termination of admission pursuant to subsection (b) of this section may (1) request an administrative hearing in accordance with

the regulations adopted by the commissioner pursuant to subsection (g) of this section, or (2) request a hearing before the Probate Court. If, upon such hearing, the Probate Court finds that the termination of admission was made in accordance with the applicable regulations adopted by the commissioner, the court shall uphold such termination. If the court finds that the termination of admission was not made in accordance with the applicable regulations, the court may order the continuation of services and specify a time for the determination of a new case service or permanency plan.

[(g)**]** (j) Notwithstanding any provision of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, as amended by this act, any person already under the care and supervision of the Commissioner of Children and Families who has passed such person's eighteenth birthday but has not yet reached such person's twenty-first birthday may be permitted to remain voluntarily under the supervision of the commissioner, provided the commissioner, in the commissioner's discretion, determines that such person would benefit from further care and support from the Department of Children and Families. Any person remaining voluntarily under the supervision of the commissioner pursuant to this subsection shall be entitled to a written plan for care and treatment, and review of such plan, in accordance with section 17a-15, as amended by this act.

[(h)**]** (k) Upon motion of any interested party in a Probate Court proceeding under this section, the probate court of record may transfer the file for cause shown to a **[**probate court**]** Probate Court for a district other than the district in which the initial or permanency hearing was held. The file shall be transferred by the **[**probate court**]** Probate Court of record making copies of all recorded documents in the court file, certifying each of them, and delivering the certified copies to the **[**probate court**]** Probate Court to which the matter is transferred.

Sec. 20. (NEW) (*Effective October 1, 2015*) Any appearance filed for any party in the Probate Court shall continue in the superior court for juvenile matters unless (1) a motion to withdraw is filed in the Probate Court within five days of the filing of the motion to transfer, and the motion to withdraw is granted by the Probate Court, (2) a motion to withdraw is filed by such party's counsel and granted by the superior court for juvenile matters, or (3) another counsel files an "in lieu of" appearance on behalf of the party. If the party represented is indigent or is the child subject to the proceedings, new counsel shall be assigned from the list of Public Defender Services assigned counsel and shall be paid by the Public Defender Services Commission. The superior court for juvenile matters may request that the Division of Public Defender Services contract with probate counsel for representation if continued representation would be in the best interest of the client. Counsel for indigent parties or minor children appointed by

the Probate Court who remain on the case in superior court for juvenile matters shall be paid by the Public Defender Services Commission according to its policies at the rate of pay established by the commission.

Approved July 2, 2015

Substitute House Bill No. 7029

Public Act No. 15-217

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 17a-76 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) **[**Application**]** An application for commitment of a mentally ill child to a hospital for mental illness shall be **[**made to the court of probate**]** filed in the Probate Court in the district in which such child resides, or when his or her place of residence is out of state or unknown, the district in which he or she may be at the time of filing the application, except in cases where it is otherwise expressly provided by law. In any case in which the child is hospitalized under sections 17a-75 to 17a-83, inclusive, and an application for the commitment of such child is filed in accordance with the provisions of sections 17a-75 to 17a-83, inclusive, the jurisdiction shall be vested in the **[**court of probate**]** Probate Court for the district in which the hospital where such child is a patient is located. In the event that an application has previously been filed in another **[**court of probate**]** Probate Court with respect to the same confinement, no further action shall be taken on such previous application. Notwithstanding the provisions of section 45a-7, if the child is confined to a hospital outside the district of the **[**court of probate**]** Probate Court in which the application for the child's commitment was made, the **[**judge of**]** probate judge from the district where the application was filed shall have jurisdiction to hold the hearing on such commitment at the hospital where such child is hospitalized. The court shall exercise jurisdiction only upon written application alleging that such child suffers from a mental disorder and is in need of treatment. Such application may be **[**made**]** filed by any person, and shall include the name and address of the hospital for mental illness to which the child's commitment is being sought and shall include the name, address and telephone number of any attorney appointed for the child by the Superior Court pursuant to section 46b-129.

(b) Any application for commitment of any child under sections 17a-75 to 17a-83, inclusive, shall be transferred from the **[**court of probate**]** Probate Court where it has been filed to the superior court of appropriate venue upon motion of any legal party except the petitioner.

(c) The motion for such transfer shall be filed with the **[**court of probate**]** Probate Court prior to the beginning of any hearing on the merits. The moving party shall send copies of such motion to all parties of record. The court shall grant such motion the next business day after its receipt by the court. Immediately upon granting the motion, the clerk of the court shall transmit by certified mail the original file and papers to the superior court having jurisdiction. All parties to the proceeding shall be notified of the date on which the file and papers were transferred.

(d) The **[**court of probate**]** Probate Court shall appoint an attorney for such child from the panel of attorneys established by subsection (b) of section 17a-498 on the next business day after receipt of the application, and as soon as reasonably possible shall appoint physicians as required under section 17a-77, which appointments shall remain in full force and effect notwithstanding the fact that the matter has been transferred to the Superior Court.

(e) On any matter not transferred to the Superior Court in accordance with this section, upon the motion of the child for whom application has been made, or his or her counsel, or the **[**judge of**]** probate judge having jurisdiction over such application, filed not later than three days prior to any hearing scheduled on such application, the Probate Court Administrator shall appoint a three-judge court from among the several **[**judges of**]** probate judges to hear such application. **[**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**]** Probate Court having jurisdiction over such application under the provisions of this section shall be a member, provided such judge may disqualify himself or herself 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, and shall be subject to all of the provisions of law as if it were a single-judge court. No such child shall be involuntarily hospitalized without the vote of at least two of the three judges convened under the provisions of this section. 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**]** Probate Court having jurisdiction over the matter.

Sec. 2. Section 17a-497 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The jurisdiction of the commitment of a person with psychiatric disabilities to a hospital for psychiatric disabilities shall be vested in the **[**court of probate**]** Probate Court for the district in which such person resides or, when his or her place of residence is out of the state or unknown, in which he or she may be at the time of filing the application, except in cases where it is otherwise expressly provided by law. In any case in which the person is hospitalized in accordance with the provisions of sections 17a-498, 17a-502 or 17a-506, and an application for the commitment of such person is filed in accordance with the provisions of said sections, the jurisdiction shall be vested in the **[**court of probate**]** Probate Court for the district in which the hospital where such person is a patient is located. In the event that an application has been previously filed in another **[**probate court**]** Probate Court with respect to the same confinement, no further action shall be taken on such prior application. If the respondent is confined to a hospital, notwithstanding the provisions of section 45a-7, the **[**judge of**]** probate judge from the district where the application was filed shall hold the hearing on such commitment at the hospital where such person is confined, if in the opinion of at least one of the physicians appointed by the court to examine him it would be detrimental to the health and welfare of the respondent to travel to the **[**court of probate**]** Probate Court where the application was filed or if it could be dangerous to the respondent or others for him to travel to such court. **[**Courts of probate**]** The Probate Court shall exercise such jurisdiction only upon written application alleging in substance that such person has psychiatric disabilities and is dangerous to himself or herself or others or gravely disabled. Such application may be **[**made**]** filed by any person and, if any person with psychiatric disabilities is at large and dangerous to the community, the first selectman or chief executive officer of the town in which he or she resides or in which he or she is at large shall make such application.

(b) Upon the motion of any respondent or his or her counsel, or the **[**judge of**]** probate judge having jurisdiction over such application, filed not later than three days prior to any hearing scheduled on such application, the Probate Court Administrator shall appoint a three-judge court from among the **[**several judges of**]** probate judges to hear such application. **[**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**]** Probate Court 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. No such respondent shall be involuntarily confined without the vote

of at least two of the three judges convened hereunder. 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**]** Probate Court having jurisdiction over the matter as if the three-judge court had not been appointed.

Sec. 3. Subsection (c) of section 19a-221 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) A person ordered isolated or quarantined under this section shall be isolated or quarantined in a place designated by the director of health until such time as such director determines such person no longer poses a substantial threat to the public health or is released by order of a **[**probate court**]** Probate Court for the district in which such person is isolated or quarantined. Any person who desires treatment by prayer or spiritual means without the use of any drugs or material remedies, but through the use of the principles, tenets or teachings of any church incorporated under chapter 598, may be so treated during such person's isolation or quarantine in such place.

Sec. 4. Subsection (e) of section 19a-221 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(e) Jurisdiction shall be vested in the **[**court of probate**]** Probate Court for the district in which such person resides or is isolated or quarantined. **[**The appeal shall be heard by the judge of probate for such district, except that on motion of the respondent for appointment of a three-judge court, the Probate Court Administrator shall appoint a three-judge court from among the several judges of probate to conduct the hearing. Such three-judge court shall consist of at least one judge who is an attorney-at-law admitted to practice in this state. Such three-judge court when convened shall be subject to all of the provisions of law as if it were a single-judge court. The isolation or quarantine of a person under this section shall not be ordered by the court without the vote of at least two of the three judges convened hereunder. 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. **]**

Sec. 5. Section 19a-265 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) As used in this section:

(1) "Active tuberculosis" means (A) a specimen has been taken from a pulmonary, laryngeal or other airway source, has tested positive for tuberculosis and the person tested has not subsequently completed a standard recommended course of medication for tuberculosis, (B) a specimen from an extrapulmonary source has tested positive for tuberculosis and there is clinical evidence or clinical suspicion of pulmonary tuberculosis and the person tested has not subsequently completed a standard recommended course of medication for tuberculosis, or (C) where sputum smears or cultures are unobtainable, radiographic evidence, in addition to current clinical or laboratory evidence, is sufficient to establish a medical diagnosis of pulmonary tuberculosis for which treatment is indicated and the person diagnosed has not subsequently completed a standard recommended course of medication for tuberculosis.

(2) "Infectious tuberculosis" means tuberculosis disease in a communicable or infectious stage as determined by chest radiograph, the bacteriologic examination of body tissues or secretions, or other diagnostic procedures. A person is considered infectious to others until such time as sputum smears from a pulmonary, laryngeal or other airway source collected on three consecutive days have tested negative for tuberculosis and the person shows significant clinical improvement, such as the resolution of cough or fever.

(3) "Suspected of having active tuberculosis" means a person has signs or symptoms of tuberculosis but diagnostic studies have not been completed.

(4) "Nonadherent" means not taking tuberculosis medications as prescribed or not following the recommendations of the attending physician or health officer for the management of tuberculosis.

(5) "Enablers" means anything that helps the patient to more readily complete therapy including, but not limited to, assistance with transportation.

(6) "Incentive" means anything that motivates the patient to adhere to treatment including, but not limited to, food or coupons.

(7) "Directly observed therapy" means a course of treatment for tuberculosis in which the prescribed antituberculosis medication is administered to the person or ingested by the person under direct observation, as specified by the local director of health.

(b) The health care provider responsible for the treatment of any person with active tuberculosis shall devise, with the assistance and acknowledgment of that person and the approval of the director of health of the municipality in which the person with tuberculosis resides or, in the case of disagreement between the

health care provider and the director of health, the Commissioner of Public Health, an appropriate individualized plan of treatment tailored to the person's medical and personal needs and identifying the method for effective treatment and prevention of transmission. The director of health shall provide or ensure the provision of such enablers and incentives as are within his or her means to provide and are reasonably appropriate in the individual situation to help the person to complete his or her course of treatment. In the event that the person with active tuberculosis is hospitalized or in state custody, the director of health shall be notified as required by section 19a-215, and the individualized plan of treatment shall be approved by the director prior to discharge, provided such discharge shall not be delayed more than twenty-four hours, excluding weekends, solely because of delay in obtaining this approval.

(c) If any town, city or borough director of health determines that the public health is substantially and imminently endangered by a person with or suspected of having active tuberculosis, **[**he**]** the director of health may take the following actions as reasonably necessary to protect the public health: (1) Issue a warning stating that the person should have a physician's examination for tuberculosis to a person who has active tuberculosis or who is suspected of having active tuberculosis when that person is unable or unwilling voluntarily to submit to such examination despite demonstrated efforts to educate and counsel the person about the need for such examination; (2) issue a warning stating that the person should complete an appropriate prescribed course of medication for tuberculosis when that person has active tuberculosis but is unwilling or unable to adhere to an appropriate prescribed course of medication despite a demonstrated effort to educate and counsel the person about the need to complete the prescribed course of treatment and the offering of such enablers and incentives as are reasonably appropriate to facilitate the completion of treatment by that person; (3) issue a warning stating that the person should follow a course of directly observed therapy for tuberculosis that should be given in such a manner as shall minimize the time and financial burden on the person given that person's individual circumstances, when that person has active tuberculosis, has been nonadherent to treatment for it and is unwilling or unable otherwise to adhere to an appropriate prescribed course of medication for tuberculosis despite a demonstrated effort to educate and counsel the person about the need to complete the course of treatment and the provision of such enablers and incentives to the person as are reasonably appropriate to facilitate the completion of treatment by that person; (4) issue an emergency commitment order which shall extend for no more than ninety-six hours that authorizes the removal to or detention in a hospital or other medically-appropriate setting of a person: (A) Who has active tuberculosis that is infectious or who presents a substantial likelihood of having active tuberculosis that is infectious based upon epidemiologic, clinical, radiographic evidence and laboratory test results; (B)

who poses a substantial and imminent likelihood of transmitting tuberculosis to others because of his or her inadequate separation from others, based on a physician's professional judgment using recognized infection control principles; (C) who is unwilling or unable to behave so as not to expose others to risk of infection from tuberculosis despite a demonstrated effort to educate and counsel the person about the need to avoid exposing others and required contagion precautions; (D) who has expressed or demonstrated an unwillingness to adhere to the prescribed course of treatment that would render the person noninfectious despite being educated and counseled about the need to do so and being offered such enablers and incentives as are reasonably appropriate to facilitate the completion of treatment; and (E) for whom emergency commitment is the least restrictive alternative to protect the public health. When issuing an emergency commitment order, the director of health may direct a police officer or other designated transport personnel to immediately transport the person with tuberculosis as so ordered by the director of health. The police officer shall take into custody and isolate the person in such a manner as required by the director of health. The director of health shall notify the police officer or other personnel concerning any necessary infection control procedures; (5) petition the Probate Court for a judicial commitment order that authorizes the removal to or detention in a hospital or other medically-appropriate setting for the purposes of facilitating completion of a prescribed course of treatment for tuberculosis of a person: (A) Who has active tuberculosis; (B) who is unwilling or unable to adhere to an appropriate prescribed course of treatment for tuberculosis despite a demonstrated effort to educate and counsel the person about the need to complete the course of treatment and to provide such enablers and incentives to the person as are reasonably appropriate to facilitate the completion of treatment by that person; (C) who has demonstrated a pattern of persistent nonadherence to treatment for tuberculosis; (D) for whom commitment for the purposes of completion of the prescribed course of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms; and (E) for whom commitment for the purpose of treatment for active tuberculosis is the least restrictive course of action available to protect the public health in that other less restrictive alternatives to encourage that person's adherence to the prescribed course of treatment for tuberculosis have failed.

(d) Any warning or order issued by the director under subdivisions (1) to (4), inclusive, of subsection (c) of this section, or a petition under subdivision (5) of subsection (c) of this section, shall be in writing setting forth: (1) The name of the person who is the subject of the warning, order or petition; (2) the factual basis for the director's professional judgment that the person has active tuberculosis or, in the case of a warning concerning examination, is suspected of having active tuberculosis; (3) in the case of a warning concerning examination under subdivision (1) of subsection (c) of this section, the efforts that have been made to

educate and counsel the person about the need for examination, the medical and legal consequences of failing to agree to it and the factual basis for the director's professional judgment that the person is unable or unwilling voluntarily to submit to such examination; (4) in the case of warnings and orders under subdivisions (2) to (4), inclusive, of subsection (c) of this section and a petition under subdivision (5) of subsection (c) of this section, the efforts that have been made to educate and counsel the person about the need to complete the appropriate prescribed course of treatment and the medical and legal consequences of failing to do so, a description of the enablers and incentives that have been offered or provided to the person, and the factual basis for the director's professional judgment that the person is unable or unwilling voluntarily to adhere to the appropriate prescribed course of treatment; (5) in the case of an emergency commitment order under subsection (c) of this section, the factual basis for the director's professional judgment that: (A) The person is infectious or presents a substantial likelihood of being infectious; (B) the person poses a substantial and imminent likelihood of transmitting tuberculosis to others; (C) the person is unable or unwilling to behave so as not to expose others to risk of infection; and (D) emergency commitment is the least restrictive alternative available to protect the public health; (6) in the case of a petition for commitment under subsection (c) of this section, the factual basis for the director's professional judgment that: (A) The person has been persistently nonadherent to treatment for tuberculosis; (B) commitment for the purpose of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms; (C) commitment for the purpose of treatment for active tuberculosis is the least restrictive alternative to protect the public health in that other alternatives to encourage that person's adherence to treatment have failed. Any warnings or orders issued pursuant to subsections (c) and (k) of this section shall specify the period of time that the warning or order is to remain effective, provided: (i) Any order authorizing examination for tuberculosis shall not continue beyond the minimum period of time required, with the exercise of all due diligence, to make a medical determination of whether the person who has active tuberculosis is infectious or whether the person who is suspected of having tuberculosis has active tuberculosis; (ii) any warning concerning treatment or directly observed therapy shall not continue beyond the conclusion of the prescribed course of antituberculosis treatment; and (iii) any order authorizing emergency commitment shall not exceed ninety-six hours. Any order for emergency commitment or petition for commitment shall specify the place of confinement, which shall be in a facility approved by the Commissioner of Public Health and which shall not be a prison, jail or other enclosure where those charged with a crime are incarcerated unless the person who is the subject of the order is being held on a criminal charge. **[**Within**]** Not later than twenty-four hours **[**of the**]** after the issuance of the order or petition,

the director of health shall notify the Commissioner of Public Health that such an order or petition has been issued.

(e) The director of health may **[**make application to the probate court**]** petition the Probate Court for the district in which a person subject to a warning issued under subdivision (1) of subsection (c) of this section resides for an enforcement order. A person concerning whom **[**said application**]** such petition is made shall have the right to a court hearing which shall be held by the **[**probate court within three business days of receipt of such application**]** Probate Court not later than three days, excluding Saturdays, Sundays and holidays, after the date of receipt of such petition. The hearing shall be held to determine: (1) If the person has active tuberculosis or is suspected of having active tuberculosis; (2) if the person is unable or unwilling to be examined voluntarily; (3) if efforts have been made to educate the person about the need for examination; (4) whether the order is necessary and is the least restrictive alternative to protect the public health. The Probate Court may issue a warrant for the apprehension of a person who is the subject of an order for examination, 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 or such other officer as the court may determine, shall deliver the person to a facility for examination as directed by the health director.

(f) Immediately upon issuance of an emergency commitment order under subdivision (4) of subsection (c) of this section, the director of health shall petition the **[**probate court**]** Probate Court for the district in which the person who is subject to the order resides to determine whether such commitment shall be continued. **[**The petition shall be heard by the judge of probate for such district, except that on motion of the respondent or the judge of probate for appointment of a three-judge court, the Probate Court Administrator shall appoint a three-judge court from among the several judges of probate to conduct the hearing. 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 probate having jurisdiction under the provisions of this section shall be a member, provided such judge may disqualify himself or herself, in which case all three members of such court shall be appointed by the Probate Court Administrator. Such three-judge court when convened shall be subject to all of the provisions of law as if it were a single-judge court. The involuntary confinement of a person under this section by a three-judge court shall not be ordered by the court without the vote of at least two of the three judges convened hereunder. 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 by the court of probate having jurisdiction over the matter as if the three-judge court had not been appointed. The hearing, whether before a one-judge or three-judge court,**]** The hearing shall be held **[**within**]** not later than ninety-six hours, excluding Saturdays, Sundays

and legal holidays, after the date of the issuance of such order of emergency commitment and the court shall cause such advanced notice as it directs thereof to be given to the person who is the subject of the order and such other persons as it may direct. The court shall determine: (1) If the person has active tuberculosis that is infectious or presents a substantial likelihood of having active tuberculosis that is infectious based upon epidemiologic, clinical, or radiographic evidence, and laboratory test results; (2) if the person poses a substantial and imminent likelihood of transmitting tuberculosis to others because of inadequate separation from others, based on a physician's professional judgment using recognized infection control principles; (3) if the person is unwilling or unable to behave so as to not expose others to risk of infection from tuberculosis; (4) if efforts have been made to educate and counsel the person about the need to avoid exposing others and required contagion precautions; (5) if the person has expressed or demonstrated an unwillingness to adhere to the prescribed course of treatment that would render the person noninfectious; (6) if efforts have been made to educate and counsel about the need to complete treatment and if reasonably appropriate enablers and incentives have been offered to facilitate the completion of treatment; and (7) whether the order is necessary and is the least restrictive alternative to protect the public health.

(g) A petition by a director of health for a commitment order pursuant to subdivision (5) of subsection (c) of this section shall be heard by the **[**probate court**]** Probate Court for the district in which the subject of such petition resides **[**within**]** not later than three business days, excluding Saturdays, Sundays and holidays, after the date of receipt of such petition. **[**or, if a motion is made for appointment of a three-judge court, within three business days of the filing of such motion. Upon the motion of the respondent or of the judge of probate for appointment of a three-judge court, the Probate Court Administrator shall appoint a three-judge court from among the several judges of probate to conduct the hearing. 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 probate having jurisdiction 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 be subject to all of the provisions of law as if it were a single-judge court. The involuntary confinement of a person under this section by a three-judge court shall not be ordered by the court without the vote of at least two of the three judges convened hereunder. 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 by the court of probate having jurisdiction over the matter as if the three-judge court had not been appointed. **]** The court shall cause such advanced notice as it directs thereof to be given to the person who is the subject of the order and such other persons as it may direct.

