



General Assembly

January Session, 2025

Raised Bill No. 1501

LCO No. 5169



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

1 Section 1. Subsection (c) of section 7-48 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) (1) When a birth occurs outside an institution, the certificate shall
5 be prepared and filed by the physician or midwife in attendance at or
6 immediately after the birth or, in the absence of such a person, by the
7 parent of the child, pursuant to the provisions of section 19a-41-1 of the
8 regulations of Connecticut state agencies.

9 (2) If the parent is unable to provide the information required to
10 prepare and file the certificate pursuant to the provisions of section 19a-
11 41-1 of the regulations of Connecticut state agencies, such parent or the
12 legal guardian of the child may, prior to the child's first birthday,
13 petition the [court of probate] Probate Court for the district where the
14 birth is alleged to have occurred for an order requiring the registrar of
15 vital statistics for the town where the birth occurred to create and file

16 the certificate. The petitioner shall include with the petition the
17 affidavits and other documentary evidence submitted to the registrar
18 pursuant to the provisions of section 19a-41-1 of the regulations of
19 Connecticut state agencies. Such court shall schedule a hearing and
20 cause notice of the hearing to be given to the following persons: (A) The
21 petitioner; (B) the parent or legal guardian of the child, if the parent or
22 legal guardian are not the petitioner; (C) the registrar; and (D) any other
23 person as the court may determine has an interest in the hearing. The
24 registrar or the registrar's authorized representative may appear and
25 testify at such hearing. The petitioner shall have the burden of proving
26 the parentage of the child and that the birth occurred on the date and at
27 the place alleged by the petitioner. If the court finds by a preponderance
28 of the evidence the parentage of the child and that the birth occurred on
29 the date and at the place alleged by the petitioner, the court shall issue
30 an order directing the registrar to prepare, register and file the
31 certificate.

32 (3) In any proceeding under subdivision (2) of this subsection, the
33 court, on the motion of any party or on the court's own motion, may
34 order genetic testing, as provided in sections 46b-495 to 46b-500,
35 inclusive, to determine parentage. The petitioner shall be responsible for
36 the cost of any such genetic test required by the court, except the
37 department shall pay such cost for any petitioner who is found by the
38 court to be indigent. If the results of such test indicate a ninety-nine per
39 cent or greater probability that a person is the parent of the child for
40 whom a registration of birth is sought, the results shall constitute a
41 rebuttable presumption that the person is, in fact, the parent of the child
42 for whom a registration of birth is sought.

43 Sec. 2. Subsection (h) of section 45a-63 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective from*
45 *passage*):

46 (h) The council shall, not later than [seven] fifteen business days after
47 the termination of such investigation, notify the complainant and the

48 respondent that the investigation has been terminated and whether
49 probable cause has been found that misconduct under subsection (a), (b)
50 or (c) of this section has been committed. If the council finds that the
51 respondent has not committed misconduct under subsection (a), (b) or
52 (c) of this section, but the respondent has acted in a manner which gives
53 the appearance of impropriety or constitutes an unfavorable judicial
54 practice, the council may issue a private admonishment to the
55 respondent recommending a change in judicial conduct or practice.

56 Sec. 3. Section 45a-128 of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective from passage*):

58 (a) Except as provided in subsection (e) of this section, any order or
59 decree made by a [court of probate] Probate Court ex parte may, in the
60 discretion of the court, be reconsidered and modified or revoked by the
61 court. Reconsideration may be made on the court's own motion or, for
62 cause shown satisfactory to the court, on the written application of any
63 interested person. Such motion or application shall be made or filed
64 before any appeal has been [allowed] filed or after withdrawal of all
65 appeals which have been [allowed] filed. For the purposes of this
66 section, an ex parte order or decree is an order or decree entered in a
67 proceeding of which no notice is required to be given to any party and
68 no notice is given.

69 (b) Except as provided in subsections (a) and (e) of this section, any
70 order or decree other than a decree authorizing the sale of real estate
71 made by a [court of probate] Probate Court may, in the discretion of the
72 court, be reconsidered and modified or revoked by the court, on the
73 court's own motion or on the written application of any interested
74 person. Such application shall be made or filed within one hundred
75 twenty days after the date of such order or decree and before any appeal
76 is [allowed] filed or after withdrawal of all appeals. The court may
77 reconsider and modify or revoke any such order or decree for any of the
78 following reasons: (1) For any reason, if all parties in interest consent to
79 reconsideration, modification or revocation, or (2) for failure to provide

80 legal notice to a party entitled to notice under law, or (3) to correct a
81 scrivener's or clerical error, or (4) upon discovery or identification of
82 parties in interest unknown to the court at the time of the order or
83 decree.

