



**Substitute Senate Bill No. 400**

**Public Act No. 26-87**

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

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

Section 1. Subsection (a) of section 45a-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(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 parentage under section 46b-571 and section 46b-454, and parentage orders under sections 46b-517, 46b-531 and 46b-535; (5) emancipation of minor matters under sections 46b-150 to 46b-150e, inclusive; (6) voluntary admission matters under section 17a-11; [and] (7) validation of surrogacy agreements under sections 46b-533 and 46b-536; and (8) name changes of minors under section 45a-99.

Sec. 2. Subsection (a) of section 45a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2027*):

**Substitute Senate Bill No. 400**

(a) Any person having a federal firearms disability under 18 USC 922(d)(4) and 18 USC 922(g)(4), as a result of an adjudication or commitment rendered in this state, may petition the [probate court] Probate Court for the district in which such person resides, or, if such person does not reside in Connecticut, the Probate Court that rendered the adjudication or commitment, for relief from the federal firearms disability that resulted from such adjudication or commitment.

Sec. 3. Subsection (a) of section 45a-754 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All records of cases related to termination of parental rights, removal of a parent as guardian, appointment of a guardian of the person of a minor, appointment of a statutory parent, adoption matters, temporary guardianship and emancipation of a minor shall be confidential and shall not be open to inspection by or disclosed to any third party, except that (1) such records shall be available to (A) the parties in any such case and their counsel; (B) the Department of Children and Families; (C) any licensed child-placing agency involved in any such case; (D) any judge or employee of a court of this state who, in the performance of his or her duties, requires access to such records; (E) the Office of the Probate Court Administrator; and (F) courts of other states under the provisions of sections 46b-115a to 46b-115gg, inclusive; and (2) access to and disclosure of adoption records shall be in accordance with subsection (b) of this section.

Sec. 4. Section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(a) As used in this section and section 45a-187, "electronic service" has the same meaning as provided in section 45a-136f.

(b) Any person aggrieved by an order, denial or decree of a Probate

**Substitute Senate Bill No. 400**

Court may appeal therefrom to the Superior Court. An appeal from a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, sections 45a-690 to 45a-703, inclusive, or section 45a-705a, shall be filed not later than forty-five days after the date on which the Probate Court sent the order, denial or decree. Except as provided in sections 45a-187 and 45a-188, an appeal from an order, denial or decree in any other matter shall be filed on or before the thirtieth day after the date on which the Probate Court sent the order, denial or decree. The appeal period shall be calculated from the date on which the court sent the order, denial or decree by mail or the date on which the court transmitted the order, denial or decree by electronic service, whichever is later.

(c) An appeal shall be commenced by filing a complaint in the Superior Court in the judicial district in which such Probate Court is located, or, if the Probate Court is located in a probate district that is in more than one judicial district, by filing a complaint in a superior court that is located in a judicial district in which any portion of the probate district is located, except that (1) an appeal under subsection (b) of section 12-359, subsection (b) of section 12-367, subsection (b) of section 12-395 or section 45a-98e shall be filed in the judicial district of Hartford, and (2) an appeal in a matter concerning [removal of a parent as guardian, termination of parental rights or adoption] termination of parental rights, removal of a parent as guardian, appointment of a guardian of the person of a minor, appointment of a statutory parent, adoption of a minor, temporary guardianship and emancipation of a minor shall be filed in any superior court for juvenile matters having jurisdiction over matters arising in any town within such probate district. The complaint shall state the reasons for the appeal. A copy of the order, denial or decree appealed from shall be attached to the complaint.

(d) An appeal from a decision rendered in any case after a recording

**Substitute Senate Bill No. 400**

of the proceedings is made under section 17a-498, 17a-543, 17a-543a, 17a-685, or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, shall be on the record and shall not be a trial de novo.

(e) Each person who files an appeal pursuant to this section shall serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy at the place of residence of the interested party being served or at the address for the interested party on file with the Probate Court, except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent person.

