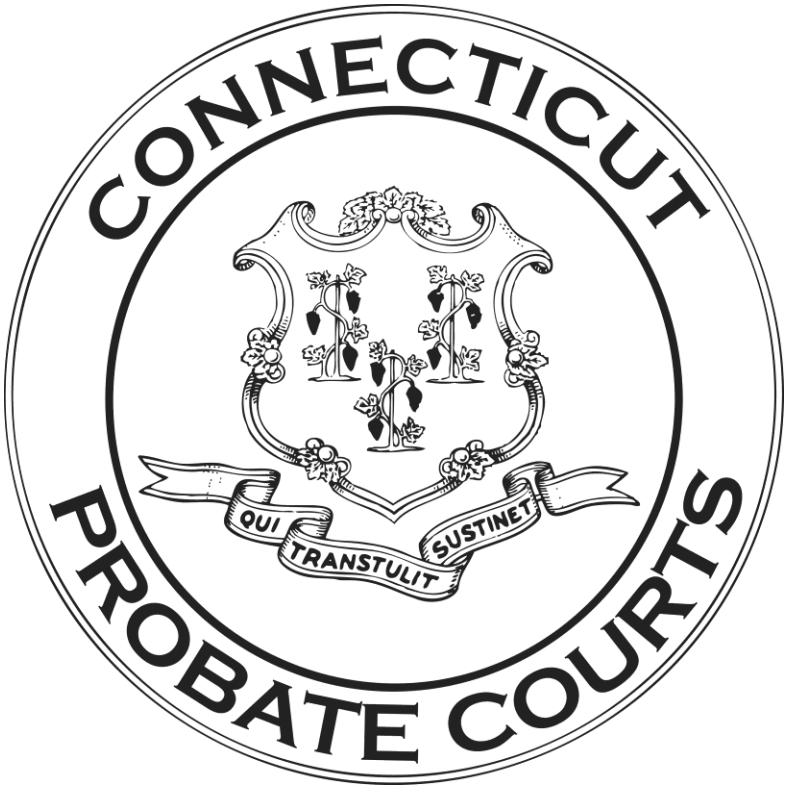
2017
Legislative Summary



Published by
OFFICE OF THE
PROBATE COURT ADMINISTRATOR
STATE OF CONNECTICUT

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PROBATE COURT ADMINISTRATOR

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To: **All Judges and Court Staff**

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

Re: **2017 Legislative Summary**

Date: **July 31, 2017**

The General Assembly enacted several important pieces of legislation affecting the Probate Courts during the 2017 session, including our own Probate Court operations and conservator accountability bills. This packet includes a summary of each bill and a copy of the public act.

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

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

At the time of this writing, the General Assembly has not yet approved a budget for the 2018-2019 biennium. We will provide an update regarding the budget and any implementing legislation that affects the Probate Court system as soon as the budget process has concluded.

Please contact us with any questions**.**

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Special Act 17-6 (HB 6297)

An Act Establishing a Task Force to Study Voluntary Admissions to the Department of Children and Families

Effective date: From passage

SUMMARY

The act establishes a task force to study the DCF voluntary services program. The task force is charged with making recommendations on the following:

- Whether to prohibit the commissioner from requiring that a parent agree to termination of parental rights or transfer of custody of the minor to DCF
- How to increase access to the voluntary services program
- How to improve the program
- How to improve DCF's case management services and communications with other state agencies
- Whether the capabilities and numbers of service providers are adequate to meet the needs of children and youth in the voluntary services program

The act directs the Senate majority leader to appoint a probate judge to the task force. The task force's deadline for the final report is February 1, 2018.

Public Act 17-7 (SB 976)

An Act Concerning Conservator Accountability

Effective date: Various

SUMMARY

Section 1 of the act authorizes PCA to select conservator accounts for audit on a random basis or on the basis of other criteria designed to detect and deter fraud. The Probate Court Administrator may choose any account that has not been acted on by a court and assign it to an independent auditor chosen from a list of auditors maintained by PCA. The conservator must cooperate and provide the auditor with access to all records of the conservator's financial activities. The auditor verifies the accuracy of the conservator's account and identifies any abnormalities. The auditor has 90 days to complete the audit and submit a written report to the court.

Upon receipt of the auditor's report, the court will schedule a hearing on the conservator's account. The auditor's report is admissible in evidence at the hearing, and the parties have the right to require the auditor's presence as a witness. After considering the audit report and all other evidence presented at the hearing, the court will decide whether to approve or reject the account in the same manner as other accounting proceedings.

PCA pays the compensation of the auditors.

(Effective: January 1, 2018)

Section 2 requires the Probate Court Administrator, in consultation with the Probate Assembly, to adopt standards of practice for conservators. The standards are intended to provide guidance to conservators in the performance of their duties.

(Effective: July 1, 2018)

Sections 3 and 4 add the standards of practice to the statutory duties of conservators and provide that a conservator's failure to adhere to any provision of the standards of practice shall not, in itself, constitute a breach of fiduciary duty.

(Effective: July 1, 2018)

Public Act 17-22 (SB 923)

An Act Concerning the Possessions of Deceased Tenants

Effective date: October 1, 2017

SUMMARY

The act modifies the existing process by which a landlord may dispose of the possessions of a tenant who has died. Under the amended statute, the tenant's possessions may be sold after the landlord follows specified procedures in both Probate and Superior Court.

To use the procedure under the amended statute, the landlord must send notice to the deceased tenant's emergency contact and next of kin, if known, to inform the recipients that the landlord is using the statutory procedure to remove the deceased tenant's possessions from the premises and that the recipient should contact the landlord or Probate Court for information on how to reclaim the possessions. The landlord must file an affidavit with the Probate Court that includes the name and address of the deceased tenant, date of death, terms of the lease and the names of any known emergency contact and next of kin. Thirty days after filing of the affidavit, the landlord must file an inventory of the deceased tenant's possessions with the Probate Court.

If an application for probate of will or letters of administration is filed within fifty-five days of the filing of the landlord's affidavit, the Probate Court must immediately notify the landlord, and the landlord's action under this section ceases.

If no one has taken steps to claim the tenant's possessions within 60 days from the filing of the original affidavit, the landlord may obtain a certificate from the Probate Court indicating that the landlord has complied with the provisions of the statute. The landlord may then file the certificate and an application in the Superior Court to initiate summary process. The Superior Court may then issue an execution authorizing a state marshal to remove the possessions to a storage location designated by the CEO of the municipality where the deceased tenant resided.

The marshal must use reasonable efforts to notify the deceased tenant's next of kin that the possessions will be sold. At any time prior to the sale, an administrator or executor appointed by the Probate Court or a person authorized under the affidavit in lieu of administration procedure may reclaim the possessions after paying the municipality for any storage costs. Absent reclamation, the municipal CEO sells the possessions. Any remaining proceeds after reimbursement of storage expenses is paid to the estate of the deceased tenant or, if no estate is opened within 30 days of the sale, to the State Treasurer.

Public Act 17-51 (SB 1059)

An Act Concerning Deficit Mitigation for the Fiscal Year ending June 30, 2017

Effective date: From passage

SUMMARY

The act allowed the state to sweep several special revenue funds and draw on the state's rainy day fund to address a deficit of several hundred million dollars in the state budget as fiscal year 2016-2017 came to a close.

Section 44 of the act swept $3.4 million from the Probate Court Administration Fund. The section includes language that suspended the automatic sweep of the fund on June 30, 2017, leaving the Probate Court system with a cushion going into the next biennial budget.

Public Act 17-54 (HB 5442)

An Act Concerning the Legal Age to Marry in this State

Effective date: October 1, 2017

SUMMARY

The act makes significant changes to the law that addresses the marriage of minors. Existing law permits a minor under the age of 16 to obtain a marriage license with the consent of a probate judge. Also under current law, a marriage license may be issued to a minor between the ages of 16 and 18 with the consent of the minor's parent or guardian or, if none, the approval of a probate judge.

The new act prohibits the marriage of any minor under the age of 16.

A minor between the ages of 16 and 18 may obtain a marriage license with the approval of the Probate Court in accordance with the new act. The act requires a parent or guardian of the minor to file a petition with the Probate Court for the district in which the minor lives. Upon receipt of the petition, the court schedules a hearing and sends notice to the minor, the parents or guardians and the other party to the marriage. The minor and petitioning parent must be present at the hearing. The court, in its discretion, may also require the other party to the marriage to attend the hearing.

The court may approve the issuance of a marriage license if, after a hearing, the court finds:

- The petitioning parent or guardian consents,
- The minor consents, based on an understanding of the nature and consequences of marriage,
- The minor has sufficient capacity to make the decision,
- The minor's decision is voluntary and free from coercion, and
- The marriage would not be detrimental to the minor.

Public Act No. 17-70 (SB 938)

An Act Concerning the Department of Public Health's Recommendations for the State-Wide Adoption of the Medical Orders for Life-Sustaining Treatment Program.

Effective date: October 1, 2017

SUMMARY

This act requires the Commissioner of Public Health to establish a statewide program to allow patients to obtain a medical order to effectuate their preferences regarding life-sustaining treatment when the patient has been determined to be approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty. The act expands upon a pilot program currently in place in several areas of the state. The medical order, written by a physician, advanced practice registered nurse or physician assistant, is known as a MOLST (medical order for life-sustaining treatment).

The MOLST statute requires the patient and approved medical professional to follow a structured process of decision making. Medical professionals must receive training in the importance of communicating with their patients, methods for presenting options to patients, informing patients of the risks and benefits of a MOLST, factors that may affect the use of a MOLST and procedures for properly executing a MOLST. Once executed, the MOLST becomes part of the patient's medical record. A MOLST can be placed in the patient's medical records only after consultation between the patient and the medical provider.

A MOLST must be executed on the DPH form and be signed by the patient or his or her "legally authorized representative" and by a witness. In the case of a minor patient, a legally authorized representative is defined as the minor's parents or court-appointed guardian. In the case of a patient who is not a minor, the term includes only the patient's health care representative. Conservators are not legally authorized representatives for MOLST purposes.

The act also establishes a MOLST advisory council to review the program and offer recommendations to the commissioner. The act requires the commissioner to adopt regulations for administering the program and training medical professionals.

Public Act 17-91 (SB 884)

An Act Adopting the Connecticut Uniform Recognition of Substitute Decision-Making Documents Act and Revising the Connecticut Uniform Power of Attorney Act

Effective date: See sections

SUMMARY

Sections 1 through 10 adopt the Connecticut Uniform Recognition of Substitute Decision-Making Documents Act. The purpose of the act is to promote the acceptance in Connecticut of substitute decision-making documents executed in other jurisdictions. Examples of substitute decision-making documents covered by the act include powers of attorney and appointments of health care representatives.

Under the act, a substitute decision-making document for property, health or personal care executed out of state is valid in Connecticut if the execution complied with the law of the jurisdiction indicated in the document. If no jurisdiction is indicated, the document is valid if proper legal procedures were followed in the jurisdiction in which the document was executed.

The meaning and effect of a substituted decision making document is determined by the law of the jurisdiction indicated in the document or, if none, the jurisdiction in which the document was executed.

A person asked to accept a substitute decision-making document must comply within a reasonable time and may not require the principal to produce a different form of document. A photocopy or electronically transmitted copy of an original substitute decision-making document has the same effect as the original.

A person asked to accept a substitute decision-making document is not required to accept the document if:

- The person would not be required to comply if the principal had made the request
- The person has actual knowledge that the decision maker's authority has been terminated
- The person's request for a statement of fact, a translation of the document or an opinion of counsel in accordance with section 5 of the act has been refused
- The person believes in good faith that the document is not valid or the decision maker does not have authority to make the request
- The person makes or has actual knowledge of a complaint indicating that the principal is subject to abuse, neglect or exploitation by the decision maker

A person who refuses to accept a substitute decision-making document in violation of the law is subject to a court order mandating its acceptance. A court may order reasonable attorney's fees and costs incurred in connection with the action. Note that the act does *not* provide for the issuance of such an order by a Probate Court.

(*Effective: October 1, 2017*)

Sections 11 through 14 revise sections of the Uniform Power of Attorney Act. Under section 1-351, an agent may perform certain powers only by an express grant of such authority in the power of attorney. The act adds two items to the list of powers that require an express grant of authority:

- Authority over the principal's digital devices, digital assets, user accounts and electronically stored information or communications
- Authority over the principal's intellectual property interests, including copyrights, royalties and trademarks

The act amends the long and short statutory forms to make clear that agents are prohibited, unless expressly authorized by a power of attorney, from creating in the agent, or a dependent of the agent, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

The act also specifies that if a power of attorney grants an agent authority to perform all acts that a principal could perform, the agent will be empowered to authorize another person to serve as power of attorney and exercise the authority granted under the power of attorney.

The act also permits the principal to incorporate into the power of attorney document a designation of conservator of the estate for future incapacity.

Under the former statute, the Probate Court could reinstate the authority of any agent under a power of attorney that the court previously limited or suspended when appointing a conservator. The act now requires the court to reinstate the agent's authority unless it finds that doing so is not in the conserved person's best interest.

Lastly, a custodian that is a financial institution (e.g., bank or credit union) may charge a reasonable administrative fee for the cost of disclosing digital assets, provided that such charge is set forth in its deposit agreement with a customer.

(Effective: July 1, 2017)

Public Act 17-96 (HB 7192)

An Act Concerning a Protection and Advocacy System for Persons with Disabilities

Effective date: July 1, 2017

SUMMARY

Public Act 16-66 eliminated the Office of Protection and Advocacy (OPA) and the Board of Advocacy and Protection for Persons with Disabilities as state agencies, effective July 1, 2017. In their place, the act established a nonprofit entity, Disability Rights Connecticut, Inc. (DRC), to serve as the state's protection and advocacy system. The

act transferred OPA's investigatory responsibilities to the Department of Rehabilitation Services.

This year, the General Assembly adopted Public Act 17-96 to address several additional issues associated with the transition from OPA to DRC. The act removes several statutory references to OPA and authorizes DDS to investigate reports of abuse or neglect of persons who receive services from the Division of Autism Spectrum Disorder Services within DSS.

Sections 15, 16, 31, 32 and 34 make several technical changes to the statute concerning the involuntary placement, guardianship and sterilization of persons with intellectual disability. The act also updates the confidentiality provisions for placement proceedings to conform to the recent changes to the confidentiality rules for guardianships of persons with intellectual disability. The act replaces the reference to a waiting list for persons subject to a placement order with a provision requiring DDS to place the individual in a facility as soon as possible.

