



General Assembly

Substitute Bill No. 1368

January Session, 2025



**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2 repealed and the following is substituted in lieu thereof (*Effective October*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.*