The hearing shall be held to determine: (1) If the person has active tuberculosis; (2) if the person is unwilling or unable to adhere to an appropriate prescribed course of treatment for tuberculosis; (3) if efforts have been made to educate and counsel the person about the need to complete the course of treatment; (4) if reasonably appropriate enablers and incentives have been provided to the person to facilitate the completion of treatment by that person; (5) if the person has a demonstrated pattern of persistent nonadherence to treatment for tuberculosis; (6) if commitment for the purposes of completion of the prescribed course of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms; and (7) whether the order is necessary and is the least restrictive available to protect the public health in that other less restrictive alternatives to encourage that person's adherence to the prescribed course of treatment for tuberculosis have failed. The Probate Court may issue a warrant for the apprehension of a person who is the subject of an order for commitment, 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 or such other officer as the court may determine, shall deliver the person to the place for confinement as determined by the health director and as specified in subsection (d) of this section.

(h) All orders by health directors and all **[**applications or**]** petitions for a hearing under this section shall be hand-delivered to the person subject to the order as quickly as reasonably possible and shall inform **[**him**]** such person that: (1) **[**He or his**]** The person or the person's representative has a right to be present at the hearing; (2) **[**he**]** the person has a right to counsel and, if indigent or otherwise unable to pay for or to obtain counsel, **[**he**]** the person has a right to have counsel appointed to represent him or her; (3) the court shall have the right to appoint and hear additional expert witnesses at the expense of the petitioner; (4) **[**he**]** the person has a right to be present and to cross-examine witnesses testifying at the hearing; (5) the proceedings before the Probate Court shall be recorded and shall be transcribed if **[**he**]** the person appeals or files a writ of habeas corpus; (6) the proceedings before the court shall be confidential and shall not be disclosed unless **[**he or his**]** the person or the person's legal representative requests, or the Probate Court so orders for good cause shown; (7) **[**he**]** the person has a right to appeal an order of the Probate Court to the Superior Court; and (8) **[**he**]** the person has a right to **[**apply to**]** petition the Probate Court to terminate or modify an order it has made under subsection (k) of this section, as provided in subsection (l) of this section. If the court finds that such person is indigent or otherwise unable to pay for or to obtain counsel, the court shall appoint counsel for him or her, unless such person refuses counsel and the court finds that the person understands the nature of his or her refusal. If the person does not select his or her own counsel, or if counsel selected by the person refuses to represent him or her, or is not available for such representation, the court shall appoint

counsel for the person 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 for a person who is indigent or otherwise unable to pay for counsel shall be established by, and paid from funds appropriated to, the Judicial Department, however, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.

(i) Prior to any hearing under this section, such person or **[**his**]** the person's counsel shall be afforded access to all the person's medical records including, without limitation, hospital records if such person is hospitalized. If such person is hospitalized at the time of the hearing, the hospital shall provide **[**the**]** such person or **[**his**]** the person's counsel access to all records in its possession relating to the condition of the person. Nothing in this subsection shall prevent timely objection to the admissibility of evidence in accordance with the rules of civil procedure.

(j) At any hearing held under this section, the director of health shall have the burden of showing by clear and convincing evidence that: (1) The person has active tuberculosis or, in the case of an examination order, is suspected of having active tuberculosis; (2) in the case of an enforcement order for examination, that efforts have been made to educate and counsel the person about the need for examination and that the person remains unable or unwilling voluntarily to submit to such examination; (3) in the case of an order under subdivision (4) of subsection (c) of this section and a petition under subdivision (5) of said subsection (c), that efforts that have been made to educate and counsel that person about the need to complete the appropriate prescribed course of treatment and that reasonably appropriate enablers and incentives have been offered or provided to the person, and that the person remains unable or unwilling voluntarily to adhere to the appropriate prescribed course of treatment; (4) in the case of continuation of an emergency commitment order under subdivision (4) of subsection (c) of this section that: (A) The person is infectious or presents a substantial likelihood of being infectious, (B) the person poses a substantial and imminent likelihood of transmitting tuberculosis to others, (C) the person is unable or unwilling to behave so as not to expose others to risk of infection and (D) commitment is the least restrictive alternative available to protect the public health; (5) in the case of a petition for commitment under subdivision (5) of subsection (c) of this section, that (A) the person has been persistently nonadherent to treatment for tuberculosis, (B) commitment for the purpose of treatment for active tuberculosis is necessary to prevent the development of drug-resistant tuberculosis organisms, (C) commitment for the

purpose of treatment for active tuberculosis is the least restrictive alternative to protect the public health in that other alternatives to encourage said person's adherence to treatment have failed; and (6) the order sought by the director of health is necessary and is the least restrictive alternative to protect the public health.

(k) If the court, at such hearing, finds by clear and convincing evidence that the director of health has met the burden of proof set forth in subsection (j) of this section, the court shall: (1) In the case of examination orders: (A) Order such person to be examined; or (B) enter an order with such terms and conditions as the court deems appropriate to protect the public health in the manner least restrictive of the **[**individual's**]** person's liberty and privacy; (2) in the case of a continuation of an emergency commitment issued pursuant to subdivision (4) of subsection (c) of this section, (A) enter an order, authorizing the continued commitment of such person only for as long as the person remains infectious and poses a risk of transmission to others, or (B) enter an order with such terms and conditions as the court deems appropriate to protect the public health in the manner least restrictive of the **[**individual's**]** person's liberty and privacy; and (3) in the case of a petition for a commitment order for treatment issued pursuant to subdivision (5) of subsection (c) of this section, (A) order the continued commitment, but only for as long as is necessary to complete the prescribed course of treatment or to demonstrate adherence to treatment, or (B) enter an order with such terms and conditions as the court deems appropriate to protect the public health in the manner least restrictive of the **[**individual's**]** person's liberty and privacy. If the court, at such hearing, finds that the director of health has failed to meet such burden of proof, the court shall enter no orders, provided, if the person has been subject to an emergency commitment, the court shall order a release from such commitment.

(l) Such person may, at any time, move the court to terminate or modify an order made under subsection (k) of this section, in which case a hearing shall be held **[**within**]** not later than five business days, excluding Saturdays, Sundays and holidays, after the date of issuance of such order in accordance with this subsection. In addition, the court shall, on its own motion, review at least every six months any order of commitment issued under this section to determine if the conditions that required the commitment or restriction of the person still exist. If the court finds at such hearing, held on motion of the person or on its own motion, that the conditions that warranted the issuance of the order no longer exist, it shall dissolve said order. At such hearing, the director of health shall bear the burden of proof as specified in subsection (j) of this section.

(m) Any person aggrieved by an order of the **[**Court of Probate**]** Probate Court under this section may take an appeal to the Superior Court. The Probate Court

shall cause a recording of any hearing held pursuant to this section to be made, to be transcribed only in the event of **[**an application**]** a petition for a writ of habeas corpus or an appeal from the decree rendered hereunder. A copy of such transcript shall be furnished without charge to the appellant or **[**applicant**]** petitioner for the writ of habeas corpus whom the **[**Court of**]** Probate Court finds unable to pay for the same. In such case, the cost of preparing such transcript shall be paid by the original petitioner.

(n) The provisions of this section shall not be construed to permit or require the forcible administration of any medication.

(o) All health directors' orders, **[**applications or**]** petitions for a hearing, notices of a hearing and proceedings of a hearing under this section shall be kept confidential and shall not be disclosed, except to the parties to the proceeding, or upon the request of the person who is the subject of the order or his legal representative, or upon order of the Probate Court for good cause shown.

(p) All health directors' emergency commitment orders and warnings shall be in a language that the person who is the subject of the warning or order can comprehend.

(q) The commissioner may adopt, in accordance with chapter 54, such regulations as are necessary to carry out and enforce the provisions of subsection (b) of this section.

Sec. 6. Section 45a-705a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) An individual subject to a guardianship or involuntary representation under this chapter may **[**apply**]** petition for and is entitled to the benefit of the writ of habeas corpus without having previously exhausted other available remedies including, but not limited to, the right to appeal the order of guardianship or involuntary representation. The question of the legality of such guardianship or involuntary representation shall be determined by the court or judge issuing such writ.

(b) A writ of habeas corpus shall be directed to the guardian of the person or the estate of the ward or to the conservator of the conserved person and if illegality or invalidity of the guardianship or involuntary representation is alleged in such writ, a copy shall also be directed to the judge of the court that issued the order as to such claim.

(c) [An application] A petition for a writ of habeas corpus under this section shall be brought to either the Superior Court or the [Court of] Probate Court.

(d) If such [application] petition has been brought in the [Court of] Probate Court, the Probate Court Administrator shall appoint a three-judge court to hear such [application] petition from among the [judges of] probate judges who are approved to hear such [applications] petitions by the Chief Justice of the Supreme Court. [. The] provided the Probate Court Administrator shall not appoint the judge of the [court of probate] Probate Court who issued the order [shall not be] as a member of the three-judge court. No such [application] petition shall be denied without the vote of at least two judges of the three-judge court. The judges of such three-judge court shall designate a chief judge from among their members. The three-judge court shall cause a recording to be made of all [proceeding] proceedings held under this section. The recording shall be part of the court record and shall be made and retained in a manner approved by the Probate Court Administrator. All records for any case before the three-judge court shall be maintained in the [court of probate] Probate Court in which the conservator or guardian was appointed.

(e) [Hearing] A hearing held under this section shall be heard not later than ten days, excluding Saturdays, Sundays and holidays, after return of service of the writ.

(f) If the court [or judge before whom such a writ is brought] decides that the guardianship or involuntary representation is not illegal, such decision shall be considered a final judgment and subject to appeal.

(g) If the court [or judge before whom such case is brought] decides that the guardianship or involuntary representation is not illegal, such decision shall not bar issuance of such a writ again, provided it is claimed that such person is no longer subject to the condition for which the person was conserved or such application is based on a ground different from that relied on in an earlier application. Such writ may be applied for by an individual subject to guardianship or involuntary representation or on the behalf of such individual by any relative, friend or person interested in such individual's welfare.

(h) An appeal to the Superior Court of a decision rendered by a three-judge court under this section shall be filed in the judicial district in which the [court of probate] Probate Court that issued the order appointing a guardian or conservator is located or, if the Probate Court that issued the order is located in a probate district that extends into more than one judicial district, in any judicial district in which any part of the probate district is located. Such appeal shall be heard not later than thirty days of the return of service of the appeal.

Sec. 7. Subdivision (2) of subsection (a) of section 45a-132 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(2) No judge or magistrate may appoint a guardian ad litem for (A) a patient in a proceeding under section 17a-543 or 17a-543a, prior to a determination by a **[**court of probate**]** Probate Court that the patient is incapable of giving informed consent under either of said sections, or (B) a respondent in a proceeding under sections 45a-644 to 45a-663, inclusive, prior to a determination by a **[**court of probate**]** Probate Court that the respondent is incapable of caring for himself or herself or incapable of managing his or her affairs. No judge or magistrate may appoint a guardian ad litem for **[**an applicant**]** a petitioner under section 45a-705a, as amended by this act.

Sec. 8. Section 45a-123a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) (1) There shall be probate magistrates for the purpose of hearing matters referred pursuant to section 45a-123. Any former **[**judge of**]** probate judge under seventy years of age, other than a **[**judge of**]** probate judge receiving a retirement allowance under section 45a-40 due to permanent and total disability, who is an elector of this state shall be eligible for nomination, appointment or assignment as a probate magistrate.

(2) The Probate Court Administrator may nominate former **[**judges of**]** probate judges who meet the requirements of this subsection to serve as probate magistrates. The Probate Court Administrator shall provide a list of such nominated former judges to the Chief Justice of the Supreme Court and update the list as necessary. The Chief Justice shall appoint probate magistrates from the list for a term of three years and inform the Probate Court Administrator of such appointments. The Chief Justice, on the recommendation of the Council on Probate Judicial Conduct or the Probate Court Administrator, may suspend or remove a probate magistrate during his or her term for reasonable cause. The Probate Court Administrator shall assign probate magistrates pursuant to section 45a-123 from among the probate magistrates appointed by the Chief Justice.

(3) Each probate magistrate shall receive, for each day the probate magistrate is engaged as a probate magistrate, in addition to any retirement salary the probate magistrate is entitled to receive, an amount of fifty dollars per hour, not to exceed two hundred fifty dollars per day, for each day of service. Such service includes, but is not limited to, conducting hearings and preparing a report or amendment to a report pursuant to section 45a-123. Service as a probate magistrate shall not constitute credited service for purposes of health, retirement

or other benefits. Amounts paid to a probate magistrate under this subdivision shall be paid from the Probate Court Administration Fund established under section 45a-82.

(b) (1) In addition to the probate magistrates appointed pursuant to subsection (a) of this section, there shall be attorney probate referees for the purpose of hearing matters referred pursuant to section 45a-123. Any individual who has been a member of the bar of this state in good standing for at least five years, is an elector of this state and is under seventy years of age shall be eligible for nomination, appointment and assignment as an attorney probate referee.

(2) The Probate Court Administrator may nominate individuals who meet the requirements of this subsection as attorney probate referees. Any [judge of] probate judge may submit to the Probate Court Administrator, on such form and in such manner as the Probate Court Administrator prescribes, a recommendation that the Probate Court Administrator nominate a specified individual as attorney probate referee, provided the individual meets the requirements of this subsection. The Probate Court Administrator shall consider any such recommendation prior to making a nomination under this subdivision, but shall not be bound by such recommendation. The Probate Court Administrator shall ensure geographic, racial and ethnic diversity among individuals nominated as attorney probate referee.

(3) The Probate Court Administrator shall provide a list of individuals nominated as attorney probate referee to the Chief Justice of the Supreme Court and update the list as necessary. The Chief Justice shall appoint attorney probate referees from the list for a term of three years and inform the Probate Court Administrator of such appointments. The Chief Justice, on the recommendation of the Council on Probate Judicial Conduct or the Probate Court Administrator, may suspend or remove an attorney probate referee during his or her term for reasonable cause. The Probate Court Administrator shall assign attorney probate referees pursuant to section 45a-123 from among the attorney probate referees appointed by the Chief Justice.

(4) No attorney probate referee shall receive compensation for his or her duties as an attorney probate referee.

[(5) Not later than January 1, 2012, and annually thereafter, the Probate Court Administrator shall submit a report to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary that includes (1) the number of attorney probate referees nominated, appointed and assigned under this subsection during the prior calendar year, and (2) an analysis of the geographic, racial and ethnic diversity of attorney

probate referees nominated, appointed and assigned under this subsection during the prior calendar year. The report shall be submitted in accordance with section 11-4a.]

(c) Each probate magistrate and attorney probate referee shall complete continuing education programs established for such magistrates and referees under regulations issued by the Probate Court Administrator pursuant to section 45a-77.

(d) No person shall be subject to the requirements of sections 45a-25 and 45a-26 with respect to [judges of] probate judges solely on the basis of such person's nomination, appointment or assignment as a probate magistrate or an attorney probate referee.

Sec. 9. Subsection (a) of section 45a-62 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) There shall be a Council on Probate Judicial Conduct to consist of one [judge of] probate judge elected by the [judges of probate] Connecticut Probate Assembly established under section 45a-90, one referee appointed by the Chief Justice from among the state referees who have retired from the Supreme Court or Superior Court, one person appointed by the Governor who shall be an attorney-at-law, admitted to practice in this state and actively engaged in the practice of law in this state for at least five years, and two persons appointed by the Governor who are not attorneys-at-law. Such appointments shall be made on October 1, 1975, and every four years thereafter.

Sec. 10. Section 45a-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The Council on Probate Judicial Conduct shall investigate every written complaint brought before it alleging conduct of [judges of] a probate judge which may violate any law or canon of ethics applicable to [judges of] probate judges, or failure to perform properly the duties of the office, or conduct prejudicial to the impartial and effective administration of justice which brings the judicial office in disrepute, or final conviction of a felony or of a misdemeanor involving moral turpitude, or disbarment or suspension as an attorney-at-law, or the wilful failure to file a financial statement or the filing of a fraudulent financial statement required under section 45a-68, as amended by this act.

(b) The council shall investigate every written complaint brought before it alleging that a probate magistrate or attorney probate referee appointed under section 45a-123a, as amended by this act, has, in the performance of his or her

duties as a probate magistrate or attorney probate referee, violated any law or canon of ethics applicable to probate magistrates or attorney probate referees.

(c) The council shall investigate every written complaint brought before it alleging that a judicial candidate has, during the period of his or her candidacy, or, if elected, during the period between the date of the election and the start of his or her term of office as judge, violated any law or canon of ethics applicable to judicial candidates. A person becomes a judicial candidate as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the State Elections Enforcement Commission, or authorizes solicitation or acceptance of contributions or support in connection with his or her candidacy for probate judge.

(d) In making **[**any such**]** an investigation **[**, the council**]** under subsection (a), (b) or (c) of this section, the council may use the services of the Division of State Police within the Department of Emergency Services and Public Protection, or any chief inspector, inspector or investigator in the Division of Criminal Justice, or may engage the services of private investigators if it deems such services necessary.

[(b)**]** (e) If (1) the complaint filed involves **[**the judge of probate**]** a respondent who is a member of the council, the **[**judge**]** respondent shall be disqualified from acting in his or her capacity as a council member in the investigation and hearing on the matter, or (2) a **[**judge of**]** probate judge who is a member of the council is unable to act for any other reason, a **[**judge of**]** probate judge shall be appointed to act in his stead by the president-judge of the Connecticut Probate Assembly, established under section 45a-90. If a council member appointed by the Chief Justice disqualifies himself or herself with regard to a matter before the council, or is unable to act for any other reason, the Chief Justice shall appoint a substitute member to act in connection with such matter. If a council member appointed by the Governor disqualifies himself or herself with regard to a matter before the council, or is unable to act for any other reason, the Governor shall appoint a substitute member to act in connection with such matter. Any substitute shall satisfy the same criteria for selection as the disqualified member.

[(c)**]** (f) The council may engage the services of legal counsel who shall direct any investigation ordered by the council. Such counsel may conduct the examination of witnesses, present any evidence deemed relevant, cross-examine witnesses presented by any person and perform such other duties as the council deems necessary for the conduct of its business.

[(d)**]** (g) The council shall, not later than five days after receipt of such complaint or motion of the council, notify by registered or certified mail **[**any judge against

whom such complaint is filed or motion is made] the respondent and a copy of such complaint or motion shall accompany such notice. The council shall also notify the complainant of its receipt of such complaint not later than five days thereafter. Any investigation to determine whether or not there is probable cause that [judicial] misconduct under subsection (a), (b) or (c) of this section has been committed shall be confidential and any individual called by the council for the purpose of providing information shall not disclose his or her knowledge of such investigation to a third party unless the [judge] respondent requests that such investigation and disclosure be open. If a respondent is required to disclose a complaint pursuant to rules of procedure adopted under section 45a-78, any individual to whom the disclosure is made shall not disclose his or her knowledge of such investigation to a third party unless the respondent requests that such investigation and disclosure be open. The [judge] respondent shall have the right to appear and be heard and to offer any information which may tend to clear him or her of probable cause to believe that he or she has committed an act of [judicial] misconduct under subsection (a), (b) or (c) of this section. The [judge] respondent shall also have the right to be represented by legal counsel and examine and cross-examine witnesses.

[(e)] (h) The council shall, not later than seven business days after the termination of such investigation, notify the complainant and the [judge] respondent that the investigation has been terminated and whether probable cause has been found that [judicial] misconduct under subsection (a), (b) or (c) of this section has been committed. If the council finds that [judicial] the respondent has not committed misconduct under subsection (a), (b) or (c) of this section, [has not been committed,] but the [judge] respondent has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the [judge] respondent recommending a change in judicial conduct or practice.

(i) As used in this section and sections 45a-64 to 45a-66, inclusive, as amended by this act: (1) "Judicial candidate" means a person seeking election to the office of probate judge who is not an incumbent probate judge; and (2) "respondent" means a probate magistrate or attorney probate referee appointed under section 45a-123a, as amended by this act, a probate judge or a judicial candidate against whom a complaint has been filed or motion has been made under this section.

Sec. 11. Section 45a-63a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

No complaint for [judicial] misconduct [against a judge of probate] shall be brought under section 45a-63, as amended by this act, but within eight years from the date the alleged [judicial] misconduct was committed.

Sec. 12. Section 45a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

If a preliminary investigation indicates that probable cause exists that **[**the judge has committed an act of judicial misconduct**]** a respondent has committed misconduct under subsection (a), (b) or (c) of section 45a-63, as amended by this act, the council shall hold a hearing concerning the misconduct or complaint. All hearings held pursuant to this section shall be open. The council shall make a record of all proceedings pursuant to this section. The council shall, not later than fifteen days after the close of such hearing, publish its findings together with a memorandum of its reasons therefor. **[**Any judge of probate who is under investigation and who appears before the hearing shall be entitled to counsel,**]** The respondent shall be entitled to present evidence, and shall have the right to cross-examine witnesses.

Sec. 13. Section 45a-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The council shall, after the hearing provided under section 45a-64, as amended by this act, prepare a report of its investigation and a recommendation as to whether the **[**judge of probate investigated**]** respondent should be publicly admonished, publicly censured or exonerated of the allegations of the complaint. **[**If the council finds that judicial misconduct under subsection (a) of section 45a-63, has not been committed, but the judge has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the judge recommending a change in judicial conduct or practice. **]** If the council finds that a respondent has not committed a violation under subsection (a), (b) or (c) of section 45a-63, as amended by this act, but has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the respondent recommending a change in practice or judicial conduct.

(b) If public admonishment or public censure is recommended, the chairman shall prepare and forward the admonishment or censure in writing to the **[**judge of probate being admonished or censured**]** respondent, signing the admonishment or censure as chairman of the council. **[**A judge**]** The respondent may, within twenty days after receiving notice of public admonishment or censure by the council, appeal to the Supreme Court of Connecticut. A **[**judge**]** respondent filing an appeal shall give notice of its filing to the council before the expiration of time for filing of an appeal. The council shall, within two weeks following receipt of notice of an appeal, file a finding of fact and conclusions therefrom. A copy of the admonishment or censure shall be

furnished the Chief Justice, the Chief Court Administrator, the Probate Court Administrator, the president-judge of the Connecticut Probate Assembly [, the town clerk or clerk in each town in the district served by such judge of probate] and the complainant. If a judge or judicial candidate is the subject of the admonishment or censure, a copy of the admonishment or censure shall be furnished to the town clerk in each town in the judge's or judicial candidate's probate district.

