



Senate

General Assembly

File No. 175

January Session, 2025

Substitute Senate Bill No. 1368

Senate, March 20, 2025

The Committee on Children reported through SEN. MAHER, C. of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE.

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

1 Section 1. Subsection (b) of section 45a-609 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2025*):

4 (b) The court shall order notice of the hearing to be given, at least ten
5 days before the date of the hearing, to the Commissioner of Children
6 and Families by first class mail and to both parents and to the minor, if
7 over twelve years of age, by personal service or service at the parent's
8 usual place of abode or the minor's usual place of abode, as the case may
9 be, in accordance with section 52-50, except that in lieu of personal
10 service on, or service at the usual place of abode of, a parent or the father
11 of a child born out of wedlock who is either a petitioner or who signs
12 under oath a written waiver of such service on a form provided by the
13 Probate Court Administrator, the court may order notice to be given by
14 first class mail at least ten days prior to the date of the hearing. If the

15 parent to be notified resides out of or is absent from the state, the court
16 shall order notice to be given by first class mail at least ten days prior to
17 the date of the hearing. If the whereabouts of the parent to be notified
18 are unknown, or if delivery cannot reasonably be effected, the court may
19 order notice to be given by publication. Any notice by publication under
20 this subsection shall be in a newspaper of general circulation in the place
21 of the last-known address of the parent to be notified, whether within
22 or without this state, or, if no such address is known, in the place where
23 the application was filed. In either case, such notice shall be given at
24 least ten days before the date of the hearing. If the applicant alleges that
25 the whereabouts of a respondent are unknown, such allegation shall be
26 made under penalty of false statement and shall also state the last-
27 known address of the respondent and the efforts which have been made
28 by the applicant to obtain a current address. The applicant shall have
29 the burden of ascertaining the names and addresses of all parties in
30 interest and of proving to the satisfaction of the court that the applicant
31 used all proper diligence to discover such names and addresses. Except
32 in the case of newspaper notice, the notice of hearing shall (1) include
33 the following: [(1)] (A) The notice of hearing, [(2)] (B) the application for
34 removal of parent as guardian, [(3)] (C) any supporting documents and
35 affidavits filed with such application, [(4)] (D) any other orders or
36 notices made by the Probate Court, [and (5)] (E) any request for
37 investigation by the Department of Children and Families or any other
38 person or agency, [. Such notice shall also] (F) information concerning
39 how to report suspected child abuse or neglect to the Commissioner of
40 Children and Families, (G) an explanation of the differences between the
41 processes of obtaining guardianship through the Probate Court and a
42 petition filed by the Commissioner of Children and Families in the
43 superior court for juvenile matters, including, but not limited to,
44 requirements concerning reasonable efforts to prevent removal of a
45 child and reunify a child with such child's parents and findings required
46 prior to a termination of parental rights, (H) an explanation of the
47 differences in financial assistance available to guardians and individuals
48 licensed to provide foster care by the Department of Children and
49 Families, and (I) an explanation of the differences between guardianship

50 and foster care, including, but not limited to, the involvement and
51 oversight of the Department of Children and Families; and (2) inform
52 the respondent of the right to have an attorney represent the respondent
53 in the matter, and if the respondent is unable to obtain or to pay an
54 attorney, the respondent may request the Probate Court to appoint an
55 attorney to represent the respondent. Newspaper notice shall include
56 such facts as the court may direct.

57 Sec. 2. Section 45a-610 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2025*):

59 If the [Court of Probate] Probate Court finds that notice has been
60 given by confirming that each recipient received and understood the
61 notice required pursuant to subsection (b) of section 45a-609, as
62 amended by this act, or a waiver has been filed [, as provided in]
63 pursuant to subsection (c) of section 45a-609, it may remove a parent as
64 guardian, if the court finds by clear and convincing evidence one of the
65 following: (1) The parent consents to his or her removal as guardian; [or]
66 (2) the minor child has been abandoned by the parent in the sense that
67 the parent has failed to maintain a reasonable degree of interest, concern
68 or responsibility for the minor child's welfare; [or] (3) the minor child
69 has been denied the care, guidance or control necessary for his or her
70 physical, educational, moral or emotional well-being, as a result of acts
71 of parental commission or omission, whether the acts are the result of
72 the physical or mental incapability of the parent or conditions
73 attributable to parental habits, misconduct or neglect, and the parental
74 acts or deficiencies support the conclusion that the parent cannot
75 exercise, or should not in the best interests of the minor child be
76 permitted to exercise, parental rights and duties at the time; [or] (4) the
77 minor child has had physical injury or injuries inflicted upon the minor
78 child by a person responsible for such child's health, welfare or care, or
79 by a person given access to such child by such responsible person, other
80 than by accidental means, or has injuries which are at variance with the
81 history given of them or is in a condition which is the result of
82 maltreatment such as, but not limited to, malnutrition, sexual
83 molestation, deprivation of necessities, emotional maltreatment or cruel

84 punishment; or (5) the minor child has been found to be neglected or
85 uncared for, as defined in section 46b-120. If, after removal of a parent
86 as guardian under this section, the minor child has no guardian of his
87 or her person, such a guardian may be appointed under the provisions
88 of section 45a-616, as amended by this act. Upon the issuance of an order
89 appointing the Commissioner of Children and Families as guardian of
90 the minor child, or not later than sixty days after the issuance of such
91 order, the court shall make a determination whether the Department of
92 Children and Families made reasonable efforts to keep the minor child
93 with his or her parents prior to the issuance of such order and, if such
94 efforts were not made, whether such reasonable efforts were not
95 possible, taking into consideration the minor child's best interests,
96 including the minor child's health and safety.

