

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-87—sSB 400

Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes changes in various laws governing probate court operations and related matters. It:

1. expands the types of children's matters that may be heard in regional children's probate courts (see BACKGROUND) to include name changes (§ 1);
2. allows someone under a federal firearms disability due to an in-state adjudication or commitment, if the person does not live in Connecticut and seeks to regain their firearm rights, to petition the probate court that ordered the decision (§ 2; see BACKGROUND);
3. specifically extends to cases concerning appointing a minor's guardian the same confidentiality rules that apply to various other child-related matters;
4. specifically requires that appeals of probate matters on (a) appointment of a minor's guardian, temporary guardian, or statutory parent or (b) emancipation, be filed in the Superior Court for Juvenile Matters, as is already the case for other child-related matters (for example, parental rights terminations) (§ 4);
5. specifies that when someone appeals a probate court matter in Superior Court, the required mailing of a copy to the probate court must occur when filing the appeal (§ 4);
6. clarifies when notice of an involuntary conservatorship hearing must be given to certain parties;
7. requires the training program for new probate judges to include a mentorship component (codifying existing regulations) and observation of probate court hearings and proceedings, including confidential proceedings;
8. allows the probate court administrator to require an audit of a conservator of the estate's financial management generally, not just the conservator's account;
9. allows probate courts to waive filing fees or other court fees if they are no more than \$5 and the court determines that they are uncollectable (§ 8);
10. eliminates the requirement for probate courts to issue refunds for overpayments if the amount due is under \$5 (§ 9); and
11. repeals a 2025 law that created a working group to study and make recommendations on probate court guardianship proceeding laws, policies, and procedures (in practice, the group never convened) (§ 10).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2026, except the (1) record confidentiality provision and working group repeal are effective upon passage and (2) firearms disability provision is effective January 1, 2027.

§ 3 — RECORD CONFIDENTIALITY

The act specifically extends to appointment of a minor's guardian the same record confidentiality rules that already apply to probate court cases on other specified child-related matters, such as termination of parental rights, removal of parents as guardians, and temporary guardianship. Under these rules, case records generally are not disclosable to third parties, but are available to (1) the parties and their counsel, (2) the Department of Children and Families, (3) any licensed child-placing agency involved in the case, (4) any Connecticut judge or court employee who needs access to perform his or her duties, (5) the Office of the Probate Court Administrator, and (6) other states' courts under the Uniform Child Custody Jurisdiction and Enforcement Act.

§ 5 — NOTICE OF INVOLUNTARY CONSERVATORSHIP PROCEEDINGS

By law, if the probate court receives an involuntary conservatorship application, it must generally direct that notice be given, at least 10 days before the hearing, to (1) the respondent and the respondent's spouse (if the spouse was not the applicant) by personal service and (2) in some circumstances, certain other family members by certified mail. The hearing generally must be held within 30 days after the court receives the application.

Under prior law, the court generally had to notify parties about the hearing within 30 days after receiving the application. The act instead specifies that parties other than those described above must be given notice at least 10 days before the hearing.

§ 6 — TRAINING FOR NEW PROBATE JUDGES

Under existing law, the probate court administrator must establish, supervise, and fund a training program for newly elected probate judges. The act requires the program to include a mentorship component in line with regulations adopted by the administrator. Under existing regulations, (1) the probate court administrator must assign each newly elected probate judge a mentor, who must be a probate judge with at least four years of service, and (2) among other things, the new judge must observe at least eight hours of hearings before the mentor within two months after the election (this may include time spent in related discussions after the hearing).

Under the act, the training program also must specifically include observing probate court hearings and proceedings, including proceedings that are confidential under law, so new judges can meet the minimum level of proficiency.

§ 7 — AUDITS

Under prior law, the probate court administrator, within available appropriations, could audit an account of a conservator of the estate (by assigning an auditor from an approved list). The act allows these audits of conservators generally (of their financial management) and not just of their accounts. The

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administrator may randomly select conservatorships (rather than just accounts as under prior law) or use other criteria she deems effective in deterring and detecting fiduciary wrongdoing.

The act makes other conforming changes to apply existing law's provisions to these audits, such as the conservator's duty to cooperate. It also specifically requires the court, at the required hearing, to hear any recommendations in the audit report.

By law, a "conservator of the estate" is generally a person, municipal or state official, or entity the probate court appoints to supervise the financial affairs of someone (1) found to be incapable of managing his or her own affairs or (2) who asks the court to make such an appointment, including temporary conservators.

BACKGROUND

Regional Children's Probate Courts

There are six regional children's probate courts in the state, with services and staff focused on handling specified child-related matters. These courts cover multiple probate districts, and collectively serve about 70% of the state's municipalities.

Restoration of Firearm Rights

Federal law prohibits anyone who has been "adjudicated as a mental defective" or "committed to a mental institution" from shipping, transporting, receiving, or possessing firearms or ammunition, unless the person's firearm privileges are restored under a federally approved program (18 U.S.C. § 922(d)(4) & (g)(4) and 34 U.S.C. § 40915).

State law has a probate court procedure for restoring these privileges. The court must grant relief if it finds by clear and convincing evidence that (1) the petitioner will not likely act in a manner dangerous to public safety and (2) granting relief is not contrary to the public interest.