(c) If, in the judgment of the council, the facts so warrant, it may recommend [to] that (1) the House of Representatives [the institution of] institute impeachment proceedings against a probate judge, or (2) the Chief Justice suspend or remove a probate magistrate or attorney probate referee from office.

(d) If the council exonerates [a judge of probate] the respondent, a copy of the proceedings and report of the council shall be furnished to the [judge] respondent, the Probate Court Administrator and the complainant.

(e) Except as provided in subsections [(d) and (e)] (g) and (h) of section 45a-63, as amended by this act, all decisions of the council shall be public record and shall be available for inspection at the office of the Probate Court Administrator.

Sec. 14. Section 45a-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

Any person may be compelled, by subpoena signed by competent authority, to appear before the council to testify regarding any complaint brought to or by the council under section 45a-63, as amended by this act, and also to produce before the council, for examination, any books or papers, which in the judgment of the council or [any judges of probate under investigation] the respondent, are relevant to the inquiry, investigation or hearing. While engaged in the discharge of its duties, the council shall have the same authority over witnesses as is provided in section 51-35 and may commit for contempt for a period of no longer than thirty days.

Sec. 15. Subsections (a) and (b) of section 45a-68 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) Each [judge of a court of probate] probate judge shall file under penalty of false statement, a statement of financial interests for the preceding calendar year with the Council on Probate Judicial Conduct established in section 45a-62, as amended by this act, on or before April fifteenth next following for any year in which the probate judge holds such position.

(b) The statement shall be on a form provided by the Council on Probate Judicial Conduct and shall include the following information for the preceding calendar year regarding the probate judge, his or her spouse and the dependent children living in his or her household: (1) The name of all businesses with which the probate judge, his or her spouse or any such child is associated; (2) the category or type of all sources of his or her income and that of his or her spouse or each child, in excess of one thousand dollars, but amounts of income need not be specified, and the names and addresses of specific clients and customers who provide more than five thousand dollars of income, but amounts of income need not be specified; (3) the name of each security in excess of five thousand dollars at fair market value owned by the probate judge or spouse or any such child or held in the name of a corporation, partnership or trust for the benefit of the probate judge, his or her spouse or any such child except in the case of a trust established by the probate judge, spouse or child for the purpose of divesting the probate judge or his or her spouse or any such child of all control and knowledge of the probate judge's, spouse's or child's assets in order to avoid a conflict of interest during the probate judge's term of office, but only the existence of such trust and the name of the trustee shall be included, and the value need not be specified; (4) all real property and its location, whether owned by the probate judge, his or her spouse or any such child or held in the name of a corporation, partnership or trust for the benefit of the probate judge, spouse or child. Each **[**such**]** probate judge shall file a disclosure of any fees or honorariums received for his or her own or his or her spouse's or child's appearance or the delivery of an address to any meeting of any organization within thirty days after receipt of the fee or honorarium.

Sec. 16. Section 45a-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

[(a) The surviving spouse of any person who dies, or if there is no surviving spouse, any of the next of kin of such decedent, or if there is no next of kin or if such surviving spouse or next of kin refuses, then any suitable person whom the court deems to have a sufficient interest may, in lieu of filing an application for admission of a will to probate or letters of administration, file an affidavit or statement signed under penalty of false statement in the court of probate in the district in which the decedent resided, stating, if such is the case, that all debts of the decedent have been paid in the manner prescribed by section 45a-365, at least to the extent of the fair value of all of the decedent's assets, when (1) such decedent leaves property of the type described in subsection (b) of this section, and (2) the aggregate value of any such property as described in subsection (b) of this section does not exceed the sum of forty thousand dollars. In addition, such affidavit or statement shall state that the decedent either did, or did not, receive

aid or care from the state, which shall also include aid or care from the Department of Veterans' Affairs, whichever is true.

(b) Such property includes: (1) A deposit in any bank; (2) equity in shares in any savings and loan association, federal savings and loan association or credit union, doing business in this state; (3) corporate stock or bonds; (4) any unpaid wages due from any corporation, firm, individual, association or partnership located in this state; (5) a death benefit payable from any fraternal order or shop society or payable under any insurance policy for which the decedent failed to name a beneficiary entitled under the bylaws and regulations of such order or society or under the terms of such insurance policy to receive such death benefit; (6) other personal property, tangible or intangible, including a motor vehicle or motor vehicles and a motor boat or motor boats registered in his name; or (7) an unreleased interest in a mortgage with or without value.

(c) Thereafter, except as provided in subsection (e) of this section, the judge of probate for such district shall issue a decree finding that no probate proceedings have been instituted in connection with the estate of such decedent and authorizing either the holder of such property or the registrant thereof, including the authority issuing the registration, to transfer the same or pay the amount thereof to the persons legally entitled thereto. The court of probate may issue such certificates and other documents as may be necessary to carry out the intent of this section. If the petitioner indicates in such affidavit that the assets listed in such affidavit or a portion thereof are necessary to pay the funeral director who buried such decedent or to pay debts due for the last sickness of the decedent, the court may order the payment of such assets directly to such funeral director or to those creditors to whom debts are due for the last sickness of the decedent to the extent necessary to pay their preferred claims for funeral expenses or expenses for the decedent's last sickness, or may order such assets sold and the proceeds from such sale paid directly to the funeral director or such creditors. If the petitioner indicates in such affidavit that the decedent received public assistance or institutional care from the state of Connecticut, the court shall not issue a decree until thirty days after notification to the Department of Administrative Services. Any decree issued by the court may authorize the surviving spouse or next of kin, or some suitable person whom the court deems to have a sufficient interest, to release an interest in any mortgage reported under the provisions of this section.

(d) If there is no surviving spouse or next of kin of a person who dies leaving property as described in this section, the funeral director who buried such decedent or any creditor to whom a debt is due for the last sickness of the decedent may file in such court of probate an affidavit as described in this section that such funeral director or any creditor to whom a debt is due for the last

sickness of the decedent has a lawful preferred claim for funeral expenses or expenses for the decedent's last sickness. Thereupon such court may, in its discretion, authorize either the holder of such property or the registrant thereof, as aforesaid, to transfer the property or pay from the property the amount of such claim, or to pay proceeds from the sale of any such assets ordered sold by the court, to such funeral director or any creditor to whom a debt is due for the last sickness of the decedent, in satisfaction of the amount of the claim of each. **]**

(a) If the aggregate value of a decedent's solely owned tangible and intangible personal property, excluding property that passes outside of probate by operation of law, does not exceed forty thousand dollars and the decedent had no solely owned real property in this state at the time of his or her death: (1) The decedent's surviving spouse; or (2) if there is no surviving spouse, any of the decedent's next of kin; or (3) if there is no next of kin or if the surviving spouse and next of kin refuse, any person whom the court deems to have a sufficient interest in the decedent's estate, including any person or entity to whom a claim, expense or tax is due, may, in lieu of filing a petition for admission of a will to probate or letters of administration, file an affidavit signed under penalty of false statement in the Probate Court in the district in which the decedent resided.

(b) An affidavit shall contain: (1) A statement whether the decedent received aid or care from the state; (2) a list of the decedent's solely owned assets, excluding assets that pass outside of probate by operation of law; and (3) a list of all claims, expenses and taxes due from the decedent's estate in the categories set forth in subdivisions (1) to (7), inclusive, of section 45a-365, which list shall indicate if any of the claims, expenses and taxes have been paid and, if so, by whom.

(c) On receipt of an affidavit, the court shall send a copy of the affidavit to the Department of Administrative Services. The court shall not issue a decree until thirty days after the date on which a copy of the affidavit was sent to the department. Except as provided in this subsection, the court may act on the affidavit without notice and hearing.

(d) Except as provided in subdivision (5) of subsection (f) of this section, if the court finds that no probate proceedings have been instituted in connection with the estate of the decedent, the court shall determine the persons and entities entitled to payment for claims, expenses and taxes in accordance with subsection (e) of this section and the persons entitled to distributions from the decedent's estate in accordance with subsection (f) of this section. The court shall issue a decree authorizing each holder or registrant of an asset of the decedent to: (1) Transfer the asset directly to specified persons or entities; (2) pay amounts from the asset to specified persons or entities; or (3) transfer the asset to the person filing the affidavit, to be sold and the proceeds paid to specified persons or

entities. The court may issue certificates or other documents to carry out the decree. In addition, the court may authorize the person filing the affidavit to release an interest in a mortgage reported on the affidavit.

(e) The court shall determine the persons and entities entitled to payment for the claims, expenses and taxes due from the estate, or reimbursement for such amounts paid on behalf of the estate, in accordance with section 45a-365 except, (1) if a decedent received aid or care from the state or received care in a state humane institution, such reimbursement shall be in accordance with section 17b-95; and (2) if a decedent is obligated to pay the decedent's cost of incarceration, such reimbursement shall be in accordance with section 18-85c. If the claims, taxes and expenses exceed the fair value of the decedent's assets, the court shall order payment in accordance with this subsection, provided the procedures for insolvent estates under sections 45a-376 to 45a-383, inclusive, shall not be required.

[(e)**]** (f) If **[**an affidavit is filed under subsection (a) of this section in lieu of an application for admission of a will to probate or letters of administration and the fair value of the property of the decedent exceeds the total amount of claims, including**]** the fair value of the decedent's assets exceeds the total amount of claims, expenses, taxes and any amounts allowed to the family for support under section 45a-320, the court shall proceed as follows: (1) If no purported last will and testament is found, the court shall order distribution of the excess in accordance with the laws of intestate succession; (2) if the decedent left a duly executed last will and testament and the will provides for a distribution which is the same as that under the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; (3) if the decedent left a duly executed last will and testament and the will provides for a distribution different from that under the laws of intestate succession, and the heirs at law of such decedent sign a written waiver of their right to contest the will, the court shall order the excess to be paid in accordance with the terms of the will; (4) if the will directs a distribution different from the laws of intestate succession, and **[**the heirs at law do not waive their right to contest the admission of such will, the will shall be offered for probate in accordance with section 45a-286. In such case, the court may issue a decree under this section only if the persons entitled to take the bequests under the will consent, in writing, to the distribution of the bequests in accordance with the laws of intestate succession. If the claims against the estate exceed the value of the property of such decedent, the claims shall be paid in accordance with the priorities set forth in section 45a-365**]** the persons entitled to bequests under the will consent, in writing, to the distribution of the estate in accordance with the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; and (5) if the will directs a distribution different from the

laws of intestate succession, the heirs at law do not waive their right to contest the admission of such will, and the persons entitled to bequests under the will do not consent to the distribution of the estate in accordance with the laws of intestate succession, the court shall dismiss the affidavit and permit any party to petition for admission of the will to probate in accordance with section 45a-286. As used in this subsection, the term "will" includes any duly executed codicil thereto.

[(f)**]** (g) Any such transfer or payment made pursuant to a decree issued under this section shall, to the extent of the amount so transferred or paid, discharge the registrant or holder of such property from liability to any person on account thereof.

[(g)**]** (h) As a condition of such transfer or payment, the registrant or holder may require the filing of appropriate waivers, the execution of a bond of indemnity and a receipt for such transfer or payment.

[(h) The authority issuing the transfer of registration shall charge a fee of three dollars for the transfer of each motor vehicle and a fee of one dollar for the transfer of each motor boat under this section. **]**

(i) Any transfer or payment under the provisions of this section shall be exempt from taxation under the provisions of chapter 219.

(j) **[**(1)**]** Any person to whom such transfer or payment has been made shall be liable for the value thereof to the Commissioner of Revenue Services for any estate, succession or transfer tax on the property transferred or payment made and to the executor or administrator of the estate of the decedent thereafter appointed.

[(2) The Commissioner of Revenue Services shall be given notice by the court of probate of the issuance of any such decree upon such form as may be provided by said commissioner unless such surviving spouse or next of kin, or other suitable person whom the court deems to have a sufficient interest, files with the court of probate a sworn return provided for by chapter 216, in which event the judge of probate may incorporate in the decree a statement that the Commissioner of Revenue Services has issued a finding that no succession or transfer tax is due, or that any such tax computed by him as due has been paid. Such statement shall be conclusive evidence of the consent by the Commissioner of Revenue Services to the transfer or payment of such property as provided in this section free from any claim for such tax, notwithstanding any provision in chapter 216 to the contrary. **]**

Sec. 17. Section 45a-7a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[Each court of probate shall remit all fees, costs**]** (a) Except as provided in subsections (b) and (c) of this section, each Probate Court shall remit all fees, expenses and other income received, including, but not limited to, moneys received under sections 45a-105 to 45a-112, inclusive, to the State Treasurer to be credited to the Probate Court Administration Fund under section 45a-82.

(b) Expenses paid by a town pursuant to section 45a-8 shall not be remitted to the Probate Court Administration Fund.

(c) A Probate Court may hold in escrow any moneys that are paid by a person or entity in anticipation of future fees and expenses. The court shall deposit all escrow funds into a checking account in the name of the court at a financial institution, as defined in section 36a-330. When a fee or expense is charged to a person or entity that has previously paid funds into escrow, the court shall immediately remit such fee or expense to the State Treasurer. A Probate Court shall not commingle escrow funds with funds from any other source. The provisions of section 4-33 shall not apply to the management of escrow funds under this section.

Sec. 18. Section 45a-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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**]** Probate Courts, (2) staffing levels for each **[**court of probate**]** Probate Court, and (3) **[**a miscellaneous**]** an office budget for each **[**court of probate**]** Probate Court. 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) The Probate Court Administrator shall annually transfer to each Probate Court the amount budgeted under subsection (b) of this section for a Probate Court's office budget. The transfer shall be made from the Probate Court

Administration Fund established under section 45a-82. Each Probate Court shall establish and maintain a checking account in the name of the court at a financial institution, as defined in section 36a-330, to hold and manage the office budget funds. A Probate Court shall deposit all office budget funds into the account and disburse from the account all payments for expenditures permitted under the office budget. A Probate Court shall not commingle office budget funds with funds from any other source. The provisions of sections 4-33 and 4-98 shall not apply to the management of office budget funds under this section.

Sec. 19. Section 17b-751a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A grandparent or other relative caregiver who is appointed a guardian of a child or children 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 Probate Court Administrator.

(b) The Probate Court Administrator may designate one or more Probate Courts to administer grants from the Kinship Fund and Grandparents and Relatives Respite Fund and may transfer grant funds to such courts at such times and in such amounts as the administrator determines necessary to ensure the efficient processing of grants from all eligible applicants. Each such court shall establish and maintain separate checking accounts to hold and manage grant funds for the Kinship Fund and the Grandparents and Relatives Respite Fund. The accounts shall be in the name of the court at a financial institution, as defined in section 36a-330. The court shall deposit into the respective accounts all grant funds transferred from the administrator and disburse from the accounts all grants approved by the court. The court shall not commingle grant funds with funds from any other source. The provisions of section 4-33 shall not apply to the management of grant funds under this section.

Sec. 20. Section 45a-614 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

(a) Except as provided in subsection (b) of this section, the following persons may apply to the **[**court of probate**]** Probate Court for the district in which the minor resides for the removal as guardian of one or both parents of the minor: (1) Any adult relative of the minor, including those by blood or marriage; (2) **[**the court on its own motion**]** a person with actual physical custody of the minor at the time the petition is filed; or (3) counsel for the minor.

(b) A parent may not petition for the removal of a permanent guardian appointed pursuant to section 45a-616a.

Sec. 21. Section 45a-646 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

Any person may **[**make application to**]** petition the **[**court of probate**]** Probate Court in the district in which he or she resides, **[**or has his domicile**]** is domiciled or is located at the time the petition for voluntary representation is filed either for the appointment of a conservator of the person or a conservator of the estate, or both. If the **[**application**]** petition excuses bond, no bond shall be required by the court unless later requested by the respondent or unless facts are brought to the attention of the court that a bond is necessary for the protection of the respondent. Upon receipt of the **[**application**]** petition, the court shall set a time and place for hearing and shall give such notice as it may direct to the petitioner, the petitioner's spouse, if any, the Commissioner of Administrative Services, if the respondent is receiving aid or care from the state, and to other interested parties, if any. After seeing the respondent in person and hearing his or her reasons for the **[**application**]** petition and after explaining to the respondent that granting the petition will subject the respondent or respondent's property, as the case may be, to the authority of the conservator, the court may grant voluntary representation and thereupon shall appoint a conservator of the person or estate or both, and shall not make a finding that the petitioner is incapable. The conservator of the person or estate or both, shall have all the powers and duties of a conservator of the person or estate of an incapable person appointed pursuant to section 45a-650. If the respondent subsequently becomes disabled or incapable, the authority of the conservator shall not be revoked as a result of such disability or incapacity.

Sec. 22. Section 45a-671 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

(a) **[**Within forty-five days of the filing of such application for guardianship in the Court of Probate**]** Not later than forty-five days after the date of filing an application for guardianship with the Probate Court, such court shall assign a time and place for hearing such application. Notwithstanding the provisions of section 45a-7, the court may hold the hearing on the application at a place within the state other than its usual courtroom if it would facilitate the presence of the respondent. Such court shall cause a citation and notice to be served upon the respondent by personal service made by a state marshal, constable or an indifferent person not less than seven days prior to the date of such hearing. **[**date. **]**

(b) The court shall direct notice by first class mail to the following: (1) The applicant; (2) the parents of the respondent; **[**, provided the parents are not the applicants; (2)**]** (3) the spouse of the respondent; **[**, provided the spouse is not the applicant; (3)**]** (4) children of the respondent, if any; (5) the siblings of the respondent or their representatives, if the respondent has no living parents; and **[**(4)**]** (6) the person in charge of the hospital, nursing home, residential facility or other institution in which the respondent may reside.

[(c) The court shall order such notice as it directs to the following: (1) The applicant; and (2) the siblings of the respondent or their representatives, if the respondent has no living parents, and the spouse or children of the respondent. **]**

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

Sec. 23. Section 47-36o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A deed following the form entitled "Conservator's Deed", when duly executed, has the force and effect of conveying to the grantee the fee simple title of **[**an incapable person**]** a person under voluntary or involuntary conservatorship or such conservator upon an order of a **[**court of probate**]** Probate Court authorizing and directing the conservator to sell at private sale the real estate owned by the **[**incapable person**]** person under voluntary or involuntary conservatorship, with covenants that (1) the conservator has full power and authority as such conservator to sell and convey the same to the grantee, and (2) **[**he and his**]** the conservator and the conservator's successors shall warrant and defend the granted premises against all claims and demands of any person or persons claiming by or under such conservator.

Sec. 24. Section 9-218 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

When there is no election of **[**judge of**]** probate judge in any district by reason of two or more having an equal and the highest number of votes, or when a new probate district is created and no provision made for the election of a judge thereof, or whenever it is shown to the Governor that a vacancy is about to exist in said office by reason of the resignation of the incumbent to take effect at a future time or by reason of constitutional limitation, or when there is a vacancy in said office, the Governor **[**shall**]** may issue writs of election directed to the town clerk or clerks or assistant town clerk or clerks within such district, ordering an election to be held on a day named therein, other than a Saturday or Sunday, to fill such vacancy or impending vacancy, and transmit the same to a

state marshal. Such state marshal shall forthwith transmit them to such clerk or clerks, who, on receiving the same, shall warn elections to be held on the day appointed in such writs, in the same manner as state elections are warned. Such elections shall be organized and conducted, and the vote shall be declared and returns made, certified, directed, deposited and transmitted, in the same manner as at a state election. The Secretary of the State, Treasurer and Comptroller shall, within thirty days after any such election, count and declare the votes so returned, and notice shall be given to the person declared elected, in the same manner as is provided in the election of **[**judges of**]** probate judges at state elections. The Secretary of the State shall enter the returns in tabular form in books kept by him for that purpose and present a copy of the same, with the name of, and the total number of votes received by, each of the candidates for said office, to the Governor within ten days thereafter. The Probate Court Administrator shall cite a probate judge to act as a judge in the district during any vacancy in said office in accordance with section 45a-120.

Sec. 25. (NEW) (*Effective from passage*) The judge of each Probate Court may elect to have the court serve as a passport acceptance agency in accordance with 22 USC 211a and 22 CFR 51. 22.

Sec. 26. Section 45a-474 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

When **[**any person has been appointed trustee of any estate, or holds as trustee the proceeds of any estate sold, and no provision is made by law or by the instrument under which his appointment is derived**]** a will, trust agreement or other instrument establishing a trust fails to provide for the contingency of **[**his**]** the trustee's refusal to accept the trust or the trustee's resignation, death or incapacity, **[**or for his refusal to accept such trust or for his resignation of such trust, or when a trust has been created by will and no trustee has been appointed in the will or when more than one trustee has been appointed and thereafter a trustee so appointed dies, becomes incapable, refuses to accept or resigns such trust, the court of probate of**]** the Probate Court for the district within which the estate is situated, or, when the trust has been created by will, in the district having jurisdiction of such will, may, on the happening of any such contingency, appoint some suitable person to fill such vacancy, taking from him a probate bond, unless in the case of a will it is otherwise provided therein, in which case the provisions of section 45a-473 shall apply. The court may appoint a successor trustee of an inter vivos trust before such contingency has occurred if the court finds that a vacancy in the office of trustee is likely to occur. The court shall specify the conditions that the successor trustee of such inter vivos trust must satisfy before becoming trustee. In the event of a vacancy in the office of trustee of such inter vivos trust, the successor trustee may assume the office immediately

upon satisfying the conditions set forth in the court's order without further court action.

Sec. 27. Section 45a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 9, 2019*):

There shall be fifty-four probate districts in this state, for all purposes for which they are constituted, that shall comprise the towns that are set forth as follows:

(1) The town of Hartford.

(2) The town of West Hartford.

(3) The towns of Bloomfield, East Granby, Suffield and Windsor Locks.

(4) The towns of East Windsor, South Windsor and Windsor.

(5) The town of East Hartford.

(6) The towns of Glastonbury and Hebron.