Public Act 17-136 (HB 7082)

An Act Concerning Probate Court Operations

Effective date: See sections

SUMMARY

The Probate Assembly and Probate Court Administration jointly developed the provisions contained in this act. The following is a section-by-section explanation.

Section 1 extends whistleblower protection to Probate Court employees. Under C.G.S. section 4-61dd, a state employee or employee of a quasi-public agency or large state contractor who makes a whistleblower complaint enjoys statutory protections against retaliation by his or her employer. Probate Court employees do not fit any of the protected categories of employees under the existing statute. The act closes that gap by specifically referencing Probate Court employees in the whistleblower statute.

The statute requires each Probate Court to post a notice of the whistleblower provisions at the court.

(Effective: October 1, 2017)

Section 2 amends C.G.S. section 4a-17, which governs how courts give notice of a judicial proceeding when one of the parties is involuntarily confined in a psychiatric hospital. Under existing law, the court must give notice by certified mail to the superintendent of the hospital, in addition to giving notice directly to the party. The act permits the use of first class mail for notice to the hospital if the hospital itself is the petitioner.

(Effective: October 1, 2017)

Sections 3 through 8 update statutory references to the terms Probate Courts, Regional Children's Probate Courts and probate judges to provide consistency throughout the statutes.

(Effective: October 1, 2017)

Section 6 changes the job title of the social work staff at the Regional Children's Probate Courts from "probate court officer" to "family specialist" and permits courts that are not served by a Regional Children's Probate Court, with the approval of the Budget Committee, to hire family specialists. In addition, the act allows the services of a family specialist to be shared with other courts that, likewise, are not served by a Regional Children's Probate Court. Providing more flexibility in the family specialist's work location will allow for the adoption of the children's court model in Fairfield County, which is not currently served by a children's court, without establishing an additional children's court.

(Effective: January 1, 2018)

Section 9 amends section 45a-106a, which governs filing fees for Probate Court proceedings, to authorize a $225 filing fee for the following additional petitions:

- Review conduct of agent under power of attorney
- Construe power of attorney
- Mandate acceptance of power of attorney
- Authorize a guardian to manage the finances of a protected person
- Approve the transfer of structured settlement payment rights

The act also establishes a fee of $150 for registering a conservatorship from another state.

(Effective: January 1, 2018)

Section 10 amends C.G.S. section 45a-609(b), which deals with notice in proceedings to remove a parent as guardian when the court has no current or last known address for the parent. The amendment conforms section 45a-609(b) to the notice provisions in other children's matters by authorizing publication in a newspaper that circulates in the area of the last known address of the parent or, if no such address is known, in the district where the petition is being heard.

(Effective: October 1, 2017)

Section 11 is a technical amendment to reconcile two subsections of C.G.S. section 45a-649 regarding which persons are entitled to notice in conservatorship proceedings.

(Effective: October 1, 2017)

Sections 12 through 15 amend the statutes that authorize the transfer of cases from one probate district to another in conservatorship, guardianship of minors and guardianship of adults with intellectual disability matters. The act permits the transfer of court files electronically. As a result, courts will no longer need to make copies of files when transferring a case to another court.

(Effective: January 1, 2018)

Section 16 grants to the Probate Courts jurisdiction over proceedings to liquidate structured settlements in cases that involve persons under conservatorship or guardianship.

Settlements of civil actions often take the form of structured settlements in which payments are made periodically rather than in a lump sum. C.G.S. section 52-225k provides a mechanism under which a payee under a structured settlement may, with the approval of the Superior Court, transfer the right to receive periodic payments to a third party in return for a present cash payment.

Under current law, a conservator or guardian may bring a petition to liquidate a structured settlement in the Superior Court. As a result, the fiduciary may come into control of cash proceeds without the Probate Court's knowledge and without appropriate controls such as a probate bond or restricted account or periodic financial reports. To prevent this problem, the act requires conservators and guardians to bring liquidation proceedings in the Probate Court that has ongoing supervisory responsibility. The Probate Court proceeds in accordance with C.G.S. section 52-225g through 52-225l to determine whether liquidation is in the best interests of the conserved person or protected person and determine whether a probate bond or restricted account is necessary to protect the cash proceeds from the liquidation.

(Effective: January 1, 2018)

Section 17 eliminates the term "fiduciary" from the estate examiner statute. The term is a misnomer because the authority of an estate examiner is limited to obtaining information. An estate examiner has no control of assets or other fiduciary powers.

(Effective: January 1, 2018)

Sections 18 through 20 permit the court to authorize a guardian of a person with intellectual disability to manage the finances of a protected person if the person's assets do not exceed $10,000. The change makes the existing guardianship framework more flexible and obviates a separate conservatorship of the estate for a person with limited assets.

If the court grants authority to manage finances, the guardian must provide a probate bond and file an inventory and periodic and final accounts unless the court excuses any

of those requirements. The guardian's authority over assets terminates if the value of the assets rises above $10,000.

(Effective: January 1, 2018)

Section 21 amends C.G.S. section 45a-175 (f) concerning the PCA panel of auditors whom the courts may appoint to audit accounts of fiduciaries. The act eliminates the requirement that the administrator promulgate regulations concerning auditors and instead authorizes the administrator to set hourly rates and allowable expenses.

(Effective: January 1, 2018)

Section 22 corrects an error in a cross reference in C.G.S. section 45a-616a resulting from legislation adopted in 2016.

(Effective from passage)

Section 23 repeals C.G.S. section 45a-752, an obsolete statute is dealing with release of identifying information in connection with adoptions.

(Effective from passage)

Substitute House Bill No. 6297

Special Act No. 17-6

AN ACT ESTABLISHING A TASK FORCE TO STUDY VOLUNTARY ADMISSIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

Section 1. (*Effective from passage*) (a) There is established a task force to study the voluntary services program operated by the Department of Children and Families. The task force shall consider and make recommendations concerning (1) whether the general statutes should be amended to prohibit the Commissioner of Children and Families from requesting or requiring that the parent or guardian of a child or youth admitted to the department on a voluntary basis terminate such parent or guardian's parental rights or transfer legal custody of the child or youth to the department, (2) methods of increasing access to voluntary services provided by the department, including, but not limited to, closing gaps in private insurance coverage that prevent children and youths from accessing such services and aiding parents and guardians in accessing such services on behalf of children and youths without relinquishing custody of such children and youths to the department, (3) methods of improving the voluntary services provided by the department, (4) methods of improving the department's case management services and communication with other state agencies regarding case management, and (5) the ability of service providers that provide such voluntary services to meet the needs of children and youths admitted to the department on a voluntary basis, including, but not limited to, whether the number of available service providers is adequate to meet such needs.

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

(1) Two appointed by the speaker of the House of Representatives, one of whom shall be a pediatrician who serves adolescents and one of whom shall be a representative of a school-based health center;

(2) Two appointed by the president pro tempore of the Senate, one of whom shall be a child psychiatrist and one of whom shall be a primary care provider who serves children and youths;

(3) Two appointed by the majority leader of the House of Representatives, one of whom shall be a school psychologist and one of whom shall be a representative of a community health center;

(4) Two appointed by the majority leader of the Senate, one of whom shall be a judge of probate and one of whom shall be a parent or guardian of a child or youth who has utilized the department's voluntary services program;

(5) Two appointed by the minority leader of the House of Representatives, one of whom shall be a representative of an organization that specializes in the issue of custody relinquishment prevention and one of whom shall be a representative of an organization that advocates for consumers of the department's voluntary services program;

(6) Two appointed by the minority leader of the Senate, one of whom shall be a health insurer and one of whom shall be a representative of a service provider that provides voluntary services through the department;

(7) One appointed by the Governor, who shall be a representative of a child advocacy organization;

(8) The Commissioner of Children and Families, or the commissioner's designee;

(9) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee;

(10) The Commissioner of Public Health, or the commissioner's designee;

(11) The Commissioner of Education, or the commissioner's designee;

(12) The Commissioner of Developmental Services, or the commissioner's designee;

(13) The Insurance Commissioner, or the commissioner's designee; and

(14) The Child Advocate, or the Child Advocate's designee.

(c) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section. A majority of members of the task force shall constitute a quorum. A majority vote of a quorum shall be required for any official action of the task force. A tie vote shall be decided by the chairpersons. The task force shall meet monthly and at other times upon the call of the chairpersons or a quorum of the task force.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to children shall serve as administrative staff of the task force.

(f) Not later than February 1, 2018, the task force shall submit a report on its findings and recommendations to the Governor, speaker of the House of Representatives, president pro tempore of the Senate, minority leader of the House of Representatives, minority leader of the Senate and the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, children, education, human services, insurance and public health, in accordance with the provisions of section 11-4a of the general statutes. The task force shall provide additional information regarding its findings and recommendations at the request of the Governor or a member of the General Assembly. The task force shall terminate on July 1, 2018.

Substitute Senate Bill No. 976

Public Act No. 17-7

AN ACT CONCERNING CONSERVATOR ACCOUNTABILITY.

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

Section 1. (NEW) (*Effective January 1, 2018*) (a) The Probate Court Administrator, within available appropriations, may cause an account of a conservator of the estate, as defined in section 45a-644 of the general statutes, to be audited in accordance with the provisions of this section.

(b) The Probate Court Administrator may select conservator accounts for audit under this section on a random basis or on the basis of other criteria that the administrator deems effective in deterring and detecting fiduciary malfeasance. No account that a Probate Court has approved may be selected for audit.

(c) When the Probate Court Administrator selects an account for audit, the administrator shall assign an auditor to conduct the audit from the list of auditors maintained under section 45a-175 of the general statutes and shall notify the Probate Court before which the account is pending. The Probate Court shall continue any previously scheduled hearing on the account pending the outcome of the audit and shall notify all parties of the audit and the continuance by first-class mail.

(d) A conservator of the estate whose account is subject to audit shall cooperate with the auditor and provide the auditor with access to all of the conservator's records relating to the conservatorship of the estate. The auditor shall notify the Probate Court, in writing, if the conservator fails to cooperate with the audit and shall send a copy of such notification to each party and attorney of record. On motion of a party or the court's own motion, the court may issue orders to compel compliance with the provisions of this subsection and may remove a conservator who fails to comply with the provisions of this subsection.

(e) An auditor performing an audit under this section shall complete the audit and submit a report of his or her findings to the Probate Court not later than ninety days after the date the auditor receives notice of the auditing assignment. On request of the auditor, the court may extend the deadline if it finds that additional time is necessary to complete the audit.

(f) Upon receipt of an audit report under subsection (e) of this section, the Probate Court shall send notice of the hearing on the account and audit report, together with a copy of the audit report, to all parties. The audit report shall be admissible in evidence, subject to the right of any interested party to require that the auditor appear as a witness, if available, and be subject to examination. The court shall hear and decide the conservator's account and shall determine the rights of the conservator and the parties under subsections (g) and (h) of section 45a-175 of the general statutes.

(g) The Probate Court Administrator shall pay the cost of an audit under this section from the Probate Court Administration Fund, subject to the provisions of section 45a-84 of the general statutes. The Probate Court Administrator may, from time to time, establish hourly rates and allowable expenses for the compensation of auditors under this section.

Sec. 2. Section 45a-77 of the general statutes is amended by adding subsection (h) as follows (*Effective July 1, 2017*):

(NEW) (h) The Probate Court Administrator shall, in consultation with the Connecticut Probate Assembly, adopt standards of practice to provide guidance to court-appointed conservators in the performance of their duties.

Sec. 3. Section 45a-655 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) A conservator of the estate appointed under section 45a-646, 45a-650 or 45a-654 shall, within two months after the date of the conservator's appointment, make and file in the **[**Court of Probate**]** Probate Court, an inventory, under penalty of false statement, of the estate of the conserved person, with the properties thereof appraised or caused to be appraised, by such conservator, at fair market value as of the date of the conservator's appointment. Such inventory shall include the value of the conserved person's interest in all property in which the conserved person has a legal or equitable present interest, including, but not limited to, the conserved person's interest in any joint bank accounts or other jointly held property. The conservator shall manage all the estate and apply so much of the net income thereof, and, if necessary, any part of the principal of the property, which is required to support the conserved person and those members of the conserved person's family whom the conserved person has the legal duty to support and to pay the conserved person's debts, and may sue for and collect all

debts due the conserved person. [The conservator shall use the least restrictive means of intervention in the exercise of the conservator's duties and authority] The conservator, in the exercise of his or her duties and authority, shall be guided by the standards of practice adopted under subsection (h) of section 45a-77, as amended by this act, and shall use the least restrictive means of intervention.

(b) Any conservator of the estate of a married person may apply such portion of the property of the conserved person to the support, maintenance and medical treatment of the conserved person's spouse which the [Court of Probate] Probate Court, upon hearing after notice, decides to be proper under the circumstances of the case.

(c) Notwithstanding the provisions of section 45a-177, the court may, and at the request of any interested party shall, require annual accountings from any conservator of the estate and the court shall hold a hearing on any such account with notice to all persons entitled to notice under section 45a-649.

(d) In the case of any person receiving public assistance, state-administered general assistance or Medicaid, the conservator of the estate shall apply toward the cost of care of such person any assets exceeding limits on assets set by statute or regulations adopted by the Commissioner of Social Services. Notwithstanding the provisions of subsections (a) and (b) of this section, in the case of an institutionalized person who has applied for or is receiving such medical assistance, no conservator shall apply and no court shall approve the application of (1) the net income of the conserved person to the support of the conserved person's spouse in an amount that exceeds the monthly income allowed a community spouse as determined by the Department of Social Services pursuant to 42 USC 1396r-5(d)(2)-(4), or (2) any portion of the property of the conserved person to the support, maintenance and medical treatment of the conserved person's spouse in an amount that exceeds the amount determined allowable by the department pursuant to 42 USC 1396r-5(f)(1) and (2), notwithstanding the provisions of 42 USC 1396r-5(f)(2)(A)(iv), unless such limitations on income would result in significant financial duress.

