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## **OLR Bill Analysis**

### **SB 1501 (File 741, as amended by Senate "A")\***

#### ***AN ACT CONCERNING PROBATE COURT OPERATIONS.***

#### **SUMMARY**

This bill makes various changes to probate court-related statutes. It:

1. extends to legal guardians an existing process allowing a parent whose child was born outside of a health care institution, but who cannot provide the required information for the birth certificate, to seek a probate court order during the child's first year for the town registrar of vital statistics to prepare the certificate (§ 1);
2. extends, from 7 to 15 business days, the time within which the Council on Probate Judicial Conduct must notify the complaining party and respondent (e.g., probate judge) about the completion of its investigation and whether the council found probable cause of misconduct (§ 2);
3. specifies that the general 30-day deadline for the probate court to transcribe the recordings for certain appeals to the Superior Court refers to the period after the probate court received a copy of the complaint (§ 4);
4. expands the circumstances in which the required notice to certain relatives about an involuntary conservatorship application must be made by certified mail (§ 5);
5. eliminates the requirement that adoption applications in probate court, and related investigation reports, be filed in duplicate and that one copy be sent to the Department of Children and Families (DCF) commissioner (in practice, the probate court sends these documents to DCF through the court's eFiling system) (§ 6);
6. requires the probate court administrator to convene a working

group to study issues facing conservators in the probate court system (§ 7); and

7. makes minor and technical changes to probate court statutes.

The bill also allows tort claims against a decedent's estate in Superior Court to proceed, to the extent of the existing insurance coverage, despite certain existing requirements on the presentation or rejection of these claims not being met (§ 8).

\*Senate Amendment "A" removes, from the required components of the conservator working group's study, the consequences of delays in Medicaid eligibility determinations.

EFFECTIVE DATE: Upon passage, except the working group provisions are effective July 1, 2025, and the tort claim provisions are effective October 1, 2025.

## **§ 5 — INVOLUNTARY CONSERVATORSHIP NOTICES**

By law, for all involuntary conservatorship cases, in addition to required notice to the respondent and spouse (by personal service, or specified alternate ways if that cannot be done), the court must also order notice, as it directs, to the respondent's other relatives, as follows: the children; if none, the parents; if none, the siblings or their representatives; or if none, the next of kin.

Current law requires this notice to be sent by certified mail if the (1) Department of Social Services (DSS) brought the conservatorship application for an elderly person who is being abused, neglected, exploited, or abandoned and lacks the capacity to consent to protective services and (2) respondent is unmarried or the spouse cannot be located. The bill instead requires the notice to these relatives to be sent by certified mail if (1) DSS brought the application as described above or (2) the spouse is out of state, his or her address is unknown, or personal service or service at the spouse's usual residence cannot reasonably be done in the state.

## **§ 7 — CONSERVATOR WORKING GROUP**

The bill requires the probate court administrator to convene a

working group to study and make recommendations on issues facing conservators in the probate court system, including payment delays, fee waiver requirements, and compensation levels. The group must include probate court judges, the DSS commissioner or her designee, nursing home representatives, and attorneys with expertise serving as conservators.

The probate court administrator must report to the Judiciary Committee on the study's results by January 15, 2026. The report may include legislative recommendations on probate court procedures and the topics in the study.

### **§ 8 — TORT CLAIMS AGAINST ESTATES IN SUPERIOR COURT**

Under existing law, anyone who has brought a claim against a decedent's estate cannot sue on that claim unless the estate's fiduciary (e.g., the administrator) has rejected it. Generally, the person must bring the lawsuit within 120 days after the claim's rejection (CGS § 45a-363).

The bill overrides these provisions (and other laws on decedents' estates in Chapter 802b of the general statutes) and prohibits tort claims against an estate in Superior Court from being dismissed for lack of subject matter jurisdiction, to the extent the claim is within existing insurance coverage. (In other words, it prohibits the case from being dismissed for lack of jurisdiction even if the person has not complied with the above requirement.)

The bill specifies that it does not allow for (1) recovery beyond the tort's insurance limits or (2) recovery from the fiduciary, the decedent's estate, or any estate creditor or beneficiary. (Thus, it appears to allow recovery in these circumstances only from the insurer.) The recovery is limited to the insurance policy in effect when the tort occurred unless the creditor otherwise complied with existing law's requirements.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    41    Nay    0    (04/04/2025)