(7) The towns of Newington, Rocky Hill and Wethersfield.

(8) The towns of Berlin and New Britain.

(9) The towns of Avon, Canton, Granby and Simsbury.

(10) The towns of Burlington, **[**and**]** Farmington and Plainville.

(11) The towns of Enfield, Somers, Stafford and Union.

(12) The towns of Ellington and Vernon.

(13) The towns of Andover, Bolton, Columbia and Manchester.

(14) The towns of East Haddam, East Hampton, Marlborough and Portland.

(15) The towns of Cromwell, Durham, Middlefield and Middletown.

(16) The town of Meriden.

(17) The town of Wallingford.

(18) The towns of Cheshire and Southington.

(19) The towns of Bristol [, Plainville] and Plymouth.

(20) The towns of Waterbury and Wolcott.

(21) The towns of Beacon Falls, Middlebury, Naugatuck and Prospect.

(22) The towns of Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown and Woodbury.

(23) The towns of Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington and Winchester.

(24) The towns of Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston and Warren.

(25) The towns of Coventry, Mansfield, Tolland and Willington.

(26) The towns of Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson and Woodstock.

(27) The towns of Canterbury, Killingly, Plainfield and Sterling.

(28) The towns of Chaplin, Colchester, Hampton, Lebanon, Scotland and Windham.

(29) The towns of Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague and Voluntown.

(30) The towns of Groton, Ledyard, North Stonington and Stonington.

(31) The towns of New London and Waterford.

(32) The towns of East Lyme, Montville, Old Lyme and Salem.

(33) The towns of Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook and Westbrook.

(34) The towns of Guilford and Madison.

(35) The towns of Branford and North Branford.

(36) The towns of East Haven and North Haven.

(37) The towns of Bethany and Hamden.

(38) The town of New Haven.

(39) The town of West Haven.

(40) The towns of Milford and Orange.

(41) The towns of Ansonia, Derby, Seymour and Woodbridge.

(42) The town of Shelton.

(43) The town of Danbury.

(44) The towns of Bridgewater, Brookfield, New Fairfield, New Milford and Sherman.

(45) The towns of Bethel, Newtown, Ridgefield and Redding.

(46) The towns of Easton, Monroe and Trumbull.

(47) The town of Stratford.

(48) The town of Bridgeport.

(49) The town of Fairfield.

(50) The towns of Weston and Westport.

(51) The towns of Norwalk and Wilton.

(52) The towns of Darien and New Canaan.

(53) The town of Stamford.

(54) The town of Greenwich.

Sec. 28. Section 45a-122 of the general statutes is repealed. (*Effective October 1, 2015*)

Approved July 2, 2015

Substitute Senate Bill No. 1058

Public Act No. 15-225

AN ACT CONCERNING CHRONIC ABSENTEEISM.

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

Section 1. Section 45a-8c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) The Probate Court Administrator may, within available appropriations, establish a **[**pilot**]** truancy clinic within **[**the**]** (1) any Regional Children's Probate **[**Courts for Waterbury and New Haven**]** Court that serves a town designated as an alliance district pursuant to section 10-262u, or (2) any Probate Court that serves a town designated as an alliance district that is not served by a Regional Children's Probate Court. The administrative judge of **[**each**]** the Regional Children's Probate Court or the judge of the Probate Court, as the case may be, or the **[**administrative judge's designee**]** designee of such administrative judge or such judge, shall administer the truancy clinic for **[**the**]** such administrative judge's or such judge's respective court.

(b) **[**The**]** If the Probate Court Administrator establishes truancy clinics pursuant to subsection (a) of this section, the principal of any elementary or middle school located in **[**the Waterbury or New Haven school district, as the case may be**]** a town designated as an alliance district, or the principal's designee, may refer to **[**the**]** a truancy clinic a parent or guardian with a child enrolled in such school who is a truant, as defined in section 10-198a, as amended by this act, 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 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 [for Waterbury or New Haven] that serves a town designated as an alliance district or the judge of the Probate Court that serves a town designated as an alliance district, as the case may be, may refer any matter referred to [the] a 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 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 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 clinics.

(e) The Probate Court Administrator shall establish policies and procedures to implement the truancy clinics and measure the effectiveness of the truancy clinics.

(f) Not later than September 1, [2014] 2015, and annually thereafter, [the] each administrative judge of [the] a Regional Children's Probate Court [for Waterbury] that serves a town designated as an alliance district in which a truancy clinic has been established and [the] each [administrative] judge of [the Regional Children's] a Probate Court [for New Haven] that serves a town designated as an alliance district in which a truancy clinic has been established shall [each] file a report with the Probate Court Administrator assessing the effectiveness of [the] each truancy clinic in [the] such administrative judge's or such judge's respective court.

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

Approved July 7, 2015

Substitute Senate Bill No. 896

Public Act No. 15-233

AN ACT CONCERNING PROTECTIVE SERVICES FOR SUSPECTED ELDERLY ABUSE VICTIMS.

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

Section 1. Section 17b-450 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

For purposes of sections 17b-450 to 17b-461, inclusive:

(1) The term "elderly person" means any resident of Connecticut who is sixty years of age or older.

(2) An elderly person shall be deemed to be "in need of protective services" if such person is unable to perform or obtain services which are necessary to maintain physical and mental health.

(3) The term "services which are necessary to maintain physical and mental health" includes, but is not limited to: **[**, the**]** (A) The provision of medical care for physical and mental health needs, (B) the relocation of an elderly person to a facility or institution able to offer such care, (C) assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, (D) protection from health and safety hazards, (E) protection from **[**maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment**]** abuse, neglect, exploitation or abandonment, and (F) transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent except as provided in sections 17b-450 to 17b-461, inclusive.

(4) The term "protective services" means services provided by the state or other governmental or private organizations or individuals which are necessary to prevent abuse, neglect, exploitation or abandonment. **[**Abuse**]**

(5) The term "abuse" includes, but is not limited to, the wilful infliction of physical pain, injury or mental anguish, or the wilful deprivation by a **[**caretaker**]** caregiver of services which are necessary to maintain physical and mental health. **[**Neglect**]**

(6) The term "neglect" refers to the failure or inability of an elderly person **[**who is either living alone and not able**]** to provide for himself or herself the services which are necessary to maintain physical and mental health or **[**is not receiving such necessary services from the responsible caretaker. Exploitation**]** the failure to provide or arrange for provision of such necessary services by a caregiver.

(7) The term "exploitation" refers to the act or process of taking advantage of an elderly person by another person or **[**caretaker**]** caregiver whether for monetary, personal or other benefit, gain or profit. **[**Abandonment**]**

(8) The term "abandonment" refers to the desertion or wilful forsaking of an elderly person by a **[**caretaker**]** caregiver or the foregoing of duties or the withdrawal or neglect of duties and obligations owed an elderly person by a **[**caretaker**]** caregiver or other person.

[(5)**]** (9) The term **[**"caretaker"**]** "caregiver" means a person who has the responsibility for the care of an elderly person as a result of family relationship or who has assumed the responsibility for the care of the elderly person voluntarily, by contract or by order of a court of competent jurisdiction.

(10) The term "legal representative" means a guardian of a person with intellectual disability, conservator or power of attorney appointed to act on the elderly person's behalf.

Sec. 2 through 8: Omitted

Sec. 9. (NEW) (*Effective July 1, 2015*) (a) The Commissioner of Social Services may petition the Probate Court for an order to enter the premises of an elderly person for purposes of an assessment when the commissioner has reasonable cause to believe that the elderly person may be in need of protective services and is refused access by the elderly person or another individual.

(b) The commissioner shall document in the Department of Social Service's investigation file the factors considered when making the decision about whether to petition for an order to enter the premises.

(c) The commissioner shall state in the petition for an order to enter the premises that the order is being sought solely for the purpose of assessing whether the elderly person is in need of protective services and shall include, to the extent the facts can be ascertained with reasonable diligence, the following information:

(1) The name and address of the elderly person who may be in need of protective services and the premises on which this person may be found, if different;

(2) The reason for the belief that the elderly person may be in need of protective services, which may include information provided by other agencies or individuals who are familiar with the elderly person;

(3) The name and address, if known, of the individual or individuals who are responsible for preventing access to the elderly person;

(4) Previous efforts that have been made to enter the premises of the elderly person who may need protective services;

(5) The names of any individuals, such as the department's social worker, and any other health or mental health professionals, who may participate in the assessment of whether the elderly person needs protective services;

(6) The manner by which the assessment will be conducted; and

(7) Whether there has been a prior petition to the Probate Court to enter the premises of the elderly person, or for any similar relief, and, if so, the determination of such petition, and new facts, if any, that were not in the previous petition, which support submission of another petition.

(d) Any allegations of abuse, neglect, exploitation or abandonment that are not based on the commissioner's personal knowledge shall be based on the personal knowledge of the person reporting the abuse, neglect, exploitation or abandonment or the personal knowledge of any other person who has information relating to the report. Whenever possible, the allegations that are not based on the commissioner's knowledge shall be supported by an affidavit under penalty of perjury of the person having such knowledge and shall be attached to the petition.

(e) If the Probate Court finds that (1) there is reasonable cause to believe that an elderly person is at risk of imminent physical or mental harm and may be found at the premises described in the petition, (2) such person may be in need of protective services, and (3) access to such person has been refused, the court shall grant the petition and issue an order, ex parte and without prior notice, authorizing the commissioner, accompanied by a police officer or other law

enforcement official, and any other person the commissioner determines necessary to enter the premises to conduct an assessment to determine whether the elderly person named in the petition is in need of protective services. The ex parte order shall expire ten days after the order is issued.

(f) The provisions of this section shall not be construed to authorize the commissioner to remove any person from the premises described in the petition, or to provide any involuntary protective services to any person, other than to assess an elderly person's need for protective services. Nothing in this section shall be construed to impair any existing right or remedy under law for any person subject to the provisions of this section.

Approved July 2, 2015

Substitute Senate Bill No. 900

Public Act No. 15-234

AN ACT CONCERNING THE ADOPTION OF THE UNIFORM PARTITION OF HEIRS' PROPERTY ACT AND ESTATES GIVEN IN FEE TAIL.

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

Section 1. (NEW) (*Effective October 1, 2015*) Sections 1 to 13, inclusive, of this act may be cited as the Uniform Partition of Heirs' Property Act.

Sec. 2. (NEW) (*Effective October 1, 2015*) As used in this section and sections 3 to 13, inclusive, of this act:

(1) "Ascendant" means an individual who precedes another individual in lineage, in the direct line of ascent from the other individual;

(2) "Collateral" means an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual's ascendant or descendant;

(3) "Descendant" means an individual who follows another individual in lineage, in the direct line of descent from the other individual;

(4) "Determination of value" means a court order (A) determining the fair market value of heirs' property under section 6 or 10 of this act, or (B) adopting the valuation of the property agreed to by all cotenants;

(5) "Heirs' property" means real property held in tenancy in common which satisfies all of the following requirements as of the date of filing a partition action:

(A) There is no agreement in a record binding all the cotenants which governs the partition of the property;

(B) One or more of the cotenants acquired title from a relative, whether living or deceased; and

(C) Any of the following apply:

(i) Twenty per cent or more of the interests are held by cotenants who are relatives;

(ii) Twenty per cent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased; or

(iii) Twenty per cent or more of the cotenants are relatives;

(6) "Partition by sale" means a court-ordered sale of the entire heirs' property, whether by auction, sealed bids, or open-market sale conducted under section 10 of this act;

(7) "Partition in kind" means the division of heirs' property into physically distinct and separately titled parcels;

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

(9) "Relative" means an ascendant, descendant or collateral or an individual otherwise related to another individual by blood, marriage, adoption or law of this state other than the provisions of sections 1 to 13, inclusive, of this act.

Sec. 3. (NEW) (*Effective October 1, 2015*) (a) The provisions of sections 1 to 13, inclusive, of this act apply to partition actions filed on or after October 1, 2015.

(b) In an action to partition real property under section 45a-326 of the general statutes, as amended by this act, or 52-495 of the general statutes, as applicable, the court shall determine whether the property is heirs' property. If the court determines that the property is heirs' property, the property shall be partitioned under sections 1 to 13, inclusive, of this act unless all of the cotenants otherwise agree in a record.

(c) The provisions of sections 1 to 13, inclusive, of this act supplement the provisions of chapter 919 of the general statutes, and, if an action is governed by sections 1 to 13, inclusive, of this act, replace provisions of chapter 919 of the general statutes that are inconsistent with the provisions of sections 1 to 13, inclusive, of this act.

Sec. 4. (NEW) (*Effective October 1, 2015*) (a) The provisions of sections 1 to 13, inclusive, of this act do not limit or affect the method by which service of a complaint in a partition action may be made.

(b) If the plaintiff in a partition action seeks an order of notice by publication and the court determines that the property may be heirs' property, the plaintiff, not later than ten days after the date of the court's determination, shall post and maintain while the action is pending a conspicuous sign on the property that is the subject of the action. The sign shall state that the action has commenced and identify the name and address of the court and the common designation by which the property is known. The court may require the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

Sec. 5. (NEW) (*Effective October 1, 2015*) If the court appoints a committee pursuant to section 52-495 of the general statutes, each committee member shall be disinterested and impartial and not a party to or a participant in the action.

Sec. 6. (NEW) (*Effective October 1, 2015*) (a) Except as provided in subsections (b) and (c) of this section, if the court determines that the property that is the subject of a partition action is heirs' property, the court shall determine the fair market value of the property by ordering an appraisal pursuant to subsection (d) of this section.

(b) If all cotenants have agreed to the value of the property or to another method of valuation, the court shall adopt that value or the value produced by the agreed method of valuation.

(c) If the court determines that the evidentiary value of an appraisal is outweighed by the cost of the appraisal, the court, after an evidentiary hearing, shall determine the fair market value of the property and send notice to the parties of the value.

(d) If the court orders an appraisal, the court shall appoint a disinterested real estate appraiser licensed in this state to determine the fair market value of the property assuming sole ownership of the fee simple estate. On completion of the appraisal, the appraiser shall file a sworn or verified appraisal with the court.

(e) If an appraisal is conducted pursuant to subsection (d) of this section, not later than ten days after the date on which the appraisal is filed with the court, the court shall send notice to each party with a known address, stating:

(1) The appraised fair market value of the property;

(2) That the appraisal is available at the clerk's office; and

(3) That a party may file with the court an objection to the appraisal not later than thirty days after the date on which the notice is sent, stating the grounds for the objection.

(f) If an appraisal is filed with the court pursuant to subsection (d) of this section, the court shall conduct a hearing to determine the fair market value of the property not earlier than thirty days after the date on which a copy of the notice of the appraisal is sent to each party under subsection (e) of this section, whether or not an objection to the appraisal is filed under subdivision (3) of subsection (e) of this section. In addition to the court-ordered appraisal, the court may consider any other evidence of value offered by a party.

(g) After a hearing under subsection (f) of this section, but before considering the merits of the partition action, the court shall determine the fair market value of the property and send notice to the parties of the value.

Sec. 7. (NEW) (*Effective October 1, 2015*) (a) If any cotenant requested partition by sale, after the determination of value under section 6 of this act, the court shall send notice to the parties that any cotenant except a cotenant that requested partition by sale may buy all the interests of the cotenants that requested partition by sale.

(b) Not later than forty-five days after the date on which the notice is sent under subsection (a) of this section, any cotenant except a cotenant that requested partition by sale may give notice to the court that it elects to buy all the interests of the cotenants that requested partition by sale.

(c) The purchase price for each of the interests of a cotenant that requested partition by sale is the value of the entire parcel determined under section 6 of this act, multiplied by the cotenant's fractional ownership of the entire parcel.

(d) After expiration of the forty-five-day period prescribed in subsection (b) of this section, the following rules apply:

(1) If only one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall notify all the parties of that fact.

(2) If more than one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall (A) allocate the right to buy those interests among the electing cotenants based on each electing cotenant's existing fractional ownership of the entire parcel divided by the total existing fractional ownership of all cotenants electing to buy; and (B) send notice to all the parties of that fact and of the price to be paid by each electing cotenant.

(3) If no cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall send notice to all the parties of that fact and resolve the partition action under subsections (a) and (b) of section 8 of this act.

(e) If the court sends notice to the parties under subdivision (1) or (2) of subsection (d) of this section, the court shall set a date, not earlier than sixty days after the date on which the notice was sent, by which electing cotenants must pay their apportioned price to the court. After the court sets such date, the following rules apply:

(1) If all electing cotenants timely pay their apportioned price to the court, the court shall issue an order reallocating all the interests of the cotenants and disburse the amounts held by the court to the persons entitled to such amounts.

(2) If no electing cotenant timely pays its apportioned price, the court shall resolve the partition action under subsections (a) and (b) of section 8 of this act, as if the interests of the cotenants that requested partition by sale were not purchased.

(3) If one or more but not all of the electing cotenants fail to pay their apportioned price on time, the court, on motion, shall give notice to the electing cotenants that paid their apportioned price of the interest remaining and the price for all that interest.

(f) Not later than twenty days after the date on which the court gives notice pursuant to subdivision (3) of subsection (e) of this section, any cotenant that paid may elect to purchase all of the remaining interest by paying the entire price to the court. After the twenty-day period, the following rules apply:

(1) If only one cotenant pays the entire price for the remaining interest, the court shall issue an order reallocating the remaining interest to that cotenant. The court shall promptly issue an order reallocating the interests of all of the cotenants and disburse the amounts held by it to the persons entitled to such amounts.

(2) If no cotenant pays the entire price for the remaining interest, the court shall resolve the partition action under subsections (a) and (b) of section 8 of this act, as if the interests of the cotenants that requested partition by sale were not purchased.

(3) If more than one cotenant pays the entire price for the remaining interest, the court shall reapportion the remaining interest among those paying cotenants, based on each paying cotenant's original fractional ownership of the entire parcel divided by the total original fractional ownership of all cotenants that paid the

entire price for the remaining interest. The court shall promptly issue an order reallocating all of the cotenants' interests, disburse the amounts held by it to the persons entitled to such amounts, and promptly refund any excess payment held by the court.

(g) Not later than forty-five days after the date on which the court sends notice to the parties pursuant to subsection (a) of this section, any cotenant entitled to buy an interest under this section may request that the court authorize the sale as part of the pending action of the interests of cotenants named as defendants and served with the complaint but that did not appear in the action.

(h) If the court receives a timely request under subsection (g) of this section, the court, after hearing, may deny the request or authorize the requested additional sale on terms that the court determines are fair and reasonable, subject to the following limitations:

(1) A sale authorized under this subsection may occur only after the purchase prices for all interests subject to sale under subsections (a) to (f), inclusive, of this section have been paid to the court and those interests have been reallocated among the cotenants as provided in subsections (a) to (f), inclusive, of this section; and

(2) The purchase price for the interest of a nonappearing cotenant is based on the court's determination of value under section 6 of this act.

Sec. 8. (NEW) (*Effective October 1, 2015*) (a) If all the interests of all cotenants that requested partition by sale are not purchased by other cotenants pursuant to section 7 of this act, or if after conclusion of the buyout under section 7 of this act, a cotenant remains that has requested partition in kind, the court shall order partition in kind unless the court, after consideration of the factors listed in section 9 of this act, finds that partition in kind will result in manifest prejudice to the cotenants as a group. In considering whether to order partition in kind, the court shall approve a request by two or more parties to have their individual interests aggregated.

(b) If the court does not order partition in kind under subsection (a) of this section, the court shall order partition by sale pursuant to section 10 of this act or, if no cotenant requested partition by sale, the court shall dismiss the action.

(c) If the court orders partition in kind pursuant to subsection (a) of this section, the court may require that one or more cotenants pay one or more other cotenants amounts so that the payments, taken together with the value of the in-

kind distributions to the cotenants, will make the partition in kind just and proportionate in value to the fractional interests held.

(d) If the court orders partition in kind, the court shall allocate to the cotenants who are unknown, cannot be located, or the subject of a default judgment, if their interests were not bought out pursuant to section 7 of this act, a part of the property representing the combined interests of such cotenants as determined by the court and this part of the property shall remain undivided.

Sec. 9. (NEW) (*Effective October 1, 2015*) (a) In determining under subsection (a) of section 8 of this act whether partition in kind would result in manifest prejudice to the cotenants as a group, the court shall consider the following:

(1) Whether the heirs' property practicably can be divided among the cotenants;

(2) Whether partition in kind would apportion the property in such a way that the aggregate fair market value of the parcels resulting from the division would be materially less than the value of the property if it were sold as a whole, taking into account the condition under which a court-ordered sale likely would occur;

(3) Evidence of the collective duration of ownership or possession of the property by a cotenant and one or more predecessors in title or predecessors in possession to the cotenant who are or were relatives of the cotenant or each other;

(4) A cotenant's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the cotenant;

(5) The lawful use being made of the property by a cotenant and the degree to which the cotenant would be harmed if the cotenant could not continue the same use of the property;

(6) The degree to which the cotenants have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property; and

(7) Any other relevant factor.

(b) The court may not consider any one factor in subsection (a) of this section to be dispositive without weighing the totality of all relevant factors and circumstances.

Sec. 10. (NEW) (*Effective October 1, 2015*) (a) If the court orders a sale of heirs' property, the sale shall be an open-market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group.

(b) If the court orders an open-market sale and the parties, not later than ten days after the date of entry of the order, agree on a real estate broker licensed in this state to offer the property for sale, the court shall appoint the real estate broker and establish a reasonable commission. If the parties do not agree on a real estate broker, the court shall appoint a disinterested real estate broker licensed in this state to offer the property for sale and shall establish a reasonable commission. The real estate broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court.

(c) If the real estate broker appointed under subsection (b) of this section obtains, within a reasonable time, an offer to purchase the property for at least the determination of value: (1) The real estate broker shall comply with the reporting requirements in section 11 of this act; and (2) the sale may be completed in accordance with requirements of state law other than the requirements prescribed in sections 1 to 13, inclusive, of this act.