(e) Upon application of a conservator of the estate, after a hearing with notice to the Commissioner of Administrative Services, the Commissioner of Social Services and to all parties who may have an interest as determined by the court, the court may authorize the conservator to make gifts or other transfers of income and principal from the estate of the conserved person in such amounts and in such form, outright or in trust, whether to an existing trust or a court-approved trust created by the conservator, as the court orders to or for the benefit of individuals, including the conserved person, and to or for the benefit of charities, trusts or other institutions described in Sections 2055(a) and 2522(a) of the Internal Revenue Code of 1986, or any corresponding internal revenue code of the United States, as from time to time amended. Such gifts or transfers shall be authorized only if the court finds that: (1) In the case of individuals not related

to the conserved person by blood or marriage, the conserved person had made a previous gift to that unrelated individual prior to being declared incapable; (2) in the case of a charity, either (A) the conserved person had made a previous gift to such charity, had pledged a gift in writing to such charity, or had otherwise demonstrated support for such charity prior to being declared incapable; or (B) the court determines that the gift to the charity is in the best interests of the conserved person, is consistent with proper estate planning, and there is no reasonable objection by a party having an interest in the conserved person's estate as determined by the court; (3) the estate of the conserved person and any proposed trust of which the conserved person is a beneficiary is more than sufficient to carry out the duties of the conservator as set forth in subsections (a) and (b) of this section, both for the present and foreseeable future, including due provision for the continuing proper care, comfort and maintenance of such conserved person in accordance with such conserved person's established standard of living and for the support of persons the conserved person is legally obligated to support; (4) the purpose of the gifts is not to diminish the estate of the conserved person so as to qualify the conserved person for federal or state aid or benefits; and (5) in the case of a conserved person capable of making an informed decision, the conserved person has no objection to such gift. The court shall give consideration to the following: (A) The medical condition of the conserved person, including the prospect of restoration to capacity; (B) the size of the conserved person's estate; (C) the provisions which, in the judgment of the court, such conserved person would have made if such conserved person had been capable, for minimization of income and estate taxes consistent with proper estate planning; and (D) in the case of a trust, whether the trust should be revocable or irrevocable, existing or created by the conservator and court approved. The court should also consider the provisions of an existing estate plan, if any. In the case of a gift or transfer in trust, any transfer to a court-approved trust created by the conservator shall be subject to continuing probate court jurisdiction in the same manner as a testamentary trust including periodic rendering of accounts pursuant to section 45a-177. Notwithstanding any other provision of this section, the court may authorize the creation and funding of a trust that complies with section 1917(d)(4) of the Social Security Act, 42 USC 1396p(d)(4), as from time to time amended. The provisions of this subsection shall not be construed to validate or invalidate any gifts made by a conservator of the estate prior to October 1, 1998.

(f) When determining whether a conservator has breached a fiduciary duty, the Probate Court having jurisdiction over the conservatorship may consider evidence of a conservator's failure to adhere to a provision contained in the standards of practice adopted under subsection (h) of section 45a-77, as amended by this act, but such failure shall not, in itself, constitute a breach of fiduciary duty.

Sec. 4. Section 45a-656 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

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

(b) In carrying out the duties and authority assigned by the court, the conservator of the person shall be guided by the standards of practice adopted under subsection (h) of section 45a-77, as amended by this act, and shall exercise such duties and authority in a manner that is the least restrictive means of intervention. **[**and**]** The conservator shall (1) assist the conserved person in removing obstacles to independence, (2) assist the conserved person in achieving self-reliance, (3) ascertain the conserved person's views, (4) make decisions in conformance with the conserved person's reasonable and informed expressed preferences, (5) make all reasonable efforts to ascertain the health care instructions and other wishes of the conserved person, and (6) make decisions in conformance with (A) the conserved person's expressed health care preferences, including health care instructions and other wishes, if any, described in section 19a-580e, or validly executed health care instructions described in section 19a-580g, or (B) a health care decision of a health care representative described in subsection (b) of section 19a-580e, except under a circumstance set forth in subsection (b) of section 19a-580e. The conservator shall afford the conserved person the opportunity to participate meaningfully in decision-making in accordance with the conserved person's abilities and shall delegate to the conserved person reasonable responsibility for decisions affecting such conserved person's well-being.

(c) The conservator shall report at least annually to the **[**probate court**]** Probate Court that appointed the conservator regarding the condition of the conserved person, the efforts made to encourage the independence of the conserved person and the conservator's statement on whether the appointment of the conservator is the least restrictive means of intervention for managing the conserved person's needs. The duties, responsibilities and authority assigned pursuant to section 45a-650 or set forth in this section shall be carried out within the resources available to the conserved person, either through the conserved person's own estate or through private or public assistance.

(d) The conservator of the person shall not have the power or authority to cause the respondent to be committed to any institution for the treatment of the mentally ill except under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 359.

(e) When determining whether a conservator has breached a fiduciary duty, the Probate Court having jurisdiction over the conservatorship may consider evidence of a conservator's failure to adhere to a provision contained in the standards of practice adopted under subsection (h) of section 45a-77, as amended by this act, but such failure shall not, in itself, constitute a breach of fiduciary duty.

Senate Bill No. 923

Public Act No. 17-22

AN ACT CONCERNING THE POSSESSIONS OF DECEASED TENANTS.

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

Section 1. Section 47a-11d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) If the sole occupant of a dwelling unit subject to a monthly lease or a lease for a term has died and the landlord has complied with any provisions of any such lease permitting termination upon the death of the occupant, the landlord may elect to act in accordance with the provisions of this section. If the landlord elects to act in accordance with the provisions of this section, such landlord shall send notice to the emergency contact designated by the occupant, if any, and to the next of kin of such occupant, if known, **[**of such occupant**]** at the last-known address both by regular mail, postage prepaid, and by certified mail, return receipt requested, stating that (1) the occupant has died, (2) the landlord intends to remove any possessions and personal effects remaining in the premises and to rerent the premises, **[**and (3) if the next of kin does not reclaim**]** (3) the emergency contact or next of kin should immediately contact the landlord or Probate Court for the district in which the dwelling unit is located for information as to how to reclaim such possessions and personal effects, and (4) if such possessions and personal effects are not reclaimed within sixty days after the date of such notice, such possessions and personal effects will be disposed of as permitted by this section. The notice shall be in clear and simple language and shall include a telephone number and a mailing address at which the landlord can be contacted and the telephone number of such Probate Court.

(b) (1) If notice is sent by the landlord **[**to the next of kin, if known,**]** as provided in subsection (a) of this section, or (2) if the occupant did not designate an emergency contact or the landlord does not know any next of kin of the occupant, the landlord shall file an affidavit with the **[**probate court**]** Probate Court having jurisdiction

concerning the possessions and personal effects of the deceased occupant. Such affidavit shall include the name and address of the deceased occupant, the date of death, the terms of the lease, and the names and addresses of the emergency contact, if any, and the next of kin, if known.

(c) If the landlord acts in accordance with the provisions of this section, the landlord shall not be required to serve a notice to quit as provided in section 47a-23 and bring a summary process action as provided in section 47a-23a to obtain possession or occupancy of the dwelling unit. Nothing in this section shall relieve a landlord from complying with the provisions of sections 47a-1 to 47a-20a, inclusive, and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or reasonably should know, that the dwelling unit has not been abandoned.

(d) On or after thirty days after the date of the filing of the affidavit pursuant to subsection (b) of this section, the landlord shall inventory any possessions and personal effects of the deceased occupant in the premises and shall file a copy of such inventory with the **[**court of probate**]** Probate Court under subsection (b) of this section. The landlord may not remove **[**them**]** such possessions and personal effects until fifteen days after such inventory is **[**taken**]** filed. Thereafter, the landlord may remove and securely store such possessions and personal effects for an additional fifteen days. **[**The next of kin may reclaim such possessions and personal effects from the landlord within such sixty-day period. If the next of kin does not reclaim**]** If such possessions and personal effects are not reclaimed by the end of such sixty-day period and the landlord has complied with the provisions of this section, the landlord may **[**dispose of them in accordance with section 47a-42. **]** obtain from the Probate Court having jurisdiction a certificate indicating that the landlord has filed an inventory in the court pursuant to this subsection and that sixty days have elapsed since the landlord filed the affidavit pursuant to subsection (b) of this section. The landlord may file such certificate and an application, in such form as the Chief Court Administrator prescribes, in the superior court having jurisdiction over the premises of the deceased occupant. There shall be no fee for such filing, and the clerk of such court shall open a summary process file setting forth that the right to occupy has terminated due to the death of the named occupant. Such certificate shall be deemed a judgment of the Superior Court pursuant to chapter 832 and have the same effect and be subject to the same procedures, defenses and proceedings for reopening, vacating or staying a judgment of the Superior Court. After the clerk opens the summary process file and sends a notice of judgment, and after the appropriate stay of execution expires, the landlord may obtain an execution and a state marshal may remove the possessions and personal effects of such deceased occupant pursuant to such execution and deliver such possessions to a place of storage designated for such purposes by the chief executive officer of the municipality in which the dwelling unit is located.

(e) Before the possessions and personal effects of a deceased occupant are removed pursuant to an execution issued under subsection (d) of this section, the state marshal charged with carrying out such removal shall give the chief executive officer of the municipality in which the dwelling unit is located (1) twenty-four-hours' written notice of the removal, stating the date, time and location of such removal as well as a general description, if known, of the types and amount of possessions and personal effects to be removed from the premises and delivered to the designated place of storage, and (2) a copy of the inventory prepared by the landlord pursuant to subsection (d) of this section, annotated to indicate any items that have been reclaimed. Before giving such notice to the chief executive officer of the municipality, the state marshal shall use reasonable efforts to locate and notify the occupant's emergency contact, if any, and the next of kin, if known, of the date, time and location of such removal and of the possibility of a sale pursuant to this subsection. At any time prior to the actual sale of such possessions and personal effects, an executor or administrator appointed by the Probate Court or an individual designated by such court in accordance with section 45a-273 may reclaim such possessions and personal effects upon payment to the chief executive officer of the expense of storage. If such possessions and personal effects are not reclaimed within fifteen days after such removal and storage, the chief executive officer shall sell the same at public auction after using reasonable efforts to locate and notify the occupant's emergency contact or the next of kin, if known, of such sale and after posting notice of such sale for one week (A) on the public signpost nearest to the premises from which the possessions and personal effects were removed, or (B) at some exterior place near the office of the town clerk. The proceeds of the sale shall be applied to a reasonable charge by the municipality for the storage of such possessions and personal effects. Any remaining proceeds shall be turned over to the estate of the deceased occupant or, if no estate proceedings are commenced within thirty days after such sale, the chief executive officer shall turn over the net proceeds of the sale to the State Treasurer, who shall treat such proceeds as escheated property pursuant to part III of chapter 32.

[(e)**]** (f) If an application for probate of a will or letters of administration is filed with the **[**court of probate**]** Probate Court having jurisdiction concerning the possessions and personal effects of the deceased occupant within fifty-five days of the filing of the affidavit of the landlord as provided in subsection (b) of this section, the **[**probate court**]** Probate Court shall immediately notify the landlord of such filing and any action of the landlord pursuant to the provisions of this section shall cease.

[(f)**]** (g) No action shall be brought under section 47a-43 against a landlord who takes action in accordance with the provisions of this section.

Senate Bill No. 1059

Public Act No. 17-51

AN ACT CONCERNING DEFICIT MITIGATION FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

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

Sec. 44. (*Effective from passage*) Notwithstanding any provision of the general statutes, on or before June 30, 2017, the Secretary of the Office of Policy and Management may approve a sum of up to $ 3,400,000 to be transferred from the Probate Court Administration Fund, established pursuant to section 45a-82 of the general statutes, and credited to the resources of the General Fund for the fiscal year ending June 30, 2017. Notwithstanding subsection (j) of section 45a-82 of the general statutes, no additional funds in the Probate Court Administration Fund shall be transferred to the General Fund on June 30, 2017, pursuant to said subsection.

Substitute House Bill No. 5442

Public Act No. 17-54

AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE.

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

Section 1. Section 46b-20a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is eligible to marry if such person is:

(1) Not a party to another marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other relationship;

(2) Except as provided in **[**section 46b-30**]** subsection (b) of this section, at least eighteen years of age;

(3) Except as provided in section 46b-29, not under the supervision or control of a conservator; and

(4) Not prohibited from entering into a marriage pursuant to section 46b-21.

(b) A license may be issued to a minor who is at least sixteen years of age but under eighteen years of age with the approval of the Probate Court as provided in this subsection. A parent or guardian of a minor may, on behalf of the minor, petition the Probate Court for the district in which the minor resides seeking approval for the issuance of a license to such minor. The court shall schedule a hearing on the petition and give notice to the minor, the minor's parents or guardians and to the other party to the intended marriage. The minor and the petitioning parent or guardian shall be present at such hearing. The court may, in its discretion, require the other party to the

intended marriage to be present at such hearing. After a hearing on the petition, the court may approve the issuance of a license to the minor if the court finds that: (1) The petitioning parent or guardian consents to the marriage; (2) the minor consents to the marriage and such consent is based upon an understanding of the nature and consequences of marriage; (3) the minor has sufficient capacity to make such a decision; (4) the minor's decision to marry is made voluntarily and free from coercion; and (5) the marriage would not be detrimental to the minor.

Sec. 2. Section 46b-150d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

An order that a minor is emancipated shall have the following effects: (1) The minor may consent to medical, dental or psychiatric care, without parental consent, knowledge or liability; (2) the minor may enter into a binding contract; (3) the minor may sue and be sued in such minor's own name; (4) the minor shall be entitled to such minor's own earnings and shall be free of control by such minor's parents or guardian; (5) the minor may establish such minor's own residence; (6) the minor may buy and sell real and personal property; (7) the minor may not thereafter be the subject of (A) a petition under section 46b-129 as an abused, neglected or uncared for child or youth, (B) a petition under section 46b-128 or 46b-133 as a delinquent child for any act committed before the date of the order, or (C) a petition under section 46b-149 alleging that the minor is a child from a family with service needs; (8) the minor may enroll in any school or college, without parental consent; (9) the minor shall be deemed to be over eighteen years of age for purposes of securing an operator's license under section 14-36 and a marriage license under **[**subsection (b) of section 46b-30**]** section 46b-20a, as amended by this act; (10) the minor shall be deemed to be over eighteen years of age for purposes of registering a motor vehicle under section 14-12; (11) the parents of the minor shall no longer be the guardians of the minor under section 45a-606; (12) the parents of a minor shall be relieved of any obligations respecting such minor's school attendance under section 10-184; (13) the parents shall be relieved of all obligation to support the minor; (14) the minor shall be emancipated for the purposes of parental liability for such minor's acts under section 52-572; (15) the minor may execute releases in such minor's own name under section 14-118; (16) the minor may enlist in the armed forces of the United States without parental consent; and (17) the minor may access or obtain a certified copy of a birth certificate under section 7-51.