97 Sec. 3. Subsection (c) of section 45a-616 of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective October*
99 *1, 2025*):

100 (c) Upon receipt of a petition pursuant to this section, the court shall
101 set a time and place for a hearing to be held within thirty days of the
102 application, unless the court requests an investigation in accordance
103 with the provisions of section 45a-619, in which case the court shall set
104 a day for hearing not more than thirty days following receipt of the
105 results of the investigation. The court shall order notice of the hearing
106 to be given to the minor, if age twelve or older, by first class mail not
107 less than ten days prior to the date of the hearing. In addition, notice by
108 first class mail shall be given to the petitioner, each person named as a
109 guardian or coguardian in such petition, and all other parties in interest
110 known by the court. The notice given to each person named as a
111 guardian or coguardian in such petition shall include (1) information
112 concerning how to report suspected child abuse or neglect to the
113 Commissioner of Children and Families, (2) an explanation of the
114 differences between the processes of obtaining guardianship through
115 the Probate Court and a petition filed by the Commissioner of Children
116 and Families in the superior court for juvenile matters, including, but
117 not limited to, requirements concerning reasonable efforts to prevent

118 removal of a child and reunify a child with such child's parents and
119 findings required prior to a termination of parental rights, (3) an
120 explanation of the differences in financial assistance available to
121 guardians and individuals licensed to provide foster care by the
122 Department of Children and Families, and (4) an explanation of the
123 differences between guardianship and foster care, including, but not
124 limited to, the involvement and oversight of the Department of Children
125 and Families. Prior to appointing any guardian or coguardians, the
126 court shall confirm that such guardian or coguardians received and
127 understood the notice required pursuant to this subsection.

128 Sec. 4. (*Effective from passage*) (a) There is established a working group
129 to study statutes, policies and procedures relating to Probate Court
130 guardianship proceedings, and make recommendations for
131 improvement of such statutes, policies and procedures. Such study shall
132 include, but need not be limited to, a review of the report of the Office
133 of the Child Advocate submitted pursuant to section 12 of public act 24-
134 118.

135 (b) The working group shall consist of the following members:

136 (1) The Probate Court Administrator, or the administrator's designee;

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

139 (3) The Commissioner of Social Services, or the commissioner's
140 designee;

141 (4) The Child Advocate, or the Child Advocate's designee;

142 (5) The chairpersons and ranking members of the joint standing
143 committee of the General Assembly having cognizance of matters
144 relating to the judiciary, or their designees;

145 (6) One appointed by the House chairperson of the joint standing
146 committee of the General Assembly having cognizance of matters
147 relating to the judiciary, who is a parent who has experienced the

148 removal of guardianship over such parent's child;

149 (7) One appointed by the Senate chairperson of the joint standing
150 committee of the General Assembly having cognizance of matters
151 relating to the judiciary, who is an adult who was the subject of a
152 guardianship appointed by the Probate Court as a child;

153 (8) One appointed by the House ranking member of the joint standing
154 committee of the General Assembly having cognizance of matters
155 relating to the judiciary, who is an attorney who represents children or
156 parents in guardianship proceedings before the Probate Court; and

157 (9) One appointed by the Senate ranking member of the joint standing
158 committee of the General Assembly having cognizance of matters
159 relating to the judiciary, who serves as a volunteer guardian ad litem.

160 (c) Any member of the working group appointed under subdivision
161 (5), (6), (7), (8) or (9) of subsection (b) of this section may be a member
162 of the General Assembly.

163 (d) All initial appointments to the working group shall be made not
164 later than thirty days after the effective date of this section. Any vacancy
165 shall be filled by the appointing authority.

166 (e) The chairpersons of the joint standing committee of the General
167 Assembly having cognizance of matters relating to the judiciary shall
168 serve as cochairpersons of the working group. Such cochairpersons shall
169 schedule the first meeting of the working group, which shall be held not
170 later than sixty days after the effective date of this section.

171 (f) The administrative staff of the joint standing committee of the
172 General Assembly having cognizance of matters relating to the judiciary
173 shall serve as administrative staff of the working group.