(d) If the real estate broker appointed under subsection (b) of this section does not obtain, within a reasonable time, an offer to purchase the property for at least the determination of value, the court, after hearing, may:

(1) Approve the highest outstanding offer, if any;

(2) Redetermine the value of the property and order that the property continue to be offered for an additional time; or

(3) Order that the property be sold by sealed bids or at auction.

(e) If the court orders a sale by sealed bids or at auction, the court shall set terms and conditions of the sale. If the court orders an auction, the auction shall be conducted in accordance with the provisions of chapter 919 of the general statutes.

(f) If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

Sec. 11. (NEW) (*Effective October 1, 2015*) (a) A real estate broker appointed under subsection (b) of section 10 of this act to offer heirs' property for open-market

sale shall file a report with the court not later than seven days after the date of receiving an offer to purchase the property for at least the value determined under section 6 or 10 of this act.

(b) The report required by subsection (a) of this section shall contain the following information:

(1) A description of the property to be sold to each buyer;

(2) The name of each buyer;

(3) The proposed purchase price;

(4) The terms and conditions of the proposed sale, including the terms of any owner financing;

(5) The amounts to be paid to lienholders;

(6) A statement of contractual or other arrangements or conditions of the broker's commission; and

(7) Other material facts relevant to the sale.

Sec. 12. (NEW) (*Effective October 1, 2015*) In applying and construing the provisions of sections 1 to 13, inclusive, of this act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact such uniform provisions.

Sec. 13. (NEW) (*Effective October 1, 2015*) The provisions of sections 1 to 12, inclusive, of this act, modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 USC Section 7001 et seq. , but do not modify, limit or supersede Section 101(c) of said act, 15 USC Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of said act, 15 USC Section 7003(b).

Sec. 14. Subsection (a) of section 45a-326 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) During the settlement of the estate of any person who died owning an undivided interest in any property not specifically devised or bequeathed, the executor or administrator of the estate and the owner or owners of the major portion of the other interest therein may **[**apply**]** petition in writing to the **[**court of probate**]** Probate Court having jurisdiction of the estate to order partition of the same. Except as provided in sections 52-495 to 52-503, inclusive, and sections

1 to 13, inclusive, of this act, the court shall hear and decide the petition for partition in accordance with this section.

Sec. 15. Section 47-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

[Each estate, given in fee tail, shall be an absolute estate in fee simple to the issue of the first donee in tail. **]** Each estate given in fee tail shall be an absolute estate in fee simple to the named grantee.

Approved July 7, 2015

Substitute Senate Bill No. 1005

Public Act No. 15-236

AN ACT PROTECTING ELDERLY CONSUMERS FROM EXPLOITATION.

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

Section 1. Section 17b-450 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

For purposes of sections 17b-450 to 17b-461, inclusive:

(1) The term "elderly person" means any resident of Connecticut who is sixty years of age or older.

(2) An elderly person shall be deemed to be "in need of protective services" if such person is unable to perform or obtain services which are necessary to maintain physical and mental health.

(3) The term "services which are necessary to maintain physical and mental health" includes, but is not limited to: **[**, the**]** (A) The provision of medical care for physical and mental health needs, (B) the relocation of an elderly person to a facility or institution able to offer such care, (C) assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, (D) protection from health and safety hazards, (E) protection from **[**maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment**]** abuse, neglect, exploitation or abandonment, and (F) transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent except as provided in sections 17b-450 to 17b-461, inclusive.

(4) The term "protective services" means services provided by the state or other governmental or private organizations or individuals which are necessary to prevent abuse, neglect, exploitation or abandonment. **[**Abuse**]**

(5) The term "abuse" includes, but is not limited to, the wilful infliction of physical pain, injury or mental anguish, or the wilful deprivation by a **[**caretaker**]** caregiver of services which are necessary to maintain physical and mental health. **[**Neglect**]**

(6) The term "neglect" refers to the failure or inability of an elderly person **[**who is either living alone and not able**]** to provide for himself or herself the services which are necessary to maintain physical and mental health or **[**is not receiving such necessary services from the responsible caretaker. Exploitation**]** the failure to provide or arrange for provision of such necessary services by a caregiver.

(7) The term "exploitation" refers to the act or process of taking advantage of an elderly person by another person or **[**caretaker**]** caregiver whether for monetary, personal or other benefit, gain or profit. **[**Abandonment**]**

(8) The term "abandonment" refers to the desertion or wilful forsaking of an elderly person by a **[**caretaker**]** caregiver or the foregoing of duties or the withdrawal or neglect of duties and obligations owed an elderly person by a **[**caretaker**]** caregiver or other person.

[(5)**]** (9) The term **[**"caretaker"**]** "caregiver" means a person who has the responsibility for the care of an elderly person as a result of family relationship or who has assumed the responsibility for the care of the elderly person voluntarily, by contract or by order of a court of competent jurisdiction.

Sec. 2. Section 17b-451 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) **[**Any**]** A mandatory reporter, as defined in this section, who has reasonable cause to suspect or believe that any elderly person has been abused, neglected, exploited or abandoned, or is in a condition that is the result of such abuse, neglect, exploitation or abandonment, or is in need of protective services, shall, not later than seventy-two hours after such suspicion or belief arose, report such information or cause a report to be made in any reasonable manner to the Commissioner of Social Services or to the person or persons designated by the commissioner to receive such reports. The term "mandatory reporter" means (1) any physician or surgeon licensed under the provisions of chapter 370, (2) any resident physician or intern in any hospital in this state, whether or not so licensed, (3) any registered nurse, (4) any nursing home administrator, nurse's aide or orderly in a nursing home facility or residential care home, (5) any person paid for caring for a patient in a nursing home facility or residential care home, (6) any staff person employed by a nursing home facility or residential care home, (7) any patients' advocate, (8) any licensed practical nurse, medical

examiner, dentist, optometrist, chiropractor, podiatrist, social worker, clergyman, police officer, pharmacist, psychologist or physical therapist, [and] (9) any person paid for caring for an elderly person by any institution, organization, agency or facility, [. Such persons shall include an] including without limitation, any employee of a community-based services provider, senior center, home care agency, homemaker and companion agency, adult day care center, village-model community and congregate housing facility, [who has reasonable cause to suspect or believe that any elderly person has been abused, neglected, exploited or abandoned, or is in a condition that is the result of such abuse, neglect, exploitation or abandonment, or is in need of protective services, shall, not later than seventy-two hours after such suspicion or belief arose, report such information or cause a report to be made in any reasonable manner to the Commissioner of Social Services or to the person or persons designated by the commissioner to receive such reports. Any person required to report under the provisions of this section] and (10) any person licensed or certified as an emergency medical services provider pursuant to chapter 368d or chapter 384d, including any such emergency medical services provider who is a member of a municipal fire department. Any mandatory reporter who fails to make such report within the prescribed time period shall be fined not more than five hundred dollars, except that, if such person intentionally fails to make such report within the prescribed time period, such person shall be guilty of a class C misdemeanor for the first offense and a class A misdemeanor for any subsequent offense. Any institution, organization, agency or facility employing individuals to care for persons sixty years of age or older shall provide mandatory training on detecting potential abuse, [and] neglect, exploitation and abandonment of such persons and inform such employees of their obligations under this section.

(b) Such report shall contain the name and address of the involved elderly person, information regarding the nature and extent of the abuse, neglect, exploitation or abandonment, and any other information which the reporter believes might be helpful in an investigation of the case and the protection of such elderly person.

(c) Any other person having reasonable cause to suspect or believe that an elderly person is being, or has been, abused, neglected, exploited or abandoned, or who is in need of protective services, may report such information in any reasonable manner to the commissioner or the commissioner's designee.

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

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

(e) Any person who is discharged or in any manner discriminated or retaliated against for making, in good faith, a report pursuant to this section shall be entitled to all remedies available under law including, but not limited to, remedies available under sections 19a-532 and 31-51m, as applicable.

(f) For the purposes of sections 17b-450 to 17b-461, inclusive, as amended by this act, the treatment of any elderly person by a Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, or the refusal of treatment by an elderly person for religious reasons shall not of itself constitute grounds for the implementation of protective services.

Sec. 3. (NEW) (*Effective October 1, 2015*) (a) An elderly person who has been the victim of abuse, neglect, exploitation or abandonment, as such terms are defined in section 17b-450 of the general statutes, as amended by this act, may have a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, exploitation or abandonment together with costs and a reasonable attorney's fee. The action may be brought by the elderly person, or the elderly person's guardian or conservator, by a person or organization acting on behalf of the elderly person with the consent of such elderly person or the elderly person's guardian or conservator, or by the personal representative of the estate of a deceased elderly victim.

(b) In any action to recover damages based upon a claim of exploitation, as defined in section 17b-450 of the general statutes, as amended by this act, the Superior Court shall have jurisdiction to render an order pursuant to chapter 904 of the general statutes prohibiting the defendant from transferring, depleting or otherwise alienating or diminishing any funds, assets or property.

(c) Notwithstanding the preceding provisions of this section, no cause of action for "neglect" or "abandonment" may be brought against any person who has no contractual obligation to provide care to an elderly person unless such neglect was wilful or criminal.

Sec. 4. Section 45a-447 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

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

(2) With respect to inheritance under the will of the deceased victim, or rights to property as heir, devisee, legatee or beneficiary of the deceased victim, the person whose participation in the estate of another or whose right to property as such heir, devisee, legatee or beneficiary is so prevented under the provisions of this section shall be considered to have predeceased the **[**person killed**]** deceased victim.

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

(4) With respect to personal property owned in joint tenancy with rights of survivorship with the deceased victim, such final adjudication as guilty shall convert the personal property to property owned solely by the deceased victim except to the extent that the adjudged guilty person can prove by a

preponderance of the evidence the adjudged guilty person's financial contributions to such property.

(b) In all other cases where a defendant has been convicted [of killing another person] under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-122, 53a-123 or 53a-321, the right of such [defendant] adjudged guilty person to inherit or take any part of the estate of the [person killed] deceased victim or to inherit or take any estate as to which [such homicide] the death of such deceased victim terminated an intermediate estate, or hastened the time of enjoyment, or to take any property as beneficiary or survivor of the deceased victim shall be determined by the common law, including equity.

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

(2) (A) A conviction under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, [or] 53a-55a, 53a-122, 53a-123 or 53a-321, or a determination pursuant to subparagraph (B) of this subdivision that a named beneficiary would have been found guilty under any of said sections had the named beneficiary survived, shall be conclusive for the purposes of this subsection.

(B) For the purposes of this subsection, an interested person may bring an action in the Superior Court for a determination, by a preponderance of the evidence, that a named beneficiary who has predeceased the interested person would have been found guilty under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, [or] 53a-55a, 53a-122, 53a-123 or 53a-321 had the named beneficiary survived.

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

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

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

(d) Notwithstanding the provisions of subsections (a) to (c), inclusive, of this section, the Superior Court may allow a defendant adjudged guilty under section 53a-122, 53a-123 or 53a-321 to petition a court in equity to override the prohibitions on inheritance or other benefit to the adjudged guilty person under such sections if the court shall determine that overriding such prohibitions would fulfill the intent of the deceased victim or that application of such prohibitions would be grossly inequitable under all of the circumstances, which could include, without limitation, restitution or other substantial benefit provided to the deceased victim during the deceased victim's lifetime or express forgiveness by the deceased victim. The burden of proof and persuasion shall be upon the petitioner.

Sec. 5. (*Effective October 1, 2015*) (a) The Commission on Aging, in consultation with the Connecticut Elder Justice Coalition Coordinating Council, the Department of Social Services, the Department on Aging, the Office of the Long-Term Care Ombudsman and the Chief State's Attorney, shall conduct a study concerning best practices for reporting and identification of the abuse, neglect, exploitation and abandonment of elderly persons. The study shall review: (1) Models nation wide for reporting of such abuse, neglect, exploitation or abandonment, (2) standardized definitions, measurements and uniform reporting mechanisms to accurately capture the nature and scope of such abuse, neglect, exploitation or abandonment in the state, and (3) methods to promote and coordinate communication about such reporting among local and state governmental entities, including law enforcement.

(b) Not later than January 1, 2016, the Commission on Aging shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to aging on the results of the study conducted pursuant to subsection (a) of this section.

(c) The Commission on Aging shall establish a forum and clearing house for best practices and free training resources to help financial institutions and financial agents detect potential fraud, exploitation and financial abuse. Not later than January 1, 2016, the Commission on Aging shall establish a single portal for training resources and materials.

Sec. 6. (NEW) (*Effective October 1, 2015*) (a) For purposes of this section, "financial agent" means an officer or employee of a financial institution, as defined in section 32-350 of the general statutes, who (1) has direct contact with an elderly person within the officer's or employee's scope of employment or professional practice, or (2) reviews or approves an elderly person's financial documents, records or transactions.

(b) A financial agent shall participate in mandatory training to detect potential fraud, exploitation and financial abuse of elderly persons, including utilizing the resources available on the Commission on Aging portal established pursuant to section 5 of this act. All financial agents shall complete such training within six months from availability of training resources on the Commission on Aging web portal, or within the first six months of their employment, if later.

Approved July 7, 2015

Substitute House Bill No. 6774

Public Act No. 15-240

AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT.

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

Section 1. (NEW) (*Effective July 1, 2016*) Sections 1 to 45, inclusive, of this act may be cited as the "Connecticut Uniform Power of Attorney Act".

Sec. 2. (NEW) (*Effective July 1, 2016*) As used in sections 1 to 45, inclusive, of this act:

(1) "Agent" means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney in fact, or otherwise. Agent includes an original agent, coagent, successor agent and a person to which an agent's authority is delegated.

(2) "Durable" means, with respect to a power of attorney, not terminated by the principal's incapacity.

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

(4) "Good faith" means honesty in fact.

(5) "Incapacity" means inability of an individual, even with appropriate assistance, to perform the functions inherent in managing his or her affairs because the individual:

(A) Has a mental, emotional or physical condition that results in the individual being unable to receive and evaluate information or make or communicate decisions; or

(B) Is:

(i) Missing;

(ii) Detained, including incarcerated in a penal system; or

(iii) Outside the United States and unable to return.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

(7) "Power of attorney" means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used.

(8) "Presently exercisable general power of appointment" means, with respect to property or a property interest subject to a power of appointment, power exercisable at the time in question to vest absolute ownership in the principal individually, the principal's estate, the principal's creditors or the creditors of the principal's estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard, or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

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

(10) "Property" means anything that may be the subject of ownership, whether real or personal, or legal or equitable, or any interest or right therein.

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

(12) "Sign" means, with present intent to authenticate or adopt a record to:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic sound, symbol or process.

(13) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(14) "Stocks and bonds" means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly or in any other manner. "Stocks and bonds" does not include commodity futures contracts and call or put options on stocks or stock indexes.

Sec. 3. (NEW) (*Effective July 1, 2016*) The provisions of sections 1 to 45, inclusive, of this act apply to all powers of attorney except:

(1) A power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(2) A power to make health care decisions;

(3) A proxy or other delegation to exercise voting rights or management rights with respect to an entity; and

(4) A power created on a form prescribed by a government or governmental subdivision, agency or instrumentality for a governmental purpose.

Sec. 4. (NEW) (*Effective July 1, 2016*) A power of attorney created under sections 1 to 45, inclusive, of this act is durable unless it expressly provides that it is terminated by the incapacity of the principal.

Sec. 5. (NEW) (*Effective July 1, 2016*) A power of attorney must be dated and signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney and witnessed by two witnesses. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public, a commissioner of the Superior Court or other individual authorized by law to take acknowledgments.

Sec. 6. (NEW) (*Effective July 1, 2016*) (a) A power of attorney executed in this state on or after October 1, 2015, is valid if its execution complies with section 5 of this act.

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

(c) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with:

(1) The law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to section 7 of this act; or

(2) The requirements for a military power of attorney pursuant to 10 USC 1044b, as amended from time to time.

(d) Except as otherwise provided by statute, other than sections 1 to 45, inclusive, of this act, or unless the power of attorney otherwise provides, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

Sec. 7. (NEW) (*Effective July 1, 2016*) The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

Sec. 8. (NEW) (*Effective July 1, 2016*) (a) In a power of attorney, a principal may nominate a conservator of the principal's estate or conservator of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. The court shall make its appointment in accordance with the principal's most recent nomination 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.

(b) If, after a principal executes a power of attorney, a court appoints a conservator of the principal's estate or other fiduciary charged with the management of some or all of the principal's property, the court may continue, limit, suspend or terminate the power of attorney. If the power of attorney continues, the agent is accountable to the fiduciary as well as to the principal. If the power of attorney is suspended pursuant to this subsection, then the power of attorney shall be reinstated upon termination of the conservatorship as a result of the principal regaining capacity. The court shall have the authority to continue certain provisions of the power of attorney, but not others.

Sec. 9. (NEW) (*Effective July 1, 2016*) (a) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

(b) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing or other record that the event or contingency has occurred.

(c) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:

(1) Two independent physicians that the principal is incapacitated within the meaning set forth in subparagraph (A) of subdivision (5) of section 2 of this act; or

(2) A judge that the principal is incapacitated within the meaning set forth in subparagraph (B) of subdivision (5) of section 2 of this act.

(d) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended from time to time, and applicable federal regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

(e) If the principal, in the power of attorney, authorizes one or more persons to determine in a written affidavit that the event or contingency has occurred, as provided in subsection (b) of this section, then the written affidavit may be in substantially the following form:

AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE AND EFFECT

STATE OF)

) SS:

COUNTY OF)

I, ... of . . . . , being duly sworn, depose and say:

THAT . . . . , of . . . . , as principal, did on . . . . , 20. . , appoint me in a power of attorney dated . . . . , 20. . , to execute an affidavit that a specified contingency had occurred;

THAT specified contingency was: . . . .

THAT specified contingency has occurred.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

. . . . L. S.

. . . .

Witness

. . . .

Witness

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

. . . .

Commissioner of the Superior Court

Notary Public

My commission expires: . . . .

Sec. 10. (NEW) (*Effective July 1, 2016*) (a) A power of attorney terminates when:

(1) The principal dies;

(2) The principal becomes incapacitated, if the power of attorney is not durable;

(3) The principal revokes the power of attorney;

(4) The power of attorney provides that it terminates;

(5) The purpose of the power of attorney is accomplished;

(6) The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns and the power of attorney does not provide for another agent to act under the power of attorney; or

(7) The power of attorney is terminated by a court pursuant to subsection (b) of section 8 of this act.

(b) An agent's authority terminates when:

(1) The principal revokes the authority;

(2) A court terminates the agent's authority pursuant to subsection (b) of section 8 of this act;

(3) The agent dies or resigns;

(4) The agent becomes incapacitated. Unless the power of attorney otherwise provides, an agent shall be determined to be incapable of acting as an agent upon a determination in a writing or other record that the agent is incapacitated:

(A) Within the meaning set forth in subparagraph (A) of subdivision (5) of section 2 of this act, by:

(i) A judge in a court proceeding;

(ii) Two independent physicians; or

(iii) A successor agent, designated in accordance with section 11 of this act, if a written opinion of a physician cannot be obtained either due to the refusal of an agent to be examined by a physician or due to an agent's failure to execute an authorization to release medical information; or

(B) Within the meaning set forth in subparagraph (B) of subdivision (5) of section 2 of this act, by a judge;

(5) An action is filed for the dissolution or annulment of the agent's marriage to the principal or their legal separation, unless the power of attorney otherwise provides; or

(6) The power of attorney terminates.

(c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (b) of this section, notwithstanding a lapse of time since the execution of the power of attorney.

(d) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(e) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(f) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

Sec. 11. (NEW) (*Effective July 1, 2016*) (a) A principal may designate two or more persons to act as coagents. Unless the power of attorney otherwise provides by use of the word "severally" in the power of attorney that each agent acting alone is able to exercise the power conferred, each coagent shall exercise its authority jointly. A person that in good faith accepts an acknowledged power of attorney from one or more coagents without actual knowledge that the power of attorney is void, invalid or terminated, that the purported agent's authority is void, invalid or terminated, or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid and still in effect, the agent's authority were genuine, valid and still in effect, and the agent had not exceeded and had properly exercised the authority.

(b) A principal may designate one or more successor agents to act if an agent resigns, dies, becomes incapacitated, is not qualified to serve or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office or function. Unless the power of attorney otherwise provides, a successor agent:

(1) Has the same authority as that granted to the original agent; and

(2) May not act until all predecessor agents have resigned, died, become incapacitated, are no longer qualified to serve or have declined to serve.

(c) Except as otherwise provided in the power of attorney and subsection (d) of this section, an agent that does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(d) Except as otherwise provided in the power of attorney, an agent that has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any

action reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that fails to notify the principal or take action as required by this subsection, specifically with respect to the theft or misappropriation of the principal's property by another agent, is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action relating to such theft or misappropriation.

Sec. 12. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to compensation that is reasonable under the circumstances.

Sec. 13. (NEW) (*Effective July 1, 2016*) Once a power of attorney is delivered, unless the power of attorney otherwise provides, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance.

Sec. 14. (NEW) (*Effective July 1, 2016*) (a) Notwithstanding provisions in the power of attorney, an agent that has accepted appointment shall:

(1) Act in accordance with the principal's reasonable expectations, and, if such expectations are unknown, make reasonable efforts to ascertain the principal's expectations and act, otherwise, in the principal's best interest;

(2) Act in good faith; and

(3) Act only within the scope of authority granted in the power of attorney.

(b) Unless the power of attorney otherwise provides, an agent that has accepted appointment shall:

(1) Act loyally for the principal's benefit;

(2) Act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest;

(3) Act with the care, competence and diligence ordinarily exercised by agents in similar circumstances;

(4) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;

(5) Cooperate with a person that has authority to make health care decisions for the principal to carry out the principal's reasonable expectations to the extent

actually known by the agent and, otherwise, act in the principal's best interest; and

(6) Attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interest based on all relevant factors, including:

(A) The value and nature of the principal's property;

(B) The principal's foreseeable obligations and need for maintenance;

(C) Minimization of taxes, including income, estate, inheritance, generation skipping transfer and gift taxes; and

(D) Eligibility for a benefit, a program or assistance under a federal or state statute or regulation.