Sec. 3. Section 7-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

Each person making any certificate of birth, marriage, civil union, death or fetal death, or any copy of such certificate for the commissioner, or any sexton's report required by law, shall cause the same to be typewritten or printed in a legible manner as to all material information or facts required by the provisions of sections 7-48, 7-60, **[**and**]** 7-

62b, [and sections] 46b-25 and 46b-29 [to 46b-30, inclusive, or sections 46b-38hh to 46b-38jj, inclusive,] and contained in such certificate. If the certificate is in paper format, such person shall sign the certificate in black ink, shall state therein in what capacity such person so signs, and shall type or print in a legible manner the name of each person signing such certificate, under such person's signature. If the certificate is in an electronic format, such certificate shall be authenticated by the electronic vital records system of the department. Any certificate not complying with the requirements of this section shall be returned by the registrar with whom it is filed to the person making the same for the proper correction.

Sec. 4. Subsection (a) of section 46b-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) Except as provided in section 46b-28a, no persons may be joined in marriage in this state until both have complied with the provisions of this section, [section] sections 46b-20a, as amended by this act, 46b-25 and [sections] 46b-29 to 46b-33, inclusive, and have been issued a license by the registrar for the town in which the marriage is to be celebrated, which license shall bear the certification of the registrar that the persons named therein have complied with the provisions of said sections.

Sec. 5. Section 46b-30 of the general statutes is repealed. (*Effective October 1, 2017*)

Substitute Senate Bill No. 938

Public Act No. 17-70

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS FOR THE STATE-WIDE ADOPTION OF THE MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT PROGRAM.

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

Section 1. (NEW) (*Effective October 1, 2017*) (a) As used in this section:

(1) "Medical order for life-sustaining treatment" means a written medical order by a physician, advanced practice registered nurse or physician assistant to effectuate a patient's request for life-sustaining treatment when the patient has been determined by a physician or advanced practice registered nurse to be approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty;

(2) "Health care provider" means any person, corporation, limited liability company, facility or institution operated, owned or licensed by this state to provide health care or professional medical services; and

(3) "Legally authorized representative" means a minor patient's parent, guardian appointed by the Probate Court or a health care representative appointed in accordance with sections 19a-576 and 19a-577 of the general statutes.

(b) The Commissioner of Public Health shall establish a state-wide program to implement the use of medical orders for life-sustaining treatment by health care providers. Patient participation in the program shall be voluntary. An agreement to participate in the program shall be documented by the signature of the patient or the patient's legally authorized representative on the medical order for life sustaining treatment form and verified by the signature of a witness.

(c) Notwithstanding the provisions of sections 19a-495 and 19a-580d of the general statutes and the regulations adopted thereunder, the Commissioner of Public Health

shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, for the program established in accordance with this section to ensure that: (1) Medical orders for life-sustaining treatment are transferrable among, and recognized by, various types of health care institutions subject to any limitations set forth in federal law; (2) any procedures and forms developed for recording medical orders for life-sustaining treatment require the signature of the patient or the patient's legally authorized representative and a witness on the medical order for life-sustaining treatment and the patient or the patient's legally authorized representative is given the original order immediately after signing such order and a copy of such order is immediately placed in the patient's medical record; (3) prior to requesting the signature of the patient or the patient's legally authorized representative on such order, the physician, advanced practice registered nurse or physician assistant writing the medical order discusses with the patient or the patient's legally authorized representative the patient's goals for care and treatment and the benefits and risks of various methods for documenting the patient's wishes for end-of-life treatment, including medical orders for life-sustaining treatment; and (4) each physician, advanced practice registered nurse or physician assistant that intends to write a medical order for life-sustaining treatment receives training concerning: (A) The importance of talking with patients about their personal treatment goals; (B) methods for presenting choices for end-of-life care that elicit information concerning patients' preferences and respects those preferences without directing patients toward a particular option for end-of-life care; (C) the importance of fully informing patients about the benefits and risks of an immediately effective medical order for life-sustaining treatment; (D) awareness of factors that may affect the use of medical orders for life-sustaining treatment, including, but not limited to, advanced health care directives, race, ethnicity, age, gender, socioeconomic position, immigrant status, sexual minority status, language, disability, homelessness, mental illness and geographic area of residence; and (E) procedures for properly completing and effectuating medical orders for life-sustaining treatment.

(d) Nothing in this section shall be construed to limit the authority of the Commissioner of Developmental Services under subsection (g) of section 17a-238 of the general statutes concerning orders applied to persons receiving services under the direction of said commissioner.

(e) The Commissioner of Public Health may implement policies and procedures necessary to administer the provisions of this section until such time as regulations are adopted pursuant to subsection (c) of this section.

Sec. 2. (NEW) (*Effective October 1, 2017*) There is established, within available appropriations, a medical orders for life-sustaining treatment advisory council. The advisory council shall consist of health care providers, public health professionals and consumer advocates and shall make recommendations to the Commissioner of Public Health concerning the requirements prescribed in section 1 of this act. The advisory

council shall consist of the following members, who shall be appointed by the commissioner not later than January 1, 2018: (1) A public health practitioner; (2) two physicians, one of whom shall be an emergency department physician; (3) an advanced practice registered nurse; (4) a physician assistant; (5) an emergency medical service provider; (6) two patient advocates, one of whom shall be an advocate for persons with disabilities; (7) a hospital representative; (8) a long-term care facility representative; and (9) any person or a representative from any other organization who, as determined by the commissioner, possesses familiarity with the issues concerning medical orders for life-sustaining treatment. The advisory council shall meet at least annually to be updated on the status of the program and advise the department on matters related to improving the program established pursuant to section 1 of this act.

Substitute Senate Bill No. 884

Public Act No. 17-91

AN ACT ADOPTING THE CONNECTICUT UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT AND REVISING 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 October 1, 2017*) Sections 1 to 10, inclusive, of this act may be cited as the "Connecticut Uniform Recognition of Substitute Decision-Making Documents Act".

Sec. 2. (NEW) (*Effective October 1, 2017*) As used in sections 1 to 10, inclusive, of this act:

(1) "Decision maker" means a person authorized to act for an individual under a substitute decision-making document, whether denominated a decision maker, agent, attorney-in-fact, proxy or representative or by another title. "Decision maker" includes an original decision maker, a co-decision maker, a successor decision maker and a person to which a decision maker's authority is delegated;

(2) "Good faith" means honesty in fact;

(3) "Health care" means a service or procedure to maintain, diagnose, treat or otherwise affect an individual's physical or mental condition;

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

(5) "Personal care" means an arrangement or service to provide an individual shelter, food, clothing, transportation, education, recreation, social contact or assistance with the activities of daily living;

(6) "Property" means anything that may be subject to ownership, whether real or personal or legal or equitable, or any interest or right therein;

(7) "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

(8) "Substitute decision-making document" or "document" means a record created by an individual to authorize a decision maker to act for the individual with respect to property, health care or personal care.

Sec. 3. (NEW) (*Effective October 1, 2017*) (a) A substitute decision-making document for property executed outside this state is valid in this state if, when the document was executed, the execution complied with the law of the jurisdiction indicated in the document or, if no jurisdiction is indicated, the law of the jurisdiction in which the document was executed.

(b) A substitute decision-making document for health care or personal care, including the appointment of a health care representative, executed outside this state is valid in this state if, when the document was executed, the execution complied with: (1) The law of the jurisdiction indicated in the document or, if no jurisdiction is indicated, the law of the jurisdiction in which the document was executed; or (2) the law of this state, other than sections 1 to 10, inclusive, of this act.

(c) Except as otherwise provided by law, a photocopy or electronically transmitted copy of an original substitute decision-making document has the same effect as the original.

Sec. 4. (NEW) (*Effective October 1, 2017*) The meaning and effect of a substitute decision-making document and the authority of the decision maker are determined by the law of the jurisdiction indicated in the document or, if no jurisdiction is indicated, the law of the jurisdiction in which the document was executed.

Sec. 5. (NEW) (*Effective October 1, 2017*) (a) Except as provided in subsection (f) of section 1-56b and sections 1-350r, 19a-579b and 19a-580g of the general statutes, a person who in good faith accepts a substitute decision-making document without actual knowledge that the document is void, invalid or terminated, or that the authority of the purported decision maker is void, invalid or terminated, may assume without inquiry that the document is genuine, valid and still in effect and that the decision maker's authority is genuine, valid and still in effect.

(b) A person who is asked to accept a substitute decision-making document may request and without further investigation rely on:

(1) The decision maker's assertion of a fact concerning the individual for whom a decision will be made, the decision maker or the document;

(2) A translation of the document if the document contains, in whole or in part, a language other than English; and

(3) An opinion of counsel regarding any matter of law concerning the document if the person provides in a record the reason for the request.

Sec. 6. (NEW) (*Effective October 1, 2017*) (a) Except as provided in section 1-350s of the general statutes, a person who is asked to accept a substitute decision-making document shall accept within a reasonable time a document that purportedly meets the validity requirements of section 3 of this act. The person may not require an additional or different form of document for authority granted in the document presented.

(b) A person who is asked to accept a substitute decision-making document is not required to accept the document if:

(1) The person otherwise would not be required in the same circumstances to act if requested by the individual who executed the document;

(2) The person has actual knowledge of the termination of the decision maker's authority or the document;

(3) The person's request under subsection (b) of section 5 of this act for the decision maker's assertion of fact, a translation or an opinion of counsel is refused;

(4) The person in good faith believes that the document is not valid or the decision maker does not have the authority to request a particular transaction or action; or

(5) The person makes, or has actual knowledge that another person has made, a report to an agency responsible for investigating allegations of abuse, neglect, exploitation or abandonment stating a belief that the individual for whom a decision will be made may be subject to abuse, neglect, exploitation or abandonment by the decision maker or a person acting for or with the decision maker.

(c) A person who refuses to accept a substitute decision-making document in violation of this section is subject to:

(1) A court order mandating acceptance of the document; and

(2) Liability for reasonable attorney's fees and costs incurred in an action or proceeding that mandates acceptance of the document.

Sec. 7. (NEW) (*Effective October 1, 2017*) The remedies under sections 1 to 10, inclusive, of this act are not exclusive and do not abrogate any right or remedy under any other law of this state.

Sec. 8. (NEW) (*Effective October 1, 2017*) In applying and construing sections 1 to 10, 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. 9. (NEW) (*Effective October 1, 2017*) Sections 1 to 10, inclusive, of this act, modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq. , but do not modify, limit or supersede Section 101(c) of said act, 15 USC 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of said act, 15 USC 7003(b).

Sec. 10. (NEW) (*Effective October 1, 2017*) Sections 1 to 9, inclusive, of this act apply to a substitute decision-making document created before, on or after October 1, 2017.

Sec. 11. Section 1-351 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

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

[(7)**]** (6) Exercise fiduciary powers that the principal has authority to delegate; **[**or**]**

[(8)**]** (7) Disclaim property, including a power of appointment;

(8) Exercise all powers the principal may have over any of the principal's digital device, digital asset, user account and electronically stored information, including any user account and digital asset that currently exists or may exist as technology develops, whether the same is in the principal's name or that the principal owns or lawfully uses jointly with any other individual; such powers include, but are not limited to, changing and circumventing the principal's username and password to gain access to such user accounts and information; transferring or withdrawing funds or other assets among or from such user accounts; and opening new user accounts in the principal's name, all as the agent determines is necessary or advisable. The principal may give the principal's lawful consent and authorizes the agent to access, manage, control, delete and terminate any electronically stored information and communications of the principal to the extent fully allowable under the federal Electronic Communications Privacy Act of 1986, 18 USC 2510 et seq., as amended from time to time, the Connecticut Revised Uniform Fiduciary Access to Digital Assets Act, and any other federal, state or international privacy law or other law. The agent is authorized to take any actions the principal is authorized to take under all applicable terms of service, terms of use, licensing and other account agreements or laws. To the extent a specific reference to any federal, state, local or international law is required in order to give effect to the provisions of this subdivision, the principal may provide that the principal's intention is to so reference such law, whether such law is now in existence or comes into existence or is amended after the date of execution of the power of attorney; or

(9) With respect to any intellectual property interests of the principal, including, without limitation, copyrights, contracts for payments of royalties and trademarks, act in all ways with respect to such interests as if the agent were the owner thereof, including, without limitation, registering ownership, transferring ownership and recording documents to effectuate or memorialize such transfer, granting and revoking licenses, entering, terminating and enforcing agreements, defending ownership and conferring agency upon professionals to represent the principal's interests before governmental agencies, and in general, to exercise all powers with respect to the intellectual property that the principal could exercise if present.

(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**]** a dependent of the agent, 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 1-351c to 1-

351o, inclusive. Such general authority shall permit the agent to authorize another person to exercise the authority granted under the power of attorney.

(d) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to section 1-351p.

(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. 12. Subsection (a) of section 1-352 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) (1) **[**The use of either the following short form or long form in the creation of a power of attorney is authorized, and, when used, the short form or long form shall be construed in accordance with the provisions of sections 1-350 to 1-353b, inclusive. **]** A document substantially in the form of either the short form, as set forth in subdivision (2) of this subsection, or the long form, as set forth in subdivision (3) of this subsection, may be used to create a statutory power of attorney that has the meaning and effect prescribed in sections 1-350 to 1-353b, inclusive. No provision of sections 1-350 to 1-353b, inclusive, shall be construed to bar the use of any other or different form of power of attorney desired by the parties concerned.

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

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

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

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

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

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

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

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

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

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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.)

Second: LIMITATION ON AGENT'S AUTHORITY

[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. **]** An agent MAY NOT use my property to benefit the agent or a dependent of the agent unless I have included that authority in any special instructions below.

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. **]** With full and unqualified authority to exercise or delegate any or all of the foregoing powers granted under this power of attorney to any person or persons whom my agent(s) shall select.

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: DESIGNATION OF CONSERVATOR OF ESTATE (OPTIONAL)

If a conservator of my estate should be appointed, I designate that …. be appointed to serve as conservator of my estate. If …. is unable to serve or cease to serve as conservator of my estate, I designate that …. be appointed to serve as conservator of my estate.

I direct that bond for the conservator of my estate, including any sureties thereon …. be required …. not be required.

Seventh: EFFECTIVE DATE

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

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

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

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

. . . .
Witness

. . . .
Witness

STATE OF

COUNTY OF } ss:

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

. . . .

Commissioner of the Superior Court

Notary Public

My commission expires: . . . . "

(3) "DURABLE STATUTORY POWER OF ATTORNEY - LONG FORM

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

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

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

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

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

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

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

(A)	Real property;	( )
(B)	Tangible personal property;	( )
(C)	Stocks and bonds;	( )
(D)	Commodities and options;	( )

(E)	Banks and other financial institutions;	( )
(F)	Operation of entity or business;	( )
(G)	Insurance and annuities;	( )
(H)	Estates, trusts and other beneficial interests;	( )
(I)	Claims and litigation;	( )
(J)	Personal and family maintenance;	( )
(K)	Benefits from governmental programs or civil or military service;	( )
(L)	Retirement plans;	( )
(M)	Taxes;	( )
(N)	All other matters;	( )

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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.)