84 (c) Upon any modification or revocation there shall be the same right
85 of and time for appeal as in the case of any other order or decree.

86 (d) A hearing may be held in the discretion of the court on any motion
87 or application for reconsideration, modification or revocation, and
88 notice of the time and place of such hearing shall be given, in such
89 manner as the court shall order, to all persons to whom notice of the
90 order or decree to be reconsidered or notice of the hearings concerning
91 such order or decree, was given, and to all persons by whom any such
92 notice was waived, and to such other persons as the court may
93 determine.

94 (e) Except as provided in section 45a-295, a decree or order made in
95 reference to any estate may not be modified or revoked by a [court of
96 probate] Probate Court as to assets lawfully transferred or distributed
97 prior to the date of issuance of notice of hearing on a motion or
98 application for reconsideration of such decree or order, or, if the court
99 determines not to hold any such hearing, prior to the date of the court's
100 order of revocation or modification.

101 Sec. 4. Subsection (a) of section 45a-186a of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective from*
103 *passage*):

104 (a) In an appeal from an order, denial or decree of a Probate Court
105 made after a hearing that is on the record under section 17a-498, 17a-
106 543, 17a-543a, 17a-685 or 19a-131b, sections 45a-644 to 45a-667v,
107 inclusive, or section 51-72 or 51-73, not later than thirty days after
108 [service is made of such appeal] a copy of the complaint is received by
109 the Probate Court under subsection (f) of section 45a-186, or within such
110 further time as may be allowed by the Superior Court, the Probate Court

111 shall transcribe any portion of the recording of the proceedings that has
112 not been transcribed. The expense for such transcript shall be charged
113 against the person who filed the appeal, except that if the person who
114 filed the appeal is unable to pay such expense and files an affidavit with
115 the court demonstrating the inability to pay, the expense of the
116 transcript shall be paid by the Probate Court Administrator and paid
117 from the Probate Court Administration Fund.

118 Sec. 5. Subdivision (2) of subsection (a) of section 45a-649 of the
119 general statutes is repealed and the following is substituted in lieu
120 thereof (*Effective from passage*):

121 (2) (A) The court shall direct that personal service of the citation be
122 made, by a state marshal, constable or an indifferent person, upon the
123 respondent and the respondent's spouse, if any, if the spouse is not the
124 applicant. [Notwithstanding the provisions of this subparagraph, in
125 cases where the application is for involuntary representation pursuant
126 to section 17b-456, and there is no spouse or the whereabouts of the
127 spouse is unknown, the court shall order notice by certified mail to the
128 children of the respondent and if none, the parents of the respondent
129 and if none, the brothers and sisters of the respondent or their
130 representatives, and if none, the next of kin of such respondent.] (B)
131 Except for the respondent, if the address of any other person entitled to
132 personal service is unknown, or if personal service or service at the
133 person's usual place of abode cannot be reasonably effected within the
134 state, or if the person is out of the state, the judge or the clerk of the court
135 shall order notice be given by registered or certified mail, return receipt
136 requested, or by publication not less than ten days before the date of the
137 hearing. Any such publication shall be in a newspaper of general
138 circulation in the place of the last known address of the person to be
139 notified, whether within or without this state, or if no such address is
140 known, in the place where the petition has been filed. (C)
141 Notwithstanding the provisions of subparagraph (A) of this
142 subdivision, in cases where the application is for involuntary
143 representation pursuant to section 17b-456 or in cases where notice is

144 provided pursuant to subparagraph (B) of this subdivision, the court
145 shall further order notice by certified mail to the children of the
146 respondent and if none, the parents of the respondent and if none the
147 brothers and sisters of the respondent or their representatives, and if
148 none, the next of kin of such respondent.

149 Sec. 6. Section 45a-727 of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective from passage*):

151 (a) (1) Except as provided in section 46b-129b, each adoption matter
152 shall be instituted by filing an application in a [Court of Probate] Probate
153 Court, together with the written agreement of adoption. [, in duplicate.
154 One of the duplicates shall be sent immediately to the Commissioner of
155 Children and Families.]