(c) An agent that acts in good faith is not liable to any beneficiary of the principal's estate plan for failure to preserve the plan.

(d) An agent that acts with care, competence and diligence for the best interest of the principal is not liable solely because the agent also benefits from the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(e) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise must be considered in determining whether the agent has acted with care, competence and diligence under the circumstances. An agent shall not be considered to have special skills or expertise solely because such agent is an attorney.

(f) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(g) An agent that exercises authority to delegate to another person the authority granted by the principal or that engages another person on behalf of the principal is not liable for an act, error of judgment or default of that person if the agent exercises care, competence and diligence in selecting and monitoring the person.

(h) Unless the power of attorney otherwise provides, an agent is not required to disclose receipts, disbursements or transactions conducted on behalf of the principal unless ordered by a court or requested by the principal, a guardian, a

conservator, another fiduciary acting for the principal, a representative of the Division of Protective Services for the Elderly within the Department of Social Services or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. If so requested, the agent shall comply with the request not later than thirty days after the date of such request or provide a writing or other record substantiating why additional time is needed, in which case, the agent shall comply with the request not later than thirty days after the date of providing such writing or record.

Sec. 15. (NEW) (*Effective July 1, 2016*) A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

(1) Relieves the agent of liability for breach of duty committed dishonestly, with an improper motive or with reckless indifference to the purposes of the power of attorney or the best interest of the principal; or

(2) Was inserted as a result of an abuse of a confidential or fiduciary relationship with the principal.

Sec. 16. (NEW) (*Effective July 1, 2016*) (a) The following persons may petition a court in accordance with subsection (d) of section 45a-175 of the general statutes, as amended by this act, to construe a power of attorney or review the agent's conduct, and grant appropriate relief:

(1) The principal or the agent;

(2) A guardian, conservator or other fiduciary acting for the principal;

(3) A person authorized to make health care decisions for the principal;

(4) The principal's spouse, parent or descendant;

(5) An individual who would qualify as a presumptive heir of the principal;

(6) A person named as a beneficiary to receive any property, benefit or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal that has a financial interest in the principal's estate;

(7) A representative of the Division of Protective Services for the Elderly within the Department of Social Services;

(8) The principal's caregiver or another person that demonstrates sufficient interest in the principal's welfare; and

(9) A person asked to accept the power of attorney.

(b) Upon motion by the principal, the court shall dismiss a petition filed under this section, unless the court finds that the principal is incapacitated within the meaning set forth in subdivision (5) of section 2 of this act.

Sec. 17. (NEW) (*Effective July 1, 2016*) An agent that violates sections 1 to 45, inclusive, of this act is liable to the principal or the principal's successors in interest for the amount required to:

(1) Restore the value of the principal's property to what it would have been had the violation not occurred; and

(2) Reimburse the principal or the principal's successors in interest for the reasonable attorney's fees and costs paid on the agent's behalf.

Sec. 18. (NEW) (*Effective July 1, 2016*) Unless the power of attorney provides a different method for an agent's resignation, an agent may resign by giving notice to the principal and, if the principal is incapacitated:

(1) To the conservator of the estate, the conservator of the person and guardian, if one has been appointed for the principal, and a coagent or successor agent; or

(2) If there is no person described in subdivision (1) of this section, to:

(A) The principal's spouse and children, if any, or a person reasonably believed by the agent to have sufficient interest in the principal's welfare; or

(B) A representative of the Division of Protective Services for the Elderly within the Department of Social Services.

Sec. 19. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section and section 20 of this act, "acknowledged" means purportedly verified before a notary public, a commissioner of the Superior Court or other individual authorized to take acknowledgements.

(b) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the signature is not genuine may rely upon the presumption under section 5 of this act that the signature is genuine.

(c) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the power of attorney is void, invalid, or terminated, that the purported agent's authority is void, invalid, or terminated, or that the agent is exceeding or improperly exercising the agent's authority may

rely upon the power of attorney as if the power of attorney were genuine, valid and still in effect, the agent's authority were genuine, valid and still in effect, and the agent had not exceeded and had properly exercised the authority.

(d) A person that is asked to accept an acknowledged power of attorney may request, and rely upon, without further investigation:

(1) An agent's certification under penalty of perjury of any factual matter concerning the principal, agent or power of attorney;

(2) An English translation of the power of attorney if the power of attorney contains, in whole or in part, language other than English; and

(3) An opinion of counsel as to any matter of law concerning the power of attorney if the person making the request provides in a writing or other record the reason for the request.

(e) An English translation or an opinion of counsel requested under this section must be provided at the principal's expense unless the request is made more than seven business days after the power of attorney is presented for acceptance.

(f) For purposes of this section and section 20 of this act, a person that conducts activities through an employee is without actual knowledge of a fact relating to: (1) A power of attorney, (2) a principal, or (3) an agent if the employee conducting the activity involving such power of attorney, principal or agent is without actual knowledge of the fact.

Sec. 20. (NEW) (*Effective July 1, 2016*) (a) Except as provided in subsection (b) of this section:

(1) A person shall either accept an acknowledged power of attorney or request a certification, a translation, or an opinion of counsel under subsection (d) of section 19 of this act not later than seven business days after presentation of the power of attorney for acceptance;

(2) If a person requests a certification, a translation, or an opinion of counsel under subsection (d) of section 19 of this act, the person shall accept the power of attorney not later than five business days after receipt of the certification, translation, or opinion of counsel; and

(3) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

(b) A person is not required to accept an acknowledged power of attorney if:

(1) The principal is not otherwise eligible or is not otherwise qualified to enter the transaction with the person;

(2) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with state or federal law;

(3) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(4) A request for a certification, a translation, or an opinion of counsel under subsection (d) of section 19 of this act is refused;

(5) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation, or an opinion of counsel under subsection (d) of section 19 of this act has been requested or provided; or

(6) The person makes, or has actual knowledge that another person has made, a report to the Bureau of Aging, Community and Social Work Services Division of the Department of Social Services stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation or abandonment by the agent or a person acting for or with the agent.

(c) A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to an order by a probate court or by a court of general jurisdiction mandating acceptance of the power of attorney. The court may award reasonable attorney's fees and costs incurred to the prevailing party in such action.

Sec. 21. (NEW) (*Effective July 1, 2016*) Unless displaced by a provision of sections 1 to 45, inclusive, of this act, the principles of law and equity supplement the provisions of sections 1 to 45, inclusive, of this act.

Sec. 22. (NEW) (*Effective July 1, 2016*) The provisions of sections 1 to 45, inclusive, of this act do not supersede any other law applicable to financial institutions or other entities, and the other law controls if inconsistent with the provisions of sections 1 to 45, inclusive, of this act.

Sec. 23. (NEW) (*Effective July 1, 2016*) The remedies under sections 1 to 45, inclusive, of this act are not exclusive and do not abrogate any right or remedy under the law of this state, other than sections 1 to 45, inclusive, of this act.

Sec. 24. (NEW) (*Effective July 1, 2016*) (a) An agent under a power of attorney may perform the activities listed in this subsection on behalf of the principal or with

the principal's property only if the power of attorney expressly grants the agent the authority to perform such activities and exercise of the authority to perform such activities is not otherwise prohibited by another agreement or instrument to which the authority or property is subject such as a trust agreement:

(1) Create, amend, revoke, or terminate an inter vivos trust, provided, in the case of a trust established for a disabled person pursuant to 42 USC 1396p(d)(4)(A) or 42 USC 1396p(d)(4)(C), the creation of such trust by an agent shall be only as permitted by federal law;

(2) Make a gift;

(3) Create or change rights of survivorship;

(4) Create or change a beneficiary designation;

(5) Delegate authority granted under the power of attorney;

(6) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(7) Exercise fiduciary powers that the principal has authority to delegate; or

(8) Disclaim property, including a power of appointment.

(b) Notwithstanding a grant of authority to perform an act described in subsection (a) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse or descendant of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

(c) Subject to the provisions set forth in subsections (a), (b), (d) and (e) of this section, if a power of attorney grants to an agent authority to perform all acts that a principal could perform, the agent has the general authority described in sections 27 to 39, inclusive, of this act.

(d) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to section 40 of this act.

(e) Subject to the provisions set forth in subsections (a), (b) and (d) of this section, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.

(f) Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this state and whether or not the authority is exercised or the power of attorney is executed in this state.

(g) An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

Sec. 25. (NEW) (*Effective July 1, 2016*) (a) An agent has authority described in sections 24 to 40, inclusive, of this act if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in sections 27 to 40, inclusive, of this act or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in sections 27 to 40, inclusive, of this act or a citation to a section of sections 27 to 40, inclusive, of this act incorporates the entire section as if it were set out in full in the power of attorney.

(c) A principal may modify authority incorporated by reference.

Sec. 26. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, by executing a power of attorney that incorporates by reference a subject described in sections 27 to 40, inclusive, of this act or that grants to an agent authority to perform all acts that a principal could perform pursuant to subsection (c) of section 24 of this act, a principal authorizes the agent, with respect to that subject, to:

(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse or use anything so received or obtained for the purposes intended;

(2) Contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching it to the power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;

(6) Engage, compensate and discharge an attorney, accountant, discretionary investment manager, expert witness or other advisor;

(7) Prepare, execute and file a record, report or other document to safeguard or promote the principal's interest under a federal or state statute or regulation;

(8) Communicate with any representative or employee of a government or governmental subdivision, agency or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of, the principal, whether by mail, electronic transmission, telephone or other means; and

(10) Do any lawful act with respect to the subject and all property related to the subject.

Sec. 27. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

(1) Demand, buy, lease, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject an interest in real property or a right incident to real property;

(2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;

(3) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) Release, assign, satisfy or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien or other claim to real property which exists or is asserted;

(5) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(A) Insuring against liability or casualty or other loss;

(B) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(C) Paying, assessing, compromising or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; and

(D) Purchasing supplies, hiring assistance or labor and making repairs or alterations to the real property;

(6) Use, develop, alter, replace, remove, erect or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

(7) Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(A) Selling or otherwise disposing of such stocks, bonds or other property;

(B) Exercising or selling an option, right of conversion or similar right with respect to such stocks, bonds or other property; and

(C) Exercising any voting rights in person or by proxy;

(8) Change the form of title of an interest in or right incident to real property; and

(9) Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.

Sec. 28. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

(1) Demand, buy, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;

(2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or otherwise dispose of tangible personal property or an interest in tangible personal property;

(3) Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) Release, assign, satisfy or enforce by litigation or otherwise, a security interest, lien or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property;

(5) Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(A) Insuring against liability or casualty or other loss;

(B) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(C) Paying, assessing, compromising or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments;

(D) Moving the property from place to place;

(E) Storing the property for hire or on a gratuitous bailment; and

(F) Using and making repairs, alterations or improvements to the property; and

(6) Change the form of title of an interest in tangible personal property.

Sec. 29. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks and bonds authorizes the agent to:

(1) Buy, sell and exchange stocks and bonds;

(2) Establish, continue, modify or terminate an account with respect to stocks and bonds;

(3) Pledge stocks and bonds as security to borrow, pay, renew or extend the time of payment of a debt of the principal;

(4) Receive certificates and other evidences of ownership with respect to stocks and bonds; and

(5) Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts and consent to limitations on the right to vote.

Sec. 30. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to commodities and options authorizes the agent to:

(1) Buy, sell, exchange, assign, settle and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange; and

(2) Establish, continue, modify and terminate option accounts.

Sec. 31. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(1) Continue, modify and terminate an account or other banking arrangement made by or on behalf of the principal;

(2) Establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm or other financial institution selected by the agent;

(3) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(4) Withdraw by: Check, order, electronic funds transfer or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(5) Receive statements of account, vouchers, notices and similar documents from a financial institution and act with respect to them;

(6) Enter a safe deposit box or vault and withdraw or add to the contents;

(7) Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(8) Make, assign, draw, endorse, discount, guarantee and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions and accept a draft drawn by a person upon the principal and pay it when due;

(9) Receive for the principal and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(10) Apply for, receive and use letters of credit, credit and debit cards, electronic transaction authorizations and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and

(11) Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

Sec. 32. (NEW) (*Effective July 1, 2016*) Subject to the terms of a document or an agreement governing an entity or an entity ownership interest, and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

(1) Operate, buy, sell, enlarge, reduce, or terminate an ownership interest;

(2) Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege or option that the principal has, may have or claims to have;

(3) Enforce the terms of an ownership agreement;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;

(5) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege or option the principal has or claims to have as the holder of stocks and bonds;

(6) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds;

(7) With respect to an entity or business owned solely by the principal:

(A) Continue, modify, renegotiate, extend and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;

(B) Determine:

(i) The location of its operation;

(ii) The nature and extent of its business;

(iii) The methods of manufacturing, selling, merchandising, financing, accounting and advertising employed in its operation;

(iv) The amount and types of insurance carried; and

(v) The mode of engaging, compensating and dealing with its employees and accountants, attorneys or other advisors;

(C) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(D) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;

(8) Put additional capital into an entity or business in which the principal has an interest;

(9) Join in a plan of reorganization, consolidation, conversion, domestication or merger of the entity or business;

(10) Sell or liquidate all or part of an entity or business;

(11) Establish the value of an entity or business under a buyout agreement to which the principal is a party;

(12) Prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to an entity or business and make related payments; and

(13) Pay, compromise or contest taxes, assessments, fines or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.

Sec. 33. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

(1) Continue, pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;

(2) Procure new, different and additional contracts of insurance and annuities for the principal and the principal's spouse, children and other dependents, and select the amount, type of insurance or annuity and mode of payment;

(3) Pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract of insurance or annuity procured by the agent;

(4) Apply for and receive a loan secured by a contract of insurance or annuity;

(5) Surrender and receive the cash surrender value on a contract of insurance or annuity;

(6) Exercise an election;

(7) Exercise investment powers available under a contract of insurance or annuity;

(8) Change the manner of paying premiums on a contract of insurance or annuity;

(9) Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;

(10) Apply for and procure a benefit or assistance under a federal or state statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

(11) Collect, sell, assign, hypothecate, borrow against or pledge the interest of the principal in a contract of insurance or annuity;

(12) Select the form and timing of the payment of proceeds from a contract of insurance or annuity; and

(13) Pay, from proceeds or otherwise, compromise or contest and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

Sec. 34. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, "estate, trust or other beneficial interest" means a trust, probate estate, guardianship, conservatorship, escrow or custodianship or a fund from which the principal is, may become or claims to be, entitled to a share or payment.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts and other beneficial interests authorizes the agent to:

(1) Accept, receive, receipt for, sell, assign, pledge or exchange a share in or payment from an estate, trust or other beneficial interest;

(2) Demand or obtain money or another thing of value to which the principal is, may become or claims to be, entitled by reason of an estate, trust or other beneficial interest, by litigation or otherwise;

(3) Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity or effect of a deed, will, declaration of trust or other instrument or transaction affecting the interest of the principal;

(5) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute or surcharge a fiduciary;

(6) Conserve, invest, disburse or use anything received for an authorized purpose; and

(7) Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of a revocable trust created by the principal as settlor.

Sec. 35. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent to:

(1) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance or other relief;

(2) Bring an action to determine adverse claims or intervene or otherwise participate in litigation;

(3) Seek an attachment, garnishment, order of arrest or other preliminary, provisional or intermediate relief and use an available procedure to effect or satisfy a judgment, order or decree;

(4) Make or accept a tender, offer of judgment or admission of facts, submit a controversy on an agreed statement of facts, consent to examination and bind the principal in litigation;

(5) Submit to alternative dispute resolution, settle and propose or accept a compromise;

(6) Waive the issuance and service of process upon the principal, accept service of process, appear for the principal, designate persons upon which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement or other instrument in connection with the prosecution, settlement or defense of a claim or litigation;

(7) Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with

respect to a reorganization, receivership or application for the appointment of a receiver or trustee which affects an interest of the principal in property or other thing of value;

(8) Pay a judgment, award or order against the principal or a settlement made in connection with a claim or litigation; and

(9) Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Sec. 36. (NEW) (*Effective July 1, 2016*) (a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

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

(A) The principal's children;

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

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

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

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

(A) Purchase, lease or other contract; or

(B) Paying the operating costs, including interest, amortization payments, repairs, improvements and taxes, for premises owned by the principal or occupied by those individuals;

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

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

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

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

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

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

(b) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under sections 1 to 45, inclusive, of this act.

Sec. 37. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, "benefits from governmental programs or civil or military service" means any benefit, program or assistance provided under a federal or state statute or regulation including Social Security, Medicare and Medicaid.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental programs or civil or military service authorizes the agent to:

(1) Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in subdivision (1) of subsection (a) of section 36 of this act, and for shipment of their household effects;

(2) Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock or other place of storage or

safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate or other instrument for that purpose;

(3) Enroll in, apply for, select, reject, change, amend or discontinue, on the principal's behalf, a benefit or program;

(4) Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a federal or state statute or regulation;

(5) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a federal or state statute or regulation; and

(6) Receive the financial proceeds of a claim described in subdivision (4) of this subsection and conserve, invest, disburse or use for a lawful purpose anything so received.

Sec. 38. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, "retirement plan" means a plan or account created by an employer, the principal or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary or owner, including a plan or account under the following sections of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time:

(1) An individual retirement account under 26 USC 408, as amended from time to time;

(2) A Roth individual retirement account under 26 USC 408A, as amended from time to time;

(3) A deemed individual retirement account under 26 USC 408(q), as amended from time to time;

(4) An annuity or mutual fund custodial account under 26 USC 403(b), as amended from time to time;

(5) A pension, profit sharing, stock bonus or other retirement plan qualified under 26 USC 401(a), as amended from time to time;

(6) A plan under 26 USC 457(b), as amended from time to time; and

(7) A nonqualified deferred compensation plan under 26 USC 409A, as amended from time to time.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:

(1) Select the form and timing of payments under a retirement plan and withdraw benefits from a plan;

(2) Make a rollover, including a direct trustee to trustee rollover, of benefits from one retirement plan to another;

(3) Establish a retirement plan in the principal's name;

(4) Make contributions to a retirement plan;

(5) Exercise investment powers available under a retirement plan; and

(6) Borrow from, sell assets to or purchase assets from a retirement plan.

Sec. 39. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

(1) Prepare, sign and file federal, state, local and foreign income, gift, payroll, property, federal Insurance Contributions Act and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters and any other tax related documents, including, receipts, offers, waivers, consents, including consents and agreements under 26 USC 2032A, as amended from time to time, closing agreements and any power of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty-five tax years;

(2) Pay taxes due, collect refunds, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service or other taxing authority;

(3) Exercise any election available to the principal under federal, state, local or foreign tax law; and

(4) Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

Sec. 40. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, a gift "for the benefit of" a person includes a gift to a trust, an account under the Uniform Transfers to Minors Act and a tuition savings account or prepaid tuition plan as defined under 26 USC 529, as amended from time to time.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to gifts authorizes the agent only to:

(1) Make outright to, or for the benefit of, a person, a gift of any of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under 26 USC 2503(b), as amended from time to time, without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to 26 USC 2513, as amended from time to time, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and

(2) Consent, pursuant to 26 USC 2513, as amended from time to time, to the splitting of a gift made by the principal's spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

(c) An agent may make a gift of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:

(1) The value and nature of the principal's property;

(2) The principal's foreseeable obligations and need for maintenance;

(3) Minimization of taxes, including income, estate, inheritance, generation skipping transfer and gift taxes;

(4) Eligibility for a benefit, a program, or assistance under a federal or state statute or regulation; and

(5) The principal's personal history of making or joining in making gifts.

Sec. 41. (NEW) (*Effective July 1, 2016*) (a) The use of the following form in the creation of a power of attorney is authorized, and, when used, it shall be construed in accordance with the provisions of sections 1 to 45, inclusive, of this act:

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

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

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

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

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

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

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

(A)	real estate transactions (real property);	( )
(B)	chattel and goods transactions (tangible personal property);	( )
(C)	bond, share and commodity transactions (stocks and bonds);	( )
(D)	banking transactions (banks and other financial institutions);	( )
(E)	business operating transactions (operation of entity or	( )

business);

(F) insurance transactions (insurance and annuities); ( )

(G) estate transactions (estates, trusts, and other beneficial interests); ( )

(H) claims and litigation; ( )

(I) personal relationships and affairs (personal and family maintenance); ( )

(J) benefits from military service (benefits from governmental programs or civil or military service); ( )

(K) records, reports and statements; ( )

(L) retirement plans; ( )

(M) taxes; ( )

(N) all other matters; ( )

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

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

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

YOU SHOULD SEEK LEGAL ADVICE BEFORE

INCLUDING THE FOLLOWING POWERS:

(O) Create, amend, revoke or terminate an inter vivos trust, provided in the case of a trust established for a disabled person pursuant to 42 USC 1396p (d)(4)(A) or 42 USC 1396p (d)(4)(C), the creation of such trust by an agent ( )

shall be only as permitted by federal law

(P) Make a gift, subject to the limitations of the Connecticut Uniform Power of Attorney Act and any special instructions in this power of attorney. Unless otherwise provided in the special instructions, gifts per recipient may not exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, in an amount per recipient not to exceed twice the annual federal gift tax exclusion limit. In addition, an agent must determine that gifts are consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors ( )

(Q) Create or change rights of survivorship ( )

(R) Create or change a beneficiary designation ( )

(S) Authorize another person to exercise the authority granted under this power of attorney ( )

(T) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan ( )

(U) Exercise fiduciary powers that the principal has authority to delegate ( )

(V) Disclaim or refuse an interest in property, including a power of appointment ( )

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

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

Fourth:

LIMITATION ON AGENT'S AUTHORITY

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

Fifth:

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

Name of Successor Agent: _____

Successor Agent's Address: _____

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

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Sixth:

EFFECTIVE DATE

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

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

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

(ACKNOWLEDGMENT)

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

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

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

(b) A power of attorney is a "statutory form power of attorney", as this phrase is used in sections 1 to 45, inclusive, of this act, when it is in writing, has been duly acknowledged by the principal and contains the exact wording of clause First set forth in subsection (a) of this section, except that any one or more of subdivisions (A) to (V) may be stricken out and initialed by the principal, in which case the subdivisions so stricken out and initialed and also subdivision (N) shall be deemed eliminated. A statutory form power of attorney may contain modifications or additions of the types described in sections 1 to 45, inclusive, of this act.