OPTIONAL ESTATE PLANNING POWERS

YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE FOLLOWING POWERS:

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

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

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

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

(Q) Create or change rights of survivorship; ( )

(R) Create or change a beneficiary designation; ( )

[(S) Authorize another person to exercise the authority granted under this power of attorney; **]** ( )

[(T)**]** (S) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; ( )

[(U)**]** (T) Exercise fiduciary powers that the principal has authority to delegate; ( )

[(V)**]** (U) Disclaim or refuse an interest in property, including a power of appointment. ( )

(V) Exercise all powers I may have over any digital device, digital asset, user account and electronically stored information, including any user account and digital asset that currently exists or may exist as technology develops, whether the same is in my own name or ( )

that I own or lawfully use jointly with any other individual; such powers include, but are not limited to, changing and circumventing my username and password to gain access to such user accounts and information; transferring or withdrawing funds or other digital assets among or from such user accounts; opening new user accounts in my name; all as my agent determines is necessary or advisable. I hereby give my lawful consent and fully authorize my agent to access, manage, control, delete and terminate any electronically stored information and communications of mine to the fullest extent allowable under the federal Electronic Communications Privacy Act of 1986, 18 USC 2510 et seq., as amended from time to time, the Connecticut Revised Uniform Fiduciary Access to Digital Assets Act and any other federal, state or international privacy law or other law and to take any actions I am authorized to take under all applicable terms of service, terms of use, licensing and other account agreements or laws. To the extent a specific reference to any federal, state, local or international law is required in order to give effect to this provision, I specifically provide that my intention is to so reference such law, whether such law is now in existence or comes into existence or is amended after the date of this document.

(W) With respect to any intellectual property interests of mine, including, without limitation, copyrights, contracts for payments of royalties and trademarks, act in all ways with respect to such interests as if my agent were the owner thereof, including, without limitation, registering ownership, transferring ownership and recording documents to effectuate or memorialize such transfer, granting and revoking licenses, entering, terminating and enforcing ( )

agreements, defending ownership and conferring agency upon professionals to represent my interests before governmental agencies, and in general, to exercise all powers with respect to the intellectual property that I could exercise if present.

Second: LIMITATION ON AGENT'S AUTHORITY

An agent MAY NOT use my property to benefit the agent or a dependent of the agent, except to the extent that I have included such authority elsewhere in this document.

Third: With full and unqualified authority to exercise or delegate any or all of the foregoing powers granted under this power of attorney to any person or persons whom my agent(s) shall select.

[Third**]** Fourth: 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: DESIGNATION OF CONSERVATOR OF ESTATE (OPTIONAL)

If a conservator of my estate should be appointed, I designate that …. be appointed to serve as conservator of my estate. If …. is unable to serve or cease to serve as conservator of my estate, I designate that …. be appointed to serve as conservator of my estate.

I direct that bond for the conservator of my estate, including any sureties thereon …. be required …. not be required.

[Sixth**]** Seventh: EFFECTIVE DATE

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

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

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

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

. . . .
Witness

. . . .
Witness

STATE OF

COUNTY OF } ss:

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

. . . .

Commissioner of the Superior Court

Notary Public

My commission expires: . . . . "

Sec. 13. Subsection (a) of section 45a-660 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) (1) A conserved person may, at any time, petition the **[**court of probate**]** Probate Court 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**]** Probate Court, 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**]** Probate Court 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. If the court finds upon hearing and after notice which the court prescribes, that a conserved person is capable of managing his or her own affairs, the court shall order that the conservatorship of the estate be terminated and that the remaining portion of the conserved person's property be restored to the conserved person. **[**The**]** Unless the court determines that reinstatement is not in the best interests of the conserved person, the court **[**may**]** shall order the reinstatement of any authority of any agent under a power of attorney that was previously limited or suspended by the court because of the conservatorship. (2) If the court finds upon hearing and after notice which the court prescribes that a conserved person has no assets of any kind remaining except for that amount allowed by subsection (c) of section 17b-80, the court may order that the conservatorship of the estate be terminated. The court shall thereupon order distribution of the remaining assets to the conservator of the person or, if there is no conservator or the conservator declines or is unable to accept or the conservator is the Commissioner of Social Services, to some suitable person, to be determined by the court, to hold for the benefit of the conserved person, upon such conservator or person giving such probate bond, if any, as the court orders. (3) If any conserved person having a conservator dies, the conserved person's property other than property which has accrued from the sale of the conserved person's real property shall be delivered to the conserved person's executor or administrator. The unexpended proceeds of the conserved person's real property sold as aforesaid shall go into the hands of the executor or administrator, to be distributed as such real property would have been.

Sec. 14. Subsection (b) of section 45a-334g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under sections 45a-334b to 45a-334s, inclusive. A custodian that is a

financial institution, as defined in section 36a-41, may charge a fee that is set forth in such institution's deposit agreement with a customer.

House Bill No. 7192

Public Act No. 17-96

AN ACT CONCERNING A PROTECTION AND ADVOCACY SYSTEM FOR PERSONS WITH DISABILITIES.

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

Sec. 15. Section 17a-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) Any **[**court of probate**]** Probate Court shall have the power to place any person residing in its district whom it finds to be a person with intellectual disability with the Department of Developmental Services for placement in any appropriate setting which meets the person's habilitative needs in the least restrictive environment available or which can be created within existing resources of the department, in accordance with the provisions of this section and section 17a-276, as amended by this act. No person shall be so placed unless the court has found the person has intellectual disability and (1) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; (2) has no family or **[**guardian**]** legal representative or other person to care for him or her, or his or her family or **[**guardian**]** legal representative or other person can no longer provide adequate care for him or her; (3) is unable to obtain adequate, appropriate services which would enable him or her to receive care, treatment and education or habilitation without placement by a **[**court of probate**]** Probate Court; and (4) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the **[**guardian or limited guardian**]** legal representative of such person **[**appointed pursuant to chapter 779a or the provisions of sections 45a-711 to 45a-725, inclusive,**]** and such voluntary admission has been opposed by the **[**ward**]** protected person or his or her next of kin.

(b) **[**Application**]** A petition to the Probate Court for placement under this section may be **[**made**]** filed by any interested party. The **[**application**]** petition and all records of

Probate Court proceedings held as a result of the filing of such [application, except for the name of any guardian of the respondent, shall be sealed and shall be made available only to the respondent or the respondent's counsel or guardian, and to the Commissioner of Developmental Services or the commissioner's designee, unless the Probate Court, after hearing held with notice to the respondent or the respondent's counsel or guardian, and to the commissioner or the commissioner's designee, determines that such application and records should] petition shall be confidential and shall not be open to public inspection by or disclosed to any person, except that (1) such records shall be available to (A) the parties in any such case and their counsel, (B) the Department of Developmental Services, and (C) the office of the Probate Court Administrator; (2) if the court appoints a legal representative, the names of the legal representative and the protected person shall be public; and (3) the court may, after hearing with notice to the respondent, the respondent's counsel, the legal representative and the Department of Developmental Services, permit records to be disclosed for cause shown. The [application] petition shall allege that the respondent is a person with intellectual disability and [(1)] (A) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; [(2)] (B) has no family or [guardian] legal representative or other person to care for the respondent or the respondent's family or [guardian] the legal representative or other person can no longer provide adequate care for the respondent; [(3)] (C) is unable to obtain adequate, appropriate services which would enable the respondent to receive care, treatment and education or habilitation without placement by a [court of probate] Probate Court; and [(4)] (D) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the [guardian or limited guardian] legal representative of the respondent [appointed pursuant to chapter 779a or the provisions of sections 45a-711 to 45a-725, inclusive,] and such voluntary admission has been opposed by the [ward] protected person or the [ward's] protected person's next of kin.

(c) Immediately upon the filing of the [application] petition, the Probate Court shall assign a time, date and place for a hearing, such hearing to be held not later than thirty business days from the date of receipt of the [application] petition. The court shall give notice of the hearing to [the respondent, the respondent's guardian or conservator, the respondent's spouse or, if none, the respondent's children or, if none, the respondent's parents or, if none, the respondent's siblings, the Commissioner of Developmental Services, the director of the Office of Protection and Advocacy for Persons with Disabilities, and any other person who has shown] (1) the petitioner; (2) the respondent; (3) the respondent's legal representative; (4) the respondent's spouse or, if none; (5) the respondent's children or, if none; (6) the respondent's parents or, if none; (7) the respondent's siblings; (8) the Commissioner of Developmental Services; and (9) at the court's discretion, other persons having an interest in the respondent.

(d) Notice to the respondent and Commissioner of Developmental Services shall include: The names of all persons filing the [application] petition, the allegations made in the [application] petition, the time, date and place of the hearing, and the name, address and telephone number of the attorney who will represent the respondent. The notice shall state the right of the respondent to be present at the hearing, to present evidence, to cross-examine witnesses who testify at the hearing, and to an independent diagnostic and evaluative examination by a licensed psychologist of his or her own choice, who may testify on his or her behalf. If the court finds the respondent is indigent, the notice shall further state the respondent may be represented by counsel of his or her own choosing, and, if the court finds the respondent is indigent, that counsel shall be provided without cost. The reasonable compensation for counsel provided to indigent respondents 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.

(e) Unless the respondent is represented by counsel, the court shall immediately appoint an attorney to represent the respondent from a list of attorneys admitted to practice in this state provided by the Probate Court Administrator in accordance with regulations adopted by the Probate Court Administrator in accordance with section 45a-77. Such attorney may, unless replaced, attend all examinations preceding the hearing and may copy or inspect any and all reports concerning the respondent.

(f) The court shall appoint a licensed psychologist from a panel of psychologists provided by the [office of the] Probate Court Administrator to examine the respondent. The psychologist shall prepare a report on a form provided by the Probate Court. Such report shall include a statement as to whether the respondent has intellectual disability and an explanation of how the determination was reached. The explanation shall include the results of a psychological assessment within the past year, an interview or observation of the respondent, and an evaluation of adaptive behavior. Such report shall include a statement of the respondent's needs. Duplicate copies of the report shall be filed with the Commissioner of Developmental Services and all attorneys of record not less than five days prior to the date of the hearing. The court shall order the psychologist to appear for cross-examination at the request of the respondent if the respondent makes such request not less than three days prior to the date of the hearing.

(g) If the court, after hearing, finds there is clear and convincing evidence that the respondent has intellectual disability and meets the criteria set out in subsection (a) of this section, the court shall order the respondent placed with the Department of Developmental Services for placement in the least restrictive environment available or which can be created within existing resources of the department.

(h) If, after hearing, the court determines that the respondent's need for placement is so critical as to require immediate placement, the court shall order the respondent to be temporarily placed in the most appropriate available placement. The Department of Developmental Services upon receipt of such order shall place the respondent in such setting and shall proceed according to subsection (i) of this section.

(i) The Department of Developmental Services, upon receipt of an order pursuant to subsection (g) of this section, shall arrange for an interdisciplinary team to evaluate the respondent, determine the respondent's priority needs for **[**programming**]** support services and determine the least restrictive **[**environments**]** environment in which those needs could be met. The Department of Developmental Services shall place the **[**respondent's name on the waiting list for all facilities which have been identified**]** respondent as soon as possible. If no placement has become available not later than sixty days after the date that the respondent's **[**name was placed on the waiting list**]** need for residential support services was determined, the Commissioner of Developmental Services shall so advise the court and shall continue to report to the court every thirty days thereafter until an appropriate placement is available.

(j) Upon receipt of a report under subsection (i) of this section, the **[**Court of**]** Probate Court, if it determines that the respondent's need is so critical as to require immediate placement, shall order the respondent to be temporarily placed in the most appropriate available placement.

(k) Any person or agency having reasonable cause to believe that a person has intellectual disability and is in need of immediate care and treatment for his or her safety and welfare, which care and treatment is not being provided by his or her family, **[**or guardian**]** legal representative or other person responsible for his or her care, shall make a written report to the Commissioner of Developmental Services. The report shall contain the name and address of the person believed to have intellectual disability and be in need of immediate care and treatment, and his or her **[**parent**]** family, legal representative or other person responsible for his or her care, and all evidence forming the basis for such belief and shall be signed and dated by the person making such report. The Commissioner of Developmental Services shall promptly determine whether there is reasonable cause to believe that the person named in the report has intellectual disability and is in need of immediate care and treatment, which care and treatment is not being provided by **[**such person's**]** his or her family, **[**or guardian,**]** legal representative or other person responsible for his or her care and if the commissioner so determines, shall assume the care and custody of such person. The commissioner or his designee shall, within twenty-four hours, excluding Saturdays, Sundays and legal holidays, after assuming the care and custody of such person, **[**(1) notify the Office of Protection and Advocacy for Persons with Disabilities, and (2) file an application**]** file a petition pursuant to subsection (b) of this section in the **[**court of probate**]** Probate Court for the district in which such person resided prior to emergency placement. The **[**court

of probate] Probate Court in which such application is filed shall assign a time and place for a hearing pursuant to subsection (c) of this section.

(l) In the event that any person placed under the provisions of this section is recommended for transfer by the Department of Developmental Services, the department shall proceed as required by subsection (c) of section 17a-210 and shall in addition notify the [probate court] Probate Court which made the placement.

(m) Any person who wilfully files or attempts to file, or conspires with any person to file a fraudulent or malicious [application] petition for the placement of any person pursuant to this section, shall be guilty of a class D felony.

(n) For the purposes of this section, (1) "interdisciplinary team" means a group of persons appointed by the Commissioner of Developmental Services, including a social worker, psychologist, nurse, residential programmer, educational or vocational programmer and such other persons as may be appropriate; (2) "intellectual disability" has the same meaning as provided in section 1-1g; (3) "respondent" means a person alleged to be a person with intellectual disability for whom [an application] a petition for placement has been filed; and (4) "placement" means placement in a community companion home, community living arrangement, group home, regional facility, other residential facility or residential program for persons with intellectual disability.

Sec. 16. Section 17a-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All persons admitted to a state training school, regional facility or other facility provided for the care and training of persons with intellectual disability shall, until discharged therefrom either by the commissioner or by operation of law, be under the custody and control of the director of such facility. All costs of care and training shall be provided pursuant to section 17b-223. Notice of discharge shall be sent by the Department of Developmental Services to such person [, his parent or guardian] or his or her legal representative and the Probate Court.