174 (g) Not later than January 1, 2026, the working group shall submit a
175 report on its findings and recommendations to the joint standing
176 committee of the General Assembly having cognizance of matters
177 relating to the judiciary, in accordance with the provisions of section 11-

178 4a of the general statutes. The working group shall terminate on the date
179 that it submits such report or January 1, 2026, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025</i>	45a-609(b)
Sec. 2	<i>October 1, 2025</i>	45a-610
Sec. 3	<i>October 1, 2025</i>	45a-616(c)
Sec. 4	<i>from passage</i>	New section

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Probate Court	PCAF - Cost	10,000 - 30,000	10,000 - 30,000

Note: PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill, which expands notice requirements in certain probate court guardianship proceedings, results in an estimated cost of \$10,000 to \$30,000 annually to the Probate Court Administration Fund (PCAF).

Notices for these proceedings are served by state marshals at a marginal cost of \$1 per page. The actual cost to the PCAF depends upon the number of pages in the notice; the annual cost for this service will be approximately \$10,000. There may also be additional annual costs for storage and recording of up to \$20,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the actual number of notices served and length of such notices.

OLR Bill Analysis**sSB 1368*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE.*****SUMMARY**

This bill amends the notice requirements in certain probate court guardianship proceedings. It does so by expanding the (1) recipients of notices for hearings to appoint guardians or co-guardians for a minor and (2) required content of certain notices for hearings to remove a parent as guardian or appoint a guardian (temporary or permanent) or co-guardian for a minor.

For the latter, the bill requires the notices to include specified information, such as how to report suspected child abuse or neglect to the Department of Children and Families (DCF), different processes for obtaining guardianship, and the differences in financial assistance available to guardians and licensed foster parents.

The bill also establishes a 12-member working group to study and make recommendations for improving laws, policies, and procedures related to probate court guardianship proceedings. The working group must report its findings and recommendations to the Judiciary Committee by January 1, 2026. The working group terminates on the date it submits the report or January 1, 2026, whichever is later.

Lastly, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2025, except that the working group provision takes effect upon passage.

NOTICE REQUIREMENTS***Notice Recipients***

By law, the probate court must order a hearing notice for guardianship proceedings that must be given to specified parties as follows:

1. for removing a parent as guardian, notice must be given to the DCF commissioner, minor (if age 12 or older), and both parents at least 10 days before the hearing and
2. for appointing a guardian or co-guardian, notice must be given to the minor (if age 12 or older) at least 10 days before the hearing, as well as the petitioner and all other interested parties known by the court.

For the latter, the bill requires the notice also be given to each person named as a guardian or co-guardian in the petition. It further requires the court, before appointing a guardian or co-guardian, to confirm that they received and understood the notice. Similarly, the bill requires the court to do this for all recipients of the hearing notice for removing a parent as guardian.

Notice Content

Under the bill, hearing notices given to (1) all recipients in proceedings to remove a parent as guardian, (2) guardians and co-guardians in proceedings to appoint them, and (3) parents removed as guardians in proceedings to appoint permanent guardians must include the following information:

1. how to report suspected child abuse or neglect to DCF;
2. the differences between the processes for getting guardianship through (a) probate court and (b) a petition filed by DCF in the Superior Court for Juvenile Matters, including requirements for reasonable efforts to prevent the child's removal and reunify them with their parents and required findings before terminating parental rights;

3. the differences in financial assistance available to guardians and DCF-licensed foster parents; and
4. the differences between guardianship and foster care, including DCF involvement, and oversight.

For proceedings involving the removal of a parent as a minor's guardian, existing law also requires the hearing notice to include (1) the associated application, (2) supporting documents and affidavits, (3) other related court orders or notices, and (4) any investigation requests from DCF or other agencies or people.

WORKING GROUP ON PROBATE COURT GUARDIANSHIP PROCEEDINGS

The bill establishes a working group to study and make recommendations to improve laws, policies, and procedures related to probate court guardianship proceedings. At a minimum, the study must review the Office of the Child Advocate's (OCA) 2025 report on Connecticut probate court guardianship proceedings required under PA 24-118.

Membership

Under the bill, working group members include the following state officials or their designees: the commissioners of children and families and social services, child advocate, probate court administrator, and Judiciary Committee chairpersons and ranking members. It also includes the following four appointed members:

1. one parent whose guardianship over his or her child was removed, appointed by the Judiciary Committee House chairperson;
2. one adult who, as a child, had a guardian appointed for them by the probate court, appointed by the Judiciary Committee Senate chairperson;

3. one attorney representing children or parents in probate court guardianship proceedings, appointed by the Judiciary Committee House ranking members; and
4. one volunteer guardian ad litem, appointed by the Judiciary Committee Senate ranking member.

Appointing authorities must make their initial appointments within 30 days after the bill's passage and fill any vacancies. Appointed members may be legislators.

Leadership and Meetings

Under the bill, the Judiciary Committee chairpersons are the working group's co-chairpersons. They must schedule and hold the working group's first meeting within 60 days after the bill's passage.

The Judiciary Committee administrative staff serve in this capacity for the working group.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 17 Nay 0 (03/06/2025)