(c) If more than one agent is designated by the principal, such agents, in the exercise of the powers conferred, shall act jointly unless the principal specifically provides in such statutory short form power of attorney that they are to act severally.

(d) (1) The principal may indicate that a power of attorney duly acknowledged in accordance with this section shall take effect upon the occurrence of a specified contingency, including a date certain or the occurrence of an event, provided that an agent designated by the principal executes a written affidavit that such contingency has occurred.

(2) The principal may indicate the circumstance or date certain upon which the power of attorney shall cease to be effective.

(e) The following optional informational form may be used as part of the Statutory Form or as part of a separate document from the Statutory Form.

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship

continues until you resign or the power of attorney is terminated or revoked. You must:

(1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

(2) Act in good faith;

(3) Do nothing beyond the authority granted in this power of attorney; and

(4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the special instructions in this power of attorney state otherwise, you must also:

(1) Act loyally for the principal's benefit;

(2) Avoid conflicts that would impair your ability to act in the principal's best interest;

(3) Act with care, competence, and diligence;

(4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1) Death of the principal;

(2) The principal's revocation of the power of attorney or your authority;

(3) The occurrence of a termination event stated in the power of attorney;

(4) The purpose of the power of attorney is fully accomplished; or

(5) If you are married to the principal, a legal action is filed with a court to end your marriage through divorce or annulment, or for your legal separation, unless the special instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Connecticut Uniform Power of Attorney Act, sections 1 to 45, inclusive, of this act. If you violate the Connecticut Uniform Power of Attorney Act, sections 1 to 45, inclusive, of this act or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Sec. 42. (NEW) (*Effective July 1, 2016*) The following optional form may be used by an agent to certify facts concerning a power of attorney.

AGENT'S CERTIFICATION AS TO THE

VALIDITY OF POWER OF ATTORNEY

AND AGENT'S AUTHORITY

State of_____

County of_____

I,_____ (Name of Agent), certify under penalty of false statement that_____ (Name of Principal) granted me authority as an agent or successor agent in a power of attorney dated_____.

I further certify that to my knowledge:

(1) the Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;

(2) if the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;

(3) if I was named as a successor agent, the prior agent is no longer able or willing to serve; and

(4)_____

_____

_____

_____

(Insert other relevant statements)

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

(Agent's Signature) (Date)

_____

(Agent's Name Printed)

_____

_____

(Agent's Address)

_____

(Agent's Telephone Number)

This document was acknowledged before me on_____,

(Date)

by_____.

(Name of Agent)

_____ (Seal, if any)

(Signature of Commissioner of Superior Court/Notary)

My commission expires: _____

Sec. 43. (NEW) (*Effective July 1, 2016*) In applying and construing the provisions of sections 1 to 45, inclusive, of this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

Sec. 44. (NEW) (*Effective July 1, 2016*) Sections 1 to 45, inclusive, of this act modify, limit, and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq. , but do not modify, limit, or supersede Section 101(c) of that act, 15 USC 7001(c), or authorize electronic delivery of any of the notices described in Section 3(b) of that act, 15 USC 7003(b).

Sec. 45. (NEW) (*Effective July 1, 2016*) (a) Except as otherwise provided in sections 1 to 45, inclusive, of this act, on October 1, 2015, said sections apply to:

(1) A power of attorney created before, on, or after October 1, 2015;

(2) A judicial proceeding concerning a power of attorney commenced on or after October 1, 2015; and

(3) A judicial proceeding concerning a power of attorney commenced before October 1, 2015, unless the court finds that application of a provision of sections 1 to 45, inclusive, of this act would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.

(b) An act performed by an agent under a power of attorney before October 1, 2015, is not affected by sections 1 to 45, inclusive, of this act.

Sec. 46. Subsection (a) of section 45a-98 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Courts of probate in their respective districts shall have the power to (1) grant administration of intestate estates of persons who have died domiciled in their districts and of intestate estates of persons not domiciled in this state which may

be granted as provided by section 45a-303; (2) admit wills to probate of persons who have died domiciled in their districts or of nondomiciliaries whose wills may be proved in their districts as provided in section 45a-287; (3) except as provided in section 45a-98a or as limited by an applicable statute of limitations, determine title or rights of possession and use in and to any real, tangible or intangible property that constitutes, or may constitute, all or part of any trust, any decedent's estate, or any estate under control of a guardian or conservator, which trust or estate is otherwise subject to the jurisdiction of the Probate Court, including the rights and obligations of any beneficiary of the trust or estate and including the rights and obligations of any joint tenant with respect to survivorship property; (4) except as provided in section 45a-98a, construe the meaning and effect of (A) any will or trust agreement if a construction is required in connection with the administration or distribution of a trust or estate otherwise subject to the jurisdiction of the Probate Court; **[**, or, with respect to an inter vivos trust, if that trust is or could be subject to jurisdiction of the court for an accounting pursuant to section 45a-175,**]** (B) an inter vivos trust upon a petition that meets the requirements for a petition for an accounting pursuant to subsection (b) or (c) of section 45a-175, as amended by this act, provided such an accounting need not be required; or (C) a power of attorney pursuant to section 16 of this act; (5) except as provided in section 45a-98a, apply the doctrine of cy pres or approximation; (6) to the extent provided for in section 45a-175, as amended by this act, call executors, administrators, trustees, guardians, conservators, persons appointed to sell the land of minors, and **[**attorneys-in-fact**]** agents acting under powers of attorney created in accordance with **[**section 45a-562**]** sections 1 to 45, inclusive, of this act, to account concerning the estates entrusted to their charge or for other relief as provided in sections 1 to 45, inclusive, of this act; and (7) make any lawful orders or decrees to carry into effect the power and jurisdiction conferred upon them by the laws of this state.

Sec. 47. Section 45a-175 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Courts of probate shall have jurisdiction of the interim and final accounts of testamentary trustees, trustees appointed by the courts of probate, conservators, guardians, persons appointed by probate courts to sell the land of minors, executors, administrators and trustees in insolvency, and, to the extent provided for in this section, shall have jurisdiction of accounts of the actions of trustees of inter vivos trusts and **[**attorneys-in-fact**]** agents acting under powers of attorney.

(b) A trustee or settlor of an inter vivos trust **[**or an attorney-in-fact**]** or the successor of the trustee, settlor **[**or attorney-in-fact or the grantor of such power of attorney**]** or his legal representative may make application to the court of probate for the district where the trustee, or any one of them, **[**or the attorney-in-

fact] has any place of business or to the court of probate for the district where the trustee or any one of them or the settlor [or the attorney-in-fact or the grantor of the power] resides or, in the case of a deceased settlor, [or grantor,] to the court of probate having jurisdiction over the estate of the settlor [or grantor] or for the district in which the settlor [or grantor] resided immediately prior to death for submission to the jurisdiction of the court of an account for allowance of the trustee's [or attorney's] actions under such trust. [or power.]

(c) (1) Any beneficiary of an inter vivos trust may petition a court of probate having jurisdiction under this section for an accounting by the trustee or trustees. The court may, after hearing with notice to all interested parties, grant the petition and require an accounting for such periods of time as it determines are reasonable and necessary on finding that: (A) The beneficiary has an interest in the trust sufficient to entitle him to an accounting, (B) cause has been shown that an accounting is necessary, and (C) the petition is not for the purpose of harassment.

(2) A court of probate shall have jurisdiction to require an accounting under subdivision (1) of this subsection if (A) a trustee of the trust resides in its district, (B) in the case of a corporate trustee, the trustee has any place of business in the district, (C) any of the trust assets are maintained or evidences of intangible property of the trust are situated in the district, or (D) the settlor resides in the district or, in the case of a deceased settlor, resided in the district immediately prior to death.

(3) As used in subdivision (1) of this subsection, "beneficiary" means any person currently receiving payments of income or principal from the trust, or who may be entitled to receive income or principal or both from the trust at some future date, or the legal representative of such person.

(d) Any of the persons specified in section 16 of this act may make application to the court of probate for the district where the agent has any place of business or to the court of probate for the district where the agent or the principal resides or, in the case of a deceased principal, to the court of probate having jurisdiction over the estate of the principal or for the district in which the principal resided immediately prior to death, for an accounting or other relief as provided in section 16 of this act. The court shall grant the petition if filed by the principal, agent, guardian, conservator or other fiduciary acting for the principal. The court may grant a petition filed by any other person specified in section 16 of this act if it finds that (1) the petitioner has an interest sufficient to entitle him to the relief requested, (2) cause has been shown that such relief is necessary, and (3) the petition is not for the purpose of harassment.

[(d)**]** (e) The action to submit an accounting to the court, whether by an inter vivos trustee or **[**attorney**]** agent acting under a power of attorney or whether pursuant to petition of another party, shall not subject the trust or the power of attorney to the continuing jurisdiction of the Probate Court.

[(e)**]** (f) If the court finds such appointment to be necessary and in the best interests of the estate, the court upon its own motion may appoint an auditor to be selected from a list provided by the Probate Court Administrator, to examine accounts over which the court has jurisdiction under this section, except those accounts on matters in which the fiduciary or cofiduciary is a corporation having trust powers. The Probate Court Administrator shall promulgate regulations in accordance with section 45a-77 concerning the compilation of a list of qualified auditors. Costs of the audit may be charged to the fiduciary, any party in interest and the estate, in such proportion as the court shall direct if the court finds such charge to be equitable. Any such share may be paid from the fund established under section 45a-82, subject to the approval of the Probate Court Administrator, if it is determined that the person obligated to pay such share is unable to pay or to charge such amount to the estate would cause undue hardship.

[(f)**]** (g) Upon the allowance of any such account, the court shall determine the rights of the fiduciaries or the **[**attorney-in-fact**]** agent under a power of attorney rendering the account and of the parties interested in the account, including the relief authorized under section 17 of this act, subject to appeal as in other cases. The court shall cause notice of the hearing on the account to be given in such manner and to such parties as it directs.

[(g)**]** (h) In any action under this section, the Probate Court shall have, in addition to powers pursuant to this section, all the powers available to a judge of the Superior Court at law and in equity pertaining to matters under this section.

Sec. 48. Subsection (b) of section 45a-645 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) The designation shall be executed, witnessed and revoked in the same manner as provided for wills in sections 45a-251 and 45a-257, or a power of attorney executed in accordance with section 5 of this act, except that any person who is so designated as a conservator shall not qualify as a witness.

Sec. 49. Section 45a-650 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(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 applicable to civil 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.

(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 this state who have examined the respondent not more than forty-five days 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 information to any other person as the court determines necessary.

(e) Notwithstanding the provisions of section 45a-7, the court may hold the hearing on the application at a place other than its usual courtroom if it would facilitate attendance by the respondent.

(f) (1) If the court finds by clear and convincing evidence that the respondent is incapable of managing the respondent's affairs, that the respondent's affairs cannot be managed adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available to assist the respondent in managing the respondent's affairs, the court may appoint a conservator of his or her estate after considering the factors set forth in subsection (g) of this section.

(2) If the court finds by clear and convincing evidence that the respondent is incapable of caring for himself or herself, that the respondent cannot be cared for adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available to assist the respondent in caring for himself or herself, the court may appoint a conservator of his or her person after considering the factors set forth in subsection (g) of this section.

(3) No conservator may be appointed if the respondent's personal needs and property management are being met adequately by an agency or individual appointed pursuant to the provisions of sections 8 and 41 of this act, or section **[**1-43,**]** 19a-575a, 19a-577, 19a-580e, as amended by this act, or 19a-580g.

(g) When determining whether a conservator should be appointed the court shall consider the following factors: (1) The abilities of the respondent; (2) the respondent's capacity to understand and articulate an informed preference regarding the care of his or her person or the management of his or her affairs; (3) any relevant and material information obtained from the respondent; (4) evidence of the respondent's past preferences and life style choices; (5) the respondent's cultural background; (6) the desirability of maintaining continuity

in the respondent's life and environment; (7) whether the respondent had previously made adequate alternative arrangements for the care of his or her person or for the management of his or her affairs, including, but not limited to, the execution of a durable power of attorney, springing power of attorney, the appointment of a health care representative or health care agent, the execution of a living will or trust or the execution of any other similar document; (8) any relevant and material evidence from the respondent's family and any other person regarding the respondent's past practices and preferences; and (9) any supportive services, technologies or other means that are available to assist the respondent in meeting his or her needs.

(h) The respondent or conserved person may appoint, designate or nominate a conservator or successor conservator pursuant to section 19a-575a, 19a-580e, as amended by this act, 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.

(i) If the court appoints a conservator of the estate of the respondent, the court shall require a probate bond. The court may, if it considers it necessary for the protection of the respondent, require a bond of any conservator of the person appointed under this section.

(j) Absent the court's order to the contrary and except as otherwise provided in subsection (b) of section 19a-580e, a conservator appointed pursuant to this section shall be bound by all health care decisions properly made by the conserved person's health care representative.

(k) In assigning the duties of a conservator under this section the court may, in accordance with section 8 of this act, limit, suspend or terminate the authority of an agent designated by the conserved person to act under a power of attorney; and the court shall enter a specific order as to whether the authority of the agent is limited, suspended or terminated.

[(k) A**]** (l) Except as provided in subsection (k) of this section, a conserved person and his agent under a power of attorney shall retain all rights and authority not expressly assigned to the conservator.

[(l)**]** (m) The court shall assign to a conservator appointed under this section only the duties and authority that are the least restrictive means of intervention necessary to meet the needs of the conserved person. The court shall find by clear and convincing evidence that such duties and authority restrict the decision-making authority of the conserved person only to the extent necessary to provide for the personal needs or property management of the conserved person. Such personal needs and property management shall be provided in a manner appropriate to the conserved person. The court shall make a finding of the clear and convincing evidence that supports the need for each duty and authority assigned to the conservator.

[(m)**]** (n) Nothing in this chapter shall impair, limit or diminish a conserved person's right to retain an attorney to represent such person or to seek redress of grievances in any court or administrative agency, including proceedings in the nature of habeas corpus arising out of any limitations imposed on the conserved person by court action taken under this chapter, chapter 319i, chapter 319j or section 45a-242. In any other proceeding in which the conservator has retained counsel for the conserved person, the conserved person may request the Court of Probate to direct the conservator to substitute an attorney chosen by the conserved person.

Sec. 50. Section 47-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) All conveyances of land shall be: (1) In writing; (2) if the grantor is a natural person, subscribed, with or without a seal, by the grantor with his own hand or with his mark with his name annexed to it or by his **[**attorney**]** agent authorized for that purpose by a power executed, acknowledged and witnessed in the manner provided for conveyances or, if the grantor is a corporation, limited liability company or partnership, subscribed by a duly authorized person; (3) acknowledged by the grantor, his **[**attorney**]** agent or such duly authorized person (A) to be his free act and deed, or (B) in any manner permitted under chapter 6 or chapter 8; and (4) attested to by two witnesses with their own hands.

(b) A document conveying land shall also include the current mailing address of the grantee.

(c) In addition to the requirements of subsection (a) of this section, the execution of a deed or other conveyance of real property pursuant to a power of attorney shall be deemed sufficient if done in substantially the following form:

Name of Owner of Record

By: (Signature of **[**Attorney-in-Fact**]** Agent) L. S.

Name of Signatory

His/Her **[**Attorney-in-Fact**]** Agent

(d) Nothing in subsection (c) of this section precludes the use of any other legal form of execution of deed or other conveyance of real property.

Sec. 51. Subsection (c) of section 19a-580f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

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

Sec. 52. Section 45a-582 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

An interest that exists on October 1, 1981, as to which, if a present interest, the time for delivering a disclaimer under **[**section 45a-562,**]** subsections (3) and (35) of section 45a-234, subsections (4) and (19) of section 45a-235, and sections 45a-578 to 45a-584, inclusive, has not expired or, if a future interest, the interest has not become indefeasibly vested or the taker finally ascertained, may be disclaimed within nine months after October 1, 1981.

Sec. 53. Subsection (a) of section 45a-660 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) (1) A conserved person may, at any time, petition the court of probate having jurisdiction for the termination of a conservatorship. A petition for termination of a conservatorship shall be determined by a preponderance of the evidence. The conserved person shall not be required to present medical evidence at such a hearing. A hearing on the petition shall be held not later than thirty days after

the date the petition was filed in the Court of Probate, unless the hearing is continued for good cause. If such hearing is not held within such thirty-day period or continuance period, if applicable, the conservatorship shall terminate. If the court of probate having jurisdiction finds a conserved person to be capable of caring for himself or herself, the court shall, upon hearing and after notice, order that the conservatorship of the person be terminated. The court may also order the reinstatement of any authority of any agent under a power of attorney that was previously limited, suspended or terminated by the court because of the conservatorship. If the court finds upon hearing and after notice which the court prescribes, that a conserved person is capable of managing his or her own affairs, the court shall order that the conservatorship of the estate be terminated and that the remaining portion of the conserved person's property be restored to the conserved person. (2) If the court finds upon hearing and after notice which the court prescribes that a conserved person has no assets of any kind remaining except for that amount allowed by subsection (c) of section 17b-80, the court may order that the conservatorship of the estate be terminated. The court shall thereupon order distribution of the remaining assets to the conservator of the person or, if there is no conservator or the conservator declines or is unable to accept or the conservator is the Commissioner of Social Services, to some suitable person, to be determined by the court, to hold for the benefit of the conserved person, upon such conservator or person giving such probate bond, if any, as the court orders. (3) If any conserved person having a conservator dies, the conserved person's property other than property which has accrued from the sale of the conserved person's real property shall be delivered to the conserved person's executor or administrator. The unexpended proceeds of the conserved person's real property sold as aforesaid shall go into the hands of the executor or administrator, to be distributed as such real property would have been.

Sec. 54. Subsection (a) of section 19a-580e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Except as authorized by a court of competent jurisdiction, a conservator shall comply with a conserved person's individual health care instructions and other wishes, if any, expressed while the conserved person had capacity and to the extent known to the conservator, and the conservator may not revoke the conserved person's advance health care directive or a directive executed in accordance with **[**subdivision (14) of section 1-52 or**]** section 45a-318, as amended by this act, unless the appointing court expressly so authorizes.

Sec. 55. Subdivision (2) of subsection (a) of section 45a-318 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(2) Any conservator of the person authorized pursuant to subdivision (5) of subsection (a) of section 45a-656 to act on behalf of a conserved person, or any agent authorized [pursuant to subdivision (14) of section 1-52] to act on behalf of a principal 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.

Sec. 56. Section 29-1f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The clearinghouse established under section 29-1e shall collect, process, maintain and disseminate information to assist in the location of any missing person who (1) is eighteen years of age or older and has a mental impairment, or (2) is sixty-five years of age or older, provided a missing person report prepared by the Department of Emergency Services and Public Protection has been filed by such missing person's relative, guardian, conservator or [attorney-in-fact] agent appointed by the missing person in accordance with [chapter 7] sections 1 to 45, inclusive of this act, any health care representative appointed by the missing person in accordance with section 19a-576 or a nursing home administrator, as defined in section 19a-511, or, pursuant to section 17a-465b, by an employee of the Department of Mental Health and Addiction Services who is certified under the provisions of sections 7-294a to 7-294e, inclusive. Such relative, guardian, conservator, [attorney-in-fact] agent, health care representative, nursing home administrator or employee shall attest under penalty of perjury that the missing person (A) is eighteen years of age or older and has a mental impairment, or (B) is sixty-five years of age or older. No other proof shall be required in order to verify that the missing person meets the criteria to be eligible for assistance under this subsection. Such relative, guardian,

conservator, [attorney-in-fact] agent, health care representative, nursing home administrator or employee who files a missing person report shall immediately notify the clearinghouse or law enforcement agency if the missing person's location has been determined.

(b) Subject to available resources, the clearinghouse established by section 29-1e may collect, process, maintain and disseminate information to assist in the location of missing persons other than children and those persons who are eligible for assistance under subsection (a) of this section.

Sec. 57. Sections 1-42 to 1-56, inclusive, of the general statutes, sections 1-56h to 1-56k, inclusive, of the general statutes and section 45a-562 of the general statutes are repealed. (*Effective July 1, 2016*)

Approved July 7, 2015

House Bill No. 7061

Public Act No. 15-244

AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, AND MAKING APPROPRIATIONS THEREFOR, AND OTHER PROVISIONS RELATED TO REVENUE, DEFICIENCY APPROPRIATIONS AND TAX FAIRNESS AND ECONOMIC DEVELOPMENT.

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

Sec. 46. (*Effective July 1, 2015*) For the fiscal years ending June 30, 2016, and June 30, 2017, the Judicial Department may, in consultation with the Office of Policy and Management, establish receivables for revenue anticipated to be collected for deposit into the Probate Court Administration Fund.

Sec. 174. Subsections (d) and (e) of section 12-391 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2016*):

(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, as amended by this act, 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, as amended by this act, 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, but prior to January 1, 2016, 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, as amended by this act, 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, as amended by this act, 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.

(D) With respect to the estates of decedents who die on or after January 1, 2016, 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, as amended by this act, 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, as amended by this act, 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. In no event shall the amount of tax payable under this section exceed twenty million dollars. Such twenty million dollar limit shall be reduced by the amount of (I) any taxes paid to this state pursuant to section 12-642, as amended by this act, by the decedent or the decedent's estate for Connecticut taxable gifts made on or after January 1, 2016, and (II) any taxes paid by the decedent's spouse to this state pursuant to section 12-642, as amended by this act, for Connecticut taxable gifts made by the decedent on or after January 1, 2016, that are includable in the gross estate of the decedent, but in no event shall the amount be reduced below zero.

(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, as amended by this act, by a fraction, (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 (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.