(b) Any person with intellectual disability placed with the Department of Developmental Services pursuant to section 17a-274, as amended by this act, may request a review of his or her placement by the Probate Court at any time after issuance of the original order of placement and once a year thereafter. Such request shall be in writing, shall state the reasons for review and shall be made by the person with intellectual disability or any other person acting on his or her behalf. Such request shall be filed with the Probate Court, one copy shall be served on the Commissioner of Developmental Services and one copy shall be served on the person in charge of the facility in which the person with intellectual disability is placed. The hearing on such

request shall be held not later than ten days, excluding Saturdays, Sundays and holidays, after the date of the filing of such request.

(c) At such hearing the person with intellectual disability shall have the same rights as provided under subsections (c), (d), (e) and (f) of section 17a-274, as amended by this act. The Department of Developmental Services shall notify each person placed pursuant to section 17a-274, as amended by this act, at least annually that such person has the right to a hearing to review the appropriateness and adequacy of his or her placement. At such hearing, if the court finds that the person is no longer in need of placement, the court shall order the placement terminated. If the court finds that the person's placement does not adequately meet his or her needs in the least restrictive environment available or which can be created within existing resources of the department, the court shall order the department to place such person in such least restrictive environment as the court deems available.

(d) If, within five years from the date of placement, any person placed on or after October 1, 1982, has not requested a hearing to review his or her placement, the Department of Developmental Services shall notify the **[**court of probate**]** Probate Court which placed such person. The **[**court of probate**]** Probate Court, upon such notice, shall proceed in accordance with subsections (b) and (c) of this section to schedule a hearing to determine if the placement should be continued and whether such placement adequately meets his or her habilitative needs in the least restrictive environment available or which can be created within existing resources of the department.

Sec. 31. Subsection (c) of section 45a-656b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(c) A report filed under subsection (b) of this section with respect to placement in an institution for long-term care shall set forth the basis for the conservator's determination, what community resources are available and have been considered to avoid the placement, and the reasons why the physical, mental and psychosocial needs of the person under conservatorship cannot be met in a less restrictive and more integrated setting. Such community resources include, but are not limited to, resources provided by the area agencies on aging, the Department of Social Services, **[**the Office of Protection and Advocacy for Persons with Disabilities,**]** the Department of Mental Health and Addiction Services, the Department of Developmental Services, any center for independent living, as defined in section 17b-613, any residential care home or any congregate or subsidized housing. The conservator shall give notice of the placement of the person under conservatorship in an institution for long-term care and a copy of such report to the person under conservatorship, the attorney for the person under conservatorship and any interested parties as determined by the court. Service shall be by first-class mail. The conservator shall provide a certification to the court that service was made in the manner prescribed by this subsection.

Sec. 32. Subsection (b) of section 45a-682 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(b) Immediately upon receipt of the petition, the court shall order such notice of the petition and the date and time of hearing as it may direct to the respondent, the respondent's parents or spouse, if any, **[**and to the Office of Protection and Advocacy for Persons with Disabilities**]** the Department of Developmental Services and the nonprofit entity designated by the Governor in accordance with section 46a-10b, as amended by this act, to serve as the Connecticut protection and advocacy system. A hearing shall be held promptly, taking into consideration the condition of the respondent. If, after hearing, the court finds that the respondent by reason of the severity of the respondent's intellectual disability is incapable of giving informed consent to such procedure, and that the respondent will suffer deterioration of the respondent's physical or mental health or serious discomfort if such procedure or treatment, or both, is not ordered, the court may appoint a temporary limited guardian for the purpose of consenting to such procedure or treatment, or both. In making such appointment, the court shall give preference to the parent, next of kin or other person whom the court deems proper. The court may appoint the Commissioner of Developmental Services, or the commissioner's designee, to serve in such capacity if it is unable to find a suitable guardian. The appointment shall not be valid for more than sixty days. A temporary limited guardian shall be subject to all limitations set forth in section 45a-677.

Sec. 33. Section 45a-693 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

Upon such application for a determination of ability to give informed consent, such court shall assign a time, not later than thirty days thereafter, and a place for hearing such application. Any hearing held under this section shall be pursuant to sections 51-72 and 51-73. Notwithstanding the provisions of section 45a-7, the court may hold the hearing on said application at a place within the state other than the usual courtroom if it would facilitate the presence of the respondent. Such court shall cause a citation and notice to be served on the following parties at least seven days prior to such hearing date. (1) The court shall direct personal service be made by a state marshal, constable or indifferent person upon the respondent and if the respondent is in a hospital, nursing home, state school or some other institution, in addition to the respondent, upon the chief executive, officer or administrator in such hospital, nursing home, state school or other institution. (2) The court shall order such notice as it directs to the following: (A) The parents of the respondent, if any, (B) the spouse of the respondent, if any, (C) the siblings of such applicant, if any, if the respondent has no living parents, (D) the **[**Office of Protection and Advocacy for Persons with Disabilities**]** nonprofit entity designated by the Governor in accordance with section 46a-10b, as amended by this act, to serve as

the Connecticut protection and advocacy system, and (E) such other persons as the court may determine have interest in the respondent.

Sec. 34. Section 45a-694 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

Upon the filing of an application for a determination of an individual's ability to give informed consent to sterilization, the court shall appoint legal counsel to represent any respondent who has not selected a counsel to represent such respondent in response to the application. Such legal counsel shall be 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. **[**In establishing such panel, the Probate Court Administrator shall seek recommendations from the Office of Protection and Advocacy for Persons with Disabilities, which may be included in such panel.**]** The reasonable compensation of an appointed legal counsel shall be established by the court. Such compensation shall be charged to the respondent provided, if the court finds such respondent is unable to pay such compensation, it shall be paid from the Probate Court Administration Fund.

Substitute House Bill No. 7082

Public Act No. 17-136

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 4-61dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) Any person having knowledge of any matter involving corruption, unethical practices, violation of state laws or regulations, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state department or agency, **[**or**]** any quasi-public agency, as defined in section 1-120, or any Probate Court or any person having knowledge of any matter involving corruption, violation of state or federal laws or regulations, gross waste of funds, abuse of authority or danger to the public safety occurring in any large state contract, may transmit all facts and information in such person's possession concerning such matter to the Auditors of Public Accounts. The Auditors of Public Accounts shall review such matter and report their findings and any recommendations to the Attorney General. Upon receiving such a report, the Attorney General shall make such investigation as the Attorney General deems proper regarding such report and any other information that may be reasonably derived from such report. Prior to conducting an investigation of any information that may be reasonably derived from such report, the Attorney General shall consult with the Auditors of Public Accounts concerning the relationship of such additional information to the report that has been issued pursuant to this subsection. Any such subsequent investigation deemed appropriate by the Attorney General shall only be conducted with the concurrence and assistance of the Auditors of Public Accounts. At the request of the Attorney General or on their own initiative, the auditors shall assist in the investigation.

(b) (1) The Auditors of Public Accounts may reject any complaint received pursuant to subsection (a) of this section if the Auditors of Public Accounts determine one or more of the following:

(A) There are other available remedies that the complainant can reasonably be expected to pursue;

(B) The complaint is better suited for investigation or enforcement by another state agency;

(C) The complaint is trivial, frivolous, vexatious or not made in good faith;

(D) Other complaints have greater priority in terms of serving the public good;

(E) The complaint is not timely or is too long delayed to justify further investigation; or

(F) The complaint could be handled more appropriately as part of an ongoing or scheduled regular audit.

(2) If the Auditors of Public Accounts reject a complaint pursuant to subdivision (1) of this subsection, the Auditors of Public Accounts shall provide a report to the Attorney General setting out the basis for the rejection.

(3) If at any time the Auditors of Public Accounts determine that a complaint is more appropriately investigated by another state agency, the Auditors of Public Accounts shall refer the complaint to such agency. The investigating agency shall provide a status report regarding the referred complaint to the Auditors of Public Accounts upon request.

(c) Notwithstanding the provisions of section 12-15, the Commissioner of Revenue Services may, upon written request by the Auditors of Public Accounts, disclose return or return information, as defined in section 12-15, to the Auditors of Public Accounts for purposes of preparing a report under subsection (a) or (b) of this section. Such return or return information shall not be published in any report prepared in accordance with subsection (a) or (b) of this section, and shall not otherwise be redisclosed, except that such information may be redisclosed to the Attorney General for purposes of an investigation authorized by subsection (a) of this section. Any person who violates the provisions of this subsection shall be subject to the provisions of subsection (g) of section 12-15.

(d) The Attorney General may summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section or for the purpose of investigating a suspected violation of subsection (a) of section 4-275 until such time

as the Attorney General files a civil action pursuant to section 4-276. Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of section 1-210, the Auditors of Public Accounts and the Attorney General shall not, after receipt of any information from a person under the provisions of this section or sections 4-276 to 4-280, inclusive, disclose the identity of such person without such person's consent unless the Auditors of Public Accounts or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation.

(e) (1) No state officer or employee, as defined in section 4-141, no quasi-public agency officer or employee, no officer or employee of a large state contractor and no appointing authority shall take or threaten to take any personnel action against any state or quasi-public agency employee or any employee of a large state contractor in retaliation for (A) such employee's or contractor's disclosure of information to (i) an employee of the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) of this section; (ii) an employee of the state agency or quasi-public agency where such state officer or employee is employed; (iii) an employee of a state agency pursuant to a mandated reporter statute or pursuant to subsection (b) of section 17a-28; (iv) an employee of the Probate Court where such employee is employed; or **[**(iv)**]** (v) in the case of a large state contractor, an employee of the contracting state agency concerning information involving the large state contract; or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a complaint against the state agency, quasi-public agency, Probate Court, large state contractor or appointing authority concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this section. The human rights referee may order a state agency, **[**or**]** quasi-public agency or Probate Court to produce (i) an employee of such agency, **[**or**]** quasi-public agency or Probate Court to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such agency, **[**or**]** quasi-public agency or Probate Court fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may

consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees, and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection: (A) A state or quasi-public agency employee who alleges that a personnel action has been threatened or taken may file an appeal not later than ninety days after learning of the specific incident giving rise to such claim with the Employees' Review Board under section 5-202, or, in the case of a state or quasi-public agency employee covered by a collective bargaining contract, in accordance with the procedure provided by such contract; or (B) an employee of a large state contractor alleging that such action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any state or quasi-public agency employee or any employee of a large state contractor, which personnel action occurs not later than two years after the employee first transmits facts and information concerning a matter under subsection (a) of this section or discloses information under subdivision (1) of this subsection to the Auditors of Public Accounts, the Attorney General or an employee of a state agency, **[**or**]** quasi-public agency or Probate Court, as applicable, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subsection (a) of this section or subdivision (1) of this subsection.

(5) If a state officer or employee, as defined in section 4-141, a quasi-public agency officer or employee, an officer or employee of a large state contractor or an appointing authority takes or threatens to take any action to impede, fail to renew or cancel a contract between a state agency and a large state contractor, or between a large state contractor and its subcontractor, in retaliation for the disclosure of information pursuant to subsection (a) of this section or subdivision (1) of this subsection to any agency listed in subdivision (1) of this subsection, such affected agency, contractor or subcontractor may, not later than ninety days after learning of such action, threat or

failure to renew, bring a civil action in the superior court for the judicial district of Hartford to recover damages, attorney's fees and costs.

(f) Any employee of a state **[**or**]** agency, quasi-public agency, Probate Court or large state contractor, who is found by the Auditors of Public Accounts, the Attorney General, a human rights referee or the Employees' Review Board to have knowingly and maliciously made false charges under subsection (a) of this section, shall be subject to disciplinary action by such employee's appointing authority up to and including dismissal. In the case of a state or quasi-public agency employee, such action shall be subject to appeal to the Employees' Review Board in accordance with section 5-202, or in the case of state or quasi-public agency employees included in collective bargaining contracts, the procedure provided by such contracts.

(g) On or before September first, annually, the Auditors of Public Accounts shall submit, in accordance with the provisions of section 11-4a, to the clerk of each house of the General Assembly a report indicating the number of matters for which facts and information were transmitted to the auditors pursuant to this section during the preceding state fiscal year and the disposition of each such matter.

(h) Each contract between a state or quasi-public agency and a large state contractor shall provide that, if an officer, employee or appointing authority of a large state contractor takes or threatens to take any personnel action against any employee of the contractor in retaliation for such employee's disclosure of information to any employee of the contracting state or quasi-public agency or the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) or subdivision (1) of subsection (e) of this section, the contractor shall be liable for a civil penalty of not more than five thousand dollars for each offense, up to a maximum of twenty per cent of the value of the contract. Each violation shall be a separate and distinct offense and in the case of a continuing violation each calendar day's continuance of the violation shall be deemed to be a separate and distinct offense. The executive head of the state or quasi-public agency may request the Attorney General to bring a civil action in the superior court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.

(i) Each state agency or quasi-public agency shall post a notice of the provisions of this section relating to state employees and quasi-public agency employees in a conspicuous place that is readily available for viewing by employees of such agency or quasi-public agency. Each Probate Court shall post a notice of the provisions of this section relating to Probate Court employees in a conspicuous place that is readily available for viewing by employees of such court. Each large state contractor shall post a notice of the provisions of this section relating to large state contractors in a conspicuous place which is readily available for viewing by the employees of the contractor.

(j) No person who, in good faith, discloses information in accordance with the provisions of this section shall be liable for any civil damages resulting from such good faith disclosure.

(k) As used in this section:

(1) "Large state contract" means a contract between an entity and a state or quasi-public agency, having a value of five million dollars or more; and

(2) "Large state contractor" means an entity that has entered into a large state contract with a state or quasi-public agency.

(l) (1) No officer or employee of a state shellfish grounds lessee shall take or threaten to take any personnel action against any employee of a state shellfish grounds lessee in retaliation for (A) such employee's disclosure of information to an employee of the leasing agency concerning information involving the state shellfish grounds lease, or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, an employee of a state shellfish grounds lessee or the employee's attorney may file a complaint against the state shellfish grounds lessee concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this subsection. The human rights referee may order a state shellfish grounds lessee to produce (i) an employee of such lessee to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such state shellfish grounds lessee fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection, an employee of a state shellfish grounds lessee who alleges that a personnel action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any employee of a state shellfish grounds lessee, which personnel action occurs not later than two years after the employee first transmits facts and information to an employee of the leasing agency concerning the state shellfish grounds lease, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subdivision (1) of this subsection.