156 (2) The application shall incorporate a declaration that to the best of
157 the knowledge and belief of the declarant there is no other proceeding
158 pending or contemplated in any other court affecting the custody of the
159 child to be adopted, or if there is such a proceeding, a statement in detail
160 of the nature of the proceeding and affirming that the proposed
161 adoption would not conflict with or interfere with the other proceeding.
162 The court shall not proceed on any application which does not contain
163 such a declaration. For the purposes of this declaration, visitation rights
164 granted by any court shall not be considered as affecting the custody of
165 the child.

166 (3) An application for the adoption of a minor child not related to the
167 adoptive parents shall not be accepted by the [Court of Probate] Probate
168 Court unless (A) the child sought to be adopted has been placed for
169 adoption by the Commissioner of Children and Families or a
170 child-placing agency, and the placement for adoption has been
171 approved by the commissioner or a child-placing agency; (B) the
172 placement requirements of this section have been waived by the
173 Adoption Review Board as provided in section 45a-764; (C) the
174 application is for adoption of a minor child by a stepparent as provided

175 in section 45a-733; or (D) the application is for adoption of a child by
176 another person who shares parental responsibility for the child with the
177 parent as provided in subdivision (3) of subsection (a) of section 45a-
178 724. The commissioner or a child-placing agency may place a child in
179 adoption who has been identified or located by a prospective parent,
180 provided any such placement shall be made in accordance with
181 regulations promulgated by the commissioner pursuant to section
182 45a-728. If any such placement is not made in accordance with such
183 regulations, the adoption application shall not be approved by the
184 [Court of Probate] Probate Court.

185 (4) The application and the agreement of adoption shall be filed in the
186 [Court of Probate] Probate Court for the district where the adoptive
187 parent resides or in the district where the main office or any local office
188 of the statutory parent is located.

189 (5) The provisions of section 17a-152, regarding placement of a child
190 from another state, and section 17a-175, regarding the interstate
191 compact on the placement of children, shall apply to adoption
192 placements.

193 (b) (1) The [Court of Probate] Probate Court shall request the
194 commissioner or a child-placing agency to make an investigation and
195 written report to it [, in duplicate,] within sixty days from the receipt of
196 such request. [A duplicate of the report shall be sent immediately to the
197 Commissioner of Children and Families.]

198 (2) The report shall be filed with the [Court of Probate] Probate Court
199 within the sixty-day period. The report shall indicate the physical and
200 mental status of the child and shall also contain such facts as may be
201 relevant to determine whether the proposed adoption will be in the best
202 interests of the child, including the physical, mental, genetic and
203 educational history of the child and the physical, mental, social and
204 financial condition of the parties to the agreement and the biological
205 parents of the child, if known, and whether the best interests of the child

206 would be served in accordance with the criteria set forth in section 45a-
207 727a. The report shall include a history of physical, sexual or emotional
208 abuse suffered by the child, if any. The report may set forth conclusions
209 as to whether or not the proposed adoption will be in the best interests
210 of the child.

211 (3) The physical, mental and genetic history of the child shall include
212 information about: (A) The child's health status at the time of placement;
213 (B) the child's birth, neonatal, and other medical, psychological,
214 psychiatric, and dental history information; (C) a record of
215 immunizations for the child; and (D) the available results of medical,
216 psychological, psychiatric and dental examinations of the child. The
217 report shall include information, to the extent known, about past and
218 existing relationships between the child and the child's siblings,
219 biological parents, extended family, and other persons who have had
220 physical possession of or legal access to the child. The educational
221 history of the child shall include, to the extent known, information about
222 the enrollment and performance of the child in educational institutions,
223 results of educational testing and standardized tests for the child, and
224 special educational needs, if any, of the child.

225 (4) The adoptive parents are entitled to receive copies of the records
226 and other information relating to the history of the child maintained by
227 the commissioner or child-placing agency. The adoptive parents are
228 entitled to receive copies of the records, provided if required by law, the
229 copies have been edited to protect the identity of the biological parents
230 and any other person whose identity is confidential and other
231 identifying information relating to the history of the child. It is the duty
232 of the person placing the child for adoption to edit, to the extent required
233 by law, the records and information to protect the identity of the
234 biological parents and any other person whose identity is confidential.