(e) (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 nonresident of this state. The amount of such tax shall be computed by multiplying (i) the amount of tax determined using the schedule in subsection (g) of this section by (ii) a fraction, the numerator of which is the value of that part of the decedent's gross estate over which this state has jurisdiction for estate tax purposes, and the denominator of which is the value of the decedent's gross estate. A credit shall be allowed against such tax for any taxes paid to this state pursuant to section 12-642, as amended by this act, 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, 2016, a tax is imposed upon the transfer of the estate of each person who at the time of death was a nonresident of this state. The amount of such tax shall be computed by multiplying (i) the amount of tax determined using the schedule in subsection (g) of this section by (ii) a fraction, the numerator of which is the value of that part of the decedent's gross estate over which this state has jurisdiction for estate tax purposes, and the denominator of which is the value of the decedent's gross estate. A credit shall be allowed against such tax for any taxes paid to this state pursuant to section 12-642, as amended by this act, 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, 2016, a tax is imposed upon the transfer of the estate of each person who at the time of death was a nonresident of this state. The amount of such tax shall be computed by multiplying (i) the amount of tax determined using the schedule in subsection (g) of this section by (ii) a fraction, the numerator of which is the value of that part of the decedent's gross estate over which this state has jurisdiction for estate tax purposes, and the denominator of which is the value of the decedent's gross estate. A credit shall be allowed against such tax for any taxes paid to this state

pursuant to section 12-642, as amended by this act, 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. In no event shall the amount of tax payable under this section exceed twenty million dollars. Such twenty million dollar limit shall be reduced by the amount of (I) any taxes paid to this state pursuant to section 12-642, as amended by this act, by the decedent or the decedent's estate for Connecticut taxable gifts made on or after January 1, 2016, and (II) any taxes paid by the decedent's spouse to this state pursuant to section 12-642, as amended by this act, for Connecticut taxable gifts made by the decedent on or after January 1, 2016, that are includable in the gross estate of the decedent, but in no event shall the amount be reduced below zero.

(2) For a nonresident estate, the state shall have the power to levy the estate tax upon all real property situated in this state and tangible personal property having an actual situs in this state. 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.

Approved June 30, 2015

Senate Bill No. 1501

June Special Session, Public Act No. 15-1

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES.

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

Sec. 2. (*Effective July 1, 2015*) 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:

(f) For the Department of Administrative Services:

(6) Acquisition and renovation of a building for the offices of the Probate Court, not exceeding $ 4,100,000

Senate Bill No. 1502

June Special Session, Public Act No. 15-5

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, CONCERNING GENERAL GOVERNMENT, EDUCATION, HEALTH AND HUMAN SERVICES AND BONDS OF THE STATE.

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

Sec. 129. (*Effective from passage*) Notwithstanding the provision of subsection (j) of section 45a-82 of the general statutes, any balance in the Probate Court Administration Fund on June 30, 2015, shall remain in said fund and shall not be transferred to the General Fund, regardless of whether such balance is in excess of an amount equal to fifteen per cent of the total expenditures authorized pursuant to subsection (a) of section 45a-84 of the general statutes for the immediately succeeding fiscal year.

Sec. 385. Section 17b-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

Upon the death of any beneficiary under the state supplement or the temporary family assistance program, the Commissioner of Social Services shall order the payment of a sum not to exceed one thousand **[**eight**]** four hundred dollars as an allowance toward the funeral and burial expenses of such deceased. The payment for funeral and burial expenses shall be reduced by the amount in any revocable or irrevocable funeral fund, prepaid funeral contract or the face value of any life insurance policy owned by the recipient. Contributions may be made by any person for the cost of the funeral and burial expenses of the deceased over and above the sum established under this section without thereby diminishing the state's obligation.

Sec. 447. Section 45a-105 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

The fees charged by [probate courts] Probate Courts shall be uniform for all of the probate districts established by law. Fees shall be assessed in accordance with [sections 45a-106] section 45a-107, as amended by this act, and sections 45a-109 to 45a-112, inclusive, as amended by this act, and sections 449 and 450 of this act.

Sec. 448. Section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

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

(b) In the case of a decedent who dies on or after January 1, 2015, fees shall be computed as follows:

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

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

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

	in excess of $500,000
$2,000,000 and over	$5,615 plus .5% of all in excess of $2,000,000

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

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

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

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

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

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

fifty per cent. Except as provided in subdivisions (3) and (4) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

[(e)**]** (f) A fee of fifty dollars, plus the actual expenses of rescheduling the adjourned hearing that are payable under section 45a-109, shall be payable to the court by any party who requests an adjournment of a scheduled hearing or whose failure to appear necessitates an adjournment, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the adjourned hearing, or both.

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

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

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

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

[(g)**]** (k) Except as provided in subsections **[**(d), (e) and (f)**]** (e) to (j), inclusive, of this section, in no event shall any fee exceed ten thousand dollars for any estate in which proceedings were commenced prior to April 1, 1998, and twelve thousand five hundred dollars for any estate in which proceedings were commenced on or after April 1, 1998, for decedents dying before January 1, 2015.

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

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

(2) If a tax return or a copy of a tax return required under subparagraph (D) of subdivision (3) of subsection (b) of section 12-392 is not filed with a **[**probate court**]** Probate Court by the due date for such return or copy under subdivision (1) of subsection (b) of section 12-392 or by the date an extension under subdivision (4) of subsection (b) of section 12-392 expires, the fees that would

have been due under this section if such return or copy had been filed by such due date or expiration date shall bear interest at the rate of one-half of one per cent per month or portion thereof from the date that is thirty days after such due date or expiration date, whichever is later, until paid. If a return or copy is filed with a **[**probate court**]** Probate Court on or before such due date or expiration date, whichever is later, the fees assessed shall bear interest as provided in subdivision (1) of this subsection;

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

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

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

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

Sec. 449. (NEW) (*Effective January 1, 2016*) (a) The fees set forth in this section apply to each filing made in a Probate Court on or after January 1, 2016, in any matter other than a decedent's estate.

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

(1) With respect to a minor child: (A) Appoint a temporary guardian, temporary custodian, guardian, coguardian, permanent guardian or statutory parent, (B) remove a guardian, including the appointment of another guardian, (C) reinstate a parent as guardian, (D) terminate parental rights, including the appointment of a guardian or statutory parent, (E) grant visitation, (F) make findings regarding special immigrant juvenile status, (G) approve an adoption, (H) validate a foreign adoption, (I) resolve a dispute concerning a standby guardian, (J) approve a plan for voluntary services provided by the Department of Children and Families, (K) conduct an in-court review to modify an order, (L) grant emancipation, (M) grant approval to marry, (N) transfer funds to a custodian under sections 45a-557 to 45a-560b, inclusive, of the general statutes, (O) appoint a successor custodian under section 45a-559c of the general statutes, and (P) grant authority to purchase real estate;

(2) Determine paternity;

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

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

(5) Approve an adult adoption;

(6) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I) grant authority to consent to involuntary medication, (J) determine life sustaining medical treatment, (K) transfer to or from another state, (L) modify the conservatorship in connection with a periodic review, (M) terminate the conservatorship, and (N) grant a writ of habeas corpus;

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

(8) Enjoin an individual from interfering with the provision of protective services to an elderly person;

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

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

sixteen as a voluntary patient, and (H) recommit an individual under the age of sixteen for further treatment;

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

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

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

(14) With respect to a testamentary or inter vivos trust: (A) Construe, divide, reform or terminate the trust, (B) appoint a trustee to fill a vacancy in the office of trustee, (C) determine title to property, (D) apply the doctrine of cy pres or approximation, (E) authorize the trustee to disclaim an interest in property, and (F) enforce the provisions of a pet trust;

(15) Authorize a fiduciary to establish a trust;

(16) Appoint a trustee for a missing person;

(17) Change a person's name;

(18) Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;

(19) Require the Department of Public Health to issue a delayed birth certificate;

(20) Compel the board of a cemetery association to disclose the minutes of the annual meeting;

(21) Issue an order to protect a grave marker;

(22) Restore rights to purchase, possess and transport firearms;

(23) Issue an order permitting sterilization of an individual; and

(24) With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give advice or instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or

mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.

(c) The fee to file a petition for custody of the remains of a deceased person in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the state is obligated to pay funeral and burial expenses under section 17b-84 of the general statutes.

(d) The fee for a fiduciary to request the release of funds from a restricted account in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the court approves the request without notice and hearing in accordance with the rules of procedure adopted by the Supreme Court under section 45a-78 of the general statutes.

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

(f) The fee to request a continuance in a Probate Court is fifty dollars, plus the actual expenses of rescheduling the hearing that are payable under section 45a-109 of the general statutes, as amended by this act, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the hearing, or both. The fee shall be payable by the party who requests the continuance of a scheduled hearing or whose failure to appear necessitates the continuance.

(g) The fee to file a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 of the general statutes to appear pro hac vice in a matter in the Probate Court is two hundred fifty dollars.

(h) Except as provided in subsection (d) of section 45a-111 of the general statutes, as amended by this act, fees imposed under this section shall be paid at the time of filing.

(i) If a statute or rule of procedure approved by the Supreme Court under section 45a-78 of the general statutes specifies filings that may be combined into a single motion, petition or application, the fee under this section for the combined filing is the amount equal to the largest of the individual filing fees applicable to the underlying motions, petitions or applications.

(j) No fee shall be charged under this section if exempted or waived under section 45a-111 of the general statutes, as amended by this act, or any other provision of the general statutes.

Sec. 450. (NEW) (*Effective January 1, 2016*) (a) On or after January 1, 2016, the basic fee for a fiduciary to file an account in the Probate Court in any matter other than a decedent's estate is the greater of:

(1) The product of the number of one year periods or part thereof covered by the account times 0. 05% of the greatest of: (A) The fiduciary acquisition value of assets on hand at the beginning of the accounting period; (B) the fiduciary acquisition value of assets on hand at the end of the accounting period; (C) the fair market value of assets on hand at the beginning of the accounting period; or (D) the fair market value of assets on hand at the end of the accounting period;

(2) 0. 05% of the total of all receipts during the accounting period; or

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, the minimum fee under this subsection shall be fifty dollars regardless of the period of time covered by the account and the maximum fee shall not exceed five hundred dollars per year or part thereof covered by the account.

(b) The fees under this section apply to each account that covers a unique accounting period. No additional fee shall be charged for filing an amended or substitute account covering the same period as the original filing.

(c) For the purposes of this section, "fiduciary acquisition value" has the meaning set forth in the rules of procedure approved by the Supreme Court under section 45a-78 of the general statutes.

(d) The fee under subsection (a) of this section shall be due when the fiduciary files an account. The court shall issue an invoice for the fee and any expenses under section 45a-109 of the general statutes, as amended by this act, on receipt of the account and as necessary thereafter. The balance of any such fee that is not paid within thirty days of the date of an invoice from the court shall bear interest at the rate of one-half of one per cent per month or portion thereof until paid. The court may extend the time for payment of any fee under this subsection if it appears to the court that requiring payment by the due date would cause undue hardship. No additional interest shall accrue during the period of such extension. The court may not waive interest outside of any extension period.

(e) No fee shall be charged under this section if exempted or waived under section 45a-111 of the general statutes or any other provision of the general statutes.

Sec. 451. Section 45a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

In addition to the basic fees specified in **[**sections 45a-106 to 45a-108, inclusive**]** section 45a-107, as amended by this act, and sections 449 and 450 of this act, the following expenses shall be payable to the Probate Courts: (1) For recording each page or fraction thereof after the first five pages of any one document, three dollars; (2) for each notice in excess of two with respect to any hearing or continued hearing, two dollars; (3) for any expenses incurred by the Probate Court for newspaper publication of notices, certified or registered mailing of notices, or for service of process or notice, the actual amount of the expenses so incurred; (4) for providing copies of any document from a file in the court of any matter within the jurisdiction of the court, five dollars for a copy of any such document up to five pages in length and one dollar per copy for each additional page or fractional part thereof as the case may be, except that there shall be furnished without charge to the fiduciary or, if none, to the petitioner with respect to any probate matter one uncertified copy of each decree, certificate or other court order setting forth the action of the court on any proceeding in such matter; (5) for certifying copies of any document from a file in the court of any matter before the court, five dollars per each copy certified for the first two pages of a document, and two dollars for each copy certified for each page after the second page of such document, except that no charge shall be made for any copy certified or otherwise that the court is required by statute to make; (6) for retrieval of a file not located on the premises of the court, the actual expense or ten dollars, whichever is greater; (7) for copying probate records through the use of a hand-held scanner, as defined in section 1-212, twenty dollars per day; **[**and**]** (8) for providing a digital copy of an audio recording of a hearing, twenty-five dollars; and (9) for filing any document other than a will under any provision of the general statutes if the court is not required to take action, twenty-five dollars, in addition to any applicable recording fee.

Sec. 452. Section 45a-110 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) **[**The**]** With respect to a decedent's estate, the fees and expenses **[**provided for in connection with proceedings under section 45a-107 with respect to a decedent's estate**]** under sections 45a-107, as amended by this act, and 45a-109, as amended by this act, shall be paid for by the executor or administrator, **[**or,**]** except that if there is no such fiduciary, **[**by the transferee**]** the fees and

expenses shall be paid by the person filing the succession tax return under section 12-359 or **[**a**]** the estate tax return under section 12-392.

[(b) The fees and expenses provided for in connection with proceedings under section 45a-108 with respect to an accounting shall be paid by the trustee, guardian, conservator or other fiduciary.

(c) In the case of any proceeding under sections 45a-106 to 45a-112, inclusive, commenced on motion of the court, such fees and expenses shall be paid by the party against whom such fees and expenses are assessed by the court.

(d) In all other cases, the petitioner shall pay the fees and expenses provided for by sections 45a-106 to 45a-112, inclusive, unless otherwise provided by law. **]**

(b) In the case of any proceeding commenced on motion of the court, the court may assess the fees and expenses provided for under section 449 of this act and sections 45a-107, as amended by this act, and 45a-109, as amended by this act, against one or more parties in such proportion as the court determines equitable.

(c) Except as provided in subsection (a) of this section, the person filing the motion, petition, application or account shall pay the fees and expenses provided for by sections 449 and 450 of this act and section 45a-109, as amended by this act, unless otherwise provided by law. The court may order the fiduciary of an estate to reimburse a party for any such fees and expenses if the court determines that reimbursement is equitable.

Sec. 453. Subsection (f) of section 19a-131b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(f) An individual subject to a quarantine or isolation order under this section may appeal such order to the **[**probate court**]** Probate Court for the district in which such person is quarantined or isolated and, if such individual or such individual's representative asks the court, in writing, including, but not limited to, by means of first class mail, facsimile machine or the Internet, for a hearing, notwithstanding the form of such request, the court shall hold a hearing not later than seventy-two hours after receipt of such request, excluding Saturdays, Sundays and legal holidays. The court may extend the time for a hearing based on extraordinary circumstances. **[**Court fees for such hearing shall be paid from funds appropriated to the Judicial Department, but if funds have not been included in the budget of the Judicial Department for such purpose, such fees shall be waived by the court. **]** No fee shall be charged to file an appeal in the Probate Court under this section. If such individual cannot appear personally before the court, a hearing shall be conducted only if his or her representative is

present. The commissioner shall be a party to the proceedings. Such hearing may be held via any means that allows all parties to fully participate in the event an individual may infect or contaminate others. A request for a hearing shall not stay the order of quarantine or isolation issued by the commissioner under this section. The hearing shall concern, but need not be limited to, a determination of whether (1) the individual ordered confined is infected with a communicable disease or is contaminated or has a reasonable risk of having a communicable disease or having been contaminated or passing a communicable disease or contamination to other individuals, (2) the individual poses a reasonable threat to the public health, and (3) the quarantine or isolation of the individual is necessary and the least restrictive alternative to prevent the spread of a communicable disease or contamination to others in order to protect and preserve the public health.

Sec. 454. (NEW) (*Effective July 1, 2015*) (a) The fees imposed under subsections (b), (c) and (d) of section 45a-107 of the general statutes, as amended by this act, shall be a lien in favor of the state of Connecticut upon any real property located in this state that is included in the basis for fees of the estate of a deceased person, from the due date until paid, with interest that may accrue in addition thereto, except that such lien shall not be valid as against any lienor, mortgagee, judgment creditor or bona fide purchaser until notice of such lien is filed or recorded in the town clerk's office or place where mortgages, liens and conveyances of such property are required by statute to be filed or recorded.

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

Sec. 455. Section 45a-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

(a) No fee or expense shall be charged for any proceedings in the settlement of the estate of any member of the armed forces who died while in service in time of war as defined in section 27-103.

(b) No fees or expenses shall be charged under sections [45a-106] 45a-107 to 45a-112, inclusive, as amended by this act, or under section 45a-727 for adoption proceedings involving special needs children.

(c) If a petitioner or applicant to a [probate court] Probate Court claims that unless his or her obligation to pay the fees and the necessary expenses of the action, including the expense of service of process, is waived, such petitioner or applicant will be deprived by reason of his or her indigency of his or her right to bring a petition or application to such court or that he or she is otherwise unable to pay the fees and necessary expenses of the action, he or she may file with the clerk of such [probate court] Probate Court an application for waiver of payment of such fees and necessary expenses. Such application shall be signed under penalty of false statement, shall state the applicant's financial circumstances, and shall identify the fees and expenses sought to be waived and the approximate amount of each. If the court finds that the applicant is unable to pay such fees and expenses, it shall order such fees and expenses waived. If such expenses include the expense of service of process, the court, in its order, shall indicate the method of service authorized and the expense of such service shall be paid from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such expenses, such expenses shall be paid from the Probate Court Administration Fund.

(d) The court may, in its discretion, postpone payment of any entry fee or other fee or expense due under sections [45a-106] 45a-107 to 45a-112, inclusive, as amended by this act, and enter any matter if it appears to the court that to require such entry fee or other fee or expense to accompany submission of the matter would cause undue delay or hardship, but in such case the applicant, petitioner or moving party shall be liable for the entry fee and all other fees and expenses upon receipt of an invoice therefor from the court.

(e) Any fee or expense charged under the provisions of sections [45a-106] 45a-107 to 45a-112, inclusive, as amended by this act, shall not be subject to the tax imposed under chapter 219.

Sec. 456. Section 45a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

When the state or any of its agencies is an applicant, petitioner or moving party commencing a matter in a [probate court] Probate Court, or is otherwise liable for the fees or expenses under sections [45a-106] 45a-107 to 45a-112, inclusive, as amended by this act, the court shall accept such matter without the entry fee accompanying the filing thereof, and shall bill the entry fee or other fee or

expense to the appropriate agency for subsequent payment, which payment shall be due and payable upon receipt of such bill.

Sec. 457. Section 45a-113a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

Whenever a **[**probate court**]** Probate Court determines that a refund is due an applicant, petitioner, moving party or other person for any overpayment of costs, fees, charges or expenses incurred under the provisions of sections **[**45a-106**]** 45a-107 to 45a-112, inclusive, as amended by this act, the Probate Court Administrator shall, upon receipt of certification of such overpayment by the **[**probate court**]** Probate Court that issued the invoice for such costs, fees, charges or expenses, cause a refund of such overpayment to be issued from the Probate Court Administration Fund.

Sec. 458. Section 45a-684 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

All fees and expenses incurred under sections 45a-669 to 45a-684, inclusive, except as otherwise provided, shall be paid pursuant to sections **[**45a-106**]** 45a-107, as amended by this act, and 45a-111, as amended by this act.

Sec. 460. Subsections (a) and (b) of section 51-47 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

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

[(1) On and after July 1, 2013, (A) the Chief Justice of the Supreme Court, one hundred eighty-four thousand nine hundred fifty-four dollars; (B) the Chief Court Administrator if a judge of the Supreme Court, Appellate Court or Superior Court, one hundred seventy-seven thousand seven hundred twenty-eight dollars; (C) each associate judge of the Supreme Court, one hundred seventy-one thousand one hundred thirty-four dollars; (D) the Chief Judge of the Appellate Court, one hundred sixty-nine thousand two hundred forty dollars; (E) each judge of the Appellate Court, one hundred sixty thousand seven hundred twenty-seven dollars; (F) the Deputy Chief Court Administrator if a judge of the Superior Court, one hundred fifty-seven thousand seven hundred ninety-five dollars; (G) each judge of the Superior Court, one hundred fifty-four thousand five hundred fifty-nine dollars. **]**

[(2)**]** (1) On and after July 1, 2014, (A) the Chief Justice of the Supreme Court, one hundred ninety-four thousand seven hundred fifty-seven dollars; (B) the Chief

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

(2) On and after July 1, 2015, (A) the Chief Justice of the Supreme Court, two hundred thousand five hundred ninety-nine dollars; (B) the Chief Court Administrator if a judge of the Supreme Court, Appellate Court or Superior Court, one hundred ninety-two thousand seven hundred sixty-three dollars; (C) each associate judge of the Supreme Court, one hundred eighty-five thousand six hundred ten dollars; (D) the Chief Judge of the Appellate Court, one hundred eighty-three thousand five hundred fifty-six dollars; (E) each judge of the Appellate Court, one hundred seventy-four thousand three hundred twenty-three dollars; (F) the Deputy Chief Court Administrator if a judge of the Superior Court, one hundred seventy-one thousand one hundred forty-three dollars; (G) each judge of the Superior Court, one hundred sixty seven thousand six hundred thirty-four dollars.

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

[(b) (1) In addition to the salary such judge is entitled to receive under subsection (a) of this section, on and after July 1, 2013, a judge designated as the administrative judge of the appellate system shall receive one thousand fifty-three dollars in annual salary, each Superior Court judge designated as the administrative judge of a judicial district shall receive one thousand fifty-three dollars in annual salary and each Superior Court judge designated as the chief

administrative judge for facilities, administrative appeals, judicial marshal service or judge trial referees or for the Family, Juvenile, Criminal or Civil Division of the Superior Court shall receive one thousand fifty-three dollars in annual salary. **]**

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

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

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

Sec. 522. Sections 45a-106 and 45a-108 of the general statutes are repealed. (*Effective January 1, 2016*)

Approved June 30, 2015