Sec. 2. Section 4a-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) If a party to any action or proceeding in any court or a person whose property rights may be affected by any such action or proceeding is confined by order of any court, or as provided in section 17a-502 or 17a-506, in any institution for persons with psychiatric disabilities in this state, a copy of all process, notices and documents required to be served upon such confined person by means other than personal service shall be sent by registered or certified mail to such confined person at the institution where such person is confined and, except as provided in this subsection, another copy thereof shall be sent by registered or certified mail to the superintendent of the institution where such person is confined. Such mailing and proof of delivery thereof shall satisfy any requirement under law for service of such process, notices or documents by means other than personal service and shall be deemed equivalent to any service of such process, notices or documents required under law by means other than personal service. **[**A**]** Except as provided in this subsection, a copy of all process, notices or documents that are required to be served by means of personal service on such confined person shall be sent by registered or certified mail to the superintendent of the institution where such person is confined, in addition to being served personally on such confined person. If the institution where such person is confined is the party initiating the action or proceeding, a copy of all process, notices or documents may be sent by first class mail to the superintendent of the institution rather than by registered or certified mail. As soon as practical and reasonable after receiving a copy of any process, notice or document under this subsection, such superintendent or such superintendent's representative shall deliver such copy of the process, notice or document to such confined person.

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

Sec. 3. Section 45a-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) For the purposes of this section, "children's matters" means: (1) Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2) termination of parental rights matters under sections 45a-706 to 45a-719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733, inclusive, and sections 45a-736 and 45a-737; (4) claims for paternity under section 46b-172a; (5) emancipation of minor matters under sections 46b-150 to 46b-150e, inclusive; and (6) voluntary admission matters under section 17a-11.

(b) The Probate Court Administrator may establish seven **[**regional children's probate courts**]** Regional Children's Probate Courts in regions designated by the Probate Court Administrator. In establishing such courts, the Probate Court Administrator shall consult with the probate judges of the districts located in each designated region, each of whom may participate on a voluntary basis.

(c) The Probate Court Administrator may establish a **[**regional children's probate court**]** Regional Children's Probate Court under this section in (1) any existing **[**probate court**]** Probate Court facility within a district located in a region, or (2) a separate facility located in a region as may be designated by the Probate Court Administrator. Each **[**regional children's probate court**]** Regional Children's Probate Court shall be established and operated with the advice of the participating probate judges of such districts and the administrative judge appointed under subsection (f) of this section. Such participating probate judges and administrative judge shall serve as the judges of the **[**regional children's probate court**]** Regional Children's Probate Court, except as provided in subdivision (1) of subsection (f) of this section. Such judges shall hear and determine all children's matters as may come before them on a docket separate from other probate matters.

(d) (1) For the purposes of this section, the Probate Court Administrator may, subject to the provisions of section 45a-84, expend from the Probate Court Administration Fund established under section 45a-82 such amounts as the Probate Court Administrator may deem reasonable and necessary for the establishment, improvement **[**,**]** and maintenance **[**and operations**]** of court facilities located in each such designated region and for the operation of each Regional Children's Probate Court.

(2) Nothing in this section shall be construed to relieve any town of its obligation to provide and maintain court facilities pursuant to section 45a-8.

(e) The Probate Court Administrator may, subject to the provisions of section 45a-84, expend moneys from the Probate Court Administration Fund to **[**pay for necessary improvements of a facility designated as a regional children's probate court under this section, to pay operating expenses of a regional children's probate court and to**]** reimburse participating towns or cities for any costs of leasing office space for a **[**regional children's probate court**]** Regional Children's Probate Court, and any necessary improvements thereto, and for expenses under subsection (f) of this section.

(f) (1) The Probate Court Administrator, with the advice of the participating probate judges of the districts located in the designated region, shall appoint an administrative judge for each **[**regional children's probate court**]** Regional Children's Probate Court. The administrative judge shall be a probate judge at the time of such appointment. If the administrative judge ceases to serve as a probate judge after such appointment, the administrative judge may continue to serve as administrative judge at the pleasure of the Probate Court Administrator, but shall not have the powers granted to an elected probate judge and shall not hear and determine children's matters before such **[**regional children's probate court**]** Regional Children's Probate Court. Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of the administrative judge and such compensation shall be paid from the Probate Court Administration Fund. Such compensation, together with the administrative judge's compensation as a probate judge of the district to which he or she was elected, shall not exceed the compensation provided for a judge of probate under subdivision (4) of subsection (a) of section 45a-95a. The administrative judge shall have such benefits as may inure to him or her as a probate judge and shall receive no additional benefits, except for compensation provided under this section and retirement benefits calculated in accordance with sections 45a-34 to 45a-54, inclusive.

(2) Each administrative judge shall be responsible for the management of cases, coordination of social services, staff, financial management and record keeping for the **[**regional children's probate court**]** Regional Children's Probate Court for which the administrative judge is appointed. The administrative judge may, with the approval of the Probate Court Administrator, purchase furniture, office supplies, computers and other equipment and contract for services that the administrative judge may deem necessary or advisable for the expeditious conduct of the business of the **[**regional children's probate court. Such expenses shall be paid for pursuant to section 45a-8. If a separate facility for a regional children's probate court is established pursuant to subdivision (2) of subsection (c) of this section, the participating town or city shall be reimbursed for such expenses from the Probate Court Administration Fund upon presentation of vouchers to the Probate Court Administrator**]** Regional Children's Probate Court.

(g) Each administrative judge for a **[**regional children's probate court**]** Regional Children's Probate Court may, **[**with the approval of the Probate Court Administrator**]**

if authorized by the Probate Court Budget Committee under section 45a-85, employ such persons as may be required for the efficient operation of the [regional children's probate court] Regional Children's Probate Court. Such employees shall be employees of the [regional children's probate court] Regional Children's Probate Court and shall be entitled to the benefits of [probate court] Probate Court employees under this chapter. Such employees shall not be deemed to be state employees.

(h) Any [probate court] Probate Court within a region designated under subsection (b) of this section may transfer children's matters to the [regional children's probate court] Regional Children's Probate Court for such region. Any [regional children's probate court] Regional Children's Probate Court may accept transfers and referrals of children's matters from [probate courts] Probate Courts within its region.

(i) Each [regional children's probate court] Regional Children's Probate Court shall be considered a [probate court] Probate Court for the purposes of this chapter.

(j) The Probate Court Administrator shall establish policies and procedures to implement the provisions of this section.

Sec. 4. Subsection (a) of section 45a-8b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The Probate Court Administrator shall establish, within available appropriations, an extended family guardianship and assisted care pilot program in the [regional children's probate court] Regional Children's Probate Court for the district of New Haven, established pursuant to section 45a-8a, as amended by this act, for the purpose of reducing the number of children who are placed out of their communities and in foster care due to abuse and neglect. The program shall be designed to (1) provide outreach to extended family members and nonrelative caregivers in the community and appoint such family members or nonrelative caregivers as guardians, (2) seek volunteers to act as assisted care providers to assist guardians in caring for children, and (3) provide and pay for needed services to assist guardians in meeting the needs of such children. Under the program, each guardian appointed by the court shall be eligible to receive a maximum grant of one thousand dollars per child.

Sec. 5. Section 45a-8c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The Probate Court Administrator may, within available appropriations, establish a truancy clinic within (1) any [regional children's probate court] Regional Children's Probate 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] Regional Children's Probate

Court. The administrative judge of the [regional children's probate court] Regional Children's Probate Court or the [judge of the Probate Court] probate judge, as the case may be, or the designee of such administrative judge or such probate judge, shall administer the truancy clinic for such administrative judge's or such probate judge's respective court.

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

(c) The administrative judge of the [regional children's probate court] Regional Children's Probate Court that serves a town designated as an alliance district or the [judge of the Probate Court] probate judge that serves a town designated as an alliance district, as the case may be, may refer any matter referred to 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, 2015, and annually thereafter, each administrative judge of a [regional children's probate court] Regional Children's Probate Court that serves a town designated as an alliance district in which a truancy clinic has been established and each [judge of a Probate Court] probate judge that serves a town designated as an alliance district in which a truancy clinic has been established shall file a report with the Probate Court Administrator assessing the effectiveness of each truancy clinic in such administrative judge's or such probate 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.

Sec. 6. Section 45a-8d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) **[**A matter being heard at a regional children's probate court may be assigned to a probate court officer to perform any of the following functions: **]** As used in this section, "family specialist" means a staff position established by the Probate Court Budget Committee under section 45a-85 to perform the functions set forth in subsection (c) of this section.

(b) If authorized by the Probate Court Budget Committee, a Regional Children's Probate Court or a Probate Court that is not located in a region served by a Regional Children's Probate Court may employ a family specialist. A family specialist employed by a Probate Court may, with the consent of the Probate Court judge, perform functions under this section for another Probate Court that is not located in a region served by a Regional Children's Probate Court.

(c) A family specialist may perform any of the following functions in connection with children's matters, as defined in subsection (a) of section 45a-8a, as amended by this act:

(1) Conduct conferences with interested parties, attorneys for interested parties, representatives from the Department of Children and Families and social service providers, when appropriate;

(2) Facilitate the development of the family's plan for the care of the minor;

(3) Facilitate the development of a visitation plan;

(4) Coordinate with the Department of Children and Families to facilitate a thorough review of the matter being heard;

(5) Assess whether the family's plan for the care of the minor, if any, is in the minor's best interests;

(6) Assist the family in accessing community services; and

(7) Conduct follow-up regarding orders of the court.

[(b)**]** (d) The **[**probate court officer**]** family specialist may file with the court a report that may include:

(1) An assessment of the minor's and family's history;

(2) An assessment of the parent's and any proposed guardian's involvement with the minor;

(3) Information regarding the physical, social and emotional status of the interested parties;

(4) An assessment of the family's plan for the care of the minor; and

(5) Any other information or data that is relevant to determine if the proposed court action is in the best interests of the minor.

[(c)**]** (e) Any report filed by a **[**probate court officer**]** family specialist pursuant to subsection **[**(b)**]** (d) of this section shall be admissible in evidence. If a party or an attorney for a party notifies the court prior to a scheduled hearing that such party or attorney wishes to examine the **[**probate court officer**]** family specialist who filed the report, the court shall order such **[**probate court officer**]** family specialist to appear at the hearing.

Sec. 7. Section 45a-623 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

Before a hearing on the merits in any case under sections 45a-603 to 45a-622, inclusive, that is contested, the **[**Court of Probate**]** Probate Court shall, on the motion of any party other than a party who **[**made application**]** applied for the removal of a parent as a guardian, or may, on the court's own motion or motion of the party who **[**made application**]** applied for the removal of a parent as a guardian, 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 **[**Court of Probate**]** Probate Court may, on the court's own motion or motion of any interested party, transfer any proceeding under sections 45a-603 to 45a-622, inclusive, to a **[**regional children's probate court**]** Regional Children's Probate Court established pursuant to section 45a-8a, as amended by this act. If the case is transferred and venue altered, the clerk of the **[**Court of Probate**]** Probate Court shall transmit to the clerk of the Superior Court or the **[**regional children's probate court**]** Regional Children's Probate Court to which the case was transferred, the original files and papers in the case.

Sec. 8. Subsection (g) of section 45a-715 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(g) Before a hearing on the merits in any case in which a petition for termination of parental rights is contested in a Probate Court, the 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 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**]** Regional Children's Probate Court established pursuant to section 45a-8a, as amended by this act. If the case is transferred, the clerk of the Probate Court shall transmit to the clerk of the Superior Court or the **[**regional children's probate court**]** 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**]** 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.

Sec. 9. Section 45a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) The fees set forth in this section apply to each filing made in a Probate Court on or after **[**January 1, 2016**]** January 1, 2018, in any matter other than a decedent's estate.

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

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

(2) Determine paternity;

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

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

(5) Approve an adult adoption;

(6) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I) grant authority to consent to involuntary medication, (J) determine whether informed consent has been given for voluntary admission to a hospital for psychiatric disabilities, (K) determine life-sustaining medical treatment, (L) transfer to or from another state, (M) modify the conservatorship in connection with a periodic review, (N) excuse accounts under rules of procedure approved by the Supreme Court under section 45a-78, (O) terminate the conservatorship, and (P) grant a writ of habeas corpus;

(7) With respect to a power of attorney: (A) Compel an account by an agent, (B) review the conduct of an agent, (C) construe the power of attorney, and (D) mandate acceptance of the power of attorney;

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

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

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

[(10)**]** (11) 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)**]** (12) 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)**]** (13) 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)**]** (14) Compel an account by the trustee of an inter vivos trust, **[**attorney-in-fact,**]** custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of an ecclesiastical society or cemetery association;

[(14)**]** (15) With respect to a testamentary or inter vivos trust: (A) Construe, divide, reform or terminate the trust, (B) enforce the provisions of a pet trust, and (C) excuse a final account under rules of procedure approved by the Supreme Court under section 45a-78;

[(15)**]** (16) Authorize a fiduciary to establish a trust;

[(16)**]** (17) Appoint a trustee for a missing person;

[(17)**]** (18) Change a person's name;

[(18)**]** (19) Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;

[(19)**]** (20) Require the Department of Public Health to issue a delayed birth certificate;

[(20)**]** (21) Compel the board of a cemetery association to disclose the minutes of the annual meeting;

[(21)**]** (22) Issue an order to protect a grave marker;

[(22)**]** (23) Restore rights to purchase, possess and transport firearms;

[(23)**]** (24) Issue an order permitting sterilization of an individual; **[**and**]**

(25) Approve the transfer of structured settlement payment rights; and

[(24)] (26) With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give advice or instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.

(c) The fee to file a petition for custody of the remains of a deceased person in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the state is obligated to pay funeral and burial expenses under section 17b-84.

(d) The fee for a fiduciary to request the release of funds from a restricted account in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the court approves the request without notice and hearing in accordance with the rules of procedure adopted by the Supreme Court under section 45a-78.

(e) The fee to register a conservator of the person or conservator of the estate order from another state under section 45a-667r or 45a-667s, or to register both types of orders for the same person at the same time, is one hundred fifty dollars.

[(e)] (f) 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)] (g) The fee to request a continuance in a Probate Court is fifty dollars, plus the actual expenses of rescheduling the hearing that are payable under section 45a-109, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the hearing, or both. The fee shall be payable by the party who requests the continuance of a scheduled hearing or whose failure to appear necessitates the continuance.

[(g)] (h) The fee to file a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court is two hundred fifty dollars.

[(h)] (i) Except as provided in subsection (d) of section 45a-111, fees imposed under this section shall be paid at the time of filing.