235 (5) The report shall be admissible in evidence subject to the right of
236 any interested party to require that the person making it appear as a
237 witness, if available, and such person shall be subject to examination.

238 (6) For any report under this section the [Court of Probate] Probate
239 Court may assess against the adoptive parent or parents a reasonable
240 fee covering the cost and expenses of making the investigation. The fee
241 shall be paid to the state or to the child-placing agency making the
242 investigation and report, provided the report shall be made within the
243 sixty-day period or other time set by the court.

244 (c) (1) Upon the expiration of the sixty-day period or upon the receipt
245 of such report, whichever is first, the [Court of Probate] Probate Court
246 shall set a day for a hearing upon the agreement and shall give
247 reasonable notice of the hearing to the parties to the agreement, the
248 child-placing agency if such agency is involved in the adoption, the
249 Commissioner of Children and Families and the child, if over twelve
250 years of age.

251 (2) At the hearing the court may deny the application, enter a final
252 decree approving the adoption if it is satisfied that the adoption is in the
253 best interests of the child or order a further investigation and written
254 report to be filed [, in duplicate,] within whatever period of time it
255 directs. [A duplicate of such report shall be sent to the commissioner.]
256 The court may adjourn the hearing to a day after that fixed for filing the
257 report. If such report has not been filed with the court within the
258 specified time, the court may thereupon deny the application or enter a
259 final decree in the manner provided in this section.

260 (3) The [Court of Probate] Probate Court shall not disapprove any
261 adoption under this section solely because of an adoptive parent's
262 marital status or because of a difference in race, color or religion
263 between a prospective adoptive parent and the child to be adopted or
264 because the adoption may be subsidized in accordance with the
265 provisions of section 17a-117.

266 (4) The [Court of Probate] Probate Court shall ascertain as far as
267 possible the date and the place of birth of the child and shall incorporate
268 such facts in the final decree, a copy of which shall be sent to the

269 Commissioner of Children and Families.

270 Sec. 7. (*Effective July 1, 2025*) The Probate Court Administrator shall
 271 convene a working group consisting of Probate Court judges, the
 272 Commissioner of Social Services, or the commissioner's designee,
 273 representatives of nursing homes, as defined in section 19a-563 of the
 274 general statutes, and attorneys having expertise serving as conservators,
 275 to study and provide recommendations on the issues facing
 276 conservators in the Probate Court system, including, but not limited to,
 277 delay of payments, fee waiver requirements, compensation levels and
 278 the consequences of delays in making determinations on eligibility for
 279 Medicaid program benefits. Not later than January 15, 2026, the Probate
 280 Court Administrator shall report on the results of the study in
 281 accordance with the provisions of section 11-4a of the general statutes
 282 to the joint standing committee of the General Assembly having
 283 cognizance of matters relating to the judiciary. Such report may include
 284 legislative recommendations relating to Probate Court procedures and
 285 the topics that were included in the study.

286 Sec. 8. (NEW) (*Effective October 1, 2025*) Notwithstanding the
 287 requirements of chapter 802b of the general statutes, a claim in tort, to
 288 the extent that it is within existing insurance coverage for such tort,
 289 brought in Superior Court against an estate, shall not be dismissed for
 290 lack of subject matter jurisdiction. Nothing in this section shall allow for
 291 recovery beyond the insurance limits for such tort against the estate, nor
 292 allow for recovery from the fiduciary, the estate of the decedent or any
 293 creditor or beneficiary of the estate and recovery shall be limited to the
 294 insurance policy in effect at the time of the tort unless the creditor has
 295 otherwise complied with making a claim under chapter 802b of the
 296 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-48(c)
Sec. 2	<i>from passage</i>	45a-63(h)

Section 1	<i>from passage</i>	7-48(c)
Sec. 2	<i>from passage</i>	45a-63(h)

Sec. 3	<i>from passage</i>	45a-128
Sec. 4	<i>from passage</i>	45a-186a(a)
Sec. 5	<i>from passage</i>	45a-649(a)(2)
Sec. 6	<i>from passage</i>	45a-727
Sec. 7	<i>July 1, 2025</i>	New section
Sec. 8	<i>October 1, 2025</i>	New section

Statement of Purpose:

To: (1) Make various statutory changes relating to Probate Court procedures and the Council on Probate Judicial Conduct, and (2) require the Probate Court Administrator to convene a working group to study issues relating to the use of conservators in the Probate Court system.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]