(f) In addition to the notice given under subsection (e) of this section, each person who files an appeal pursuant to this section at the time of the filing shall mail a copy of the complaint to the Probate Court that rendered the order, denial or decree appealed from. The Probate Court and the probate judge that rendered the order, denial or decree appealed from shall not be made parties to the appeal and shall not be named in the complaint as parties.

(g) Not later than fifteen days after a person files an appeal under this section, the person who filed the appeal shall file or cause to be filed with the clerk of the Superior Court a document containing (1) the name, address and signature of the person making service, and (2) a statement of the date and manner in which a copy of the complaint was served on each interested party and mailed to the Probate Court that rendered the order, denial or decree appealed from.

(h) If service has not been made on an interested party, the Superior Court, on motion, shall make such orders of notice of the appeal as are

**Substitute Senate Bill No. 400**

reasonably calculated to notify any necessary party not yet served.

(i) A hearing in an appeal from probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 19a-131b, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699, 45a-703, 45a-717 or section 45a-98e shall commence, unless a stay has been issued pursuant to subsection (j) of this section, not later than ninety days after the appeal has been filed.

(j) The filing of an appeal under this section shall not, of itself, stay enforcement of the order, denial or decree from which the appeal is taken. A motion for a stay may be made to the Probate Court or the Superior Court. The filing of a motion with the Probate Court shall not preclude action by the Superior Court.

(k) Nothing in this section shall prevent any person aggrieved by any order, denial or decree of a Probate Court in any matter, unless otherwise specially provided by law, from filing a petition for a writ of habeas corpus, a petition for termination of involuntary representation or a petition for any other available remedy.

(l) (1) Except for matters described in subdivision (3) of this subsection, in any appeal filed under this section, the appeal may be referred by the Superior Court to a special assignment probate judge appointed in accordance with section 45a-79b, who is assigned by the Probate Court Administrator for the purposes of such appeal, except that such appeal shall be heard by the Superior Court if any party files a demand for such hearing in writing with the Superior Court not later than twenty days after service of the appeal.

(2) An appeal referred to a special assignment probate judge pursuant to this subsection shall proceed in accordance with the rules for references set forth in the rules of the judges of the Superior Court.

(3) The following matters shall not be referred to a special assignment

**Substitute Senate Bill No. 400**

probate judge pursuant to this subsection: Appeals (A) under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, and 19a-131b, (B) of children's matters as defined in subsection (a) of section 45a-8a, as amended by this act, (C) under section 45a-98e, (D) under sections 45a-644 to 45a-663, inclusive, 45a-669 to 45a-683, inclusive, and 45a-690 to 45a-700, inclusive, and (E) any matter in a Probate Court heard on the record in accordance with sections 51-72 and 51-73.

Sec. 5. Subsection (a) of section 45a-649 of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(a) (1) Upon an application for involuntary representation, the court shall issue a citation to the [following enumerated] parties specified in subdivision (2) of this subsection to appear before it at a time and place named in the citation, which shall be served on the parties [at least] not less than ten days before the hearing date, or in the case of an application made pursuant to section 17a-543 or 17a-543a, [at least] not less than seven days before the hearing date. Except as provided in subsection (c) of section 45a-648, or unless continued by the court for cause shown, the hearing on an application under this section shall be held not more than thirty days after the receipt of the application by the Probate Court. Notice of the hearing shall be sent [not more than thirty days after receipt of the application] to all other parties not less than ten days before the hearing date. In addition to such notice, (A) notice for a matter brought under sections 45a-667g to 45a-667o, inclusive, shall be given in the manner provided in section 45a-667n, and (B) notice for a matter brought under section 45a-667p shall be given in the manner provided in section 45a-667q.

(2) (A) The court shall direct that personal service of the citation be made, by a state marshal, constable or an indifferent person, upon the respondent and the respondent's spouse, if any, if the spouse is not the

***Substitute Senate Bill No. 400***

applicant. (B) Except for the respondent, if the address of any other person entitled to personal service is unknown, or if personal service or service at the person's usual place of abode cannot be reasonably effected within the state, or if the person is out of the state, the judge or the clerk of the court shall order notice be given by registered or certified mail, return receipt requested, or by publication not less than ten days before the date of the hearing. Any such publication shall be in a newspaper of general circulation in the place of the last known address of the person to be notified, whether within or without this state, or if no such address is known, in the place where the petition has been filed. (C) Notwithstanding the provisions of subparagraph (A) of this subdivision, in cases where the application is for involuntary representation pursuant to section 17b-456 or in cases where notice is provided pursuant to subparagraph (B) of this subdivision, the court shall further order notice by certified mail to 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 such respondent.