[(i)] (j) If a statute or rule of procedure approved by the Supreme Court under section 45a-78 specifies filings that may be combined into a single motion, petition or application, the fee under this section for the combined filing is the amount equal to the

largest of the individual filing fees applicable to the underlying motions, petitions or applications.

[(j)**]** (k) No fee shall be charged under this section if exempted or waived under section 45a-111 or any other provision of the general statutes.

Sec. 10. Subsection (b) of section 45a-609 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) The court shall order notice of the hearing to be given, at least ten days before the date of the hearing, to the Commissioner of Children and Families by first class mail and to both parents and to the minor, if over twelve years of age, by personal service or service at the parent's usual place of abode or the minor's usual place of abode, as the case may be, in accordance with section 52-50, except that in lieu of personal service on, or service at the usual place of abode of, a parent or the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of such service on a form provided by the Probate Court Administrator, the court may order notice to be given by first class mail at least ten days prior to the date of the hearing. **[**If such delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. If the parents reside out of or are absent**]** If the parent to be notified resides out of or is absent from the state, the court shall order notice to be given by first class mail at least ten days prior to the date of the hearing. If the whereabouts of the **[**parents are**]** parent to be notified are unknown, or if delivery cannot reasonably be effected, the court may order notice to be given by publication. Any notice by publication under this subsection shall be in a newspaper **[**which has a circulation at the parents' last-known place of residence**]** of general circulation in the place of the last known address of the parent to be notified, whether within or without this state, or, if no such address is known, in the place where the application was filed. In either case, such notice shall be given at least ten days before the date of the hearing. If the applicant alleges that the whereabouts of a respondent are unknown, such allegation shall be made under penalty of false statement and shall also state the last-known address of the respondent and the efforts which have been made by the applicant to obtain a current address. The applicant shall have the burden of ascertaining the names and addresses of all parties in interest and of proving to the satisfaction of the court that the applicant used all proper diligence to discover such names and addresses. Except in the case of newspaper notice, the notice of hearing shall include the following: (1) The notice of hearing, (2) the application for removal of parent as guardian, (3) any supporting documents and affidavits filed with such application, (4) any other orders or notices made by the **[**Court of Probate**]** Probate Court, and (5) any request for investigation by the Department of Children and Families or any other person or agency. Such notice shall also inform the respondent of the right to have an attorney represent the respondent in the matter, and if the respondent is unable to obtain or to pay an attorney, the respondent may request

the [Court of Probate] Probate Court to appoint an attorney to represent the respondent. Newspaper notice shall include such facts as the court may direct.

Sec. 11. Subdivision (3) of subsection (a) of section 45a-649 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(3) The court shall order such notice as it directs to the following: (A) The applicant; (B) the person in charge of welfare in the town where the respondent is domiciled or resident and, if there is no such person, the first selectman or chief executive officer of the town if the respondent is receiving assistance from the town; (C) the Commissioner of Social Services, if the respondent is in a state-operated institution or receiving aid, care or assistance from the state; (D) the Commissioner of Veterans Affairs if the respondent is receiving veterans' benefits or the Veterans Residential Services facility, or both, if the respondent is receiving aid or care from said facility, or both; (E) the Commissioner of Administrative Services, if the respondent is receiving aid or care from the state; (F) the children of the respondent and if none, the parents of the respondent and if none, the brothers and sisters of the respondent or their representatives [;] and if none, the next of kin of the respondent; and (G) the person in charge of the hospital, nursing home or some other institution, if the respondent is in a hospital, nursing home or some other institution.

Sec. 12. Section 45a-599 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

When any minor for whom a guardian has been appointed becomes a resident of any town in the state in a probate district other than the one in which a guardian was appointed, such court in that district may, upon motion of any person deemed by the court to have sufficient interest in the welfare of the respondent, including, but not limited to, the guardian or a relative of the minor under guardianship, transfer the file to the probate district in which the minor under guardianship resides at the time of the application, provided the transfer is in the best interest of the minor. [A transfer of the file shall be accomplished by the probate court in which the guardianship matter is on file by making copies of all documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the minor under guardianship resides. When the transfer is made, the court of probate in which the minor under guardianship resides at the time of transfer shall thereupon assume jurisdiction over the guardianship and all further accounts shall be filed with such court.] Upon issuance of an order to transfer a file under this section, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the guardianship.

Sec. 13. Section 45a-661 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

When any person under voluntary or involuntary representation becomes a settled inhabitant of any town in the state in a probate district other than the one in which a conservator was appointed, and is an actual resident in such district, the Probate Court in which the conservator was appointed shall, upon motion of the conservator, the person under conservatorship, the first selectman or the chief executive officer of the town in which the person under conservatorship resides or the husband or wife or a relative of the person under conservatorship, transfer the file to the probate district in which the person under conservatorship resides at the time of the application, if the court determines that the requested transfer is the preference of the person under conservatorship. **[**A transfer of the file shall be accomplished by the Probate Court in which the conservator was originally appointed by making copies of all recorded documents in the court and certifying each of them and then causing them to be delivered to the court for the district in which the person under conservatorship resides. When the transfer is made, the Probate Court in which the person under conservatorship resides at the time of transfer shall thereupon assume jurisdiction over the conservatorship and all further accounts shall be filed with such court. **]** Upon issuance of an order to transfer a file under this section, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the conservatorship.

Sec. 14. Subsection (h) of section 45a-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

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

filed with such court.] Upon issuance of an order to transfer a file under this section, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the guardianship.

Sec. 15. Subsection (b) of section 45a-98d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(b) Upon issuance of a transfer order under subsection (a) of this section, the transferring court shall [cause certified copies of all documents in the transferring court's file to be delivered to the transferee court] transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall proceed on the underlying petition, application or motion as if it had originally been filed with the transferee court. No additional filing fee shall apply with respect to the transferred petition, application or motion.

Sec. 16. Section 52-225k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) [An] Except as provided in subsection (b) of this section, an application under sections 52-225g to 52-225*l*, inclusive, for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the superior court for the judicial district in which the payee resides or in which the structured settlement obligor or annuity issuer maintains its principal place of business or in the superior court or before the responsible administrative authority that approved the structured settlement agreement.

(b) An application for approval of the transfer of structured settlement payment rights by a conservator or guardian appointed by a Probate Court of this state shall be brought by the transferee in the Probate Court having jurisdiction over the conservator or guardian. Upon the filing of an application in a Probate Court under this section, the court shall give notice of the time and place of the hearing by first class mail to the interested parties and to the parties to the conservatorship or guardianship matter. The court shall hear and decide the matter in accordance with the provisions of sections 52-225g to 52-225*l*, inclusive.

[(b)] (c) Not less than twenty days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 52-225i, the transferee shall file with the court or responsible administrative authority and serve on all interested parties a notice of the proposed transfer and the application for its approval, including with the notice:

(1) A copy of the transferee's application;

(2) A copy of the transfer agreement;

(3) A copy of the disclosure statement required under section 52-225h;

(4) A listing of each of the payee's dependents, together with each dependent's age;

(5) Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and

(6) Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which shall be not less than fifteen days after service of the transferee's notice, in order to be considered by the court or responsible administrative authority.

Sec. 17. Section 45a-317a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

Any person interested in the estate of a deceased person and having a need to obtain financial information concerning the deceased person for the limited purpose of determining whether the estate may be settled as a small estate under section 45a-273, or having a need to obtain financial or medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the Probate Court having jurisdiction of the estate of the deceased person for the appointment of an estate examiner. The Probate Court may grant the application and appoint an estate examiner for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints an estate examiner under this section, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the estate examiner to disclose the information obtained by the estate examiner, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing an estate examiner under this section, and any certificate of **[**the**]** appointment **[**of a fiduciary**]** issued by the clerk of the court, shall indicate (1) the duration of the estate examiner's appointment, and (2) that such estate examiner has no authority over the assets of the deceased person.

Sec. 18. Section 45a-669 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

[For purposes of sections 45a-669 to 45a-683, inclusive, the following terms shall have the following meanings**]** As used in sections 45a-669 to 45a-683, inclusive, as amended by this act, and section 19 of this act:

[(a)**]** (1) "Plenary guardian" means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital, nursing home facility, as defined in section 19a-521, or residential care home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, as amended by this act, to supervise all aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be totally unable to meet essential requirements for his or her physical health or safety and totally unable to make informed decisions about matters related to his or her care.

[(b)**]** (2) "Legally competent" means having the legal power to direct one's personal and financial affairs. All persons in this state eighteen years of age and over are legally competent unless determined otherwise by a court in accordance with the provisions of sections 45a-669 to 45a-683, inclusive, as amended by this act, or unless otherwise provided by law.

[(c)**]** (3) "Limited guardian" means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital or nursing home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, as amended by this act, to supervise certain specified aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be able to do some, but not all, of the tasks necessary to meet essential requirements for his or her physical health or safety or to make some, but not all, informed decisions about matters related to his or her care.

[(d)**]** (4) "Intellectual disability" **[**means the condition defined as intellectual disability pursuant to**]** has the same meaning as provided in section 1-1g.

[(e)**]** (5) "Respondent" means an adult person for whom a petition for guardianship or limited guardianship of the person has been filed.

[(f)**]** (6) "Unable to meet essential requirements for his or her physical health or safety" means the inability through one's own efforts and through acceptance of assistance

from family, friends and other available private and public sources, to meet one's needs for medical care, nutrition, clothing, shelter, hygiene or safety so that, in the absence of a guardian, serious physical injury, illness or disease is likely to occur.

[(g)**]** (7) "Unable to make informed decisions about matters related to his or her care" means the inability of a person with intellectual disability to achieve a rudimentary understanding, after conscientious efforts at explanation, of information necessary to make decisions about his or her need for physical or mental health care, food, clothing, shelter, hygiene, protection from physical abuse or harm, or other care.

(8) "Unable to manage his or her finances" means the inability of a person with intellectual disability to receive and evaluate information or make or communicate decisions to such an extent that the person is unable, even with appropriate assistance, to perform the functions inherent in managing his or her finances.

[(h)**]** (9) "Protected person" means a person for whom a guardianship is granted under sections 45a-669 to 45a-683, inclusive, as amended by this act.

Sec. 19. (NEW) (*Effective January 1, 2018*) (a) A plenary or limited guardian appointed under section 45a-676 of the general statutes may petition for authority to manage the finances of a protected person whose assets do not exceed ten thousand dollars. The petition shall be filed in the Probate Court that appointed the guardian. If a petition under this section is filed simultaneously with a guardianship petition under section 45a-670 of the general statutes, the court may conduct one hearing on both petitions.

(b) The court shall cause notice of a hearing under this section to be given in the manner specified in sections 45a-671 and 45a-672 of the general statutes. The protected person is entitled to counsel in accordance with section 45a-673 of the general statutes and has the right to attend the hearing as set forth in section 45a-675 of the general statutes.

(c) At a hearing under this section, the court shall receive evidence on the ability of the protected person to manage his or her finances, including a written report or testimony by a Department of Developmental Services assessment team in accordance with section 45a-674 of the general statutes.

(d) If the court finds by clear and convincing evidence that (1) the protected person's assets do not exceed ten thousand dollars, and (2) the protected person is unable to manage his or her finances, the court may authorize the plenary or limited guardian to hold and manage all or any part of the protected person's income and assets for the benefit of the protected person and may assign other specific duties to the guardian with respect to the protected person's finances. Except as provided in section 45a-139 of the general statutes, or in rules of procedure adopted under section 45a-78 of the general statutes, the court shall require a probate bond of the guardian. Unless excused

by the court, the guardian shall file an inventory of all assets of the protected person not later than sixty days after the date on which the decree granting authority over the protected person's finances is mailed and shall submit periodic and final accounts in accordance with section 45a-177 of the general statutes, as amended by this act.

(e) The guardian's authority to manage the finances of the protected person shall terminate on the date on which the assets first exceed ten thousand dollars, provided the court may extend the guardian's authority for a period not to exceed sixty days if a person files a petition to appoint a conservator under sections 45a-644 to 45a-663, inclusive, of the general statutes. The guardian shall inform the court, in writing, not later than thirty days after the date on which the protected person's assets first exceed ten thousand dollars.

Sec. 20. Section 45a-177 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) All conservators, guardians and trustees, including (1) those entrusted with testamentary trusts unless excused by the will creating the trust, (2) conservators of the person authorized under subsection (a) of section 45a-656 to manage the finances of a conserved person, and (3) guardians of adults with intellectual disability authorized under section 19 of this act to manage the finances of a protected person, shall render periodic accounts of their trusts signed under penalty of false statement to the Probate Court having jurisdiction for allowance, at least once during each three-year period and more frequently if required by the court or by the will or trust instrument creating the trust. At the end of each three-year period from the date of the last allowance of a periodic account, or upon the earlier receipt of a final account, there shall be a hearing on all periodic accounts not previously allowed, and the final account, if any, in accordance with sections 45a-178 and 45a-179.

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

Sec. 21. Subsection (f) of section 45a-175 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(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.] The list of auditors compiled by the Probate Court Administrator shall be comprised of individuals who hold a license from the State Board of Accountancy as a certified public accountant or public accountant. The Probate Court Administrator may from time to time establish hourly rates and allowable expenses for the compensation of auditors under this section. 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.

Sec. 22. Subsection (a) of section 45a-616a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In appointing a guardian of the person of a minor pursuant to section 45a-616 or at any time following such appointment, the Court of Probate may establish a permanent guardianship if the court provides notice to each parent that the parent may not petition for reinstatement as guardian or petition to terminate the permanent guardianship, except as provided in subsection (b) of this section, or the court indicates on the record why such notice could not be provided, and the court finds by clear and convincing evidence that the establishment of a permanent guardianship is in the best interests of the minor and that the following have been proven by clear and convincing evidence:

(1) One of the grounds for termination of parental rights, as set forth in subparagraphs (A) to **[**(G)**]** (H), inclusive, of subdivision (2) of subsection (g) of section 45a-717 exists, or the parents have voluntarily consented to the appointment of a permanent guardian;

(2) Adoption of the minor is not possible or appropriate;

(3) (A) If the minor is at least twelve years of age, such minor consents to the proposed appointment of a permanent guardian, or (B) if the minor is under twelve years of age, the proposed permanent guardian is a relative or already serving as the permanent guardian of at least one of the minor's siblings;

(4) The minor has resided with the proposed permanent guardian for at least one year; and

(5) The proposed permanent guardian is suitable and worthy and committed to remaining the permanent guardian and assuming the rights and responsibilities for the minor until the minor reaches the age of majority.

Sec. 23. Section 45a-752 of the general statutes is repealed. (*Effective from passage*)