(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 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 (F) the person in charge of the hospital, nursing home or some other institution, if the respondent is in a

**Substitute Senate Bill No. 400**

hospital, nursing home or some other institution.

(4) The court, in its discretion, may order such notice as it directs to other persons having an interest in the respondent and to such persons the respondent requests be notified.

(5) If personal service of the notice required in subsection (b) of this section is not made as required in subdivision (2) of this subsection, the court shall be deprived of jurisdiction over the application.

Sec. 6. Subsection (b) of section 45a-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(b) The Probate Court Administrator shall establish, supervise and fund a program of training for newly-elected probate judges that shall include: (1) A course to be taken between the date of election and the date of assuming office concerning the rules of judicial conduct for a judge of probate, the ethical considerations arising in that office, the operation of a probate court, and the availability of assistance for a judge in the operation of a probate court; [and] (2) courses to be taken within six months after the date of assuming office that provide fundamental training in (A) civil procedure, including constitutional issues, due process, and evidentiary considerations, (B) property law, including conveyancing and title considerations, (C) the law of wills and trusts, and (D) family law in the context of the probate courts; (3) a mentor in accordance with regulations adopted pursuant to section 45a-77; and (4) observation of Probate Court hearings and proceedings, including proceedings that are confidential pursuant to statute, in order to allow a newly elected probate judge to meet the minimum level of proficiency described in subsection (c) of this section.

Sec. 7. Section 45a-181 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

**Substitute Senate Bill No. 400**

(a) The Probate Court Administrator, within available appropriations, may cause [an account of] a conservator of the estate, as defined in section 45a-644, to be audited in accordance with the provisions of this section.

(b) The Probate Court Administrator may select [conservator accounts] any conservatorship of the estate 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] a conservatorship of the estate for audit, the administrator shall assign an auditor to conduct the audit from the list of auditors maintained under section 45a-175 and shall notify the Probate Court before which the [account] estate is pending. The Probate Court shall continue any previously scheduled hearing on [the] an 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 financial management or 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

**Substitute Senate Bill No. 400**

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 conservator's management of the financial affairs or 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 any recommendations under the audit report 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.

(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. The Probate Court Administrator may, from time to time, establish hourly rates and allowable expenses for the compensation of auditors under this section.

Sec. 8. Subsection (d) of section 45a-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(d) The court may, in its discretion, waive payment of filing fees or other fees or expenses due under sections 45a-106a to 45a-112, inclusive, if the court has determined such fees or expenses are uncollectable and such fees or expenses do not exceed five dollars. The court may, in its discretion, also postpone payment of any filing fee or other fee or expense due under sections 45a-106a to 45a-112, inclusive, and enter any matter if it appears to the court that to require such filing fee or other fee or expense to accompany submission of the matter would cause undue delay or hardship, but in such case the applicant, petitioner or moving

**Substitute Senate Bill No. 400**

party shall be liable for the filing fee and all other fees and expenses upon receipt of an invoice therefor from the court.

Sec. 9. Section 45a-113a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(a) Whenever a Probate Court determines that a refund is due an applicant, petitioner, moving party or other person for any overpayment of costs, fees, charges or expenses incurred under the provisions of sections 45a-106a to 45a-112, inclusive, the Probate Court Administrator shall, upon receipt of certification of such overpayment by the Probate Court that issued the invoice for such costs, fees, charges or expenses, cause a refund of such overpayment to be issued from the Probate Court Administration Fund.

(b) No person shall be entitled to a refund if the amount to be refunded is less than five dollars, or for any fee paid for the settlement of a decedent's estate pursuant to section 45a-107 in which the basis for the fee was the gross estate for succession tax purposes.

Sec. 10. Special act 25-18 is repealed. (*Effective from passage*)